

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
Of the
Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature

Building, 725 Veterans Memorial Highway, Smithtown, New York,
on **March 16, 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:

Legislator Cameron Alden - District #10

Legislator Ricardo Montano - District #9

Legislator Elie Mystal - District #15

Mea Knapp - Counsel to the Legislature

Linda Bay - Aide to Presiding Officer Caracappa

Ed Hogan - Aide to Legislator Nowick

Nick Dispenziere - Aide to Legislator Nowick

Kevin LaValle - Aide to Legislator Losquadro

Frank Tassone - Aide to Legislator Crecca

Carl Yellon - Aide to Legislator Crecca

Ray Zaccaro - Aide to Legislator Bishop

Colleen Ansanelli - Intern/Legislator Bishop's Office

Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature

Jim Spero - Director/Budget Review Office
 Joanne Doering - Budget Analyst/Budget Review Office
 Rosalind Gazes - Budget Analyst/Budget Review Office
 Ivan Young - County Executive's Office/Intergovernmental Relations
 Donald Sullivan - Undersheriff/Suffolk County Sheriff's Office
 Walter Denzler - Undersheriff/Suffolk County Sheriff's Office
 Tom Murphy - Warden/Suffolk County Sheriff's Office
 Alan Otto - Chief of Staff/Suffolk County Sheriff's Office
 Joseph Rubacka - Lieutenant/Suffolk County Sheriff's Office
 Curtis Pulitzer - Pulitzer, Bogard & Associates
 Dave Bogard - Pulitzer, Bogard & Associates
 Russ Ehasz - Ehasz Giacalone & Associates
 Rick Wiedersum - Wiedersum Associates
 Richard Dormer - Commissioner/Suffolk County Police Department
 Bob Moore - Chief Deputy Commissioner/Suffolk County Police Dept
 Frank Lettieri - Suffolk County Police Academy
 Roger Shannon - Suffolk County Police Department
 Cecilia Clausing - Suffolk County Police Department
 Dave Fischler - Commissioner/Fire, Rescue & Emergency Services
 Debbie Eppel - Public Information Office
 Vito Dagnello - President/Correction Officer's Association
 Mike Polchinski - 1st Vice-President/Correction Officer's Association
 Gary Jones - 3rd Vice-President/Correction Officer's Association
 Joseph McGarty - Suffolk County Correction Officer
 Kenny Towers - Suffolk County Correction Officer
 Dave Palmer - Suffolk County Correction Officer
 Bill Ellis - Director of Public Relations/Correction Officer's Assoc.
 Robert Kearon - Bureau Chief/District Attorney's Office
 Jeff Frayler - President/Police Benevolent Association
 Tom Muratore - Vice-President/Police Benevolent Association
The following names are all representing the Suffolk County PBA:
 Raffaello Maietta Lou Molinari Mike Applequist
 Ronald Ross Patrick Moore Andy Rodecker
 Tom Tatarian Jim Edmonds Bob Murphy
 Jim Lennon Bill Small PJ Maloney Steve Bienemann

Pete Smith - President/SC Detective's Association
Bill Plant - Suffolk County Detective's Association
Russ McCormack - Suffolk County Detective's Association
Joseph Centarelli - Detective Association/Retired
Vincent DeMarco - President/Deputy Sheriff's Benevolent Association
Mike Sharkey - Deputy Sheriff's Benevolent Association
Arty Cliff - President/Superior Officer's Association
Frank Stuart - Superior Officer's Association/Retired
Dan Farrell - AME
Dan Sicilian - AME
Tom Henry - Suffolk County Probation
Bob Keeler - Newsday
Ruth Cusack - Suffolk County League of Women Voters
Elie Seidman-Smith - Director/Community Service Program/ARC
Elsie Owens - Elsie Owens Coram Health Center
Maurice Mitchell - Long Island Progressive Coalition.
Richard Bartel - Resident of Southampton
Mafruza Khan - Good Jobs First/Washington D.C.
Michael O'Neill - South Fork Progressive Coalition
Andrea Vecchio - Resident of East Islip
Dana Kaplan - National Resource Center on Prisons & Communities.
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:13 P.M.*)

CHAIRPERSON CARPENTER:

Welcome to the Public Safety and Public Information meeting. If everyone would please rise for the Pledge of Allegiance led by Legislator Crecca.

Salutation

Thank you. I would just like to thank everyone for coming. We have quite a full agenda and we have two presentations. In fact, we have been given -- had been requested for a third presentation and that will be hopefully at our next committee meeting on Alternatives to Incarceration.

Our first presentation -- and there he is, all ready, Police Commissioner Richard Dormer. Is there anyone else you wanted to join with you at the table? Feel free.

COMMISSIONER DORMER:

No, that's okay. I think it will move a little faster if it's just me.

CHAIRPERSON CARPENTER:

Okay. Go right ahead, you may begin.

COMMISSIONER DORMER:

Okay. As I understand, there's some controversy about the redeployment of sector cars in the precincts, particularly in the precincts that I know Legislators may have some questions about what we've done. Over the past few weeks I've tried to keep the Deputy Presiding Officer who is Chairperson of the Public Safety Committee apprised (sic) of what's going on, and also Legislator O'Leary has also got the information, I've tried to keep you updated on what we were doing. So to make this move along and also give you the information that will be helpful to you, we prepared a handout which you should have and also we're going to have a Power Point presentation, it will be short but also to the point and I think it may answer a lot of the questions that people have in their minds about this. So without further ado, I'd like to move into the Power Point presentation.

As you know, the reason that we're doing this is to provide flexibility and to give command responsibility to the people in the precincts to make decisions on their staffing levels based on the information that they have available to them on a daily or weekly basis, rather than making a fixed schedule which really doesn't make sense with the policing business, you've got to be

able to respond at sometimes a minute's notice to issues that go on.

The next part, please. I think we jumped one there, but that's okay. The hourly workload, I think this is very important that everybody understand this. On the midnights, from 12 midnight to 7 AM, you can see that dip in the chart, this is the calls for service in the precincts on the midnight shift, and I just want to give you some numbers on that, if I may, please. On the midnight shift from 4 AM to 8 AM -- and these are the hours that we talk about when we put maybe a sector, a half a sector down -- we average in the sectors less than two calls per sector during the midnight tours. It's very low call for services, it doesn't mean that we diminish response to emergencies during that time, we have adequate staffing to respond to any emergency.

The next one, please. This shows very clearly what happens, the 8 to 4 tour and the 4 to 12 tours are the most -- the busiest times in the Police business; 39.2% on the 8 to 4, 43% 4 to 12, and on the 12 to 8 tour 17.8%, just 18% of the calls for services.

Next one, please. In '91 and '92 in the 1st Precinct we had an experimental staffing level where on the midnight shift we went from 22 sector cars down to 16, that was for two years, and right now the precinct in the 1st Precinct has a minimum staffing of 19 cars, we're not even suggesting at this time that we go down to 16. The most they have gone down in the 1st Precinct is a car or a half of car which would be half a tour. In '91 and '92, I think everybody should be aware that the index crimes, these are the major felonies that are recorded by the FBI, were 55% higher in Suffolk County than they are today. Serious crime has gone down in the County. We have to adjust, I believe and the Commanders in the precincts believe that we have to adjust our resources based on these statistics. Now I just --

LEG. O'LEARY:

Madam Chair -- excuse me, Commissioner -- should we hold our questions until --

CHAIRPERSON CARPENTER:

I think that would probably be more efficient. It's up to you, as we go along --

COMMISSIONER DORMER:

You want to ask questions? I do have a couple of more points I think might be pertinent.

CHAIRPERSON CARPENTER:

Yeah, why don't you finish making your presentation and then we'll go back and ask questions.

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

The overtime budget, 54% of our overtime in the Police business is personnel shortages, not criminal investigations, it's to fill sector cars. When people are out, ill, vacation, personal leave, we have to fill sector cars and we do that and that's what the overtime is there for, it's budgeted in the police operating budget; 22.7 million for 2004. We want to make sure that we efficiently and effectively manage this overtime, that we use it when we need it and when we need it is during the day tour and the evening tours, Thursday through Saturday night into Sunday morning, these are the heavy work times in the Police business. We want to make sure that we have all our cars staffed properly during these times, including COPE and Crime Section.

(*Legislator Lindsay entered the meeting at 1:20 PM*)

And I should mention that to save on overtime, what the prior administration was doing was bleeding COPE and sometimes the Crime Section to keep the overtime down and putting these people into the sector cars. We have these special units for a reason, so why do we steal from Peter to pay Paul? My theory is that if we save some money now in the winter months when things are slow we'll have money to keep all these units going during the summer and also keep our sector cars at maximum efficiency during the times that we need them.

You'll hear it mentioned that the calls for service have gone up in Suffolk County over the last ten years. And I should mention that last year there was 1.4 million calls to 911. Not all these calls required a Police response, only 700,000 of these calls required a Police response; of these 700,000, 10% were criminal, 90% were quality of life. We need to keep COPE, the precinct Crime Sections and the patrol units operating during peak summer months, that's the reason that the Commander said, "Look, we're managing the overtime, let us manage the resources," and I said, "Okay, you do it. You do it."

And I should say, too, that precincts are different; the way they manage in the 1st Precinct in Babylon may be completely different the way they manage in the eastern precincts. If you notice with the stats that I gave you over the last three to four weeks, there were no cars put down in

the 5th, 6th, 7th precincts because the sectors are very large and the Commanders are telling me inadequate personnel in the eastern precincts; I have to listen to them and we have listened to them. And we haven't had any diminution in the resources in these particular precincts and I think that's important to point out. The Commanders are making that decision based on public safety and the resources that they have available.

If you have any questions I will take them now. I hope I can clear up anything that you have.

LEG. CRECCA:

Madam Chairwoman?

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Crecca.

LEG. CRECCA:

One thing you mentioned, Commissioner, was that the prior administration was pulling COPE officers, I guess, off their duties and that that wasn't happening now. In -- a few weeks ago I got a complaint from the Chamber of Commerce that what they were doing was to fill sector cars during I guess it was daytime hours, it was the 8 to 4 shift, they were pulling COPE officers off their patrols and putting them in sector cars for officers who either took a personal day or called in sick, where normally in the past the prior practice was to have an officer brought in on overtime during that period. And I guess my concern is your statement doesn't jive with the information I was receiving regarding -- and I can only speak for the 4th Precinct which is my district and right here -- where COPE officers are being regularly pulled off, my understanding is, several days a week off their patrols and into sector cars to cover for other officers into the regular patrol cars; is that or is that not happening?

COMMISSIONER DORMER:

Okay. I'm not familiar with what's happening there in this instance. And I -- you know, I don't want to say that the person giving you that information is a hundred percent accurate or not, I don't know. All I know is that we're trying to save the money right now so that we don't do that.

LEG. CRECCA:

Well, but if it's being -- and I understand what you're saying, but what you're saying, what's possibly happening in the 4th Precinct are two different things. I agree with you, I'd love to save money, but in the same respect, too, you know, COPE is a very effective program. And

you know, a few months ago when you sat here, the only question I had for you was that we wouldn't touch COPE, that we weren't going to mess with COPE; it's extremely important, especially to the communities I represent and they do a great job. You know, when I go check it out and do a little investigation, what's coming back to me is that we're pulling COPE officers off the beat to fill in on regular patrol cars instead of bringing officers in on overtime, and you just tell me that that's not the policy, now I'm really concerned if it's happening or isn't it happening. And I guess that's my question for you, because I'm being told it is.

COMMISSIONER DORMER:

Well, I'll tell you, you know, I would say to all the lawmakers here, all the Legislators, if you find -- if you hear something like this, you know, during the course of your business, you know what my number is, you can call me and find out what's going on and I'll be able to look into it. There are a lot of things that go on in the police business that I don't know about and I would be able to look into that if I had known about it and I would have been able to check the accuracy of it. And if we were doing something that wasn't what we wanted --

LEG. CRECCA:

Is that or is that not the policy of the administration, of your administration?

COMMISSIONER DORMER:

That we fill in with COPE?

LEG. CRECCA:

That you use COPE officers to fill in regular sector cars.

COMMISSIONER DORMER:

Yeah. I don't know what the Commanders did and I don't know why they did it, okay. Again, we're letting Commanders make decisions at the operating level, it's something that we will look into when we leave here. But again, I'm letting Commanders make the decisions on these issues. They have got the direction from --

LEG. CRECCA:

That's what I'm saying, what is the direction? I know what you're saying, you can let Commanders make decisions but there has to be some sort of policy statement that's coming from the Commissioner's office and I guess -- I think it's incumbent upon that for you to share

whatever that is with us; what instructions have you given Commanders as the Commissioner regarding overtime and filling police cars and things like that?

COMMISSIONER DORMER:

What I've told them is that we want to keep COPE viable, the Crime Sections viable. And any moneys we save by redeployment of our personnel which we've done over the last three weeks should be utilized to fill the sector cars and I have told them clearly that we would rather not bleed COPE to fill sector cars, they're being told that. Now, I'm not making excuses for the way the operation is running, but we just had promotions on Friday with the new Chiefs, new Inspectors, new Captains, new Lieutenants and new Sergeants, the team is in place this week. It does take a while to turn this ship around and you have to give us a little time to get the wrinkles out of this thing, but I tell you that my policy is that we keep COPE viable and I've told everybody that.

LEG. CRECCA:

What do you do if you have three officers who don't come in on a given day to fill their sector cars during the 8 to 4 shift, which I understand is not common but it happens; you've got a guy who's sick, you've got a guy who's got a personal day, whatever. So now how do you fill those -- how have the Captains been told to fill those cars; have they been given instructions?

COMMISSIONER DORMER:

No, I don't tell them how to do it. What I'm telling them is that they keep COPE viable, they keep it running so that they can respond to quality of life, they keep Crime Section running. Now, I'm not going to tell them that they've got to hire two people and leave one in COPE, I'm not going to start minimanaging that, micromanaging that from headquarters, they have to make the decisions at the command level;

I have confidence in these people that they know how to do that.

We're changing their thinking on, which has been going on for a while, that you bleed COPE right away, we're changing that. It doesn't happen over night, it's something that we have expressed to the Commanders, I'm talking Precinct Commanders and Chiefs, that we want to keep COPE fully serviceable so that they can take care of quality of life.

Now, having said that, there may be times, because they can't get somebody to fill the sector car -- not because they're trying to save on overtime, it's just not feasible to get somebody --

that they take somebody from COPE. And I know that from inspecting the precincts myself, from walking around, there will be a COPE officer on the desk with two other officers at seven o'clock at night on a Tuesday night with a Lieutenant and Sergeant in the precinct, five people on the desk. My question is why and they say, "Well, that's the way it was done."

LEG. CRECCA:

My complaints that I've gotten are not from people being at desks, they're from people who walk the beat or have other COPE patrols in the Town of Smithtown who have not been there. And I'm not just talking -- it's not a one-shot deal, it's several days in a week a lot of times that we lose a foot patrol officer that all the businesses are used to having there and somebody who they identify with. So I guess that's my concern.

COMMISSIONER DORMER:

Okay. No, we're going to look at that. I mean, we want to try and keep these services, quality of life and community services going. And if we can save some money in the winter to keep them going in the summer when things are going to be more critical, hopefully we'll have the resources to do it.

LEG. CRECCA:

Okay.

COMMISSIONER DORMER:

But I'm committed to COPE, I just want you to be assured of that.

LEG. LINDSAY:

May I?

CHAIRPERSON CARPENTER:

Sure. I just wanted to note for the record that in addition to the members of the committee that we've been joined by Legislator Cameron Alden, Legislator Ricardo Montano, Legislator Elie Mystal, and there are representatives from Legislator Cooper's office and the Presiding Officer's office. This is an issue that, as you are aware, all Legislators are concerned about.

I have a question for you, Commissioner, as you talk about redeploying. To me, redeploy means that we take someone, whether it be an officer or a resource, and we move it from point

A to point B or we use it here or there. But we're, in fact, putting cars down, cars are not running, so that is not necessarily a redeployment but perhaps a future savings plan. So I think perhaps the terminology needs to be a little bit more accurate in what we're actually doing, we're saving for future days but we're not, in essence, redeploying anything.

COMMISSIONER DORMER:

Well, when we say redeploying, it's not done instantly. And by the way, let's be very clear, we are putting cars down, we are saving money right now and using -- going to use this money in the height of the summer when we need it, when the cops are going to be on vacation. They don't take vacation now, they're going to be taking it in June, July, August and September with their families, which is fine, but we have to fill the sector cars and keep COPE going, keep the bicycle patrols going, keep the foot posts going. I'm even looking at the substations which have never been adequately serviced. I have talked to the Commanders about that, we're looking into keeping these things open, at least on weekends when they're busy. Smithaven Mall, South Shore Mall, Huntington Station, we have these places that are dark if you drive by. We're going to need the money to make sure we have the people when we need them.

So -- and I've got to tell you, that putting this car or two down, we're doing this -- we're putting the cars down with people who are on overtime and we don't need the cars, the Commanders are telling me that they don't need the cars, from three clock to 7 AM they don't need them. There's no traffic on the streets, the sectors are very small in the four precincts in the western end, they can back up each other, there are no car accidents, the calls for services are very low. I mention that some of them, the average is one call per car per night.

CHAIRPERSON CARPENTER:

How would you address the preventive factor that's in place when a police car is riding by a neighborhood, riding by a strip mall, the pizzeria, and I use that example because I received a call from a pizzeria who has been broken into a number of times, and you know, it may be two or three in the morning when he leaves his place. He's got a feeling of safety and security when he knows that that police car, that sector is rolling in the neighborhood, so now that preventive factor has been diminished; how do I respond to that?

COMMISSIONER DORMER:

You tell them that there's adequate patrol out there. They overlap the sectors that are down, the other sectors overlap, if one sector goes down there's two or three sectors that touch that

sector that overlap into the sectors. We don't hold our police officers to their own sector, they overlap, they're on preventive patrol. There's really not much else to do except preventive patrol on a midnight tour.

CHAIRPERSON CARPENTER:

And there's really no way to quantify the value or the crimes that may have been prevented because that patrol car is going through the neighborhood.

COMMISSIONER DORMER:

No. You know, we could put a hundred cars out in the 1st Precinct instead of 19. I mean, where do we -- we have to make judgments on the number of cars and people that we need. This is the policing business. The people that run this business who have 30 years experience running it are telling me, "I don't need 22 cars, 19 cars running in the 1st Precinct," -- which, by the way, is a busy precinct -- from 3 AM to 7 AM, but at 7 AM I get a spike, people start going to work. There's car accidents, there's calls for services, so they've got to have the cars and that's when they jump to 22 from 18 or 17 or maybe 19. Some nights we don't reduce any cars because we have a full compliment of officers but -- you know, we have to get to the point in the policing business where when an issue comes up you just throw more cops at the issue, we've just got to stop doing that because it doesn't work. It's a simplistic way of doing the policing business.

We have computerized systems in the Police Department right now, it costs 15, \$20 million that you people voted on and gave to the Police business, we look at this stuff now and we say this is when we need the cops. I talked to the cops in the 1st Precinct the other night, at midnight I was in the precinct talking to the people that work on the night tour and I'm asking them what kind of issues they've got, they couldn't give me any concrete reasons for having all the cars, it was emotional and I understood that and I talked to them about what we were doing. And privately, after we finished the session, I had a couple of officers tell me, "You're right, we don't need all these cars but nobody wants to say it." Well, we're saying it, the Commanders are saying it, that this is safe, the public is not in jeopardy.

We did the same thing in '91 and '92, for two years -- and by the way, the PBA signed off on that -- where we went to 16 cars on a midnight tour between 3 AM and 7 AM, 16 cars without any adverse impact on public safety, when major crimes were 55% higher in Suffolk County than they are today; major crimes are down. Now, people will say calls for services are up; I agree, they are, but it's on the other two tours, daytime and evening, that's when people are

calling the police.

CHAIRPERSON CARPENTER:

And at the other tour, most people are sleeping and have a very safe and secure feeling because they know there are police officers out there protecting their lives.

COMMISSIONER DORMER:

They're still safe.

CHAIRPERSON CARPENTER:

Yeah.

COMMISSIONER DORMER:

They're still safe. I think -- I don't think that that's -- I think that that's disingenuous to say that these cars are not patrolling out there on midnights in the precincts. The officers are moving on their patrol, preventive patrol, tied to 911 for emergency response and there's no traffic, there's very little people on the streets. At three o'clock in the morning things slow down, so they can get wherever they've got to go quicker with less of a hassle, other sector cars are not tied up with accidents and other calls for services that occur in the other two tours. On a 4 to 12 tour in the 1st Precinct, you can have 8 or 10 cars out of service at one time handling calls, auto accidents, arrests, dealing with people's issues and problems, domestic violence, you name it. I listen to the radio at night and I listen to what they're getting called on.

I also listen to the radio on the midnight tours because I go out, I want to get the feel for it myself and I can tell you, one call a night. Now, some sectors they may get two or three, the average is one, some sectors don't get any but they're preventive patrol. We're not saying that we pull these sector cars out of service, we didn't say that, and we did this very, very cautiously and in a measured way. I told the Commanders and the Chiefs, be cautious with it, be careful, don't down five cars. Even though you may believe that you could run with 10 or 12 or 14, I don't want to hear that. We've got to be very cautious because I knew that there was going to be some controversy about this, but we had to bite the bullet on it, we had to make the decision.

This decision, by the way, wasn't a knee jerk decision, I sat down and talked to people about this. I got the reports which came pouring in to me when I asked the Commanders about the

issues that they saw with running the police service. These are the reports that I had mailed to my own house because I didn't want the officers to hold back because -- afraid somebody would see what they were telling me. And almost universally they're telling me, "Let us run our precincts and our commands. We know how to do it." My position is if they don't do it properly I'll get somebody else to do it. They know how I feel about this and I always caution them that public safety is number one. They mentioned officer safety to me; well, that's a concern too, but officer safety is directly tied to public safety; if something happens to an officer, that impacts public safety. We're not going to jeopardize the officers or the public, but I think in these -- and even if we didn't have tight budget times, this is the best way to run the policing business. New York City has less cars on the street midnight tours; why? And New York City is a busy place, but they have less cars on midnights; there's a reason, they need them during the day and evening tours when there are millions of people walking around and all sorts of issues. Suffolk County is the same way. I gave you the stats, most of this stuff, calls for services and criminal activity occurs day tour and evening tour and that's the time I want to make sure COPE is running, sector cars are running and the Crime Section which deals with domestic violence and all the other issues that the precinct Commander gets complaints on; they're like his mini detective service. I want to make sure that they're fully functioning, especially when we need them, and that's the reason that we're doing this.

CHAIRPERSON CARPENTER:

Okay. One thing I just want to say, and I know some other Legislators have questions. You said that you knew this was going to evoke controversy and what you're hearing today I would like to think is not controversy as much as it is concern, concern for the people we represent and the calls that we have received in our office because people are concerned. Legislator O'Leary and then I believe Legislator Lindsay.

LEG. O'LEARY:

Good afternoon, Commissioner.

COMMISSIONER DORMER:

Good afternoon.

LEG. O'LEARY:

Your statements are rather clear with respect to the reasoning behind, as you described, the redeployment of personnel; however, you also stated that at paramount is the safety of the

public. Is it your statement that diminishing a police presence does not diminish the safety of the public?

COMMISSIONER DORMER:

Yeah, that's correct, yes.

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

If you don't need the officer there to protect the public, if you have adequate resources to take care of that, then I think it's okay.

LEG. O'LEARY:

Okay. But that doesn't take into account, of course, the emergency calls that are -- that come in -- that's an unknown factor as to when an emergency call will come in, is it not?

COMMISSIONER DORMER:

Yeah, that could happen. When all --

LEG. O'LEARY:

That could happen any time of day.

COMMISSIONER DORMER:

Yeah, it could happen when there's 50 officers handling the parade in downtown Huntington and we've taken them from every precinct in the County to handle the parade, you could say to me, "What if something happens out east?" Well, we have adequate coverage out east, we leave cars out there, we don't take everybody but they do take the on-duty people. We've done that for years and you know that, that's the way the policing business is done. When President Bush came to town last week, we put 250 officers on that detail; so when something happens we have the resources to do it. But putting the 250 officers on that, we left adequate coverage for the rest of the County, that's our responsibility and we made sure that that was done.

LEG. O'LEARY:

All right, I just want to clarify one thing. This isn't something -- the downing of sector cars on

the midnight shift, this isn't something that's new to the Police Department, this has been going on for some time. With respect to the 17 cars, sector cars that are downed on the as you call the evening shift -- or the overnight shift, I'm sorry. With the report that you submitted to me you indicated that there are 130 sector cars in the County and on the overnight shift there are 113, which means that 17 sector cars throughout the County is down, is not manned; is that contract?

COMMISSIONER DORMER:

Yes, that's on the midnight overlay, utilizing the midnight overlay.

LEG. O'LEARY:

Right.

COMMISSIONER DORMER:

Which was in place for years, by the way; this is not something we did, this was in place.

COMMISSIONER DORMER:

Okay, all right. There's a perception that there's cars beyond the 17 that are being downed with respect to this initiative that you've undertaken. Is my perception accurate that there are additional cars beyond the 17 that are being downed as a result of this?

COMMISSIONER DORMER:

Yeah, there may be, yes. Yes.

LEG. O'LEARY:

There may be or there is?

COMMISSIONER DORMER:

Well, I -- look I get a weekly report on the cars down, I let the Chiefs of the Division which is the Chief of Patrol handle that, they're keeping an eye on that statistic; they give it to me every week and I look at it. I have confidence in them that whatever they're doing down there is proper and safe. I have to run the police service like that. They get the general philosophy from me and I have said to them, "Public safety and do it cautiously, do the right thing," and that's what they're doing. And we've been doing it for almost four weeks; I don't think there's been any adverse impact over four weeks.

Now, there could be an emergency someplace but that could happen while we're sitting here, that's the nature of public policing, you never know when something is going to happen.

COMMISSIONER DORMER:

Or the police business as you call it.

COMMISSIONER DORMER:

Well, the police business, yeah. And it should be run like a business.

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

You know, I believe that, you know, the public monies should be spent as efficiently and as effectively as we can and I think that you should have confidence that that's what we're doing.

LEG. O'LEARY:

Okay. Can you explain to the committee then how this is a cost saving measure. By your own words, you're saving costs now for the anticipated costs in the summer when perhaps the police services will peak. So if -- what's being done to save money, as you state, with respect to the -- let's forget about the 17 cars that are downed all the time. Is it the other cars that are manned on a regular basis that are being filled or that are not being filled on overtime, is that what you're referring to as the savings?

COMMISSIONER DORMER:

No, the savings right now over the almost four weeks is about -- I had the number here before me, 470 hours. I anticipate -- and by the way, let me explain how --

COMMISSIONER DORMER:

But that's not manning the 17 cars that are downed on a regular basis, that's manning cars that are supposed to be manned.

COMMISSIONER DORMER:

I think we all should understand that right now, as you call it, the manning situation --

LEG. O'LEARY:

Staffing?

COMMISSIONER DORMER:

Manning or whatever is not an issue really in the precincts, we don't have people taking vacation. We have in the precincts right now on tours where we have more cars than we need because people are on regular shifts, they're not on overtime. We put out extra cars at night because the people are scheduled, nobody took vacation, nobody was sick, nobody was out injured, so we have really more cars than we need right now on some of the midnight shifts but we're not putting these cars out of service because they're not on overtime. I want everybody to understand that it's only people that are on overtime that would be impacted by this where you hire people at premium rate and the Commander says, "I don't need it. This minimum staffing has got to go." And that's what we --

LEG. O'LEARY:

All right. So in effect, in effect, it's beyond the 17 cars that the public has been accustomed to that is down in their areas on midnights that are now being not manned because of a cost saving measure.

COMMISSIONER DORMER:

Yeah, it --

LEG. O'LEARY:

So it's not 17 cars. How many cars is it?

COMMISSIONER DORMER:

No, no, it may be -- I don't know from night to night. I told you, I don't check on this every day. I get a weekly report, the Chief of Patrol and the Precinct Commanders manage this thing daily, they're responsible for that, that's why we pay them and give them the authority and the responsibility to do this.

COMMISSIONER DORMER:

Okay. So what you're saying then is completely arbitrary on the part of the precinct CO to man a car?

COMMISSIONER DORMER:

Yeah, the Precinct Commander makes that decision, yeah.

LEG. O'LEARY:

When does he make that decision, the night of?

COMMISSIONER DORMER:

His decision making process is through his commanders, the Lieutenant in the squads.

LEG. O'LEARY:

Oh, so it's delegated down to Lieutenants as well.

COMMISSIONER DORMER:

That's the way it works in the policing business, you know that.

LEG. O'LEARY:

Okay, I understand that, but you stated it was the Commanders, the CO's that make the decision. They pretty much dictate the policy and it's the managerial personnel, supervisory personnel that determine what cars are up or down.

COMMISSIONER DORMER:

That's why we make them Lieutenants and Captains.

LEG. O'LEARY:

Very good, okay. All right, just to digress a bit. With respect to the report that you submitted to us, there's an indication that the County police receives approximately 1.4 million calls for service on an annual basis?

COMMISSIONER DORMER:

That's the calls that come into 911.

LEG. O'LEARY:

Right.

COMMISSIONER DORMER:

But I just should explain that a lot of these calls are duplicate calls, they're calls for information, they're calls to report something that's already being reported. You could have ten calls on one incident. I just -- you know, when I came back into this police business people asked me what was the major change that you saw and I said technology, and I was talking about computers and such; I should have mentioned cell phones. Everybody has got a cell phone, anything that happens on the street comes into 911 now, that's why it's 1.4 million; only 700,000 of these created a CC or a police response, 700,000, so that 1.4 million is really a bogus number. It tied up our 911 system which is another issue that we'll have to go into some other time --

LEG. O'LEARY:

Sometimes --

COMMISSIONER DORMER:

-- that we need a 311 system.

LEG. O'LEARY:

Sometimes all statistics could be made to be bogus. Numbers can be fudged, so to speak, in a whole host of areas.

COMMISSIONER DORMER:

Well, I give you my word that it's 700,000. Now, I could be off a few either side of that, but you can take that to the bank.

LEG. O'LEARY:

That's an approximate number, I'm not going to hold you to the exact figure.

COMMISSIONER DORMER:

Okay.

LEG. O'LEARY:

But in 1993 the department received approximately 400,000 calls for service and the anticipated number this year is 1.4 million, that's almost a million more calls for service in the anticipated year of 2004 as opposed to 1993, a million more calls for service?

COMMISSIONER DORMER:

Legislator --

LEG. O'LEARY:

Yet the staffing levels haven't been analyzed or adjusted with respect to that amount of calls for service in the past eleven years?

COMMISSIONER DORMER:

Legislator O'Leary, I just explained that an auto accident on the Expressway, as we're speaking right now, generates five to ten calls on cell phones, okay? Only one is handled as a police call.

LEG. O'LEARY:

All right, so it's because of cell phones that we have more calls for service, is that what you're saying? Technology, he said technology.

COMMISSIONER DORMER:

It has added to the burden of 911, okay, I think we all recognize that.

LEG. O'LEARY:

Okay. Has your staff done an analysis on what shifts most arrests are made? An arrest which would tie up a sector car operator in the precinct for a period of time; has your staff done an analysis of when arrests are affected?

COMMISSIONER DORMER:

My understanding is that it's on the day shift and the 4 to 12 shift, that's when most of the arrests are made.

LEG. O'LEARY:

Okay. When, if you know or if your staff knows, when are most of the DWI collars (sic) made?

COMMISSIONER DORMER:

Oh, I don't know what the hours are to be honest with you, I'm not going to make up hours.

LEG. O'LEARY:

Well, I'm not asking you to.

COMMISSIONER DORMER:

But from my --

LEG. O'LEARY:

But I think it's important to address this issue because I'm under the impression that a lot of the DWI collars (sic) are made late in the evening, early in the morning when the bars close and it's the sector car operators that are making these arrests. And when they make an arrest they're away from their sector for purposes of patrol for a period of time, and if we're diminishing the amount of police officers that are present at any time during the day, whether it be between midnight and eight or 8 to 4 and 4 to 12, you're diminishing the police presence when an officer is tied up on making an arrest. I think that you should look at the when, when it is when the driving while intoxicated arrests are in fact affected because if you find that they're early in the morning between say 1 and 4 AM, that will put an additional burden on the patrol officers that stay in the area for purposes of patrol overlapping even more areas. And if you have less officers on the street, that -- there's no way that you can convince me that having no less officers on the street has no diminishment with respect to the safety of the public; less officers means less police presence, it means less efforts being made for the purposes of protecting the public.

I understand, I understand the percentage breakdown on the calls for service, but you have to take into account the activities that police officers do on those various tours as well. And I think if you have your staff analyze when actual driving while intoxicated arrests are made and made by precinct personnel, that in effect ties up a sector car and a patrol officer for some period of time and when calls for service go into his area it's adjoining sectors that do it; you know the way it works, I don't have to explain that to you. But it's something that you should take into account, it's rather important.

And as I said before, there's no way you can convince me that having less police officers on the street at any given time of the day is not a diminishment of the public safety which is our main concern.

But I just wanted to clarify in my mind that the 17 cars that are down on the midnight tour, for lack of any other descriptive phrase, it's the overnight tour as you call it in your report, that's 10 PM, 22:00 hours to 0800 hours; is that the overnight or is it 12 to 8?

COMMISSIONER DORMER:

No, 12 to 8.

LEG. O'LEARY:

So what is the 10 hour shift called?

COMMISSIONER DORMER:

Well --

LEG. O'LEARY:

That's not an overnight.

COMMISSIONER DORMER:

Yeah, it is, 22:00 hours are 10 PM to 8 AM.

LEG. O'LEARY:

Wait a second. You don't have a group -- do you have a group of officers that work a midnight to 8 shift?

COMMISSIONER DORMER:

No, no, we have them working 10 to 8 and then we have the 4 to 12 which overlaps two hours --

LEG. O'LEARY:

Right.

COMMISSIONER DORMER:

-- which is another disaster, but that's for another time. We're really not utilizing our resources during that two hours but that's a contractual thing that we're, you know, stuck with and we'll just manage it the best we can. And by the way, most of the cars that are put down, they go down at 3 or 4 AM, okay, I just wanted to mention that, and they're not going down on the weekends.

LEG. O'LEARY:

And the bars close --

COMMISSIONER DORMER:

Friday night and Saturday morning.

LEG. O'LEARY:

And the bars close at right approximately that time. You know, I mean, I think it's important you look into that.

COMMISSIONER DORMER:

Okay. No, no, we -- thank you, we'll look into that.

LEG. O'LEARY:

I think you'll find that when our officers make their driving while intoxicated arrests, the amount of time that they're tied up out of sector and performing the patrol function, and that of course puts an additional burden on the adjoining sector cars, the overlays if you will, in a more wide type of area that they have to cover. I mean, it's my -- I mean, I haven't been in patrol, oh my goodness, it's a long, long time, I think since 1972.

COMMISSIONER DORMER:

I know, it's really changed a lot in that time.

LEG. O'LEARY:

And I'm sure it has; just the cell phone issue is a major issue as far as the calls for service. But it was my experience that a lot of the DWI collars (sic) are not necessarily made on the 8 to 4's, they're made on the 4 to 12's and on the overnight shift. I'd be interested in seeing those numbers, those statistics as to just what the impact is on the officers that are taken out of the patrol function because they're processing the arrestee who has been arrested for driving while intoxicated. And also accidents, you have the rush hour starts -- I mean, years ago the rush hour started at 5:30, six o'clock in the morning, now the rush hour starts at 4 AM, and of course you have more accidents as a result.

So diminishing the amount of officers on that particular tour for the purposes of, as you stated, cost savings, saving money not paying overtime and gearing it for future use in the anticipated peak summer months, it still doesn't negate the fact that there are less officers on the street. To my satisfaction, the 17 cars that are downed on a regular basis, you're saying that now the

precinct CO delegated to the uniform Lieutenant has the authority to down additional cars over and above the 17, so you have less officers on the street during those particular hours; correct?

COMMISSIONER DORMER:

Yeah, that's what I stated.

LEG. O'LEARY:

Yes, I know that.

COMMISSIONER DORMER:

I gave them the authority to do that.

LEG. O'LEARY:

All right. I have some other issues to discuss with the Commissioner, but I'll defer to my colleagues with respect to this issue.

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Lindsay.

LEG. LINDSAY:

Yes, Commissioner, I really just have one question and it's really redundant, you seem to have answered it before but I want to make it crystal clear. My one concern in this whole issue, is the safety of our citizens going to be compromised by this redeployment?

COMMISSIONER DORMER:

No. Now, can I guarantee that nothing will happen? I am not going to sit here and say that but based on my best judgment, we're doing the right thing.

LEG. LINDSAY:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Mr. Commissioner, I have a couple of questions. On the second page of the document that you handed us today it says, "Hourly Workload, Precincts 1 through 7"; unfortunately the 7th Precinct is not listed on that document. The 7th Precinct encompasses half of my district and I was curious as to the number of calls that have been received in the 7th Precinct and how you're determining the needs for staffing level in that precinct.

COMMISSIONER DORMER:

Which page was that?

LEG. LOSQUADRO:

The second page, "Hourly Workload, Precincts 1 through 7." Now, I see that many of these precincts are very similar in, you know, the time of day and the spikes for calls and I'm assuming that the 7th Precinct would be similar, but I do not see a figure. I see the 6th Precinct and the 5th Precinct are in excess of 120,000 calls, I do not see any information for the 7th Precinct.

LEG. BISHOP:

It just opened.

COMMISSIONER DORMER:

You know -- I'm sorry. Chief Moore just mentioned to me that that was -- the 7th Precinct was incorporated into the 5th and 6th because of its recent --

LEG. LOSQUADRO:

Right, I know there may not have been a lot of historical data but I thought it may have been prorated for a partial year.

COMMISSIONER DORMER:

No. And I just have to tell you and I've mentioned this to Legislator O'Leary before this meeting, that we are looking at the east end staffing levels out there, we're not satisfied that we have the proper staffing.

LEG. LOSQUADRO:

Yes. And having spoken with the Commanders from out there, that was going to be my next

question. I heard you mention the need for additional officers in the eastern precincts and the problems of the size of the sectors. Even with the reduced traffic in the evenings you just have much more ground to cover, so you don't have as an effective situation of overlap as in the smaller precincts. So just so you are aware of that. And if you could possibly forward the information to me, even the limited historical data you have on the 7th Precinct being that it's only beginning to come up to speed and is not fully staffed at the moment.

And the other thing -- and believe me, it's no attempt to chastise you in any way, but you very often refer to the 911 system as nine eleven and I think the connotation of September 11th and also having spoken to many people from the emergency response, it confuses many children, they try to get away from referring to it as nine eleven.

COMMISSIONER DORMER:

No, I realize -- that's my old back to 30 years ago we called it nine eleven, we didn't have, you know, the issues that we have today; that's a good point.

LEG. LOSQUADRO:

Thank you, sir.

CHAIRPERSON CARPENTER:

Are there any specific questions on this topic?

LEG. ALDEN:

Legislator Carpenter?

CHAIRPERSON CARPENTER:

Oh, I'm sorry, Legislator Alden has joined us.

LEG. ALDEN:

Hi, Commissioner. When you started your presentation you mentioned that you want to save overtime now so that you can expend it later on; is that the goal, to stay within the overall budget as presented?

COMMISSIONER DORMER:

I'm sorry; you mean the overtime budget or the operating budget?

LEG. ALDEN:

Either one.

COMMISSIONER DORMER:

The overtime. Oh, yeah. No, we -- there's twenty -- the monies that are budgeted in the overtime budget right now, we want to make sure that we attempt to stay within that budget. You know, there was a big article in Newsday in the media about going over the overtime budget in January, I read that before I came on board, of course it was some overtime that wasn't the operating budget overtime but it was all lumped in together and it was a big hit again, "The Police Department went over their budget." And this is always a concern every year.

We want to make sure, if we do go over it, at least we can say we managed this thing properly, we can defend what we did and nobody can say that we wasted the money. And I think that that's very important, that we be able to defend what we do and also maintain public safety, we've got to do that and we're not going to lose site of that. We don't know what's going to happen down the road, we could go over the budget, I'm not -- I can't predict in this business.

LEG. ALDEN:

What's your goal as Commissioner as far as the savings that you want to effect right now?

COMMISSIONER DORMER:

I don't have a goal with savings, I have no figure in my mind, I haven't come up with any figure to anybody that you have to save one million, two million, twenty million. All I say is that we have to efficiently utilize these monies that are given to us from the public pocketbook and at the end of the year be able to defend how we spent this money and if we're under we're under, if we're over we're over and I can come before you and tell you why.

LEG. ALDEN:

Then this is an experiment type of patrol, this program? If it's not money driven then it's driven by what? Because here's my feel, last year or about two years ago there was a realignment of some of the sector cars and in my district we lost probably a car and a half, it was realigned outside of my district. So in areas that people were used to seeing a car every, whatever, 10, 15, 20 minutes, 30 minutes, they saw a car once maybe, once a night at that point. Is this the

first step into formalizing something more than 17 cars being unmanned --

COMMISSIONER DORMER:

No, no.

LEG. ALDEN:

-- on a regular basis?

COMMISSIONER DORMER:

Actually, this is an enhancement of public safety by moving or making sure that we have the resources available when the calls for services are highest and that's during the summer, during the summer months particularly and during holiday periods. That's when we're stretched thin and that's when Commanders have problems filling cars and that's when we should have the overtime money available. They've always been trying to save the overtime money the same way throughout the year and I think that that's foolish, that we have to save when the weather is cold and rainy, when things are not as busy, that's when you save the money, put it in your pocket and use it when the streets are busy and things are happening. We want to keep COPE going, we want to enhance COPE, we've talked about that, we want to enhance the presence out on the east end.

The sector alignments, we are going to be looking at all sector alignments in all the precincts over the coming months, over the next year or so. This is not something you do overnight, but we are looking at that. We don't know if we're adequately covered in some precincts, especially the 5th, 6th and 7th precincts. The 7th Precinct was opened without adequate resources; I didn't do it. I have this problem now and I want to see that I manage it properly if I can.

LEG. ALDEN:

So the prediction for the summer times, and that's when you're saying I guess that the problem is, if we didn't do or if you didn't do what you're doing right now, that we would have cars that weren't going out or actually sectors that would be unmanned at that point?.

COMMISSIONER DORMER:

No, not necessarily. But what they tell me, the Commanders and the people that were in this business over the last few years is they start bleeding from COPE, they start taking people from COPE. And it was mentioned before about taking people from COPE; COPE is -- there's a reason

that COPE is there.

LEG. ALDEN:

So you're going to -- I want to get it straight, though. You're going to prevent the bleeding of COPE because you're going to save money now and you'll be able to use that money for overtime at some future date?

COMMISSIONER DORMER:

That's what we're hoping to do. Now, I've talked to the Precinct Commanders and they get an overtime budget, they're given the money and they're told, "This is your overtime budget, you spend it as you see fit," but then we couldn't let them deploy their people properly. So we're giving them the money for overtime to run the sector cars but telling them, "You can't move people where you want them"; this is not the way to do business. If they can do it safely, why not let them do it? I know it's a complete change in thinking of the policing business in Suffolk County, but I think that we have to start thinking like that.

LEG. ALDEN:

But it is -- to me it sounds like an experimental program as far as we're going away from the sector cars to some kind of experimental type of manning.

COMMISSIONER DORMER:

No, I don't see it as an experiment, no. This is a very well thought out procedure where precinct Commanders decide what sector cars they need, and that includes during the summer. They'll decide if they need to hire five people on overtime to do sector car coverage, they'll have the monies to do it.

LEG. ALDEN:

But I'm confused to this point. You cited statistics that showed a 55% decrease in major crime over whatever number of years it was; that to me tells me that the police and the way they're doing business are doing great job if that's deterring that type of crime. Now, if you're telling me something different now, that we expect something else to happen at a future date and we've got to save money now in order to do, you know, like at a future date because we've got this major increase in crime that's going to come up I'd like to hear that as a justification. But otherwise, the argument that I might be persuaded by is to, you know, leave it alone, it doesn't seem to be broken and why would you want to fix something that seems to be working, exactly

what we want to do? We want to accomplish a goal of decreasing crime, making our people feel safer in their houses, that's what we owe them, that duty.

COMMISSIONER DORMER:

Well, precinct Commanders are saying that when the summer comes, this is when they get people calling from Legislator's office, from the Executive Branch, from community groups, from citizens or who are asking for police services. And I'm talking about quality of life, order maintenance, I'm not talking about criminal activity. They need the resources to respond to that because that's what people in Suffolk County want, they want their police service to respond to quality of life. They're not -- they're not concerned about what happens in another jurisdiction, they just want their communities serviced.

As far as safety and the crime reduction, yeah I would concede that we've got to give some credit to the policing throughout the country. By the way, it's not just down in Suffolk County and the experts in the business can't tell us why it's down, really down 55%. Major index crimes; I talked to homicide squad commanders in New York City and they tell me if it wasn't for gang members shooting each other they'd close us down; I have never heard that statement from New York City. Everything is down all over. We will give credit to our police service for doing that, for our police officers, they have certainly done a terrific job. But now we have an opportunity to respond in a different way to what's happening in our communities and if we can do it more efficiently we have to look at it.

But I've got to tell you again that if something changes, we have to be able to change on a dime. We've got to have the flexibility and Commanders have to have the flexibility to change their operation overnight. It's almost like a military operation, you can't run a military operation from the Pentagon, they can't run their precincts from headquarters. They're saying, "My precinct is different," whichever precinct it is, "let me run it the way I see fit." And we're saying, "Go ahead, let's see how you do and let's give it a chance. Let's see what happens." And I think that if everybody relaxes a little bit with this thing, I think we'll be okay.

LEG. ALDEN:

Well, telling our constituents to relax is sometimes a little bit because, you know, like when they're talking about their safety in their houses they get a little touchy. I'm going to direct this question to the Chairwoman; if it would be appropriate possibly in the future, and you can

advise me later on because it sounds like it's up to the discretion of the precinct commanders and I think that's who we might need down here to answer some questions as far as, you know, their philosophy on which way they want to do this in the future, because I think we owe an explanation to our constituents.

CHAIRPERSON CARPENTER:

Okay, thank you. That's a good comment.

LEG. ALDEN:

Thanks.

CHAIRPERSON CARPENTER:

Legislator Losquadro and then Legislator Mystal.

COMMISSIONER DORMER:

Is it possible, before the next question, if I could clarify something, please?

CHAIRPERSON CARPENTER:

Sure.

COMMISSIONER DORMER:

You know, there's been a lot of misinformation put out about this new procedure that we initiated. I've read in the news media that we've reduced coverage 15%, 18%, 20%, I have no idea where people come up with these percentages; we never mentioned anything about percentages. So somebody is obviously, for whatever reason, giving out incorrect information and I think that it puts the public -- you mentioned public perception, how do people feel about their safety, and I believe that that's very important.

And I think it's very disingenuous and very irresponsible for anybody in public service to put out false information about this stuff. I think this forum is very important where I can answer your questions about what we're doing, rather than this stuff that nobody can get a handle on that's out there floating around scaring our citizens. And we don't want that, I agree with you, I think that that's the worst thing that can happen with this thing, that people will get the wrong impression. I'm sorry, I had to say that.

CHAIRPERSON CARPENTER:

No, I agree with you. I don't know where anybody got percentages, I certainly -- this is the first time I'm hearing a percentage quoted. And I hope that anyone who is listening --

LEG. ALDEN:

It wasn't me, I'm not good with percentages.

CHAIRPERSON CARPENTER:

-- is not reporting that it's 15% or whatever you stated. Legislator Losquadro.

LEG. LOSQUADRO:

As I assure you, I don't think any of us here want to engage in fear-mongering with the public. But just to tie into what Legislator Alden was speaking about, and I think you answered most of it, you do see this as a fluid process. Do you see this as something that will change not only with the seasons because that's where historically you have seen the spikes, but if those spikes in calls for service were to -- you know, in response to a potential attack on our country or things of that nature, if they were to change, you know, in a time that historically they had not, you see the ability for the department to be able to adapt to those changes.

COMMISSIONER DORMER:

Yes. You put it very well, thank you. We have to be able to turn on a dime if something happens. And by the way, this police service has a reputation for coming in big when something happens.

LEG. LOSQUADRO:

Absolutely.

COMMISSIONER DORMER:

I hope it never happens, okay, but we've got this thing hanging over us all the time and we're very conscience of that every day. We get the bulletins from Homeland Security every day, they come into me, we make sure the troops get them out on the street. And that's a very good point. We have to be able to turn on a dime if something does spike, and it is fluid. We may be up here next year talking about some other issue, which is not a problem, I think that people should be able to ask questions about their policing service and get the answers as best we can, I've always believed that, I have no problem with that.

LEG. LOSQUADRO:

Well, not to use a pun but I don't want to see the precincts be handcuffed, so to speak --

LEG. ALDEN:

Ha ha ha.

LEG. LOSQUADRO:

Yes, thank you, Cameron -- in their ability to be able to respond or be able to use any potential excess in overtime budget that may be generated by these changes if they go into effect. That if the need does exist they will be able to put additional officers on as they see fit.

COMMISSIONER DORMER:

No, no, we're not going to impact public safety, and you're talking about public safety. We step up -- and I say we, the Police Department -- Suffolk County steps up when they have to do it and that's not going to be an issue, believe me. This is just a little tweaking. You know, I knew that there would be some controversy with it but, again, I said we would bite the bullet on it. I felt that if we could defend what we were doing in any forum -- by the way, I welcome the chance today to speak publicly about this rather than, you know, speaking through the media or having somebody else speak through the media and where misinformation is put out to the public. And this is one of the concerns that I have, that people don't understand what we're doing and they think that we're reducing their police service, putting them in danger, and I want to dispel that and I thank you very much for allowing us to do that today.

LEG. LOSQUADRO:

I appreciate you coming. And as I said, I assure you none of us are attempting to engage in any sort of fear-mongering with the public. Thank you for answering my questions.

CHAIRPERSON CARPENTER:

And thank you, Commissioner. I do appreciate your being so candid and you being receptive to coming to the committee.

LEG. BISHOP:

(Inaudible).

CHAIRPERSON CARPENTER:

It is important that we keep the dialogue going, keep the lines of communication open. I believe on this same subject--

LEG. MYSTAL:

No, not this subject.

CHAIRPERSON CARPENTER:

Okay, different subject. All right, we're going to stick with the committee first, so Legislator O'Leary and then if there are no other committee members, Legislator Mystal.

LEG. O'LEARY:

Yes, Commissioner, I think we've discussed at length this particular issue, but there are other issues that have come up over the past couple of weeks or so, couple of months. I welcome your comments with respect to what I'm going to raise now.

During your confirmation hearing you had indicated that you wanted to get into more of the police servicing of the public rather than crime fighters; I think that was the statement taken out of -- but pretty much that's what you said. There are some issues, you know, with respect to servicing the public is maintaining a relationship with the public. And it has come to my attention that the relationship that the Police Department had with the Police Reserves has been severed; can you explain what the reasoning behind that was?

COMMISSIONER DORMER:

Well, the Police Reserves is an organization of citizens, business people who have, I assume, over the last few years developed a relationship with the upper staff in the Police Department. They're business people, they have monthly luncheons where the police staff are invited to the luncheons and I guess they have speeches and all that kind of stuff.

LEG. O'LEARY:

But it forced --

COMMISSIONER DORMER:

If I may, please.

LEG. O'LEARY:

Okay, I'll let you finish.

COMMISSIONER DORMER:

This is what I was told when I came in and I looked into it. They were issued ID cards that said "Suffolk County Police Department" with the address of the Suffolk County Police Department on them, they look very official, they look like the ID card that I was given when I became Police Commissioner. They also carry police badges.

Now, with Homeland Security, just leave the integrity issue aside where the Commanders are getting free meals every month on a command performance with this organization which I have major problems with, I am telling my police officers on the street that you pay for your coffee at 7-Eleven. I'm also telling the Police Commanders up on top that you don't take free meals from anybody, you pay for everything. So we're not beholden to anybody, I don't want anybody to think that they have an in with the policing business, and this is the way I viewed this.

Now, there are a lot of good people in that organization and when I wrote the letter to them disengaging from our association with them, I said, "If you need a speaker or if you need somebody to come to one of your functions to discuss police procedures or police operations, please send me a letter and I'll make sure somebody gets there and presents the police issue." But we have disengaged from that organization because I think it's improper, I think the integrity of the command staff was in question. The Commanders told me they didn't want to go to these things, they were ordered to go to them. It was a command performance, if you know what I'm talking about, in the military; you've got to go. So they said they had to sit through evenings of giving out plaques which we give out to our own officers and I felt it was a misuse of our Commanders, it was an integrity issue.

And there was also a security issue with the badges and the ID cards. Homeland Security puts out bulletins and I just got one yesterday that said be aware of people purchasing police identification, police uniforms, police badges because this is how the bad guys are going to get us, so I told them I wanted all the ID cards back. They bought the badges themselves I believe, I can't find out whether they were given to them or they bought them. We told them to discontinue their use, do not be flashing their badges anywhere. Why would they want a badge? That's my question. They're not police. It's a security issue and an integrity issue.

LEG. O'LEARY:

Okay, thank you for clarifying that. I have a couple of other issues and I hope you don't mind responding to them.

LEG. BISHOP:

Now?

LEG. O'LEARY:

Yes. One thing I want to do is to dispel a rumor, I think this is the proper forum for the purpose of doing this, because I haven't seen or heard anything from any authoritative source with respect to this. But it has come to my attention -- and it is a rumor at this particular point in time and I think this is appropriate right here and now to dispel it or to confirm that it is not a rumor, that it's fact.

One of the things that is going around your department is that there is some consideration in having security guards work at headquarters for purposes of securing the front door and access to the building. Is there any truth to that rumor, is there any consideration on the part of you or your staff to do just that, not have police officers on the front desk at headquarters but to have security guards?

COMMISSIONER DORMER:

Okay, there's two questions here. No, I wasn't going to put security guards up in headquarters at the desk. The answer to the second question, I am looking at the Public Information Unit that does security at the police headquarters. We've got six police officers, a Sergeant's rank which hasn't been filled since I came in, and a Lieutenant. My question to the people that work for me, the Chiefs, is can we afford to have a Lieutenant, a Sergeant and six police officers doing public information and security at headquarters? Is there a better way to do it and we can put these officers back out into patrol, what they were hired for, and that's what we're looking at right now. No decision has been made on it, how we're going to do it, it's still a work in progress. We haven't made any decision on it, I'm going to talk to the Chiefs about it, it's just one of the discussions that we have regularly about every unit in the policing business.

LEG. O'LEARY:

All right. But is the consideration being given not to have police officers at the front desk for purposes of security?

COMMISSIONER DORMER:

We're looking at that, yes.

LEG. O'LEARY:

You are. So in effect, if it's not going to be police officers, it's going to be civilians providing security for the police headquarters building.

COMMISSIONER DORMER:

No, no, no, we're -- the building is not --

LEG. O'LEARY:

Well, if the --

COMMISSIONER DORMER:

As you -- you asked me a question, let me answer it please.

LEG. O'LEARY:

Okay.

COMMISSIONER DORMER:

The building is locked down, at night the building is locked down, you can't get into that building. There's a police officer inside the front door all night, he has a monitor and he monitors the doors around the building. My idea is that maybe the duty officer can monitor the doors, the officer is inside. It's just an idea that maybe it's time to say let's -- the building is secure, nobody can get in, maybe we can put these officers back on the street. Put them in COPE someplace, put them in the 7th Precinct, put them in a sector car in the 7th Precinct, get some coverage out there.

Headquarters is secure. Again, I'm not minimizing it and we're talking about it, but since you brought it up, and I'm very straightforward, I'll tell you yes we're considering it, but no decision has been made yet.

LEG. O'LEARY:

Okay. I appreciate you addressing that because as I said before, it's quite rampant within your

department with respect to how you're going to utilize your police officers at headquarters. And I just have one more question, despite Legislator Bishop's objections to my --

LEG. BISHOP:

No objections.

LEG. O'LEARY:

Well, what are you talking about on the sidebars here?

LEG. BISHOP:

I was asking if you felt that this was a proper matter for the Legislature.

LEG. O'LEARY:

It's a proper matter for public safety, Legislator Bishop. Just one more, sir. The County Executive recently announced that he was in favor of taking the Chiefs in your department and separating from the SOA; what is your position on that, sir?

COMMISSIONER DORMER:

No, I'm not going to comment on that. I don't get into contractual issues, it's not my area. I'm not going to comment on that.

LEG. O'LEARY:

Okay. So you have no comment on your boss, so to speak, advocating the Chiefs in your department being taken away from -- or being removed from the Superior Officer's Association, you have no comment whatsoever?

COMMISSIONER DORMER:

No, if I have any issues or he has any issues with me we talk about it.

LEG. O'LEARY:

Privately?

COMMISSIONER DORMER:

Yeah; I think that's the way to do it.

LEG. O'LEARY:

Well, he's the one that went public with it, it was published in the media, so once he goes public with it --

COMMISSIONER DORMER:

You're going to have to ask him about that.

LEG. O'LEARY:

I will, I have no problem asking him about it. Thank you very much.

COMMISSIONER DORMER:

You're welcome.

CHAIRPERSON CARPENTER:

Thank you. Legislator Mystal.

LEG. ALDEN:

He was sworn in at my committee.

LEG. MYSTAL:

Good afternoon, Commissioner. Let me introduce myself to you, my name is Elie Mystal, I am the newly elected Legislator from the 15th District which is patrolled by your 1st Precinct which we like to call the hot corner. I'm looking over your chart and one thing I haven't seen anybody or have not heard anybody address in this forum, your overtime expenditures. Fifty-four percent of it is personnel shortage which for my association with this body has been chronic, has always been, it's always been the same problem, 54%. Short of ordering three new classes of police officers which we cannot do, what are you doing or what do you intend to do to solve the problem? Because if more than half of your overtime is because somebody is not at work, what do we do about it?

COMMISSIONER DORMER:

Well, first off, congratulations and good luck, I wish you luck. You know -- and I'm not sure here, by the way, to bash police officers, they do a terrific job, okay, I'm very proud of the officers. Just let me preface this. Officers work 200 days year in Suffolk County and, you know, we have to manage with what we've got, we can't just keep going to the County and saying we need a class of a hundred officers, we need 150, even though this is going to happen, we are

going to be asking for officers probably by the time the year ends, we're going to be looking to put a class in, but we've got to manage as best we can with what we've got. That's why as the police administrator I have to look at where all the officers are in headquarters and what they're doing and see if we can safely -- not jeopardize them public safety now, move them out into the street to sector cars, precinct operations. The Public Information Unit was mentioned before and even though it's a small number of officers, we have to start looking at our resources and better utilize them so that we can keep this 54% down; I mean, that is a big chunk of money. When the summer comes the officers are on vacation, that's when most of them take their vacation and we have the busiest time on the street, as you know. So we have to make sure the cars are covered and that's when the overtime is going to be spent. 22.7 million this year is in our overtime budget, and we'll probably spend all of that.

LEG. MYSTAL:

Can I safely say that we need more police officers? I'm just trying -- if we have a shortage of police officers I want to hear that we need to put some pressure on whomever it is, if it's the administration, the County Executive, this Legislature to get more police officers, we've got to find the money some kind of way. You know, I'm trying -- this is chronic, I've said it every year.

COMMISSIONER DORMER:

I know.

LEG. MYSTAL:

And somehow we have to get more police out there. I'm grateful you're trying to do a good job with what you have, but if I have a pot of, you know, beans and it's not enough to feed a family of six then I have to come up with more beans. You know, it's just that simple no matter how much you stretch it, no matter how creative I get, I'm still going to fall short.

COMMISSIONER DORMER:

I'd love to have another hundred or 200 officers.

LEG. MYSTAL:

Then I want to put it on the record, we need more police officers somehow.

COMMISSIONER DORMER:

Yes.

CHAIRPERSON CARPENTER:

Yeah, and I'm glad you did that and that was one of my rapid questions.

LEG. MYSTAL:

Thank you.

CHAIRPERSON CARPENTER:

And I'm delighted to hear you say that, Commissioner. I think we need to look at that if overtime is an issue and we just don't have enough officers. I know we're graduating a class April 16th, how many recruits are being graduated?

COMMISSIONER DORMER:

Well, we'll get approximately 130 out of that.

CHAIRPERSON CARPENTER:

A hundred and thirty. So are we going to see plus 130 police officers?

COMMISSIONER DORMER:

Yes.

CHAIRPERSON CARPENTER:

No; the gentleman behind you is shaking his head no.

COMMISSIONER DORMER:

Oh, okay, maybe they -- it could have changed over night.

CHAIRPERSON CARPENTER:

Because people have attrited out. No, the number is probably right as far as 130 graduating, but when those 130 go into the various precincts, we're not going to be sitting back and saying oh, now from last year we have 130 more police officers now; we don't because people have retired and left for whatever reason so we're just holding our own. And, you know, in the ten years that we've seen a decrease in the index crime rate, that's been a wonderful thing, but we really have not seen a true increase in the number of officers, although there has been an increase in what they're expected to do and there's been an increase in the population in ten years. So a lot of this has to be addressed and the new Legislator with his fresh new look really hit the nail

on the head, we need more police officers. Are there any other questions of the Commissioner?
Oh, I'm sorry, Legislator Crecca.

LEG. CRECCA:

My first question is I think Elie has the same old look that he had before and I don't think he looks fresh. But no, Commissioner, while this was going on I went in the back and returned a phone call and I just ask you, I know you said you were going to check out the COPE officers being pulled off to fill sector cars, I appreciate that. I got a call from the HIA, the Hauppauge Industrial Association, and there is a special unit there, the car is COPE 43 and it was an SUV, it was a special purchase by the Legislature for that vehicle and it's Medical Response Unit as well as a police unit.

COMMISSIONER DORMER:

Yeah.

LEG. CRECCA:

There was concern among the industrial association that that car was being deployed outside of its primary mission, so I just ask you to just follow-up with that and check that out also. Thank you.

COMMISSIONER DORMER:

We'll look into it.

CHAIRPERSON CARPENTER:

Okay. Hearing no other questions, I thank you again for your candor.

COMMISSIONER DORMER:

Thank you.

CHAIRPERSON CARPENTER:

Okay, we're going to stay on topic. We have been requested as far as the policing issues, I want to bring up Jeff Frayler from the PBA to respond to some of the comments and then we'll move on to the issue of the jail. And I know we have some cards, they're all jail related, I checked, so those will go after the presentation and before we get to the agenda. We're just going to pause for less than a minute so that the stenographer can change the tape. Alison, you ready?

MS. MAHONEY:

Yes.

CHAIRPERSON CARPENTER:

Okay, thank you. Mr. Frayler?

MR. FRAYLER:

Thank you, Legislator Carpenter. I want to thank all the Legislators for giving me an opportunity to speak here this afternoon. Maybe I can shed some light on some of the things that the Commissioner tried to say.

I go to the precincts the same as the Commissioner does, speak to the same police officers, and they are very upset about sector cars being shut down. When he speak to the fact that one to one and a half cars are shut down a night, the reality is that automatically at the stroke of midnight 17 cars disappear from the County; three from the 1st, three from the 2nd, three from the 3rd, three from the 4th, two from the 5th and two from the 6th, and I believe one from the 7th. To me, that staffing is less than sufficient, but the men and women of the Suffolk County Police Department will get the job done no matter what, no matter how few cars are out there.

When it comes to this issue I feel an obligation the speak to this body, to speak to the Commissioner and to speak to the people that the number one priority is to protect the people. Now, he had some concerns about COPE being utilized to fill sector cars. I have a duty chart here from the 2nd Precinct, with six COPE officers we used to fill sector cars in one day. I have another one here from the 4th Precinct where two COPE officers were assigned to cover sector cars.

What has me greatly concerned is some of what's been going on, the reality of the overlay, the overlay should not exist. When I was a young police officer in the 70's all the cars were staffed, those 16 cars, excluding the 7th Precinct because it wasn't around then, were staffed. At some point in time, and it was a monetary consideration then, they elected to go to this overlay. The minimum staffing that's been in place since then wasn't contractual, wasn't a deal with the PBA, it was a management-imposed minimum staffing. The reason for that is that just like the County Executive has a mandate to keep costs down, the Commissioner carries that mandate and these

Lieutenants and Sergeants that sometimes sit as the OIC on a tour, they know what their boss wants, they know that their career is impacted by doing what it is that the boss wants.

Now, we literally have hundreds of cases where cars were shut down. And the Commissioner is right, at certain times of the day it's less busy than others, but there is no crystal ball, no one knows when it's going to get busy. Last night in the 4th Precinct there was a barricaded subject at two o'clock in the morning, at four o'clock in the morning the sector car next door to that was shut down.

He asked about the percentages; well, in the 1st Precinct on one night, and we have a diagram here of the layout of the precinct to show just how many people, literally tens of thousands of people get impacted by it, five sector cars were shut down, that's 22% of the precinct. We have another night where six cars were shut down, that's 27% of the precinct; that's not acceptable. The neighborhoods that are protected by those police officers, the people who live in those sectors pay their taxes, they don't get a rebate, they pay their taxes in full. The police service that was established in the 1970 to protect those people should in no way be diminished, that's what we're trying to stop here. Who knows how low they'll be willing to go. They may get away with it today, tomorrow, next month or the month after, but when you shut down a sector car you increase the response that a police officer has. To go from point A to point B is going to be increased if the guy who's normally there or the woman who's normally there to patrol that area isn't there and you have to come from one or maybe two sectors away.

We had a case in the 1st Precinct where there was a violent boyfriend/girlfriend dispute at two o'clock in the afternoon; with full staffing there was nobody in the 1st Precinct available to handle it, the call got handled by Amityville Village. We're the 13th largest Police Department in the country, Amityville Village should never be coming into Suffolk County to handle a call, we should be helping them out. They in turn called Nassau County to back them up, that's unacceptable. Yet what that's indicative of is that even at full staffing, we're not prepared to deal with the needs of 2004. Those staffing levels were set up in the 1970's.

You can have these duty charts that clearly show that COPE is being used to backfill cars. I want the cars staffed, the public deserves to have the cars staffed, police officers for their own safety want those cars staffed. Even back in '92, and I think I showed it to Legislator O'Leary, the Commissioner, then Chief of Patrol, came out with a directive that called for shutting down the sector cars and advised the police officers and police supervisors to be aware of the fact that

when sector cars are shut down they're at greater risk and every effort should be made to assure the police officer that there is adequate backup there available for him; that's not being done today. Those words may be coming out of the commissioner's mouth when he's here, but basically the precinct Commanders and the Lieutenants and the Sergeants who may act as OIC's on any given night are following through with the mandate; and we all know that the mandate is to cut, is to keep costs down, do whatever you can. Maybe they're trying to be as efficient as possible.

When he says police officers don't take vacation in February and March he's wrong, the duty charts will reflect that. As a matter of fact, in the 3rd Precinct if you were to take Squad 4 and Squad 5 with their full staffing, there's 27 officers assigned to Squad 4 and 28 to Squad 5, if all of them come to work, you can't fully staff the precinct. Now, if you apply the overlay to that where the three cars are shut down, you're able to have two people off, and on more than one occasion you'll end up with more than two people off. St. Patrick's Day, for instance, is tomorrow, there's a lot of people taking off tomorrow. On the dates in question here where I have the duty charts, and we have more and more duty charts and I'll make them available to anybody here, the people are taking vacation, they take personal days, they go to weddings, their siblings get married, they're children need to be taken to college. Police officers are just like everybody else, they have the same needs and desires of having a happy family life, yet police work I don't look at as a business, I look at it more as a vocation. They sacrifice not being home at Christmas. You know, I remember when my children were three and four years old, I was a rookie in the precinct, I couldn't get a day off, you couldn't get Christmas off. When you're working a 4 to 12 on a Saturday in the summer, you can't drink at the family bar-b-que and you've got to leave right in the middle of it so you can get to work, it's part of being a police officer, we all accept that. We gladly do it for the people of Suffolk County who we're sworn to protect, but what's happening here is you're putting police officers and the public at risk.

And nobody here is a fear-monger. I read the same article that the Commissioner read in Suffolk Life and I responded to it and the Editor's Note was, "You know, we should take a look at this." Clearly the staffing levels set up in the 1970's are inadequate for the 2004 and I agree with that, and I believe that there isn't a person here who would disagree with that. The Commissioner himself talked about the calls for service, we all know how the population has increased since the 70's, but what are we doing about it? Do Suffolk County Police Officers make a good living? Yes, absolutely and they earn every penny of it, they work very hard. They're out there working at Christmas, they're out there on Saturday and Sunday where most

people are home with their families.

And now, unfortunately, we have a Commissioner who instead of looking at cost savings such as maybe finding fuel efficient vehicles or more fuel efficient vehicles or being able to save money in areas other than the point of service, instead of finding savings other than areas that directly diminish the police service to the public, he's elected to go right there. And I believe part of that is because that was his experience back in the early 90's. We had a real problem then, our bond rating was horrible, the deficit was horrible, we're not faced with that now yet we're diminishing the police service to the public; that's not acceptable. This is 2004, the people of Suffolk County deserve staffing levels greater than what they were in the 1970's. You know, there are all kinds of statistics. I saw the 54% statistic, I look at my statistic about shutting down 27% of the precinct, we all know about statistics. Mark Twain said it the best, "There are lies, damn lies and statistics."

I'm here to appeal to everybody's common sense. Clearly the staffing levels of the 70's are unacceptable in 2004. You can attempt to justify it any way you see fit, but what you can't do is you can't protect the public with people who aren't there. And if police officers aren't there, there are streets that would normally be patrolled that aren't patrolled. You talk about arrests on the day tour, you know what, how many of the arrests on a day tour are a direct result of a crime that was committed on the overnight tour, on a 10 to 8 in the morning shift?

Legislator Losquadro, I think you asked about the traffic, you know, you asked about the 7th Precinct. Well, one thing the Commissioner has to look at as well is the commute for somebody who lives in North Amityville or Lindenhurst, he's getting up a little bit later to get to work, he can make that commute a little better. But somebody who lives on the north shore in Mt. Sinai, he's not getting up at seven o'clock in the morning to go to New York City. The Expressway starts getting backed up at six o'clock in the morning, the north/south roads that fill the Expressway at six o'clock in the morning are full by five o'clock, 5:30 at the latest; again, it's common sense.

Police officers during those times of the day do make DWI arrests, they make quite a few. As a matter of fact, the Commissioner's own DWI Enforcement Team works nights, that overnight shift because they know that is the time when we have the problem; Legislator O'Leary brought that out, that is when a tremendous amount of DWI arrests are made. And the critical pieces, we shut down these overlay cars, then we shut down additional cars, arrests are made, cars are

taken out of service, prisoners are transported by police officers whose cars are taken out of service to get them to court on time. Now, I have tons of examples here why and when cars are shut down, I don't have one of us ever going above the staffing levels that were established in the 70's. So this latitude that he thinks exists, that may be his directive to give them the latitude, but no matter how busy it is, additional personnel aren't being called in, it's just not happening.

There are a lot of issues, there are a lot of places where cost savings can be made. The last place that he should have gone to is cutting the direct service to the public and eliminating sector cars. Now, I have a list of every sector car that's shut down automatically before he goes beyond the overlay. In the 1st Precinct 112, 119 and 122 go down at the stroke of midnight, that's North Babylon, West Babylon/Lindenhurst and West Babylon. Lindenhurst Village has 27,000 people in it, he doesn't have a crystal ball and know when there's going to be a major problem. And I'm telling you today that if two cars next to each other happen to be next to one of the cars that's shut down on the midnights and they have DWI arrests, no additional person is being brought in to cover the street, it doesn't happen; it might be his directive but it doesn't happen. The 2nd Precinct the same thing, three cars; 3rd Precinct, three cars, I'll give you the communities.

I don't want to make this a fear-monger issue, I want to make it a common sense issue. We need to keep the public protected, it's government's first order of business. And Suffolk County Police Officers, I can't say this enough, the men and women of this department will get the job done no matter what, but they need a little support from the administration, not cuts because no matter what anybody says, this is about money. And I agree with managing efficiently, and if I would have seen other efficiencies be put in place before he began to shut down sector cars, maybe it would have had a little more credibility to me.

CHAIRPERSON CARPENTER:

Thank you, Jeff.

MR. FRAYLER:

You're welcome. Thank you.

CHAIRPERSON CARPENTER:

Okay. We are going to close this discussion and invite the consultants up from Pulitzer, Bogard

& Associates to review the Suffolk County Correctional System Needs Assessment Report. While everyone is settling in we'll just take a brief one minute recess. Thank you.

(Brief Recess Taken: 2:51 PM - 3:00 PM*)

CHAIRPERSON CARPENTER:

Good afternoon. Gentlemen, thank you for your patience, I'm sorry for the delay. I didn't expect that it would go on as long as it did. Whenever you're ready to begin. If you would, just as everyone is settling down -- if you could just for the record identify yourselves.

MR. PULITZER:

Good afternoon, Madam Chair, Members of the Public Safety Committee. My name is Curtis Pulitzer, I'm a Principal with Pulitzer, Bogard & Associates; to my left is my partner, David Bogard of Pulitzer, Bogard & Associates; to my right is Rod Miller who worked with us on the study with CRS; and to his right, immediate right is Russ Ehasz from Ehasz Giacalone who also worked with us on the study.

We would like to give the committee an overview of our two reports.

I know all the Legislators did receive copies of our Phase I and Phase II reports and I would like to go through the key points of the reports, of the two reports prior to opening the floor to questions and answers.

At first I would like to tell you a little bit about who we are. Pulitzer, Bogard & Associates is a Long Island based criminal justice planning firm, we're not an architectural firm, we do planning, we do systems planning. We have been in business for the last nine years, although David and myself have devoted our entire careers to the field of criminal justice; for me, that's 28 years of experience and for David that's 25 years of experience. We have clients from one end of the country to the other including the Commonwealth of Puerto Rico and we do criminal justice analysis for both adult systems, juvenile systems, we do work with the courts and we do some work with law enforcement as well. We have County clients from around the country, dozens and dozens if not hundreds, collectively and collaboratively, and we have done much work here in New York State as well and Upstate New York, and of course most recently here in Suffolk County.

Rod Miller to my right has 32 years of experience with criminal justice, he, too, has devoted his

entire career to the field. Rod does systems planning as well as statistical analysis, demographics, projections, etcetera. Rod works with us on many of our projects and his role on this particular project was looking at the data, analyzing the data and developing the forecast as well as working with us on looking at the alternatives to incarceration that you have and may have in the future.

To his right is, I introduced him earlier, Rus Ehasz who is the principal of Ehasz Giacalone. Russ is based here in Long Island, it's an architectural firm. Russ' business has been around for 22 years, although Russ has far more experience in the industry. His firm worked with us in evaluating the facilities at both Yaphank and Riverhead and developing the conceptual cost estimates as well as the site development options for the two facilities.

Going back a little bit in time, this project has been around for a while. It started in March of 1999 with the Suffolk County Legislature adopting a resolution creating a committee charged with developing and issuing the Request For Proposal which we in turn responded to. There was a gap of time between March of '99 and when the RFP was actually issued in December of 2002, so it was almost more than three years. We responded to that proposal in July and we commenced work on the study in August of 2003. The study -- the intent of the study was to look at the County's correctional system, its facilities, the alternatives presently in place, future alternatives that could perhaps be expanded or implemented that might effect the population, and to assess the inmate population and come up with an overall plan for the County's Correctional system. It looked at Yaphank, it looked at Riverhead, we looked at current operations, current facilities, current alternatives and then projected out what the County's needs might look like over the next 10 to 20 years.

You might call it a road map because the County had never done prior to this study a comprehensive look at the entire system. There have been many studies done prior to our arrival and we have studied those and incorporated information from those reports into our document, but there was never a comprehensive look at the system and so that's what we were charged with doing. This was not a facilities plan specifically, this was not a architectural plan, this was a systems plan looking at the County's correctional needs.

It's important to put the current system in context. The County, as you are aware, has many

variances from the New York State Commission of Corrections; they are the governing body for jails in New York State, their standards are statutory; they have oversight and can wield tremendous clout and have the authority to do so. They oversee all the jails, again, in New York State and you I'm sure are all aware of that, this committee is very conversant with that.

The design capacity, when these facilities were first built the design capacity, meaning Riverhead and Yaphank, is actually 1,308 beds, I'm not counting the DWI facility. The commission has extended over the past couple of years a number of variances to Suffolk County to help ease the overcrowding situation and has allowed the facilities in terms of their legal capacity to grow at one point over 1,700 but is now 1,650. Those variances, some have been pulled in the past year and there are possibilities that other variances may very well likely be pulled in the coming year.

Our charge in terms of looking at the population -- and again, we had two reports, we had a Phase I Report which we submitted to the County and the Legislature in November of 2003, and we had a Phase II Report which we issued in January of 2004. I will be referring to both documents in my overview, I don't know if all members of the committee have those documents with them, I assume they would so I apologize, we did not make extra copies for members of the committee today.

But in the Phase I Report which basically was the foundation, that was the primary document which we had completed by November -- pardon my cold today, I'm a little bit congested. We looked at the jail population, we looked at trends and forecasts of that population and looked at some of the what-if scenarios related to the future growth of the County's correctional bed needs at least. We looked at all your current diversion programs and alternatives to incarceration and we looked at additional opportunities that might be present. We assessed all the key programs and services currently provided in your jail system, that was a very major piece of our work, looking at what are you doing now and what are the needs of the incarcerated population in the future. We looked at your staffing; again, that was a very -- another big component of our work, looking at current staffing and looking at factors that would effect staffing in the future.

As I said earlier, we looked at the two physical plants. And again, we -- I know there's a lot of focus on Yaphank but your system consists of more than Yaphank; the Riverhead facility is a very large facility and that is part of the system. So as far as our analysis was concerned, again, we looked at the entire system, including the DWI Facility. Of course, there is a new

facility being built, so we did an evaluation of the older facility but there's a new one under construction presently.

We looked at the -- what are the key issues that could affect the future growth of the County system and we looked at potential options for expansion. And in looking at those very conservatively, we're looking at what should the County be doing in terms of its facilities and its populations to meet the needs, especially in the short-term horizon by the year -- when I say short-term, by the year 2015 which is eleven years away but better the short-term horizon.

In our Phase II Report -- that was all in the Phase I. As a result of our efforts, and we worked very closely with the Sheriff's Office and all the other stakeholders in the community, we came up with a series of proposals and those were expanded upon in Phase II. So the Phase II Report was a rather slim document that focused primarily on two areas, one on a proposed staffing plan for the system, for Riverhead and Yaphank based on the recommendations or the options rather in Phase I. We looked at several options, and I'll get into those in a minute, and we also costed out what those options might look like for the County in terms of several approaches that would meet your needs over the next 10, 20 years.

As part of our process we, as I said earlier, looked at all the prior studies, actually it was six or actually seven studies because there were two mental health studies, we reviewed all the County demographic data, we met with hosts of people. We had more than 30 one-on-one interviews with members of the criminal justice community, Judges, District Attorneys, law enforcement, the Planning Department, the County Executive's Office. We reached out to several of the members of the Public Safety Committee, we spoke to several of them by phone, we had more than half a dozen phone interviews with some people who we couldn't get to meet person to person. We held more than 32 interviews with all the members of the Sheriff's Office working closely with Under-Sheriff Denzler and Warden Murphy and all the key people in both facilities. We reviewed all the alternative programs that presently exist, as I said earlier, and we spent a great deal of time just gathering information and doing interviews. We wanted to make sure we understood what was happening.

Parallel with our interview process was a data collection in terms of the raw data for the inmate population and, you know, they say timing is everything. Well, I guess had we -- when we started the study the Sheriff's Office was just in the middle of creating a new management information system. The current system -- well, the old system that we worked from is not what we call a relational database meaning that it was very difficult to extract information from the

data, you can query it and ask the computer to spit out information on several different variables at one time. We actually had to go into the data base and extract the absolute raw data.

We also did a snapshot of -- when I say snapshot, a sampling of the inmate population; again, all of it was raw data. Rod did most of that analysis and we spent a lot of time working with the Sheriff's Office, to their credit; it was a tremendously time consuming activity for them. Here they were trying to download all their files into this new database and we come along and say, "We need you to do this and this and this for us." So they did it but it took some time to get through the information but the relational database just was not there.

In looking at our inmate population, I will say, I will say that the key data, the core data that we got from them, and we got it from the State as well, from DCJS and other sources, the occupancy data we based our projections on was very solid. I would say some of the profiling information that we tried to garner from the data was not as strong as the occupancy data, it was good information but perhaps not as complete as we would have liked it. The new management information system which is -- I'm not sure if it's up and running yet, but that new system will be able to give the committee the types of information that I assume in the future you will really want to get. And so I'm pretty confident and very thrilled that new system is coming on-line and I strongly -- we strongly endorse the support of that system because that will give the committee the information it needs for future queries.

In terms of your inmate population, what are we dealing with? I would say Suffolk County is not that much different than most other counties we found, probably a couple of more unusual things we found is that your population is older; we usually see a younger population. One-third of your population are between the ages of 31 and 40, most of the systems we work with we're seeing populations of 18 to 26 or 28. As far as people going in and out of the system, it's fairly typical, approximately 50% of your population are out within 10 days. There's a very high turnover in the population and the inmates that stayed longest are the ones that use up the most beds; detention beds are what drives your population.

The sentenced offenders accounted for the most beds when we did our study, but of those approximately 40 -- well, I'll come back to that in a second. But in terms of some of the other characteristics of the population, 41% of all the inmates who were in the system were unemployed when they were admitted, 48% did not have a high school diploma, and those that

were mentally ill which is we know a hundred, about a hundred beds were occupied by inmates who had prior psychiatric hospitalization. That doesn't make them seriously mentally ill, some of the profile data we were hoping to get on the seriously mentally ill just was not there. But we were able to extract from the data base key pieces of information that led us in the path to tell us what was happening with their mental health population in the jail.

Looking at your alternatives, we were amazed, truly amazed at how successful you have been in that regard. Our experience nationally, as we go into situations such as these having to really fight, fight with members of the criminal justice community to develop the types of programs you all have been doing for quite some time. Your County is leading the charge in New York State, it is leading the charge nationally and my hats are off to the hard work of the various programs, and there are some 31 programs we evaluated.

I think the most important fact to keep in mind is that the incarceration rate, meaning the rate of how many inmates go to jail per capita in your County is the third lowest in New York State; that is a startling statistic and we attribute that primarily to these alternative and diversionary programs that you have been so successful at doing. Now, you might ask, "Well, we're letting people out, what has that done with the crime rate?" You just heard your Police Commissioner say your crime rate has been down, it is down, you're doing a good job of balancing who needs to be incarcerated with those that do not. So when we looked at your system, the programs you have combined with where you are with incarceration told us that if additional programs were indeed available, their viability would only probably grab a handful of people out of the system, in addition to those who are personally out.

And there are some proposals we did look at in that regard from Probation and from others that perhaps could take out some additional inmates from the system, perhaps as many as on the probation side as many perhaps of 150. The problem we had in terms of confirming that is that the database to support that was not there. Many of those people who presently are released, could be released under these potential programs, may have warrants, may have long career criminal histories, there are many reasons why they're presently incarcerated. That's not to say that perhaps there may be some options available for select groups of these individuals in the future, but we did look at them and we -- our plan, though, had recommend that the projection that time, that the County take the time to look at those populations in more detail before it made a decision as to whether indeed those will be true diversions from the system or whether they might be widening of the net, maybe further term widening of the net, it means your

judges are very comfortable and your prosecutor just returning where the alternatives you have presently in place. They're working, they're successful, they're well run.

You need their cooperation, that's why you have the programs, but there comes a point in time where the entire makeup of the individual is such that whether it's the DA's office or the judge that some level of incarceration may be necessary, they're warrants, etcetera. Sometimes the more strings you attach to individuals the more options there are for them to fail and when they fail they get rearrested. So there's a delicate balance that needs to be looked at and, again, the data we had just did not support us absolutely saying these people cannot be in the system in the future. I'm sorry. You want me to speed it up? Okay. Do I have a time limit on this?

CHAIRPERSON CARPENTER:

Well, the only problem is is that we did go so far over with the previous presentation and I want to make sure that we allow sufficient time for all the questions that I think are going to come forward; and even though you may cover some of them, I get the sense that they're going to be asked anyway. So I think we need to try to move to the questioning as quickly as possible because there is another committee meeting that's scheduled to start at three o'clock, so.

MR. PULITZER:

All right, then I'll speed up, Madam Chair.

CHAIRPERSON CARPENTER:

Thank you. I apologize.

MR. PULITZER:

It's okay. I didn't know if there was a time frame, I should have asked that when I started.

I'll cut to some of the key issues. I think a key issue has to do with what is the projection of growth, and when we looked at the future capacity of the system we were recommending that for the year 2015 the County have -- would require a population in its correctional system, in its beds of 2,104 inmates, and that is the legal capacity. And it's important to understand what the legal capacity by definition, that means your average daily population, your population that you typically have in the jail on an average year-round basis is 85% of that number, that's a requirement by the Commission of Corrections.

One of the things we did find out and it's very important to remember, that your populations

here fluctuate tremendously, sometimes as much as 30%. So you have to keep -- on any typical day there may be some empty beds for classification, for unknowns coming in, on some days you'll be more than full, so that's a very important number.

Another very important fact is that the actual net increase in your capacity based on your design capacity, you can't base it on your current capacity with the variances, but based on your design capacity we were only recommending 711, 712 depending on which option you take, new beds in the system, that's it, we're not recommending this wholesale increase.

Now, I think what's important to keep in mind is that the facilities that we looked at, and we looked at Yaphank and Riverhead, Yaphank became -- and I'll just cut to the facility side of it, the primary location for expansion; the land is there, all the other factors being equal. We looked at Riverhead and we looked at Yaphank and Riverhead has some serious environmental issues and site expansion issues, so the logical choice became Yaphank. We looked at the facilities very carefully and the facilities are in very bad condition -- I won't go into the details, Russ can answer the questions later, you can ask specifically -- but the report spends a great deal of time looking at what was salvageable at Yaphank. And basically, as you know, just this past weekend the modulares that were there were in terrible condition, they need to be demolished. The only other housing that was usable as a building were the existing dormitories that were built not that long ago and we had slated those to be converted into program and support space for the new expanded Yaphank facility. So effectively, we're building new housing at Yaphank and a very important feature of that new housing is more efficient housing. We are looking at a more staff efficient system and in the long run, in the long run, the operating costs that are going to cost this County dearly, whether it be for staff, for health care, for programs, we need to be and you need to be efficient in how you manage that future population; it's going to far outweigh your capital costs. Our data over time has indicated that operating costs typically say over a 20 or 25 year life of a bond, the operating costs may represent as high as 85 to 90% of the total cost while the capital cost is about 10 to 15%, in that range, depending on the jurisdiction in the United States.

So it's the operating costs we were very, very concerned about. And I think we can talk a bit more about it but we were actually looking at some tremendous cost saving, potential cost savings by developing new housing at Yaphank, developing the types of programs that need to be there and allowing some redeployment of staff to really put in the types of programs and services that you are so sorely lacking your facilities, whether it be mental health, whether they

be inmate programs and activities so that when they come out they have learned something other than being criminal while they're incarcerated, work programs, meaningful work programs, jail industry programs, all that is factored in to our planning and is factored in to the efficiencies that we're actually looking at, that we actually recommended for the Yaphank facility.

The specifics in terms of -- and that's sort of where Phase I ended. The Phase II report went into the specific costs on staffing and looked at the capital costs as well and I think on the staffing side it just sort of -- to highlight the point I was just talking about, while we're looking at an increase of 27% in capacity, and this is based on just where you are today with the variances, we're looking at an 18% reduction potentially in staff because of the more efficient types of housing. So we're increasing capacity by 27%, potentially reducing staff levels by 18% - I'm sorry, excuse me, increasing staff by 18%; I'm sorry, increasing staff by 18%. A big difference, I apologize; I know, I got you all excited.

But if you look at your design capacity, if you look at your design capacity the numbers are more startling. Your design capacity is increasing, your legal design capacity by 56% and there your staff would be increasing only 18%. So we are looking at efficiencies while the staff would need to grow because the system is growing, it's growing at a slower rate than the actual capacity increase, increases we're proposing, so that's where some of those efficiencies come into focus.

I know there's been some talk of numbers and in terms of what will, for example, the new system cost; when I say the new system, primarily Yaphank. We have seen some numbers say as high as \$60 million a year in terms of debt service and operating costs. While we were not charged with doing a detailed debt service analysis, we did do preliminary capital costs. The debt service -- again, depending on your rating and depending upon interest rates, etcetera -- will probably range in the neighborhood of perhaps 13, \$15 million a year. The operating costs we're looking at also are in that same range of 13 to \$15 million a year. So as far as you are concerned, Legislators, which is a very bottom line number, we might be talking about a \$30 million cost for both the debt service and the operating cost in the configuration that we're recommending to Suffolk County, which is a far cry from the \$60 million that we heard mentioned over the course of the project.

The last thing, and I will close with this, is that on the -- we wanted to make it clear when we looked at the different facility options at Yaphank, we had very open discussions and frank discussions with the Sheriff's Office in terms of the type of beds and the mix of beds. We looked

at classification, we tried to do a match between the type of inmates you have in your system and the type of beds you need to build. One of the thing that's a result of your success here in Suffolk County is that because so many people are out in the community on successful diversionary programs, you tend to have a higher custody level that are incarcerated; that's logic, that makes sense and that is the case. On the other hand, not everybody who is in custody is maximum security. There is a range of population tie-ups in maximum security, medium security and minimum security; you have workers who are typically minimum security, many of your sentenced population are minimum security and we factored that into our planning. We factored -- even though there are some -- there are quite a few sentenced inmates in the system, we have factored that from a cost effective basis we said in our report that perhaps they need to be in a lower security residential setting; the answer is yes, they can be and we have factored that into our planning.

Our costs include possibly some of those populations either being in the expanded DWI facility or even in the new Yaphank facility, a lower custody environment. And we came up a series of options for the Sheriff's Office and for the Legislature and the County Executive to consider in terms of choices, in terms of from the most expensive to a cheaper alternative that would have a variety of housing mix. And I won't go into the details right now, it's all in the report, but they range from all single-cells to a mixture of double cells with single dry rooms to more dormitories. And I think the middle ground, we did an evaluation of those options and the middle ground option which is a -- calls for a mixture of different cell types from single cells to some dormitories to double occupancy, etcetera, is probably a good approach. And again, the capital costs for that particular option with all the project costs included was about 200, \$208 million.

And I will say that -- and this is my last comment -- on the capital costs, the numbers here were reviewed with Public Works, DPW, they cannot be more detailed at this point, we were not charged with the design. There are architects I believe who are presently working for the County, it will be their charge to come back to this committee and the Legislature and the County Executive with a very detailed plan and detailed cost estimates and detailed staffing estimates for you. We were doing things on a very conceptual level, but based on our experience which, as I said earlier, is considerable, we have gone down this road many times before with many counties around the country and our numbers typically are very, very close to reality because we've been through projects, we sent them projects where we actually were involved as a consultant in the design and actually helped open new facilities, so we've been at

the other end of the spectrum. So we have a pretty good solid data base to substantiate our recommendations.

CHAIRPERSON CARPENTER:

Well, thank you very much for that presentation and the report. I know as I reviewed it and reviewed it, because it is quite lengthy, I found it very, very informative, very, very thorough.

I just want to take this opportunity to thank the members of the Public Safety Committee who took the time to tour the Yaphank facility last week. I think it was quite an eye opener for some of the members, especially the newer members of the committee, and really quite the learning experience. I'll open it for questions. Legislator Bishop.

LEG. BISHOP:

Thank you for coming. I'm going to ask Ray Zaccaro to pass out the list of 34 questions that I transmitted to Pulitzer Bogard more than a week ago in the hope that I would get responses in advance of this meeting; I don't have those responses and I would beg the committee's indulgence as I go through 34 questions now, or is there a way that we can manage this issue, have them come back with answers to these questions?

CHAIRPERSON CARPENTER:

Given the hour, I'll open it up to the committee; I mean, how do you feel about it? I know that Legislator O'Leary's committee is supposed to start at three o'clock, Public Works.

LEG. BISHOP:

So I would suggest that we have them back. I mean, I think that everybody would be well served by answers to these questions no matter what side of the issue that you're on. You know, I can tell from the face contortions that nobody wants to go through 34 of these lengthy questions.

LEG. NOWICK:

Can I ask --

LEG. BISHOP:

And the questions themselves are lengthy.

LEG. NOWICK:

Can I make a suggestion?

CHAIRPERSON CARPENTER:

I just -- yeah, certainly Legislator Nowick.

LEG. NOWICK:

Why don't we ask that Pulitzer Bogard & Associates answer these questions, type them up and send them to each member of the committee and this way we have them all and we can read them and digest them and if we need them back then we'll bring them back.

LEG. BISHOP:

That would be fine with me. Written answers would be wonderful.

CHAIRPERSON CARPENTER:

Well, I don't know if that necessarily is the way to go. I think that if there is going to be a dialogue, questions and answers, that we need to do it here at the committee. You know, I would rather have members of the department here to listen to the dialogue. Legislator O'Leary.

LEG. O'LEARY:

Yeah, I think it would be appropriate if the firm responds to these -- has there been any indication on your part or desire to respond to these questions? You've been in receipt of these questions for some time now, according to Legislator Bishop; was it a week?

MR. BOGARD:

Madam Chair? Actually we received the questions last Wednesday which really didn't give us all that much time to prepare them. We have, however, prepared responses that we were anticipating providing you orally today; so we did not draft responses but we are prepared to respond to all 34 questions.

LEG. O'LEARY:

Well, as the Chair has just alluded to, we have some time constraints here. I have a committee meeting that was supposed to start at three o'clock and I would ask the Chair of Public Safety to keep that in mind. And perhaps, if it's okay with you guys, to come back at our next committee meeting for purposes of responding orally to these particular questions that have been put

before you.

CHAIRPERSON CARPENTER:

Well, perhaps the way to handle this is rather than at a committee meeting that we try to convene a time that would work for everyone, although that's like almost impossible to do.

LEG. BISHOP:

That would be a special committee meeting with a stenographer and a record.

CHAIRPERSON CARPENTER:

A special, right, yeah. That we have it just focused on this issue. Yes, did you want to say something?

MR. PULITZER:

Well, I just wanted to say that in the e-mail transmission to us it did clearly state that, "We would appreciate response to these and other questions when you join us at the March 16th Public Safety Information meeting." So just to clarify, we were not asked to prepare a written response; we did it, we do have our answers but we assumed it would happen in this forum.

CHAIRPERSON CARPENTER:

Yeah, okay. Well, would you be able to make yourselves available? And I'll be happy to, you know, have my office work with you to get a couple of dates that would work for you and we will reconvene and that will be the subject, whatever time we set, you can come down here and we can, you know, discuss this and answer those questions at length.

LEG. BISHOP:

That sounds good.

CHAIRPERSON CARPENTER:

Well, I'm asking them a question and I'm asking them to respond.

MR. BOGARD:

Madam Chair, we do have some contractual issues, and I don't know whether you want to discuss them now. Our contract did require that we prepare the reports and appear at a Public

Safety or a Legislative committee.

CHAIRPERSON CARPENTER:

Uh-huh.

MR. BOGARD:

So we're very happy to work with you and if we could discuss that with you separately --

LEG. BISHOP:

Are you saying if you had to come back and answer these you would submit an additional bill; am I to understand that?

CHAIRPERSON CARPENTER:

Do you want to respond?

MR. BOGARD:

I would be happy to. We're not looking for additional money, Legislator Bishop, but we did spend quite a bit of time and money to make ourselves available today. We understand your time constraints and we respect them and we're happy to do anything we can to accommodate you, but at this point I just can't make the commitment to expend additional resources to have all of us travel here and be prepared at another hearing.

LEG. BISHOP:

If you'll recall -- first of all, you're Long Island based, are you not? So I don't know how much additional resources you need to get from Lido Beach to Hauppauge, but if it's extensive I would be surprised. And you'll also recall that you were invited to a prior meeting and did not attend and then said that there was confusion about that; that is correct, Madam Chair, is it not?

CHAIRPERSON CARPENTER:

No, that is not correct. There was some -- I mean, there wasn't a tremendous amount of time, we invited them without a heck of a lot of turnaround time and this was the meeting that we came up with. They didn't --

LEG. BISHOP:

No, there was a prior meeting where they were scheduled, they were not here and then you sent

a letter and scheduled this one which is fine, but I'm just pointing out that there's -- we have been patient and I'm trying to get answers to very significant questions, whether it's a \$30 million --

CHAIRPERSON CARPENTER:

Well, I just for one --

LEG. BISHOP:

-- annual commitment or \$60 million as I maintain and the Budget Review Office maintains.

CHAIRPERSON CARPENTER:

No.

LEG. BISHOP:

The numbers are staggering and the issues are enormous and we need a full dialogue on them and I'm -- you know, if we can't do it today I understand and, in fact, that's why I submitted the questions in advance because I was hoping to move this dialogue forward in the most efficient manner possible.

CHAIRPERSON CARPENTER:

Well, I think what we're going to do is -- and I know that Legislator O'Leary has his committee. What would be the possibility of tabling -- not tabling but setting this aside, going to the agenda, recessing so that the Public Works Committee could take place and then reconvening and picking up this dialogue because they're all here now.

LEG. BISHOP:

That's fine.

CHAIRPERSON CARPENTER:

And I'm prepared to stay as late as we need to stay and those who then have to leave could leave, we'll handle the agenda and then we will -- is that acceptable?

LEG. NOWICK:

It's fine with me.

CHAIRPERSON CARPENTER:

And this way you can stay as long as you can stay.

LEG. BISHOP:

You have the public that wants to be heard also.

CHAIRPERSON CARPENTER:

Yes, I know, I'm aware of that. Okay. So gentlemen, bear with us, if you would, just take a seat. We will --

MR. PULITZER:

Thank you, Madam Chair, thank you members of the committee, we'll be back.

CHAIRPERSON CARPENTER:

Thank you. As far as the cards that we have, I'm going to go through them, keep to a three minute that normally we have in public portion, and certainly anyone who wishes to wait until after we've had the dialogue and the questions and want to wait and have their questions answered then or have their comments heard then, we'll do it that way.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON CARPENTER:

So I've been signaled by the first who's going to wait. Dana Kaplan?

LEG. LOSQUADRO:

Madam Chairwoman?

CHAIRPERSON CARPENTER:

Yes.

LEG. LOSQUADRO:

Prior to us getting started, may I request a very short recess just of a couple of minutes, if anyone needs to --

CHAIRPERSON CARPENTER:

Absolutely, we'll absolutely do that.

LEG. LOSQUADRO:

-- notify family members of changes in plans, I know I do.

CHAIRPERSON CARPENTER:

Okay, all right.

LEG. LOSQUADRO:

Thank you.

LEG. LINDSAY:

Can we do that in between the two meetings?

CHAIRPERSON CARPENTER:

No, I don't mind breaking for a couple of minutes, we'll just break for five minutes.

LEG. BISHOP:

We just had a break.

CHAIRPERSON CARPENTER:

Well, that's a good suggestion. He's asked a question and I'm going to -- well, I'm going to defer to the request made by Legislator Losquadro and we will recess for five minutes. Recess for five minutes. Thank you.

(* Brief Recess Taken: 3:41 P.M. - 3:50 P.M. *)

CHAIRPERSON CARPENTER:

Would members of the Public Safety Committee please join us at the horseshoe. We're going to try to go through these cards quickly as soon as we -- I think we're going to do the agenda first.

LEG. BISHOP:

Can we do the cards so the person make the plane?

CHAIRPERSON CARPENTER:

Well, actually we have some grant resolutions, it's going to take like three members so I want to just do the resolutions.

LEG. BISHOP:

All right, you're the chair.

CHAIRPERSON CARPENTER:

Okay, we're going to go to the agenda, then we will do the cards quickly and then the committee will recess so that the Public Works Committee can convene and then we will come back.

INTRODUCTORY RESOLUTIONS

So the agenda, the first resolution, ***1161-04 - Accepting and appropriating 100% Federal Pass-Through Grant Funds in the amount of \$39,672 from the NYS Division of Criminal Justice Services for the "County Homeland Security Exercise and Evaluation Program (HSEEP) FFY 2002" implemented by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements (County Executive).*** I'm going to make a motion to approve and put on the consent calendar, second by Legislator Lindsay. All those in favor? Opposed? ***The resolution is approved (Vote: 7-0-0-0).***

Next we have ***IR 1176-04 - Accepting and appropriating 100% Federal Pass-Through Grant Funds in the amount of \$388,224 from the NYS Division of Criminal Justice Services for the "County Homeland Security Exercise and Evaluation Program (HSEEP) FFY 2003 Supplemental Assistance" administered implemented by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements (County Executive).*** Again, motion to approve and put on the consent calendar by Legislator Losquadro, second by Legislator Crecca. All those in favor? Opposed? ***The resolution is approved (Vote: 7-0-0-0).***

IR 1177-04 - Accepting and appropriating 100% Federal Pass-Through Grant Funds in the amount of \$431,394 from the NYS Division of Criminal Justice Services for the "County Homeland Security Exercise and Evaluation Program (HSEEP) FFY 2003" administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements (County Executive). Motion by Legislator

O'Leary, second by Legislator Bishop. All those in favor?

LEG. CRECCA:

Second. Can we place this on the consent calendar, make that part of the motion before we vote?

CHAIRPERSON CARPENTER:

Yes, that's what we said. Okay. All those in favor? Opposed?

Approved (Vote: 7-0-0-0).

IR 1185-04 - Amending the 2004 Capital Program and Budget and appropriating funds for the purchase of speed indicator signs for the Police Department (CP 3100.510) (Lindsay).

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator O'Leary.

Budget Review, if you could share with us what the offset is?

LEG. BISHOP:

It's not pay as you go, it's some project that has -- motion.

CHAIRPERSON CARPENTER:

Is Budget Review looking, do you have the answer?

MS. DOERING:

I don't know if it's in the notes or not, I have to check.

CHAIRPERSON CARPENTER:

Okay, she's checking on it so just bear with us. While she's checking we can go to ***IR 1226-04 - Designating "Crossing Guard Appreciation Week" in Suffolk County (Carpenter)***. I'll make that motion.

LEG. BISHOP:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Bishop. All those in favor? Opposed?

The resolution is approved (Vote: 7-0-0-0).

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SENSE RESOLUTIONS

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Sense 47-2004 - Memorializing Sense Resolution requesting the State of New York to implement Suffolk County Red Light Running Law (Lindsay). Motion by Legislator Lindsay, second by Legislator Bishop. All those in favor? Opposed? ***The resolution is approved (Vote: 7-0-0-0).***

And back to 1185, do you have the answer on that offset?

MS. DOERING:

Yes.

CHAIRPERSON CARPENTER:

And the answer is?

MS. DOERING:

The transfer is coming from Capital Project 1755, Infrastructure Improvements for traffic and public safety and public health.

CHAIRPERSON CARPENTER:

Sounds very, very appropriate.

LEG. CRECCA:

The most appropriate offset that I've ever heard of.

CHAIRPERSON CARPENTER:

Good job, Legislator Lindsay. Okay, we have a motion and a second. All those in favor? Opposed? ***The resolution is approved (Vote: 7-0-0-0).***

And we are done with the agenda, we will move quickly to the cards so that Public Works can then convene. Dana Kaplan?

And I thank everyone for being so patient, this is not quite how we normally do things. Do you want to just come sit at the table?

LEG. BISHOP:

Either way.

CHAIRPERSON CARPENTER:

You have three minutes, and unfortunately we're going to have to keep to that three minutes today. Thank you. Go ahead, Dana.

MS. KAPLAN:

I want to thank you for making sure that the public does get to have a voice on this very, very important issue, I think it's important and I will try and make sure to rush through so I keep it to three minutes.

Good afternoon. My name is Dana Kaplan and I'm a consultant with the National Resource Center on Prisons and Communities, a non-profit organization that focuses on the impacts of incarceration on local communities. I'm here in Suffolk County today because I believe that as Suffolk County faces the question of whether to build a new jail in Yaphank, it must look first at what is happening on a national level and what the experiences of other counties have been. We have to look at this situation as part of a nationwide trend of counties facing overcrowding within their jails as increasing numbers of people are detained primarily for low level, misdemeanor offenses and of counties seeking out a variety of solutions to this problem.

Before moving forward, Suffolk County should look to the programs and reforms that other counties have implemented, ones that have often proven to be a more effective and more cost efficient means of both creating public safety and of building healthy communities. I'm going to talk about some of these programs but first to give some historical perspective, I'd like to give a quote from a report put out in October 2000 but by the U.S. Department of Justice called, "A Second Look at Alleviating Jail Overcrowding: A Systems Perspective."

"In 1983 the condition of jail crowding was described as the most pressing problem facing

criminal justice systems across the nation. Today local government and criminal justice officials face no less of a struggle dealing with crowded jails than they did in 1985. And as in 1985, cities and counties still often respond to jail crowding without careful study or planning and without the participation of all justice system agencies. Such approaches generally produce only costly systematic relief such as building more jail beds and leave unaddressed the underlying causes of crowding. Construction and operation of local jails are extremely expensive propositions. Over the years the view that a jurisdiction can solve its jail crowding problem through building has proven again and again to be wrong."

So what the report is saying and what many counties have again and again found to be true is that overcrowding within jails is not solved by building additional jail space. Rather, overcrowding is solved by looking at what the underlying causes are of such an increase in detention and by implementing reforms and efficiency measures that fundamentally address this frequently unjustified rise in the jail population.

And I want to again emphasize efficiency measures because we're not just talking about alternatives to incarceration, we're also talking about looking at where in the jail system and in the criminal justice system there is inefficiency that we can address and which will decrease the jail population, and I'm going to really quickly just go through what those programs are.

CHAIRPERSON CARPENTER:

Good, because your time is almost up.

MS. KAPLAN:

Okay. So some counties have implemented citation programs which give citations to offenders without booking them through the arrest process. Many counties have implemented programs for the mentally ill by hiring people with mental health training and helping officers to identify mental illness. Some reforms strictly deal with insuring that people are moving through the system in a timely fashion. We've already talked about alternative to detention programs which are court sanctioned programs that mandate supervision but do not hold individuals in secure detention. There is electronic monitoring, there is bail reform. There is a countless number of programs and this is just a small number of the possible efficiency measures that can be introduced to reduce the jail population.

The important thing to know is that there are options outside of jail construction that address overcrowding and that these reforms are in most cases more efficient, cost considerably less

money and on a long-term level are more effective at ensuring the public safety.

CHAIRPERSON CARPENTER:

Thank you, Dana, very much. You're welcome to leave a copy of your statement with the stenographer. I'm curious, are you a resident of Suffolk County?

MS. KAPLAN:

No, I'm not, I'm a resident of New York City. But different counties will contact us for community assistance on these issues.

CHAIRPERSON CARPENTER:

Okay, thank you.

LEG. BISHOP:

That's a Mike O'Donohoe question.

CHAIRPERSON CARPENTER:

Well, you know, it's just interesting.

LEG. BISHOP:

Why?

CHAIRPERSON CARPENTER:

Maurice Mitchell? Again, Mr. Mitchell, you have three minutes.

MR. MITCHELL:

Good afternoon. I'm Project Coordinator of the Long Island Progressive Coalition. I, along with a gathering number of community members, are demanding that the Legislature take another look at their plans of possibly constructing a new 1,130 bed maximum security super jail in Yaphank.

We find it inexcusable that the Legislature take on construction without adequately determining the social, fiscal and environmental impact of such a massive project on the County. By supporting the construction of a newer bigger jail with a price tag that's in the hundreds of millions, the Legislature is making a vote of confidence for the further incarceration of more black and Latino women and men who make up a disproportionate number of jail inmates,

severing family ties and stabilizing communities, they need just the opposite.

Our Legislature is encouraging the further dwelling of low income people that simply can't afford bail whose only crime is being poor. We're giving the go ahead to the mass incarceration of the mentally ill and the chemically addicted, people who need to be in programs or facilities that deal with their special needs. And there's a dual message going on, on one hand the Legislature is moving forward possibly with a new jail, yet every year we're fighting for more and more social services that are being threatened. We know because we're always either on a State level or a County level fighting for more and more social services, yet we're talking about hundreds of millions of dollars on jail construction, resources that could be going into building the communities are being redirected to building jails. And we're asking where is the funding for health care, education and affordable housing, and perhaps the only affordable housing that is justifiable is jail construction and we find that unacceptable.

And the amazing thing is alternatives are working, they work well in the County. Why not bolster them? Why not be bolder with the alternatives to incarceration as well as the efficiency measures that Dana Kaplan testified about. So we're asking that the conversation be open and we take a look again at these measure and take a step back from construction and we bring in the communities voices which have not been heard and which need to be heard. Thank you.

CHAIRPERSON CARPENTER:

Thank you. Next speaker is Richard Bartel. Again, three minutes.

MR. BARTEL:

Thank you, Madam Chair. I spoke strongly against the construction of this prison last fall and was here again in January to hear the updated numbers come through about cost, capital cost as well as the operating budget cost. And my concern, really they're three-fold concerns, I'll only address one but I want to mention them all.

First of all, I'm extremely concerned about the budget of Suffolk County which is already, according to -- County Executive Levy two weeks ago in Southampton reported that the deficit currently is somewhere in the range of a hundred to \$200 million per annum. And now at this point this committee is seriously considering building a jail with a 200 plus capital cost to be floated in a bond debt, plus annual operating expenditures of something like \$60 million a year; and of course, according to the discussion today, those numbers are all swinned out and open to

debate.

Given this extraordinary expenditure, budget expenditure and impact on the structure of the debt of this County, and I've lived in this County for over 35 years, owned a home in this County since 1970 and I've been a taxpayer and I'm a voting resident in Southampton for many years. I'm very concerned about this, especially when you put it into the context of the Federal and State and New York City situations.

We are now in -- I hope you will seriously consider this, you cannot think of Suffolk County as some kind of an isolated abstract entity that somehow is independent of everything else that goes on in New York State or in the country as a whole. The United States Government now is in a catastrophic budget profile situation and has no expectation in the near future of reducing the deficit below \$500 million, despite all the promises of the current Legislature and also the Executive.

Number two, New York State is running into serious budget crunches and so is New York City. So Suffolk cannot expect to have financial help on any of its other programs from the Federal and State levels to somehow cushion the impact of this new construction project. We are going to be running this operation alone and it's going to fall on the backs of County homeowners and taxpayers which means more than a doubling of the tax revenues that will have to come from each family, home owning family.

The project is not wise because the construction of a prison and holding people incarcerated does not solve the cause, and I'm particularly concerned about nonviolent offenders in drug abuse cases and also alcohol cases. This is a very complicated problem and I think you really ought to consult with someone like --

CHAIRPERSON CARPENTER:

Mr. Bartel, your time is up.

MR. BARTEL:

-- Deborah Cooperstein who is an outstanding expert Statewide on this project, how complicated the problems of alcohol and drug abuse --

CHAIRPERSON CARPENTER:

Thank you very much, Mr. Bartel.

MR. BARTEL:

Thank you for this opportunity.

CHAIRPERSON CARPENTER:

You're welcome. Next speaker is Mafruza Khan; I guess you're the lady that has to catch the plane since you're from Washington D.C. Welcome to Suffolk County. And you have three minutes, go.

MS. KHAN:

Thank you and good afternoon everyone. My name is Mafruza Khan and I'm the Associate Director of the Corporate Research Project of Good Jobs First based in Washington D.C. I am an economist and a regional planner by training. Good Jobs First is a national clearinghouse for information on State and local economic development policies and programs. Our mission is to promote effective and accountable economic development programs and policies through research, training, communication and consultation.

I'm here today to discuss some of the financial implications of the proposed correctional facility in Yaphank for the County and Suffolk County taxpayers. Because some of the issues that I was going to raise has been already raised by the previous speaker and because of the time constraint, I'll go on to a couple of issues that haven't been raised yet.

As we all know, the proposed facility would increase the outstanding debt of the County by 23% and debt service for the General Fund serial bonds by about almost 30%. The Budget Review Office also points out correctly that the operating and maintenance costs of the facility would be much higher compared to the capital costs of the project.

All this is really important particularly because of the County's recent credit rating upgrading by leading Wall Street credit rating agencies. In September, 2003, for the first time since 1984, the County's long-term credit rating was upgraded by Moody's to A2. The County's scheduled borrowing of \$55 million in short-term Tax Anticipation Notes was also assigned a rating of MIG1, the highest rating for municipal notes by Moody's. Earlier in the year, in May, 2003, the other two leading rating agencies, Standard and Poor's and Fitch, rated the County A and A+ respectively.

As County Comptroller, Joseph Sawicki, stated in September, 2003, this is an extraordinary

accomplishment for Suffolk County in these times of economic uncertainty on the State and national levels. Moody's Investor Service recognizes that Suffolk County continues to experience economic growth, enjoys increasing revenues and is implementing cost controls over its budget; in other words, Suffolk county is a good investment.

In order for the County to retain its current outstanding credit rating, County officials need to continue to implement cost controls over its budget. Jail construction does not receive any aid, so unlike other public projects, debt issued for constructing the proposed facility will not leverage any additional dollars so taxpayers should not be deprived of the opportunity to save millions of dollars in interest expense that are expected with the recent upgrade of the County's credit rating through excessive debt.

In conclusion, as a representative of a nationally recognized organization that promotes effective economic development policies and programs, I would urge the County Commissioners and other relevant bodies of the County to carefully reconsider the expected costs and benefits of the proposed correctional facility, particularly in relation to the County's current budget situation, credit rating and expediential impact on future borrowing. The County needs to be vigilant about its general obligation bond program and develop a viable long-term capital planning program.

Even the leading academic proponents of the tough on crime policies of the 80's and 90's have expressed concerns about the failure of such policies and have said that the nation has maxed out on the public safety value of incarceration. Similarly, many politicians across the nation are reexamining those failed policies and adopting more viable alternatives. I believe the Commissioners here today will exercise sound judgment and guide the County in the right direction in determining its correctional needs. Thank you.

CHAIRPERSON CARPENTER:

Thank you very much for your comments. And if, again, you'd like to share the copy with the stenographer, we'll be sure that everybody gets it. Thank you very much. Next we have Michael O'Neill.

UNKNOWN AUDIENCE MEMBER:

His testimony has been submitted.

CHAIRPERSON CARPENTER:

Okay, thank you. Next then, Andrea Vecchio. Thank you. Good afternoon, Andrea; you know the drill.

MS. VECCHIO:

I'm here as a taxpayer, of course. And I am, as most taxpayers in this County, opposed to spending -- you can't hear me? Opposed to spending 160 million or \$208 million to construct a new jail facility at this time. I don't pretend to know very much about jails, but I do know that we're in a problem time now and that we shouldn't be doing this. In view of the 200 million plus deficit the County has to deal with next year, to undertake a project of this magnitude now would be irresponsible until the County's finances are stabilized.

For many years we were told, the taxpayers, the residents of Suffolk County were told that the New York State, the State waivers regarding population density of the present jail were about to be withdrawn; the waivers stood. If the State were to force the issue -- never mind, I'm going to leave that one alone.

In 1999 a juvenile facility was proposed to be located adjacent to the courts in Central Islip, that project was shelved following community opposition to the location; five years later this project has not moved forward either as far as I know. The committee will no doubt be lobbied by unions promoting this project as a source of jobs for their members and by others who stand to gain by the expenditure of public funds.

I ask that you keep in mind, first and foremost, the best interest of the people who are here to represent the residents and taxpayers of Suffolk County. There may be a time when we can construct a facility like this, but I don't think the time is now, I think it should be put off. Obviously it's been on the books for years and years and years and it's always been put off, I don't see any reason why you can't put it off for a couple of more years. Thank you.

CHAIRPERSON CARPENTER:

Thank you for your comments. Last speaker, Ruth Cusack.

MS. CUSACK:

Good afternoon. Speaking to you today as a resident of Suffolk County, I would like to refer to two items that are in the Jail Needs Assessment Study. First of all, it lists that on a daily basis

164 beds are taken up by parole violators. I have suggested that you might work with the Department of Parole to shorten the time that they're there because it's very long, but I have also just recently learned that having the parole violators come to the local facility rather than going directly to the State facility was something that was changed in the mid 90's. And also that there are two Legislators from Westchester who have a bill in to go back and I'm suggesting that you might support that bill -- I have the numbers but you can easily find them -- in each house to support the fact that parole violators go directly back to State facilities. The change was made in the 90's because the State did not have room, the State is now closing beds, they are decreasing, there were 70,000, they're down to 64 and going on down so they do have the capacity. It's a way for Suffolk County to clear 164 beds on an average basis and you can be sure that sometimes it's a lot more than that.

The other item from the report which is a little curious when you look at it, they show that on a daily basis 170 beds on the average are taken up by people in the jail who eventually get out on ROR, Release On Recognizance. Now, I don't know exactly what the system is, there is an ROR system at arraignment, Probation works out an ROR score and the judge takes that and decides whether to give ROR, "Go on home, we don't have to surveil you, we trust you to come back at your trial," or to give them bail and how much the bail will be and also whether they just get remanded and have to go to the jail no matter what. But it bears some looking into to see why are 170 beds taken on an average 12 days which adds up to 3,200 people over the course of the year who got out on ROR. Can the system somehow be improved so those people who are not deemed dangerous could be given ROR at arraignment? So that's one of the things I wanted to point to.

And there might also be more things to look at at ROR which the JSAT Study that preceded this one pointed to that area, it takes cooperation between Probation, the judges and so on that I just wanted to point out that you do have this number of the 170 beds that might be reduced to zero if the system was changed, plus other changes might be made in the ROR system that reduce the number in the long range. Thank you.

CHAIRPERSON CARPENTER:

Thank you very much, Ruth. And that was just three minutes.

Okay, we are going to recess until immediately following the conclusion of the Public Works Committee. And if anyone is here for the Lake Ronkonkoma Advisory Board, they are meeting

in the Clerk's Conference room in the back. Thank you very much.

LEG. O'LEARY:

Do you need a motion to recess or not?

CHAIRPERSON CARPENTER:

Yeah, a motion by Legislator O'Leary to recess.

LEG. LOSQUADRO:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Losquadro, and we will be. Thank you.

(* Brief Recess Taken: 4:16 - 4:54 P.M. *)

CHAIRPERSON CARPENTER:

Thank you for sticking around and we will commence immediately. I think we left off with Legislator Bishop and his 34 questions; take it away, Legislator Bishop.

LEG. BISHOP:

Again, first I want to clarify the record. I said before that I expected answers before hand, as has been pointed out, the e-mail that I sent said I expected answers today and the consultants are prepared to provide answers today, so.

CHAIRPERSON CARPENTER:

Yeah. No, this is great.

LEG. BISHOP:

So there's no dispute there.

CHAIRPERSON CARPENTER:

No dispute whatsoever.

LEG. BISHOP:

And I correct the record from earlier. You have answers, so should we just go through these one

by one? If you don't mind, I'm going to read them into the record because not everybody who is here has copies of these.

MR. BOGARD:

Legislator --

LEG. BISHOP:

At least each one that you --

MR. BOGARD:

Legislator Bishop, before we go question by question which we're certainly prepared to do, if I could just make a couple of introductory comments.

CHAIRPERSON CARPENTER:

By all means, go right ahead.

MR. BOGARD:

Thank you, Madam Chair. There's clearly a theme to many of the questions and the theme has to do with questions about the lack of precision, if you will, with respect to our program impact kind of recommendations. It's pretty clear throughout the alternative section that we expressed support of alternatives and diversion, that we congratulated the County on what the County is doing already in that area and that we felt that it is critical that the County continue to look at non incarceration options for dealing with your population.

Now, what's also clear in the questions is confusion about why we used caveats, why we used terms such as may and might and why we talked about opportunities. We talked about opportunities -- and again, this is in our report, but we talked about opportunities because we do, in fact, believe that over time there are opportunities to target different types of inmate populations who might be handled outside of the jail; I think we've been pretty clear about that and my partner, Mr. Pulitzer, said that before and the report is quite clear about that. But because of questions that we had about the available data, and we struggled with the data -- we spent probably twice as much time trying to deal with data and data analysis as we had budgeted to do and as we planned to do because the current system that's available just would not afford us the kinds of precise inmate data that would allow us to say if you implement program A you can reduce the jail population by this many inmates. We support alternatives and

if we could have made those kinds of recommendations with precision that were valid that we could stand behind, we would, in fact, have done so, but we didn't have the data. And that's why we talked about opportunities, that's why we identified possible inmate population subgroups that could potentially be handled outside the jail.

As the Sheriff's new data system comes up and is implemented, we certainly would encourage the County to do further exploration of some of these subgroups and to look at whether there could truly be some reductions in the bed need. We think it's incumbent upon you to do that because we're talking about a lot of money. We're not talking about the \$60 million a year that's been quoted and requoted, we're talking about substantially less than that, but it's still a lot of money and there's still I'm sure a lot of things that you'd prefer to do with the money than spend it on jails, we understand that.

We do, however, think that this further analysis needs to occur on a parallel track with planning the new facility, that that can be done responsibly and appropriately and that DPW and your architects and the Sheriff can find a way on this parallel track to do the responsible kind of analysis, to look at the alternatives to see if the total number of beds could be reduced while also advancing the project; there are many ways to accomplish that, we have done that with clients before and we think that you should do so on a parallel track. I hope that that provides perhaps a little bit of clarity with respect to some of the questions, Legislator Bishop.

LEG. BISHOP:

Absolutely. I think that I appreciate that preamble and it certainly, I believe, will allow us to truncate this process here today. I do want to get certain, make more full certain aspects of my question now, you know, I want to further discuss some of the alternatives and whether they're ripe for exploration and what your experience has been elsewhere with that. Because I know that your firm has an excellent reputation around the country and I know around the country that you've helped counties avoid building massive jails as opposed to being in favor of them.

MR. BOGARD:

That's right.

LEG. BISHOP:

Now, here you believe that it's right for a dual track, that we should continue to plan for this jail, a large expansion I understand. But also continue to look at it that alternatives and you felt that

you couldn't do that at this time because the data wasn't fully there for your perusal and analysis; is that fair? I want to make sure that I don't say anything that's --

MR. PULITZER:

No.

LEG. BISHOP:

So correct what I said into the record on the mike.

MR. MILLER:

If I could edit that a little bit. My name is Rod Miller and I'm a contractor for Pulitzer/Bogard on this project and my area of concern was the data collection and analysis and projections on most of the contentious issues that are in the 34 questions.

What I would perhaps offer as an editing of what you just said, Legislator Bishop, is that in some areas we could say with some certainty that alternatives do exist and appear to be close to their maximum impact on the system.

LEG. BISHOP:

Good. So that's --

MR. MILLER:

I heard the testimony of -- I mean, I know that the 34 questions tracks very closely with the language of a report that the intern gave; I taught college a long time ago, I'd give her an A for effort and a C minus for accuracy. And I take part of the responsibility for writing a report --

LEG. BISHOP:

That just invites a lot of discussion now because you just -- you went after a staff person, now we're going to have to go through the whole thing, great. So let's go.

MR. MILLER:

Okay.

LEG. BISHOP:

Fantastic. Question one. "In the introduction of the Phase I Report, paragraph one, it is stated

that "a Request For Proposals (RFP) to study the proposed expansion of the County's correctional facility and whether feasible alternatives to expansion exists. It is understanding from reading the report that you did identify several feasible alternative programs (Section III). In fact, you credited the use of alternative programs in Suffolk County as having a dramatic impact on the rate of incarceration, keeping us in a favorable ranking amongst the 12 largest counties in the State. The success of alternative programs was also given as the reason that the projections made in the past for future inmate population turned out to be too high;" right, that's true. "Given these factors, why are you so dismissive of alternatives throughout the report," which in your preamble you said you're not dismissive, in your editing you say that a number of the alternatives have maxed out, so can we just go through some of these alternatives and discuss whether they are ripe for more expansion or are maxed out. You want to go through --

MR. MILLER:

Well, the question --

LEG. BISHOP:

Well, I mean, where's the C minus? Since you gave the C minus, why don't you just go through it.

MR. MILLER:

Well, the C minus is that, first of all, there are countless alternatives to consider, quote/unquote; that is not true. The C minus is that she talks about citations in her testimony, citation release.

LEG. BISHOP:

Which are the maxed out ones?

MR. MILLER:

In terms of -- first of all, in terms of maxing out, the question is one of diminishing returns. You have put in a tremendous array of alternatives at virtually every point in the criminal justice system there is still room for expansion on where these alternatives exist and the extent to which they can impact the population; so we're not saying you can't do any more. I think it's a matter of degree. Can you expect to have alternatives to confinement and alternatives in general, relieve your system to the extent that you don't have a construction and conditions of

confinement problem; no, that's not realistic in our experience.

If you want to take the example of citation releases, we do have data that suggests that that's not going to be a big hit. You could put some more money into that --

LEG. BISHOP:

Citation relief is pretrial probation?

MR. MILLER:

It's actually prearrestment. It's what happens when somebody is arrested and instead of being incarcerated, detained overnight or even a few hours, they're given a ticket. What's interesting about --

LEG. BISHOP:

And that's what the public speaker, Ms. Cusack, was talking about, ROR.

MR. MILLER:

It's similar, it's in the same --

LEG. BISHOP:

She was saying --

MR. MILLER:

It's part of a continuum. And if you sort of think about this alternatives as a continuum from the point of not even arresting someone, police make diversion decisions by not arresting, by not charging, by not bringing somebody into the system in the first place, this happens all the time with the use of discretion which is a very valid and appropriate tool. But if you think of it from that point all the way up to the very high level of incarceration and the high cost of incarceration, ideally the courts and the justice system would like to have a range, a continuum of alternatives there. Citation release is one where an officer can decide not to bring somebody into detention, into custody and still have a charge process. ROR --

LEG. BISHOP:

My question talks about citation release, though.

MR. MILLER:

Well, you asked -- you wanted to go through the list of alternatives, that's one of the first ones.

LEG. BISHOP:

Right, but we didn't -- no, you graded it C minus --

CHAIRPERSON CARPENTER:

Excuse me, if I could. You -- and I have been trying to listen very carefully. You seem to be a little bit annoyed by a comment that was made and because of that, now you want to go point by point and you said, "So now go through the various alternatives and explain -- "

LEG. BISHOP:

Right, of the document and he's going through an alternative that's not on the document, so he's --

CHAIRPERSON CARPENTER:

But you asked him --

LEG. BISHOP:

It's called a straw dog; you bring in something that's not even in discussion and you knock it down and say, "Oh, look, I knocked it down." I never talked about that.

CHAIRPERSON CARPENTER:

But you asked for an explanation for why a C minus. That comment probably should not have been made, however it was and then you asked for an explanation and he I think was giving it. That citation release was something that was referred to, he explained it --

LEG. BISHOP:

It's not.

CHAIRPERSON CARPENTER:

In the report.

LEG. BISHOP:

It's not referred to.

CHAIRPERSON CARPENTER:

No, in the report that you obviously shared with him from the intern.

LEG. BISHOP:

No. We're discussing the 34 questions; there is nowhere in the 34 questions of discussion of citation release, that's why I asked is that pretrial probation. Perhaps it's similar, I don't know if it's semantics, does it rise to the level of semantics, I'm not sure. But I would like to go through where in the questions did we fail and that's -- you wanted to edit, we had sort of a meeting of the minds and you wanted to edit that meeting of the minds and you brought in the grade and you said we failed, so I want to understand where we failed.

MR. MILLER:

I apologize if I offended anybody by that comment. If we're going to go through these one at a time, I'll point out some of the errors and the assumptions that are in some of the questions.

LEG. BISHOP:

Okay, that's what I'm looking for.

MR. MILLER:

I raised the issue of citation because I heard it from two people who testified in front of you this afternoon, the first of which was the person who authored the content of these questions, so I thought that was a legitimate place --

LEG. BISHOP:

She didn't.

CHAIRPERSON CARPENTER:

No, that was someone else. No.

MR. MILLER:

Actually it was also her, there was a new list of actually five or six --

CHAIRPERSON CARPENTER:

No.

MS. MAHONEY:

Can you speak up, please?

MR. MILLER:

I'm sorry. You know us soft spoken south of the Mason Dixon line folks.

LEG. BISHOP:

All right, let's -- I will calm down and I will try to go back to where we were.

MR. MILLER:

I'm sorry.

CHAIRPERSON CARPENTER:

That would be a very good thing.

LEG. BISHOP:

Let me start with this, parole; it's something we should all agree on and would be the easiest thing we can discuss. People who are in the State system, in the State prison and receive parole, violate parole, they should go back -- in my opinion, I don't know what the law reads, perhaps you can educate me as to that -- they should go back to the State prison as a matter of logic. Yet we have some 170, I believe is our census count currently, around there, in our County jail, it would be my position they shouldn't be there; am I wrong?

MR. MILLER:

There are two, basically two categories. And no, you're not, and I don't grade any answers, I promise.

LEG. BISHOP:

A plus.

MR. MILLER:

There are basically --

MR. MILLER:

A plus, A minus. There are basically two categories of parole violations, there are what we call technical violation -- is that a term we're familiar with? Violating the rules, not the law but the rules; it's not against the law to drink if it's not a condition of your sentence.

CHAIRPERSON CARPENTER:

That's kind of like if you're not supposed to have a cell phone go off in the Legislative auditorium and it goes off, that would be violating the rules.

LEG. BISHOP:

Right.

CHAIRPERSON CARPENTER:

Right, okay. Go ahead, continue.

LEG. BISHOP:

So I should go to the State jail, not the County.

MR. MILLER:

You have technical violations and you have re offense, but clearly if somebody commits another offense it's a violation of parole. When somebody commits -- who's on parole in the community here and commits another offence, you now have a hybrid person; you have a parolee who's under sentence who's an offender but also a detainee, a pretrial detainee who is now going to go through the whole pretrial process.

So one of the things we were unable to find out and discern from the data that was available from the State as well is how does this 170 divide into those two groups? It's arguable perhaps that the pretrial detainees who are reoffenders would be more likely to stay here because they have court appearances, they're being charged, that whole process. Unfortunately they're very hard to divert because they have already been convicted and they're under supervision of parole it gets into a very difficult process. The technical violators, on the other hand, would be something that might be very fertile grounds for a policy shift, a Legislative policy shift.

LEG. BISHOP:

Not by us, though, but by the bigger Legislature in Albany I assume.

MR. MILLER:

It's got to start somewhere, and it's impacting you, you are the ones that are paying to house these people.

MR. PULITZER:

If I may, Madam Chair, Legislator Bishop.

CHAIRPERSON CARPENTER:

Please.

MR. PULITZER:

We recognize the parole violator, rightfully so, as a group that although statutorily you're now required to keep them, we wanted to try and sort through at least the technical violators to see if there was some means of speeding up their process, assuming right now we can't change State law, can we speed up the process by which they are then returned to the State prison system.

I had conversations with the Regional Director of Parole for the two of them actually on Long Island who then bumped me up to the Regional Director of Parole of New York State who then bumped me up to the head of Policy and Planning for Parole in New York State. Believe it or not, not any of those individuals could provide me the data that would sort through -- believe it or not, they do not keep track of which of their parole violators have committed new charges versus which have committed a technical violation. As far as the Sheriff's Office is concerned, you come into the jail you're listed as a parole violator, it's not up to them to keep that information, the State really should be keeping that information. So we did recognize that group as a potential. I would say, again, the technicals are really the ones who might be targeted. When I did ask I said, "Can you tell me off the top of your head what do you think, how many technicals we might have at any point in time in the Suffolk County Correctional System," they had a policy in planning and said perhaps 80 to 85 on a given day.

LEG. BISHOP:

Thank you. Mentally ill; this County has a unique history, we were home to the majority of the large State mental institutions. In the 19, late 70's, 80's through the 90's there was a policy of deinstitutionalization and they was supposed to be commensurate investment in community

residences which, it can be argued, never occurred. We are seeing a rise, I think it's greater than other areas, other geographical locations, I'm not sure, other jurisdictions in the rate of our mentally ill in our jail. I would assume -- A, I don't know if that's true and I would like to know if you know if that's true; and B, I'd like to know if that's an area that would be ripe for new alternative programs or expansion of existing programs. I guess it's A, B, C.

MR. MILLER:

A compound question; do you want to start?

MR. BOGARD:

Let me start. We're seeing this all over the country, not just in areas that previously had large mental hospitals. We're struggling with it with counties all over the country and in most cases what happens is the jails develop fairly sophisticated mental health programs so that they can treat the people who are in the jail and, in fact, the Suffolk County Correctional System does have a fairly large number of staff who deal with the mentally ill population in the jail.

We did run into a data problem here as well. We were having difficulty based on the available data, and I will ask Rod to jump in, but we were having difficulty coming up with sufficient data that would allow us to specifically target what segment of the mentally ill population of the jail could perhaps be diverted or treated elsewhere. Clearly all of those people in the jail who are mentally ill, not all of them shouldn't be in the jail, many of them have committed serious offenses and it's a serious public safety issue. We did identify in the report the possibility of initiating the FEGS intervention at District Court and possibly diverting some people, the numbers that the mental health staff told me, they were not large numbers, they said maybe one or two people a day and one or two people a day is nevertheless valuable, but they weren't talking about large numbers being diverted. So we did look at it but there was a data problem there as well.

LEG. BISHOP:

Around the country have there been innovative programs to deal with that we are not using here that we should be aware of, that we should -- would you recommend we contact X jurisdiction?

MR. MILLER:

If I may. You've had two studies locally on this issue and very thorough and very comprehensive studies and you have a history and a very successful one here which has delayed

this discussion I think by many years because of that. You've had the components of the criminal justice and human services and the government systems come together and look at this issue. The first report was in the year 2000, it provoked some new programs and some revisions on how you do things here, that was updated last year and they reported on how that was going and they have more ideas and more proposals that are on the table.

From what I've seen, you are close to the cutting edge on your sophistication of the analysis of this before we got here and your response to it. It is extremely tough because there are so many entities that have to come into -- the constellation of people that have a stake in this is so large and so diverse and often at odds with each other, it's very difficult to make an impact on this. That doesn't mean don't do it, it means don't go to the bank on it until you get more sense of a collaboration or a consensus on it.

LEG. BISHOP:

Okay.

MR. PULITZER:

The only -- if I may, Madam Chair, Legislator Bishop. The only other program that is right now being evaluated and it's been done elsewhere in the country is establishment of a mental health court, just like you have the Drug Court which has been very successful in Suffolk County. In my meetings with the judges, there was great interest expressed in doing that, they have not yet got to the point of doing that. And part of the issue with Mental Health Court is the availability of community resources because a lot of it is diversion, as you know, and it's a catch-22. So you divert but the resources are not there to catch them in the community, so that is part of -- and I think a wise decision on their part not to go full board with that until they know that the resources are out there to receive these people.

MR. MILLER:

This is also a good example of when the data revisions in your jail data will catch up with you on this, it will be very helpful. To be able to really hone in on the population that might be divertable, we have to take a couple of dozen factors at one time and look at them and hold them constant and do analyses on that, it's just not possible til we get a relational data base that is able to be looked at for the entire population.

LEG. BISHOP:

One of the criticisms and the questions about mental health was that perhaps the way that we triage is not sufficient.

MR. MILLER:

Yes.

LEG. BISHOP:

Don't we ask -- is it true that we ask or have you ever been in a mental institution before and are you taking medications now, basically that's it; is that true and is that a problem?

MR. MILLER:

Your practices here -- and I'll jump in on that one. First of all, your practices are typical in that the screening that happens is done by a layperson unless there's a flag that goes up. So if you think about it, you have well trained but non-mental health training people making the initial triage. Next door at Riker's what happens is because of many court orders and that is that it's a mental health professional that sees every incoming inmate and that is given over to their domain to make those decisions. So from the very beginning there are probably a lot of people that are not being identified.

In terms of the data, we were able to get from the database for the year 2000 less than half of the admissions had a record of those questions as somewhat mundane and clumsy as they were, even had a record that they were asked and recorded. So yeah, there's lots of procedural improvements you could make that would give us not only a better practice on the front end but also better data with which to then model some improvements. You're living proof in this County of what happens when the policies get ahead of the wherewithal to receive it, you close the doors and, you know, they end up -- in this case they've ended up in jail.

MR. BOGARD:

Legislator Bishop, if I could, I just need to correct my colleague here on an important point. In fact, in the Phase I Report on page VI.29, we do say that initial classification includes a lengthy psychiatric history suicide screening form. There's actually quite a comprehensive screening that does occur at the front door, so that's an important point that I want to make here. Our difficulty was capturing data from that. So the data that we had was limited to those couple of terms, but I don't want to suggest that they're not doing a comprehensive suicide and mental health screening because the Sheriff's Office, in fact, is.

LEG. BISHOP:

Pretrial probation. In the JSAT Report, one of our prior reports on alternatives and recently highlighted, the Probation Department maintains that with additional staff, let's say ten additional staff people, at an investment range of \$300,000, that they could handle an additional 100 day bed population; I think the report agrees with that, I just want to confirm that that's true. I mean, of course the system has to send them there but --

MR. MILLER:

And you've just hit on the key issue is that you could have a lot of alternatives out there but Probation is not a decision maker in that case, it's the courts. The experience here tells us that your criminal justice system has been very willing to look at everything, it's really been remarkable how open it has been to change and to innovation and to doing it. But ultimately you have a criminal justice system primarily in the form of judges who make the bail decisions further down the road, the detention decisions, the sentencing decisions that are trying to balance what they think is the right thing to do case by case and we're trying to back from the data, infer what it is they were trying to do and what it is they might have done with alternatives.

We have no reason to dispute Probation's assessment of the capacity that could be expanded and the cost to do that, we don't have any way to gauge whether or not those spaces would be used and if, in fact, that would be a wider net of people that were already on the streets and getting a higher level of supervision which is good, I mean, that's part of what the process is about versus people that would be diverted from confinement, I wish we could have put a number on it.

LEG. BISHOP:

Short term offenders, people sentenced to 30 to 120 days; is that ripe for alternative?

MR. PULITZER:

Legislator Bishop, that is a population we looked at. And I think to clarify what our intent was is that we said that a residential setting would be appropriate for this group, perhaps not in a jail but a residential setting. Because this group, obviously the judges who sentence them to the jail, felt that a more structured environment -- it's a euphemism for a jail -- was an appropriate setting and there was no option but putting them into jail. So I look at the programs, if they

were eligible for the programs that you have so many of they probably would have been sentenced to those programs. Now, what does that mean? Given the difficulty in siting -- let's say we wanted to create a residential facility in the community, and other communities do do that, they find a building or a site or create a low security residential facility for this type of population, some of them who could be on work release, some of them maybe educational release but they're in the community. We actually internally discussed this amongst ourselves, would there be an option for this group. Given the history in Suffolk County for trying to site locations and the DWI facility being a good example, it's right next to there in Yaphank and that facility is not even full all the time, but -- so the two questions are, one, could that be cited someplace else in the community outside the Yaphank or Riverhead locations and is that practical; and two, what type of facility would that be?

LEG. CRECCA:

Babylon would be good; no, that was a joke.

MR. PULITZER:

So we came to the conclusion, and it's reflected in our numbers that we presented, that the excess capacity of DWI which we think will be there once that facility is completed because it's not full today, could absorb some of these people in that residential setting, that would be a good place to put them and maybe focus on substance abuse because that is a serious problem, as you know, with the jail population. And the minimum security beds we have proposed in the expanded Yaphank facility would absorb sort of the balance of that population, so we said let's said put them in a less secure environment, again, within the main complex.

Now, part of the issue when you create a freestanding residential facility by State standards, you then invoke all the requirements of food service and health care and psychiatric care and all the things that become very expensive to provide in a small freestanding facility. So from an economies of scale perspective, we felt keeping that population within the Yaphank complex, whether it be DWI or the new expanded facility, would probably be the most cost effective approach.

LEG. BISHOP:

How much excess capacity do we have? I wasn't even aware of that issue, potentially in the DWI facility?

MR. PULITZER:

Well, the DWI facility presently has 44 beds and at the time of our study there were many days that the facility had fewer beds, there were 10, 15 beds that were not even full. And based on our projections of growth, you know, in terms -- we're not projecting a huge growth rate for the County. I mean, right now your population today, for example, in your jail system today is 1,550, we're looking at an average population of 1,700 and something, so we're not looking at this huge spike in growth. If you would apply the similar percentage to who you have in DWI today, I would guess by the time it's fully operational you may only have maybe 60 people in the facility that would be there on a daily basis at most on DWI and the remaining 25 beds there could be used for this residential placement and, again, the balance would be inside the facility.

LEG. BISHOP:

When I asked that question, in my mind I wasn't thinking so much of new residential neighborhood based facilities as much as home detention, electronic monitoring probation.

MR. MILLER:

When we use the term residential, to us that implies a facility operated by a unit of governmental and that they don't live at home.

LEG. BISHOP:

Right.

MR. MILLER:

Although when I go to California and they talk about work release, for instance, they mean they live at home and come and work at the jails. So residential to us is as Curtis has described it.

LEG. BISHOP:

Right. But we have these new technologies, you know, being perfected, GPS systems and so on; can you comment as to whether that's an area that in the future we should explore or is it maxed out?

MR. PULITZER:

Electronic monitoring -- and it's a good question, Legislator Bishop, and we spoke with Probation

about it. A lot of the programs, electronic monitoring is not as heavily utilized here as they are in some other Counties, and that's not a bad thing. The programs you have are there are enough fail-safes in the program in terms of staff, supervision to be able to manage them effectively because they are being well run. When we discussed with your prior Director, Vince Iaria who is no longer here, the possibility of going to a GPS system, he said they had been looking at that. I don't know if the new Probation Director is looking at that, but that is something that we would encourage the County to look at, those systems are much more effective than the prior electronic monitoring systems which have a lot of problems with them.

The big issue with any electronic monitoring program is the ability to, well, sometimes overly catch people in the act. Because if you fail, if you fail -- and it's easy to fail, the more precise the system the easier the failure rate is, they wind up back inside the facility. So the verdict is not yet quite out on GPS, it's a fairly new technology but it's a former anchor.

LEG. BISHOP:

Illegal aliens; what's our situation there?

MR. MILLER:

We don't know, we're not able to capture that data. It was one of the questions such as the mentally ill where we would like very much to have come back and said, "Here's how many beds are accounted for."

And I want to stress that as we move forward on this discussion it's important to talk about beds versus admissions, and sometimes we focus in terms of numbers of people coming into the system the length of stay, that's an analysis that has not been thoroughly accomplished with the current database, we were able to do it for 2002. It was tremendously productive and informative, but you should be asking really a two-sided question every time, how many do we have as admissions and how many beds do they accumulate as a result of that? I wish we could have answered that. We could tell you based on their intake information that's in the database what country they were from, but we could not give you -- there was not any data that was available to tell us whether they were illegal aliens that would be easy to capture.

MR. BOGARD:

Let me try here as well; if I may, Madam Chair. We did find out that inmates who are not citizens of the United States accounted for 5% of all days spent in detention, we just couldn't find out their immigration status.

LEG. BISHOP:

That's about 80 to 90 people.

MR. PULITZER:

Actually, we had actually calculated as many as 111 people that are not citizens of the United States; of that portion, though, we couldn't determine how many were actually illegals.

MR. BOGARD:

So we did look --

LEG. BISHOP:

I'm going to guess at least 50% and then I'm going to ask you the logical follow up. Let's say we knew that, is there anything we could do about it?

MR. PULITZER:

Again, the issue, Legislator Bishop, might be what their crime was, what they were there for. I think that -- I'm not as up on Federal statute. The INS would obviously come into fore here if they were illegal aliens. Whether they would have to go through the processing for the crime they committed first in the County system before they would be treat transferred to an INS facility I'm not totally sure about.

MR. MILLER:

It would really depend on the circumstances of how they came into your custody.

LEG. BISHOP:

My progressive friends are blanching at this conversation. But I just -- you know, INS doesn't care unless it's a serious crime in other words?

LEG. CRECCA:

Dave, can I just answer that a little bit? Only because I have some experience here from when I was prosecutor in Manhattan.

LEG. BISHOP:

Sure, go ahead.

LEG. CRECCA:

We couldn't get INS half the time to respond to convicted felons; I'm not kidding, Dave.

LEG. BISHOP:

No, I know.

LEG. CRECCA:

Honestly, never mind convicted -- you know, people who were being held on misdemeanors. So it's unrealistic unless things have changed drastically in the last --

LEG. BISHOP:

Things have changed drastically, allegedly. I mean, there's supposed to be new priorities from the Federal government in that area, I don't know if it's reality but certainly the rhetoric has changed.

LEG. CRECCA:

Those priorities are focused more on suspected terrorists, not on people who are shoplifting, you know, things like that. But the bottom line is I don't think that it's realistic to assume that we're going to have the INS, you know, come and pick people up.

LEG. BISHOP:

I don't even think INS exists anymore, I think that they changed the -- there's not even an existence. And I know that the new successor agency has announced that within ten years, within a decade they hope to completely eliminate from the United States people with overstayed visas and haven't committed any crimes, let alone light crimes.

CHAIRPERSON CARPENTER:

Okay, let's get back to these questions.

LEG. BISHOP:

No, I just wanted --

CHAIRPERSON CARPENTER:

And also, too --

LEG. BISHOP:

This is a relevant conversation because --

CHAIRPERSON CARPENTER:

No, it is.

LEG. BISHOP:

-- if we have 111 and there's a change in Federal policy, you know, it's relevant.

CHAIRPERSON CARPENTER:

Okay, good. Now, as we're going through this, there are some population specific questions that seem to be coming up, I think perhaps Under-Sheriff Sullivan or Denzler, if you want to come to the table, too.

LEG. BISHOP:

Can I -- wait, wait, wait.

CHAIRPERSON CARPENTER:

Do you have a problem with that?

LEG. BISHOP:

Yes, I do because we only have these guys one-shot, one time, it's going nicely. They'll have their at say again, you know that.

CHAIRPERSON CARPENTER:

All right, go right ahead.

LEG. BISHOP:

I mean, they're here every week.

MR. MILLER:

Could I suggest --

CHAIRPERSON CARPENTER:

Just trying to help get answers to your questions.

LEG. BISHOP:

And I'm progressing nicely.

CHAIRPERSON CARPENTER:

Progress.

LEG. BISHOP:

Thank you. State-readies, understanding that there's an overlap certainly with parole violations, how many State-readies potentially do we have at any given time in the jail; is that a significant issue or not?

MR. BOGARD:

In '98/'99 it was a huge issue, it's no longer a significant issue.

LEG. BISHOP:

And a brilliant Legislator filed a lawsuit.

MR. BOGARD:

It's no longer a significant issue, the numbers are in the 20's now I believe. There is always going to be some group of people who have been sentenced and not yet received by the State. And in fact, I should point out that in our population forecasts we actually took those two years of State-ready inmates out of our future forecast in terms of the historical data because we did see it as an aberration. So when you look at our forecasts for the future, they're not artificially high because of that spike in '98 or '99, we just completely took that population out from the historical data.

LEG. BISHOP:

I don't know who there is the trend expert, you touched on it before and I just want to bring it out more fully. One of the things that puzzled me is that at the end of the process that we're advocating we embark on, you know, the dual track, we could, we would logically have over 2,000 beds, right, in Riverhead and the new Yaphank? Yet the crime trend is clearly down and the population is not growing any longer, not significantly at least and the population is graying. So why would we need to have like a 30 -- what is that, it comes out to like a 30% expansion at least?

MR. PULITZER:

Well, let me just address the expansion clarification and I'll let Rod address the trend issues in terms of what's happening with dynamics in the County. Part of the issue, and it's a hard one to understand, is that the -- we are -- we made a fundamental assumption -- it's not even an assumption, it's a fact -- that the Commission of Correction variances will have to go away at some point in time, that left a hole of 350 beds in your system; those beds need to be replaced.

As far as projections go in terms of the 1,700 plus inmates in the system, they said today if you're running 1,550 today in your system, our growth rate is only looking at maybe 16, maybe 16, 17% growth over the next 11 years, which is not a huge increase if you do it on an annual basis, it's like one and a half percent per year. Rod, do you want to add to that?

MR. MILLER:

I'll try. It is a very modest rate of growth that's projected. As far as the crime rate going down, while that's happening, at the same time you see arrests going up substantially and steadily. Apprehension is increasing for a lot of reasons, but the arrest is the point of entry into your system, they come to your jurisdiction as detainees. To the extent that they're heading to State prison eventually, they're still yours until they're disposed of either with a plea or a sentence or they're found not guilty. So that's really the number that's driving it up, although it's a very modest; again, if you want our perspective from around the country, the rate of growth that we're projecting here is a very modest one and it's less than we've experienced in recent years even here.

LEG. BISHOP:

I know that prior reports predicted a similar or even a more aggressive rate of growth and it never materialized. Is it not possible that there would be negative growth given that the population is not growing and the population is getting older, it's not plausible? And don't you max out on the arrests at some point, on an aggressive policing policy?

MR. MILLER:

It's certainly possible that you could see a flattening out of the rate of growth. From everything we could discern from the previous reports, and they served a very important purpose by saying

if you don't change things yet again in how you run the system, this is where your population is going to be, much of the credit, if not the lion's share of it, should go to the alternatives and the refinements and the improvements you made in the system that have kept people from going to jail and the numbers that they would have been without those alternatives in place. Could you impact that future number by continuing to shake the tree? Sure. Although what we're trying to say here I think is that there is a diminishing return and you shouldn't go to the bank expecting that you could eliminate future growth by expanding alternatives, that's more than you could really ask for here at this time.

LEG. BISHOP:

In the report you discuss minimum verse maximum and moderate. And believe me, it's something I don't know much about except that I know that it seemed implausible to me that a local County would need a completely 1,100 bed maximum security facility; can you give us a synopsis of that discussion?

MR. PULITZER:

We agree that the County does not need a 100% maximum security facility and we state that in our report; I know there have been discussions and maybe people have taken that position. We do agree that the facility, because of the alternative programs and the success of them, they tend to take out the lower custody inmates from the system, in your case at least, so that the remainder in jail are higher custody so the majority of your people in jail are medium and maximum custody. There are some minimum custody, some of the sentenced population definitely fall into that category, the short-term sentence we were referring to earlier. So we, therefore, proposed a mix and the type of supervision and the type of beds that different custody levels require have different cost parameters and we definitely factored that into our analysis, we laid out several options, different types of housing mixes from all maximum security because that was something that was discussed and we wanted to cost that out to a more varied mix of beds. We think that probably when we did our criteria evaluation, sort of the middle ground is probably something that's most acceptable. For example, putting people -- and to the credit of the Sheriff's Office, when we met with them and discussed with them they were intrigued by the idea of creating what we call double dry rooms, rooms that basically were not high security cells but for inmates that could be housed in a room, more double -- or single rooms rather; I'm sorry, single dry rooms, not double, single dry rooms. Rather than putting them into a hard cell, they could go into a room without the plumbing fixtures, the doors would be left open, there would be communal showers and communal toilets and that would be a more

expensive housing environment. We would still meet the Commission of Correction standards and will cost less money, so that was something that we broached and we received a receptive response.

LEG. BISHOP:

Am I correct that function follows form when you build a jail, so if you build maximum security you have to staff and operate it that way; is that correct?

MR. BOGARD:

Actually it isn't.

LEG. BISHOP:

Okay.

MR. BOGARD:

There is clearly a preference for single occupancy, but that is to be distinguished from maximum security; as my partner just said, there are different ways to achieve single occupancy.

LEG. BISHOP:

Well, these are terms of art in the prison world that I'm not familiar with.

MR. BOGARD:

And we --

LEG. BISHOP:

So what I'm trying to get at --

MR. BOGARD:

We have to be careful to avoid our own jargon and we appreciate that. But because a housing area is designed as single occupancy does not mean that it necessarily has to be staffed as if it's maximum security. And I think clearly one of the areas that we spent a lot of time on and offered some real opportunities, to use that term again, is in terms of looking at far more efficient staffing approaches than has been possible before.

LEG. BISHOP:

I know that and I know that's what you're proud of and that's why I wanted to offer you the opportunity to discuss. What I'm asking is that we as policy makers should be very conscience of that because as it's designed it will have to be operated; is that -- so I'm going to take out the word maximum security from that statement and just say that the design is going to impact the cost of operation, favorable and unfavorable, I mean, either way.

MR. BOGARD:

The design will but the particular type of cells frankly, given direct supervision which we talk about and we define in the report, given direct supervision, the difference is -- there may not, in fact, be much of a difference between a maximum security housing unit and a medium security housing unit, for example.

MR. PULITZER:

I'll add one more comment to your form follows function comment. In the general planning of a jail, let's call it a jail -- we have to use our terms correctly, this is not a prison, this is a jail -- the form follows the function is a very important aspect of it, but as it relates to operations as well. So your architects and your planners who are hopefully going to plan this new facility need to be very cognizant and aware that issues such as site lines, minimizing control stations, allowing good visibility, using technology appropriately, allowing a housing unit design that will afford the officer in the housing unit maximum visibility so that one officer, as David just said, can operate the unit and so you have to come back in and add another officer. For example, at Riverhead the problem you've had now in the units you divided, you added the ball, you're left with a control station, you have an officer in the pod at the same time. One of our key recommendations -- I know we haven't discussed Riverhead but Riverhead can't be forgotten -- is that we are -- you know, we need to -- you know, we're recommending to modify, take the units back to where they were and close those control stations because you don't need them.

LEG. BISHOP:

One of the reasons that \$60 million operating cost figure came about is you say correctly, form follows function, that's how we all learned it, but what the BRO was saying is that function followed form historically in Suffolk County and that we were building facilities that had -- and then we had to follow operationally what we constructed and we weren't doing it properly, and that's I think -- I know what you're most proud of is that you were going to invert that to the correct way.

MR. BOGARD:

That's correct.

LEG. BISHOP:

Right, okay.

CHAIRPERSON CARPENTER:

Are you done?

LEG. BISHOP:

No; getting there, though.

CHAIRPERSON CARPENTER:

We're very impressed.

LEG. BISHOP:

The data issues which I think we went down for all those data issues, mental health there was a data issue, pretrial probation I think there was a data issue -- oh, I have another one. The data issues that you encountered here, is that unusual, is that something we should be concerned about?

MR. MILLER:

I'm on probation I think; I'm on supervised probation.

LEG. BISHOP:

It's not double secret, though, because of the stenographer.

MR. MILLER:

I think that with the revisions that you're making I think there's a two-pronged solution to this; one is that you're in the midst of converting what is an approximately half million electronic files into an interrelational database that would give you a lot; that in itself will bring you up real close to the front of the pack as far as your capabilities.

I think you also need to examine additional data elements for which you want to collect the

data, the mental health classification. There are places where even if we had the ability to manipulate the database, the information, the raw data wasn't there. So I'm sure that the Sheriff's folks are in the back kind of saying, "Yeah, we should add this to our list, we should start to collect this." The illegal alien issue is easily addressed by beginning to make that something that you collect for every admission.

MR. PULITZER:

But the problems that we confronted with the data are very typical; in fact, if anything we very often find counties, especially smaller counties, that don't even have automated databases to begin with. We started out with that, we knew you had an antiquated system when we went into this because we did do some prior investigation, we thought we could draw out more of the information than we could. But you're in the boat with everybody else and you're solving it the way other systems, large systems are solving it, by developing a relational database.

LEG. BISHOP:

The calculus on maximum legal capacity. It's my understanding that the State Correction Commission, whatever, gives you a range of 85 to 90 and that we used the 90% figure and if we had used the 85 -- reverse that, we used the 85% figure, if we had used the 90% figure you could instantly eliminate the need for a hundred beds. Is that -- I'm sure that's not accurate you're going to tell me, but tell me why that's wrong.

LEG. CRECCA:

Are you referring to this document?

MR. MILLER:

While they're looking at the 85 versus 90, one of the things that was not typical --

LEG. BISHOP:

I don't think that was in my question, so that's a new contestant.

MR. PULITZER:

Our -- the Commission of Corrections defines functional capacity as 85% of the maximum legal capacity, that is the commission's definition. I've not heard the 90% figure, Legislator Bishop, we know it only as 85%. So that the jail, the maximum legal capacity is 15% bigger than the actual functional capacity which is what we did. Because we had projected an average daily

population of 1,788 in the year 2015, that translates into 21,404 maximum legal capacity; not maximum security, maximum legal capacity required. I'm on 2104 -- I'm sorry, it's the medication, I think I'm losing it. 2,104.

LEG. BISHOP:

All right, let me -- let me ask this next one as gently as possible. Given all the data challenges, unusual or not unusual, and given that the RFP clearly asks for an evaluation of alternatives, did you inform anybody as this process went on that that aspect of the report wasn't going to be as concrete as perhaps would be reasonably anticipated?

MR. BOGARD:

Well, we actually raised concerns before we even started the process. We were directed to work with what we had, we did -- as I said before, we spent a lot more time than we had budgeted to deal with the data. And we were working with Sheriff's Office along the way and I think they were cognizant of the data concerns that we had.

LEG. BISHOP:

Were they cognizant of how the data concerns would impact the analysis? That's what I want to know. I mean, I don't know who you thought the -- I don't want to say yes. I mean, who was the client and did you inform the client of the problem? I know I'm the end user, I guess, the policy maker, but --

MR. BOGARD:

We took direction from the Sheriff's Office so, I mean, the client was Suffolk County but the Sheriff's Office was the project manager, if you will.

LEG. BISHOP:

Right, okay. Well, I appreciate all the answers that we had in this dialogue. I think that it was productive, I give it an A+. Clearly we have some differences but we have a lot of common ground as well, and I think the common ground is that I believe that if you were in my position that you would advocate fully exploring alternatives. Where we disagree, I think it's fair to say that you would advocate a dual track, continuing the planning and the expenditure of money on a 1,100 bed Yaphank facility, I choose not to go down that path. But we do agree about the need for the County to continue to more fully explore the data and alternatives and that there is a potential for beds, daily beds; can you say it that way? Reducing the number of beds

necessary. Is that all fair?

MR. BOGARD:

I think that's a fair characterization of what we're saying, that you should proceed on a dual track. It's going -- if you gave DPW and the architects the go ahead tomorrow to start the planning and designing, it would take nine months, eight months, I mean, it would take a considerable period of time.

LEG. LINDSAY:

In Suffolk County? Try double it.

LEG. CRECCA:

I wish it was eight or nine months.

MR. BOGARD:

Well, in other counties it would take eight or nine months.

LEG. BISHOP:

You know, actually we did give -- the Legislature is done voting at this stage, at this point.

MR. BOGARD:

Okay. Well --

LEG. BISHOP:

I don't know, we authorized it.

CHAIRPERSON CARPENTER:

Yeah, the County Executive.

LEG. BISHOP:

Although I'm glad that you haven't --

MR. BOGARD:

If the architects in DPW were beginning tomorrow or today under any set of circumstances, there would be six months, eight months, nine months before anything had to get bid out, there

would be options to segment portions of the facility to be bid separately as an add-alternate and as an add-deduct, I mean, there are different ways to do that. So that if this dual track were to occur, by that point you would probably have some answers and you would be able to say, "Yes, we can knock 60 beds off it," or, "No we can't," or we don't have to staff it at some point if we can find a way to divert that number of people. So there are absolutely options, Legislator Bishop.

LEG. BISHOP:

I appreciate that. Would you consider it extra contractual to provide me with a list of the data questions that we should continue to pursue in order to look at alternatives? In other words, what questions do we need to fully flesh out in our data so we're asking -- so we're compiling the data that we need?

MR. BOGARD:

We would be happy to.

LEG. BISHOP:

I would appreciate that. Thank you.

CHAIRPERSON CARPENTER:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

Yeah, I have a couple of questions about things that we've heard that maybe you gentlemen could clear up for us. For one thing, you're familiar with the dormitory type settings that we have in Yaphank now? We've been told that the commission will not approve that type of incarceration anymore; is that correct?

MR. BOGARD:

Legislator Lindsay, I'm a little bit reticent to tell you what the commission will do, but there clearly are provisions in the regulations that -- in the commission's regulations that do address dormitories and multiple occupancy. So to the extent that we assume that any portion of the facility would be double occupancy or dormitories, it was because there were provisions in the regulations that allowed it, but I don't know the answer about whether they would approve them or not.

LEG. LINDSAY:

Would that be considered a minimum security facility with the dormitory setting?

MR. BOGARD:

Where there are dormitories that would be considered for a minimum security population, but it could be part of a larger facility that the perimeter of which was maximum security but that portion of the facility being lower custody.

LEG. LINDSAY:

So again, one of the things that you were talking about, your vision of one compound with maximum, minimum and maybe medium within the same compound.

MR. BOGARD:

That's correct, sir.

LEG. LINDSAY:

Okay. Just another thing that we've heard an awful lot about. In New York State, are you fellas familiar with the Rockefeller Drug Laws?

MR. PULITZER:

Yes, sir.

LEG. LINDSAY:

That there's a great deal of discussion about them being repealed or else modified; if that was to happen on a State level, would that impact our population locally?

MR. MILLER:

Yes, it probably would. It would depend on the nature of the modifications --

LEG. LINDSAY:

Okay.

MR. MILLER:

-- and whether they were targeted at prison, imprisoned inmates sentenced to prison or those that would be --

LEG. LINDSAY:

But would it impact us negatively or positively; would we be forced to hold more prisoners locally than send them to State prison or just the opposite?

MR. MILLER:

There are scenarios that could go either way with that.

LEG. LINDSAY:

So there's no definitive answer.

MR. MILLER:

What we see in other states is sometimes the State prison systems are overcrowded, their solution to that is to reclassify who can go where for what reasons and they end up in jail instead of prison, and that's not an unusual scenario.

LEG. LINDSAY:

So there could be a scenario that we wind up with more prisoners if this was to be affected.

MR. PULITZER:

We actually, Legislator Lindsay, actually did look at that in our report on page IV.21, there's a discussion of what the impact could be; again, depending on the way it's written, but it could be a negative impact on the County.

LEG. LINDSAY:

Okay. Any given day we'll roughly have 300 to 350 more prisoners than we have capacity for, you know, rough numbers, whatever. In all of these alternatives, this ROR, the GPS system, the State-readies, can you fellows envision us shedding 300 prisoners a day?

MR. MILLER:

With what I was able to collect and analyze, I would say no, I think it's unlikely. You have shed already hundreds through these kinds of programs, if you let up for one minute the programs you're currently operating, you're going to see the reverse, you're going to see people, an increased population.

LEG. LINDSAY:

See, the other thing that we haven't -- I haven't heard in this whole discussion yet, we have talked about the overcrowding issue, but what we haven't discussed is the incredibly poor condition of the Yaphank facility. I mean, I am not an expert on criminal justice, but I toured that facility twice and the conditions out there are inhumane, they really are. And I don't know how much of that existing facility can be saved, it's 50 years old. And I believe the big assumption about building this 1,100 bed prison is that it's going to replace the existing facility that's there now. I would like some comments on it.

MR. EHASZ:

Russ Ehasz. Our firm or our architects did evaluate both facilities and I agree with your comments on them. They have lived their life, though, they're there a lot longer than a life of a normal building. And there has been a lot of renovation work there, I'm not defending anything, the answer is that basically most of it should go. Now, Yaphank they have spent quite a bit of money on a new kitchen and storage facility.

LEG. LINDSAY:

Which is brand new.

MR. EHASZ:

That's correct.

LEG. LINDSAY:

The kitchen is brand new.

MR. EHASZ:

And there are alternatives that could be looked at saving some of those. David Bogard also mentioned earlier about taking some of the dormitory physical space and changing it to program space. It is inadequate for housing prisoners or the gymnasium where they're housing prisoners now, that's not adequate, but you can use that for some of the program space with major renovation to it. So yes, the answer is some of that could be saved and our cost estimates did reflect some of that, not just doing a complete new one but basically preserving some of the things that you could preserve there.

LEG. LINDSAY:

One of -- the course of action that this Legislature set out on last year was both dual track and multifaceted. In the Capital Budget last year we approved the study to go forward to make sure that we're doing everything we can rather than locking people up, and that's what you fellows were commissioned with. And simultaneously we approved the funding to go forward with the planning of the overall facility and we positioned the construction money in different phases over a four year period with in mind that we would build one phase. Hopefully some of the alternative work that you guys came up with, the magic pills, would shed some prisoners and we might not have to go forward with the next phase or that, you know, maybe we could somehow utilize some of that facility through renovation and keep it operational to kind of hold our options open. Do you think that's feasible?

MR. EHASZ:

Well, as far as the facility itself is, to a short-term degree I believe some of it is being renovated right now, more life safety issues because that was a major problem.

LEG. LINDSAY:

Most of the renovations there are emergency in nature.

MR. EHASZ:

Right, right. Beyond that, there is a degree of phasing that could be done and even to the extent that some of the pods that would be developed for the population could maybe not be built if something changed in the future.

LEG. LINDSAY:

But my point --

MR. EHASZ:

But the program space and the major part would still have to be done and should be done to upgrade that so it's something that could be not only approved but it would make sense to have the people --

LEG. LINDSAY:

But the point that we were trying to make last year in the overall planning is to plan for the future for an overall facility that integrates with each other. I mean, what we have there now has evolved over different time frames over 50 years; I mean, we have some permanent

construction, we have some modular buildings that --

MR. EHASZ:

Should be torn down.

LEG. LINDSAY:

-- were supposed to be for five years and they're there 15, I mean, it's --

MR. EHASZ:

They should just be torn down.

LEG. LINDSAY:

It's just a hodgepodge of stuff that's come together and it makes for a very, very inefficient and costly facility and we're trying to avoid that mistake in the future.

MR. EHASZ:

And was said earlier, the Sheriff's Correction Officers to be more efficient there is 80% or 90% of the cost, so that's something you want to maximize and not have something that's not architecturally efficient.

LEG. LINDSAY:

Which really leads me to the last question. We constantly hear numbers on both the capital costs of this project and the operational costs of this project, we even heard from some people from out of state today telling us what this thing is going to cost. Is it -- can it be accurately predicted what the cost of this facility is until we design it, both in terms of capital construction and operational construction?

MR. PULITZER:

The absolute will be there, Legislator Lindsay, until you actually have the detailed estimates based on detailed drawings which have to proceed to get you to that point. As I said earlier, I think our cost projections are good guide posts for now. I think the staffing members I think are probably a better guidepost because the staffing is in a sense criteria by which the architectural design team should work towards. We have the number of units defined, we have the services defined and that should be a target goal, that efficiency that we looked at should be a target goal, hopefully they'll do better.

So the final operating costs won't be developed until you reached that point in the process where either they or both, probably the Sheriff's Office will come back with a staffing plan for you to review.

LEG. LINDSAY:

Okay. But my question, can the numbers be accurately assessed until a design of the building is complete, both capital construction -- I mean, if you're building 1,100 cells or beds and they're all maximum compared to your plan of building some residential settings, some -- I mean, you're going to be talking about two different numbers, right?

MR. PULITZER:

That's correct. Now, I'm not privy to what is happening but the answer to your question is no, you will not know the number until we know.

LEG. LINDSAY:

Until we know what we're going to do.

MR. PULITZER:

Yes, correct.

LEG. LINDSAY:

Okay. Thank you.

CHAIRPERSON CARPENTER:

Thank you, Legislator Lindsay. I have one question and then we'll go to Legislator Crecca. In all of the interviewing and people that you met with, and perhaps you said this and I didn't hear you, but did you at any point in time have contact or meet with the commission and get a sense on how they feel about the situation and the commitment to build the jail?

MR. BOGARD:

Madam Chair, I went up to Albany and I met with the commission, the chair and two of his staff people and I certainly heard a sense of urgency on their part. I guess this was probably last summer when I went up there, they were quite clear with me that we needed to get our planning done as soon as possible so that the project could proceed. They talked to me about

the variances, they told me the variances would be pulled, so there was a clear sense of urgency on their part.

CHAIRPERSON CARPENTER:

Thank you. Legislator Crecca.

LEG. CRECCA:

I guess it's sort of a question and also a point to make, and I know Legislator Bishop spoke about ROR/GPS, these alternative programs, but we can't predict with any reasonableness, can we? I mean, we're dependent on the judicial branch of government and what they decide to do. There's this assumption that we can take 30 people who are sentenced to 30 days or less than 120 days or whatever arbitrary number we want to pick but, you know, having practiced on the other side and seeing that we're -- you know, somebody's getting sentenced to 30 days, they've already maybe been in jail in the past or have been convicted of something in the past, there's a reason why they're there and why they're doing that. And I guess my question is, you know, don't you have to use the data that you collect now and what you have as a basis? It's unrealistic to say that we can release more prisoners or get more prisoners on to the street, isn't it, in any type of significant number; what Legislator Bishop's talking about.

MR. BOGARD:

Well, Legislator Crecca, what we said before is we identified opportunities; an opportunity doesn't mean it will happen, and that was part of why we hesitated and caveated as much as we did. We saw potential groups of inmates who could potentially -- the king of caveats here -- who could potentially be diverted, but we don't know enough about the people who were in that group to be able to say with any degree of confidence that they wouldn't have a lot of priors, that they would not have warrants.

LEG. CRECCA:

But it all still is dependent on a judge and what a judge decides.

MR. BOGARD:

Well, and ultimately the judiciary would have to support such a program and then the individual decisions would have to be made about individual inmates, yes.

LEG. CRECCA:

I guess my question is, too, did you take into account or do anything as part of your study to weigh any factors of whether or not the judges are currently pushing the envelope, so to speak, and being careful about how many they send to jail based on the fact -- I mean, they're obviously aware that our jails are overcrowded and that this problem exists. I can tell you in the area, an unrelated area of juvenile detention that the judges are aware of that and have taken many steps and pushed the envelope so that they can minimize the number of juveniles that they're sending to detention. You know, what makes us think that judges aren't doing that now knowing the situation?

MR. PULITZER:

Well, Legislator, I asked the Judges directly that question, I said, "What would happen if we build more new beds, would you change your policies," and the answer was no. They feel that the programs have been successful, the ones that are in place and that's, again, why we have confidence in what you're doing. We can't predict the unknown but what you are doing they do have a great deal of confidence in those programs. And they said if there were other programs that they could have confidence in -- and I said -- you know, we talked about what else could possibly be done and we sort of agreed together, he said, "You're at the max." But there may be a few other things, as we talked about earlier with Legislator Bishop, that possibly could be looked at that they would at least be willing to consider them.

LEG. CRECCA:

Okay.

MR. PULITZER:

But they seem to feel that -- and the prosecutors as well, that they're willing to work with what you have. And that hopefully, though that is a risk and we've been down that road, too, that when you build new facilities and there's more capacity the beds tend to get filled; I think that is something that the County needs to be very careful to monitor that that does not happen.

LEG. CRECCA:

And that is one of my concerns. The other thing I -- the other concern I would just raise is -- not a concern, I guess maybe it's a question, but I think based on your study and based on the current conditions of our jail, I mean, there's absolutely no question that we shouldn't be moving forward as expeditiously as possible; is that correct?

MR. PULITZER:

We would agree.

CHAIRPERSON CARPENTER:

We should or shouldn't?

LEG. CRECCA:

We should.

MR. PULITZER:

We would agree that you need to move the process forward, yes.

LEG. CRECCA:

I just have to add a comment at this point because it's the appropriate time to do it. It's just that it just -- I still sit here in sort of amazement that we haven't moved quicker on this as government goes. I think -- I agree with Legislator Lindsay's comment earlier that it's almost shameful of some of the conditions that exist out there now. And while I certainly am not looking to create any type of uxorious conditions for prisoners, I think it sometimes rises to the point of inhumanity. And I say it publicly on the record here because we have an obligation.

I think the Commissioner of Corrections has pushed the envelope with Suffolk County in the issuance of variances over the years. And I commend Legislator Bishop for his criticism of the jail and I think it only helps produce better results at the end, but I wholeheartedly agree with Legislator Lindsay that we've got to move on a dual track as quickly as possible to, A, design a prison, get it built and we can still investigate and constantly tune in to do things to improve it, but we've got to move.

CHAIRPERSON CARPENTER:

Thank you. Legislator Mystal.

LEG. MYSTAL:

Piggybacking on what Legislator Crecca said and Legislator Lindsay, if in fact the conditions are inhumane in that jail, in your database when you were doing your study, did you find out, A,

what is the racial composition of that jail in terms of minority versus white; and two, what is the maximum bail setting that is sent to the jail? In other words, you know, if something who had a bail \$250,000 would they be in there? What's the minimum bail setting or maximum bail setting? I think that jail has a maximum and minimum. Did you find any racial composition, that's number one, what is the composition of the jail system and what is the minimum and maximum bail that people are in there?

MR. MILLER:

Yes, we were able to examine the ethnic and racial characteristics of the population, that's data that's available. The bail issue, I'm not sure I understand, the amount of bail that's been set, is that it?

LEG. MYSTAL:

From what we understand, people that are sent there are awaiting bail and they cannot meet their bail.

MR. MILLER:

Right.

LEG. MYSTAL:

And I'm trying to find out what is the smallest amount of bail that a person would get into that jail or what is the highest amount of bail that somebody will get in there; is it 100,000, 50,000, 25,000?

MR. MILLER:

Somebody could have \$100 bail set and if they can't make it they will be in jail.

LEG. MYSTAL:

That's what I'm trying to find out.

MR. MILLER:

If your question is are there people in jail with lower amounts of bail that would be easier just to -- for somebody to anty it up like a community bail fund?

LEG. BISHOP:

We have a program to deal with that, right?

MR. MILLER:

Yes, yeah. You have systems in place that are supposed to detect those kinds of situations.

LEG. MYSTAL:

Supposed to.

MR. MILLER:

Supposed to. Perhaps I could put a little light on it, usually those low bail situations are one of the first ones that you're able to divert through pretrial screening, through the alternative programs, through ROR; if somebody can't make 50 or \$100 usually that's an ROR kind of an opportunity.

One of the characteristics of your jail that's very different than other jails that I have examined is that your length of stay profile is substantially different in that in a typical jail about 75, 70 to 75% of the inmates would be released within three days; that's kind of a number that most people kind of go wait a minute. But those people would account for only a few percent of the beds on a given day, so you have a high turnover of police lockup, book and release kind of situation. In fact, in your jail you have about a third of that in the three day or less capacity. You're basically intercepting a lot of these very short, short-term high turnover people before they're incarcerated; to me that's an indication that some of these systems are working, that you're not locking people up for a very short period of time that really could have been released in the first place.

It's a very unusual profile, about 25% of the admissions versus 75%. And to me it speaks positively about the mechanisms that are in place to avoid that. Unfortunately, those aren't the big hit ones, it takes a lot of those two day people to makeup a bed versus one judge who says six months in the County jail and you're sentenced, they can wipe that out. But all of those efforts are worth continuing and expanding where possible.

LEG. MYSTAL:

Did you find the racial composition?

MR. PULITZER:

No, actually we cannot find that, Legislator Mystal, but we'll get back to you with that

information.

LEG. MYSTAL:

I've been to the jail and from just a quick observation, it seems to me a lot of them are either African-American or Hispanic, meaning that they cannot meet their bail whether the bail is \$100 or \$200 or maybe \$250,000; I'm making the assumption. And the point is that I'm saying if the conditions, as horrific as described by Legislator Lindsay and Legislator Crecca, then those people are suffering.

LEG. LINDSAY:

Yes, they are.

LEG. ALDEN:

How about the CO's?

CHAIRPERSON CARPENTER:

And the staff are suffering also.

LEG. MYSTAL:

The staff is there, too. But you know, I'm just making the point for people who may be misguided in their thinking that we're trying to do something to minorities by trying to go to jail, you know, we are also trying to make the conditions better for people who cannot meet the bail which is in there and they have to be in there. The Sheriff's Department does not, does not set bail, it only houses them. And Legislator Bishop came up with a lot of proposals which are very good which may take years or never happen. In the meantime, people from my district who may be innocent have to live in that condition.

CHAIRPERSON CARPENTER:

That's a very valid point. Thank you. One comment I want to make and -- well, first of all, I was very pleased to hear the experts -- and I think everyone would agree these gentlemen are the experts -- the statement was that they're truly amazed at how successful we've been in the area of programs and innovations and alternatives. I think that was something that we heard, too, from the representatives from Commission of Corrections when they were down here last year.

I did want to clarify something that I thought I heard earlier when some of the numbers bantered about for the cost of the bonding and the cost of operation was about \$60 million, but

the numbers that you guys came up with was 13 to 15 million for each of those components, bringing us at in anywhere from 26 to 30 million; is that correct, did I hear correctly?

MR. BOGARD:

Yes, you did, that's correct.

CHAIRPERSON CARPENTER:

Okay. Are there any other questions for these gentlemen?

Okay, thank you very much for your patience.

MR. PULITZER:

Thank you very much.

MR. BOGARD:

Thank you.

CHAIRPERSON CARPENTER:

I do think that we will ask the representatives of the department to come forward.

LEG. BISHOP:

(Inaudible).

CHAIRPERSON CARPENTER:

No, really. I mean, gentlemen, they've been here since one o'clock --

LEG. BISHOP:

(Inaudible).

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

CHAIRMAN CARACCILO:

Yeah, thank you. As we sat here patiently listening to Legislator Bishop, all of us --

LEG. CRECCA:

Can't we have the Sheriff keep him here?

CHAIRPERSON CARPENTER:

That's right, the sheriff will keep him here.

LEG. CRECCA:

He left.

CHAIRPERSON CARPENTER:

Now talk about rude, that was rude. Gentlemen, please. And I know that Vito Dagnello from the Correction Officers also has been here and patiently waiting for his opportunity to speak. Thank you. And I do salute, commend the diligent Legislators who are here.

UNDERSHERIFF SULLIVAN:

I'm disappointed with Mr. Bishop.

CHAIRPERSON CARPENTER:

Yeah, so are we, but we'll make sure that he gets a copy of the minutes. Thank you very much, Undersheriff. Oh.

LEG. BISHOP:

I'm back.

CHAIRPERSON CARPENTER:

Come on back. Okay, good; see, we knew he was a diligent Legislator. Whenever you're ready, please.

UNDERSHERIFF SULLIVAN:

What would you like us to address?

CHAIRPERSON CARPENTER:

I think an update on where we're at with the situation that happened at the jail. And for those of you who might not have heard, the Public Safety Committee was there last week and the evening before there was a problem.

UNDERSHERIFF SULLIVAN:

Yes, briefly. The problem started last Wednesday night on the 10th, we first were told there was a flooding problem underneath the two dorms which are the, quote/unquote, temporary dorms except they have been in use for 18 years. The space beneath the actual living floor is less than a three foot crawl space, some of which is covered with concrete, with an actual concrete basin to catch water, the rest of it is just a dirt floor. We were notified that it escalated to the point where the following morning, shortly after 9 A M, we had to notify the commission because it was now a significant incident where we're required under State law, under NYCRR Title 9, to report any such critical incident regarding infrastructure. Quite frankly, if we don't they could have taken all of our -- and it kept going, they could have taken all of our variances away for simply not reporting it immediately. We reported it.

The State Commission -- and this was all by telephone followed up by faxes occasionally, but mostly by telephone. The State Commission directed us to request the Health Department, the Suffolk County Department of Health Services, to conduct an inspection to determine whether or not --

LEG. BISHOP:

Didn't you do this in Public Works? I heard this in Public Works.

UNDERSHERIFF SULLIVAN:

You were fortunate. To determine whether or not we had a health issue. Public health responded immediately. By the way, DPW responded immediately, the Health Department responded immediately, everybody went to work very diligently right away.

The Health Department sanitarian told us that the space was unfit for human habitation, that's a quote from a written document. We communicated that to the State Commission who directed us, again by telephone followed up by writing, to immediately depopulate those two dorms both of inmates and staff; that began on Thursday night -- well, actually the wee hours of Friday morning. We sent 43 inmates up to Orange County after a telephone communications with them essentially begging them would they take our prisoners, they said yes. We had 43 went up overnight to Orange County, we temporarily moved another 46 out of Yaphank, transported them to Riverhead which was then significantly overcrowded but we had to get them out of Yaphank. On Saturday morning we ran another 16 prisoners up to Oneida County and another 29 prisoners up to Orange County. As a result of this structural event, we shipped 88 prisoners

out of Suffolk County by Saturday night.

Over the weekend, not long after that, DPW informed us that they had repaired the infrastructure, they pumped over 4,000 gallons of water out from underneath the dorms, they had repaired them. We then asked the Health Department to come back in and reinspect, the Health Department reinspected and yesterday told us that they considered that this was no longer a health threat, we notified the commission of that. But in the interim, when the Commissioner ordered us to depopulate the area, they removed our certifications for those two housing areas; we cannot put people back into those housing areas without the permission of the commission. The commission informed us by letter, I believe to the Chair, to Mr. Caracappa, to Mr. Levy and to us, that they were meeting tomorrow morning for a regular meeting and they were going to take up the issue of those two dorms tomorrow morning and we would be given a decision as to when and if we can repopulate those two dorms; we don't have that decision yet. But because of the correction we stopped shipping people out after the shipments on Saturday to await the decision of the commission.

CHAIRPERSON CARPENTER:

How many prisoners are housed in each, a total of those two dorms?

UNDERSHERIFF SULLIVAN:

You have 140 beds, they weren't full but they were close.

CHAIRPERSON CARPENTER:

Okay. And do you have any idea of what the cost of shipping those 88 prisoners represents?

UNDERSHERIFF SULLIVAN:

Tuition is about \$11,000 a day and the total transportation costs -- and this is an approximate, I don't have an exact but I'm close -- was probably about \$20,000 in transportation costs. We also were fortunate, we had to use both buses, one of those buses has over a million miles on it and we weren't sure if it was going to make it; it made it.

LEG. LINDSAY:

A million?

UNDERSHERIFF SULLIVAN:

The other one -- the new one has \$500,000 miles on it. We have our own garage and our guys are pretty good scavengers and they keep these vehicles running.

LEG. BISHOP:

Let me ask you a question; that just begs a question.

CHAIRPERSON CARPENTER:

What happens if the prisoners that are in Oneida County or Orange County or wherever they are have to report to court?

UNDERSHERIFF SULLIVAN:

It's already happened, we brought 30 back yesterday.

CHAIRPERSON CARPENTER:

To go to court.

UNDERSHERIFF SULLIVAN:

Yep.

CHAIRPERSON CARPENTER:

And then we take them back that night.

UNDERSHERIFF SULLIVAN:

And then they go back.

CHAIRPERSON CARPENTER:

They go back that night. So the \$20,000 transportation costs are going to escalate.

UNDERSHERIFF SULLIVAN:

Yes. I lived through this in the early 80's as a prosecutor, we had hundreds of prisoners well past the sentence population in Upstate jails the last time this exact scenario presented itself to the County and pretrial prisoners routinely were being brought back up and down across the State of New York.

CHAIRPERSON CARPENTER:

Legislator Bishop?

LEG. BISHOP:

Best case scenario, what's your understanding of how soon the new jail in Yaphank would be built, best case; I mean, a couple of years, right?

UNDERSHERIFF SULLIVAN:

I'm instinctively not an optimist, Mr. Bishop; I think I share Mr. Lindsay's opinions about how long such projects take. I think probably five years with the wind behind you and your fingers crossed.

LEG. BISHOP:

Right. So given that -- I'm trying to, you know, make a point that you're going to find annoying. But given that it's going to take five years to do that, don't you think it would be a wiser allocation of forfeiture funds to buy buses than to have a Navy?

UNDERSHERIFF SULLIVAN:

Well, I'd only get annoyed at the Navy part of your comment, quite frankly.

LEG. BISHOP:

All right. Strike Navy and insert Marine Police East End Task Force Sheriff.

UNDERSHERIFF SULLIVAN:

Well, I would direct your question to the people we pulled out of the water on the east end in the first part with our Navy. In the second part, the answer is we only had to get people mostly in those buses between Riverhead and Islip, now we have to get them from here to Onondaga, Erie County, Albany County, etcetera, etcetera, etcetera.

LEG. BISHOP:

But as long as you and I have been sparring, and what has it been, two years now?

UNDERSHERIFF SULLIVAN:

About two years.

LEG. BISHOP:

I think we've had this -- you know, you would tell about the transports back and forth and it would seem to me that an investment in a bus would be a wise allocation of your resources.

UNDERSHERIFF SULLIVAN:

I'm pretty sure you can't use forfeiture money for regular capital projects like that at all, but I'll defer to our Federal prosecutor friends in that regard; I was once for several years but I didn't handle forfeitures.

UNDERSHERIFF DENZLER:

I wanted to say --

LEG. BISHOP:

It would be ironic but we could --

UNDERSHERIFF DENZLER:

It's been two years, two months, three weeks and four days and about --

UNDERSHERIFF SULLIVAN:

But who's counting?

LEG. BISHOP:

Then the other question I have real quick is Nassau County, it's my understanding that there are several hundred beds, as many as 400 beds that are vacant in Nassau County in East Meadow; is that -- have you looked into it, has anybody looked into that?

UNDERSHERIFF DENZLER:

The State Commission will not allow anybody to go to Nassau County. Nassau county is significant noncompliance, no County is permitted to send anybody into Nassau County.

LEG. BISHOP:

Have we petitioned the State to lift that?

UNDERSHERIFF DENZLER:

The State Commission will not allow anybody to go to Nassau County and I believe they've just

recently reaffirmed that.

UNDERSHERIFF SULLIVAN:

Nassau is also still under the edict Consent Decree of the Federal Court.

LEG. BISHOP:

Let me give you the kind of practical solution that I would advocate. That perhaps -- I know you're going to tell me there's 800 rules against it and I'm sure there are, but it would seem to me if they have a facility that's structurally -- the problem in Nassau County is the operations, is it not, it's not the building.

UNDERSHERIFF SULLIVAN:

Both.

LEG. BISHOP:

It's the building?

UNDERSHERIFF SULLIVAN:

Yes, the building has significant problems; I don't know it first hand but that's what everyone is told.

LEG. BISHOP:

Is that what's cited in the --

UNDERSHERIFF SULLIVAN:

Yeah.

UNDERSHERIFF DENZLER:

I myself have toured the Nassau facility.

LEG. BISHOP:

Right, I know. Oh, by the way, how is the investigation of the vandalism at the jail going; do you have a suspect?

UNDERSHERIFF SULLIVAN:

What vandalism?

LEG. BISHOP:

The vandalism that I heard about at the Public Works Committee that a prisoner went under and gerry-rigged -- created this problem.

UNDERSHERIFF SULLIVAN:

The prisoners from time to time -- I don't know, did you look at the showers when you were out there last year? I don't know if you did.

LEG. BISHOP:

I don't know.

UNDERSHERIFF SULLIVAN:

That's not a sarcastic question.

UNDERSHERIFF DENZLER:

Yes, you did.

UNDERSHERIFF SULLIVAN:

All right. There are no grates on the shower drains in these mass showers. From time to time prisoners have been known to take an object and break the pipe underneath, that's what DPW said happened. You would have to have a thousand guys take 100,000 showers to get 4,000 gallons of water down there. This water, affluent, aggregated itself in the course of several hours, the reason was the sump pump was broken. To break the sump pump, some innovative inmate would have had to break out of jail, break in under the prison, break the sump pump and then break back in to make sure we didn't catch him.

LEG. BISHOP:

At the other committee it seemed like vandalism.

UNDERSHERIFF SULLIVAN:

The vandalism occurs from time to time throughout the entire prison area, the entire jail area, inmates break things; that wasn't a significant factor in the flood that we experienced last Thursday.

CHAIRPERSON CARPENTER:

And actually, I think it was the County Executive's letter that surmised that it was vandalism, you know, and he wasn't on our tour.

LEG. BISHOP:

He didn't do the investigation either.

CHAIRPERSON CARPENTER:

No. In fact, I would hope that the County Executive and his staff go out and tour the facility the way members of this body did because I felt that it was very informative and really -- I mean, when you walk down a hall and you saw blankets laying on the floor to catch the drippings of water that came through the leaking ceilings, when you saw walls covered with rust from water that was leaking, when you saw beds that were moved out of the way and blankets again on the floor, these are the conditions that people are living in. Whether they committed a crime that got them to jail or not is no excuse for why they should be expected to live in inhumane conditions, and it's certainly no reason for why our County employees should have to work in those kind of conditions.

UNDERSHERIFF SULLIVAN:

Thank you.

CHAIRPERSON CARPENTER:

And to walk through what was facetiously called an infirmary is a joke. And some of the people that were here today speaking and advocating for the people, I really wish they could see what went on. An infirmary with a window covered with plastic and duct tape with desks, you know, it was really a disgrace, and that's putting it kindly.

UNDERSHERIFF SULLIVAN:

And I must say, the County is on the cusp of litigation at any moment in my experience.

CHAIRPERSON CARPENTER:

And that's a point I want to ask you about. Because when we went to the jail the other day, one of the things that was mentioned to us is that at some point in time we could find ourselves in a situation where we are ordered to build a jail.

UNDERSHERIFF SULLIVAN:

It happened.

CHAIRPERSON CARPENTER:

It happened, in Riverhead.

UNDERSHERIFF SULLIVAN:

It happened in 1984 I believe.

CHAIRPERSON CARPENTER:

In Riverhead? And is that perhaps --

UNDERSHERIFF SULLIVAN:

In Riverhead, Judge Ray {Deary}, he's still on the District Court Bench, Federal Judge. There was a lawsuit by the Suffolk County Legal Aid Society with regard to overcrowding and the conditions in the jail, the County was strapped for money, sounds familiar, and Judge Ray {Deary} in the imperial way of a Federal District Court Judge, said: "That's nice; build it immediately. And if you don't build it immediately I will give them punitive damages per inmate per day."

CHAIRPERSON CARPENTER:

So the jail that was built perhaps was not built with any input and that was the information that we were given really from the County, you're just told what to build. So when experts come in and tell you that there are ways that you can maximize staffing, there are cost efficiencies that can be implemented when you're building a facility, we would be stripped of that opportunity because we would have to build what we were told to build.

UNDERSHERIFF SULLIVAN:

May I make another comment; Mr. Bishop?

CHAIRPERSON CARPENTER:

Certainly; I think everyone is listening.

UNDERSHERIFF SULLIVAN:

I would like to make --

CHAIRPERSON CARPENTER:

Thank you, Legislator Mystal.

UNDERSHERIFF SULLIVAN:

I would like to make a comment with regard to the presentation you heard this evening. Most of the questions that Mr. Bishop raised with the consultants, INS, parole, parole violators, people who are in on low bail; I have to express the frustration of the Sheriff's Office because we have no control over any of those issues whatsoever. I know about the INS. The INS will not deport anyone, whether we have a problem with space or not, they simply don't show up, they don't have the staffing to do it. The parole situation? You need the State Legislature to act to address that question, if it's a valid question.

I've heard so much about alternatives. Judges and prosecutors make the recommendations and decisions that send prisoners to the Sheriff. We are not in those courtrooms when those decisions are made and we have no input with regard to those decisions; we don't disagree with them very frequently, but we're not in the process. When we discussed not building a significant new facility when you've seen the conditions that our inmates and our officers are in, the kind of conversations that have been -- that were had today, maybe it was appropriate to discuss this five or seven years ago, but we're literally drowning in our situation. The State Commission is going to irradicate those variances in the middle of May, we're certain of that, we don't think they're kidding. We simply don't have the luxury as a County anymore to discuss a long-term alternative solution to repairing this infrastructure problem.

CHAIRPERSON CARPENTER:

All right. Gentlemen, thank you very much. We have one more speaker.

UNDERSHERIFF SULLIVAN:

Thank you and good evening. And happy St. Patrick's Day.

CHAIRPERSON CARPENTER:

Thank you; we're almost there. Vito Dagnello from the Correction Officers.

MR. DAGNELLO:

Thank you, Legislator Carpenter, for allowing me to speak, and also the members of the committee that took time last week out of their busy schedules to tour the Yaphank facility.

Sitting here just now and watching the joke being made of the conditions that the Correction Officers and civilians have to work under and the inhumane treatment of the inmates in that facility because of the housing condition, that should be a concern. If you do form a committee to look for residential housing, I would like to be on that committee. I sat here today listening to the Police Department how they're taking police off the streets and here we're sitting here looking at get-out-of-jail-free cards, okay, and putting inmates back out on the streets, criminals back out on the streets; it's appalling.

We have a serious problem now, it has to be addressed, the time is now to move forward with a plan and take care of the problem. Because when the officers start getting sick or the civilians, this union will take legal action to protect the officers that work in that facility. Thank you for allowing me to speak.

CHAIRPERSON CARPENTER:

Vito, thank you. And if you could please take back to the officers that work in that facility the gratitude of this body for being professional in spite of the conditions that they're forced to work under and thank them for us, please.

MR. DAGNELLO:

I will do that. Thank you.

LEG. MYSTAL:

Vito, just one comment to you. We're talking about residential facilities and I'm very happy and I'm very glad that they're considering it, but I would like to add one caveat to it; if you're going to find something, please find something in Old Field, Setauket --

MR. DAGNELLO:

I'm thinking of Babylon.

LEG. MYSTAL:

-- you know, because there seems --

MR. DAGNELLO:

I'm thinking of Babylon.

LEG. MYSTAL:

No, there seems -- Babylon Village, that's fine with me. Because it seems to me they put all of them in places like North Amityville and Wyandanch or Brentwood where I am and where my people are, so I have a problem with --

MR. DAGNELLO:

The suggestion I had early on was constantine wire and tents and look at a County-owned land and develop it and put tent city, okay, to take care of the problem, and I would have looked in Babylon for that.

UNDERSHERIFF SULLIVAN:

They did it in New Orleans.

LEG. MYSTAL:

I'm just saying, you know, if we do that --

MR. DAGNELLO:

Thank you. I know you's had a long day. Thank you for allowing me to speak.

CHAIRPERSON CARPENTER:

Thank you very much, gentlemen. And I want to thank the committee's patience today, too, I really appreciate you sticking in. And the Legislators, Legislator Alden particularly and Legislator Montano who came and joined us today. Thank you. We are adjourned. And to Alison, thank you.

(*The meeting was adjourned at 6:38 P.M. *)

**Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee**

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