

PUBLIC SAFETY COMMITTEE

Of the

Suffolk County Legislature

SPECIAL MEETING

A special meeting of the Public Safety Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on September 18, 2008, to discuss the matter of the Suffolk County Police Department/Highway Patrol Officers.

Members Present:

Legislator Jack Eddington - Chairman
Legislator Kate Browning - Vice-Chair
Legislator Daniel Losquadro
Legislator Lynne Nowick
Legislator DuWayne Gregory

Members Not Present:

Legislator Wayne Horsley

Also in Attendance:

Presiding Officer William Lindsay - District #8
Legislator Brian Beedenbender - District #4
Legislator John Kennedy - District #12
George Nolan - Counsel to the Legislature
Barbara LoMoriello - Deputy Clerk of the SC Legislature
Robert Calarco - Aide to Legislator Eddington
Linda Bay - Aide to Minority Leader Losquadro
Terrence Pearsall - Chief of Staff to Presiding Officer Lindsay
Kara Hahn - Director of Communications/P.O. Lindsay's Office
Bobby Knight - Aide to Presiding Officer Lindsay
Greg Moran - Aide to Legislator Nowick
Lynne Albers - Aide to Legislator Lindsay
Bob Martinez - Aide to Legislator Montano
Gail Vizzini - Director/Budget Review Office
Robert Lipp - Deputy Director/Budget Review Office
John Ortiz - Senior Budget Analyst/Budget Review Office
Benny Pernice - Budget Review Office
Ben Zwirn - Deputy County Executive
Brendan Chamberlain - County Executive Assistant
Tom Vaughn - County Executive Assistant
Robert Moore - Chief of Department/Suffolk County Police Department
Robert Ponzo - Chief of Patrol/Suffolk County Police Department
Christine Malafi - Suffolk County Attorney
Joseph Caracappa - Undersheriff/Suffolk County Sheriff's Office
Michael Sharkey - Chief of Staff/Suffolk County Sheriff's Office
John Searing - Deputy Commissioner/Fire, Rescue & Emergency Services
Jeff Frayler - President/Police Benevolent Association
Noel DiGerolamo - 2nd Vice-President/Police Benevolent Association
Louis J. Molinari - Treasurer/Police Benevolent Association
Tom Tatarian - Recording Secretary/Police Benevolent Association

Michael Applequist - Financial Secretary/Police Benevolent Association
Damian Lee - 2nd Precinct Trustee/Police Benevolent Association
Larry Faracone - Treasurer/Superior Officer's Association
Jerry Gilmore - President/Superior Officer's Association
Ray Griffin - President/Suffolk County Detective's Association
Jim Hughes - Suffolk County Detective's Association
Pete Falcetta - Suffolk County Detective's Association.
Russ McCormack - Suffolk County Detective's Association.
Bill Plant - Suffolk County Detective's Association
Debbie McKee - 2nd Vice-President/AME
Debra Alloncius - Legislative Director/AME
Suzanne McBride - AME/Unit President for Police Emergency Services
Mike Finlin - AME/Police Civilian
Debbie Eppel - SC Public Information Officer
Maria Perez-Lent - STOP/DWI
Douglas Death - STOP/DWI
Laura Ahearn - Executive Director/Parents for Megan's Law
Rick Brand - Newsday
Hundreds of Suffolk County Police Officers

Minutes Taken & Transcribed By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:47 A.M. *)

CHAIRMAN EDDINGTON:

If I could get everybody to stand for the Pledge, please.
And Legislator Nowick will lead us in the Pledge.

Salutation

If you could remain standing for a moment of silence; Legislator Browning?

LEG. BROWNING:

Yes. There is a member of United Auto Workers -- I know we have many labor people here today, union members -- and a good friend of mine also. Bill Pickering, who was a Labor Leader with United Auto Workers and also on the Long Island Federation of Labor, passed away two days ago, so I'd like to have a moment of silence for him.

Moment of Silence Observed

Thank you.

CHAIRMAN EDDINGTON:

Okay. Be seated, please.

Okay, as you know, this is a special committee meeting called today to deal with the removal of the Suffolk County Police from the Expressway and Sunrise Highway. I want to just give you a little flow of the events. I have a public portion, each speaker gets three minutes if they've filled out a card; if you have not filled out a card, you need to go outside and fill out a card and then you'll be called up in order. I have representatives of the Sheriff's Office and the County Executive's Office that will be coming up to sit at the table after the public portion. And what I'd like to start off, since I have all the representatives of the various Police unions -- Jeff Frayler, Jerry Gilmore, Ray Griffin and Tim Morris -- I'd like to ask them to come forward. And I don't care how you work it out, but you get three minutes each, so it could be twelve minutes or it could be one minute and six minutes, I don't care; I'll give the four of you an opportunity to speak first.

I've been told that we can't have people standing in the aisles. I don't know where else to tell you to stand, but we can't have the people standing in the aisles. So sit on somebody's lap, I don't really care. With all this law enforcement, they're reminding me that I have to enforce the safety rules, so. Okay, guys. Good morning.

MR. GILMORE:

Good morning, Mr. Chairman and the rest of members of the Public Safety Committee. Thank you for letting us address you today.

Before my other opening remarks, I just got a disturbing phone call from the Police Commissioner's Office approximately 15 minutes ago. They asked me today to go easy and not to be personal, and as a result of that I would get all my promotions next week, they would fill all my vacancies. I don't sell out the Police Department like them, I don't -- I will not sell out my members.

Applause

Approximately 50 years ago the Suffolk County Police Department was formulated. It was formulated to fix fractured enforcement of the laws in Suffolk County, in the Police District of western Suffolk. The towns agreed to go into the Suffolk County Police Department, it was modernizing law enforcement. Now, almost 50 years later we are going back, we're going way back only to supposedly save money, which it's not because the overtime in the Sheriff's Department is outrageous to begin with and it's going to get worse. Our people are the professionals that cover the Long Island Expressway for 48 years. You can't just come in on day one and do this, it's not fair to the citizens of Suffolk County.

Now, just last year Chief Otto was here, retired Chief Otto from the Sheriff's Department here in October of '07 and he appeared before the Public Safety Committee. At that time there were -- they were going to hire 23 Deputy Sheriffs, and at that time he said, "We can't do it without an increase in our overtime because we don't have the personnel, even with that 23, to cover what they're doing." Now, I ask you how can they move 37 people right now to do that? I would like to hear the Sheriff say that, but you know why he can't say it today? Because he is not here because he's meeting with local Village Police Chiefs to try to take over other things that the Police Department does, investigative services, K-9, ES; how can he do this? Unless there's a grand Levy manifesto to dismantle the Police Department, which I believe there is.

CHAIRMAN EDDINGTON:

Okay, thank you. I have it set for five minutes so I don't have to keep interrupting you. Would you just give your name for the record?

MR. GILMORE:

Jerry Gilmore, Suffolk County SOA, President.

CHAIRMAN EDDINGTON:

Thank you.

MR. FRAYLER:

Legislator Eddington, members of the Committee --

LEG. LOSQUADRO:

Could you just pull the microphone closer?

MR. FRAYLER:

It feels like I'm going to break it. How's that.

CHAIRMAN EDDINGTON:

Good.

MR. FRAYLER:

Okay. Legislator Eddington, members of the Public Safety Committee, thank you for inviting us here today.

We have heard many lies over and over from County Executive Levy and from Police Commissioner Dormer; how we have more Police than we ever had in the street, how all the civilianization and efficiencies have led to more Police Officers having an ability to be out there to serve the people of Suffolk County. Well if we did, we could clearly cover the Long Island Expressway and Sunrise Highway.

As Jerry alluded to, back in 1960 what we were getting away from in this County was fractionalized law enforcement and the roles of the Sheriff's Department and the Police Department and the East End and the Police District were clearly delineated. When they were, all of the towns and the Police District agreed that the Suffolk County Police Department would be the law enforcement entity in the Police District; it was then, according to the Charter, an irrevocable decision. Now it appears that all of a sudden the Deputy Sheriffs are coming in. They swoop in early in the morning, tell our Police Officers, "Okay, go out to Headquarters, we're your relief"; that's unacceptable. The manner in which it was handled was despicable.

I've heard Levy refer to members of this committee and other Legislators as "pandering Legislators", how you have no guts. He loves to call people names and threaten people. He didn't get his way from New York State, so now he's going to ram this down everybody's throat. The reality is the Governor offered him \$10.2 million, he rejected that. I have a copy of the letter from New York State to County Executive Levy where they agreed to the \$50 surcharge and they agreed to the red light registration which would generate \$10.2 million, and from most estimates that seems to appear to be low. County Executive Suozzi is agreeing to that, he knows the money that's going to be generated by it. They have a much worse fiscal crisis, they've been under a financial control board for many years now, we don't have that. This appears to be a bullying tactic by County Executive Levy to begin to dismantle the Suffolk County Police Department and allow the Sheriffs -- who, by the way, were the only law enforcement group who endorsed him in his first bid for County Executive. And what's going to happen? In their contract negotiations, the County continually argues that they're not comparable to Police, that they don't do the Police function. Well, what's going to happen next? I know if I was negotiating that contract there would be a big raise in store; is that the payback for having endorsed him? I don't know, but these are some of the questions that need to be asked.

And where's Police Commissioner Dormer and our Chiefs? This is unconscionable, just walking away and surrendering to the will of Steve Levy who wants to just step on the Suffolk County Police Department and, if it's possible, dismantle it. To the point where they actually appear to be bribing the SOA by saying, "You know what, don't say anything bad about us and if you do we will fill all of your vacancies." What about the 340 some-odd vacancies within the Suffolk County PBA? If we had those Police Officers, if we just had the officers we are already budgeted for, that the taxpayer is paying for, we wouldn't have any manpower shortages. You could have the Suffolk County Police Department manage the way that it should be managed and providing the public with the protection that they deserve and are paying for. This conduct is absolutely unconscionable and should not be tolerated.

Applause

MR. GRIFFIN:

Chairman Eddington, members of the Public Safety Committee, my name is Ray Griffin, President of the Suffolk County's Detectives Association. I thank you also for allowing us to speak this morning. I totally concur with my colleagues to my right in everything they've said.

Yesterday -- I should say when the order came out to remove all personnel from the highway, LIE

and Sunrise Highway, it also included the fact that Detectives would no longer handle major accident scenes, nor fatals nor any crimes committed on these highways. Yesterday I received a call from the Police Commissioner, he said he had good news for me, the Detectives are staying. I said, "That's not good news, that's just news." The fact is the reason they're staying is because the Sheriff's Department cannot handle those scenes. I said, "Now you're going to Suffolk County Detectives who are trained professionals to go to these scenes, and who is going to be the first responder to those scenes? People who are untrained in saving the crime scene or the accident scene." The professionals that should be there are behind me.

Applause

We will just continue this fight and hope that the Commissioner will wake up some day. He talked about his accreditation, how what a wonderful department we have, we're professional, we're accredited. We had to go through a year of all this paperwork and filling out and proving training and yet he gives over our jobs to a job that does have -- has no accreditation. There's something wrong here and I hope you can gather amongst yourselves and do something to help the public in this crisis. Thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you, Ray.

MR. MORRIS:

My name is Tim Morris, I'm 1st Vice-President --

LEG. LOSQUADRO:

Is that mike on? On the top, just pull it towards you.

MR. MORRIS:

My name is Tim Morris, 1st Vice President of the Suffolk County SOA. Thank you very much, Legislator Eddington and the committee, for having us speak here today.

First I would like to say what my President just revealed to us today should outrage every member of this committee, the Legislature and the people of Suffolk County. This is further proof that Steve Levy continually says he works for the people; Steve Levy works for Steve Levy to get Steve Levy elected every time, that is who he works for.

Applause

I am a 28 year member of the Suffolk County Police Department. This department, under Steve Levy, under Commissioner Dormer, has turned into a department of smoke and mirrors; that is what this department is. I would just like to mention there are many grants that are -- that are HOV grants on the highways, currently right now the people Upstate are looking into this, they are outraged that the Suffolk County Police Department has been removed from patrolling those highways and they are looking into revoking those grants; that is something that you should consider here.

I just have just a further statement. The Suffolk County Police Officers and Supervisors removed from the LIE/Sunrise Highways represent literally hundreds of years of experience in Highway Patrol procedures and functions. The amount of training that these officers have had in terms of time and capital is incalculable. The assertion that the Suffolk County Sheriff's Office could somehow instantly assume the function of these officers without the benefit of costly and time-consuming training without affecting public safety is simply not true. Any police professional, speaking honestly, would tell you that it would take years to bring in experienced officers up to the level of expertise of the officers that were assigned to the LIE/Sunrise Highway by the Suffolk County Police Department.

The Sheriff has made the fact that his Deputy Sheriffs are trained as Police Officers at the Suffolk

County Police Academy, the same as Suffolk County Police Officers. While I was trained at the same academy and I have over 25 years of actual patrol experience as both a Police Officer and Supervisor, more than any Deputy Sheriff in this County, simply assigning me to Highway Patrol would not make me an experienced Highway Patrol Officer. Assigning me there with a squad of equally inexperienced Highway Patrol Officers from Suffolk County PD, as the Sheriff's Office has done, would simply be irresponsible. The majority of Suffolk County Police Officers have as their primary function what would be referred to in the criminal justice curriculum as patrol or a patrol function; very few, if any, Suffolk County Deputy Sheriffs have as their primary assignment a patrol function. The Suffolk County Police Department, in practice, only assigns officers to Highway Patrol after several years of experience in a patrol function in Suffolk County. The Suffolk County Deputy Sheriffs do not have patrol experience.

Prior to my appointment as a Suffolk County Police Officer, I spent five years as a Suffolk County Deputy Sheriffs. Deputy Sheriffs in Suffolk County perform an important service and it is staffed by professional Police Officers, but the majority of the basic functions that they perform are either different or not comparable to the basic functions of a Suffolk County Police Officer.

The Suffolk County Police Department has a long and honorable history of patrolling the major highways of Suffolk County. Some of our officers have suffered life-altering injuries and have made the ultimate sacrifices. Removing Suffolk County Police Officers from Suffolk County highways after 48 years of service dishonors all Police Officers that have served in this department. Thank you.

Applause

CHAIRMAN EDDINGTON:

Anybody have any questions; no? Okay, thank you very much, gentlemen. You made your message loud and clear.

Okay, I have a couple of other cards. Mike Applegust, PBA.

LEG. LOSQUADRO:

Applequist.

CHAIRMAN EDDINGTON:

Applequist? Quist, sorry.

MR. APPLEQUIST:

That's all right. It's Mike Applequist, I happen to be the Financial Secretary of the Suffolk County PBA and for the last 26 years was a member of Highway Patrol Bureau.

All I'm going to ask today, if any of you saw Long Island Talks on Tuesday, there was a spirited debate with myself and Mr. Zwirn from the County Exec's Office and the County Executive's people constantly put out numbers; "They only cost this, they only cost that." We don't have the time to get into that now, but in your deliberations when you're thinking of questions, I ask you, challenge the County Executive to prove the numbers. I think on more occasions than not, when we get those numbers and do an honest apples to apples comparison, you're going to see the numbers are not what he says, like 42,000 difference between a Police Officer and a Sheriff. I just ask you to consider that as you go forward. Thank you.

Applause

CHAIRMAN EDDINGTON:

Okay. Next speaker, Deena Cohen. Denna Cohen?

MS. COHEN:

Good morning. I'm Deana Cohen from Mothers Against Drunk Driving here on Long Island. I am

here because I am concerned, MADD is concerned, about the safety of our motoring public on the Long Island Expressway and on Sunrise Highway. There is nobody that can do a better job than our Police, nobody.

Our Sheriffs have their job to do and they do it well; our Police have a job to do and they do an excellent job. I know a lot of them personally, I know what they do and I know how they care. Removing them from our highways is a travesty, it really is. To me, in my opinion, this was a coups. You know, Police Officers are out doing their jobs and then they're told, "Go home. We took over." You can't overthrow a government, this is America and you can't do that. I just don't think it's right. I don't think it's fair.

There are too many drunk drivers out on the roads and there is nobody better equipped to spot, pull over and arrest a drunk driver than our Suffolk County Police Department. We must keep them and we must cherish them because they are keeping us and our families safe on the roads. Yes, there are drunk drivers that get through, absolutely. Police can't be everywhere, I understand that. I don't even want to think about the number of fatalities that there would be if they weren't out there doing their job. Your family is out there, my family is out there.

I lost a child to a drunk driver, that never changes. I have three surviving children, I have a grandchild, I worry about them every second of every day that they are out on the road. And now, if I could put them in a cocoon and keep them in my house 24/7 I would because I know they are totally unprotected on our roads, I know that now. We have to stop this. We have to reinstate our Police and let the people who know what they do best do their job. Thank you.

Applause & Standing Ovation

CHAIRMAN EDDINGTON:

Thank you. Next speaker is Mike DePaoli. Mike DePaul?

MR. DEPAOLI:

My name is Mike DePaoli, I'm a Suffolk County resident and I'm here to make a public announcement before this Legislature, for those that are present and for our government of New York State.

I'm asking that Governor Patterson should declare a New York State Disaster Area on the State Emergency Preparedness Guidelines and request that he request Federal and State aid from President Bush today ASAP. Under Emergency Preparedness Guidelines, once enacted, all local governments will have the finances they need for public safety and support. So in reference to -- I call it my men in blue, and as a Vietnam Veteran, I'm asking that this Suffolk County Legislature also join with the Governor and ask for a State of Disaster Preparedness, Emergency Disaster from President Bush so you'll have the funds you need to protect the lives and property of not only Suffolk County residents but those throughout New York State. Mike DePaoli, Vietnam Vet, Suffolk County resident and supporter of this issue and supporter of public safety. I thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you. Anthony De LaFerrara, Ferrera? LaFerrara, Anthony?

MR. LA FERRARA:

Good morning, Mr. Eddington, Public Safety Committee, thank you for letting me speak. My name is Anthony LaFerrara, I am the 2nd Vice-President of Suffolk County Chiefs, I'm also a Vice Chairman of the FRES Commission.

I don't think anything has been -- anything was taken into consideration about the safety to our firefighters and ambulance service personnel. These gentlemen and ladies here of Highway Patrol,

they protect us; not only do they protect us, they protect the people that we are helping out on the Sunrise Highway and the Expressway, all right? And it's hard, I don't understand how you can take someone, and this is no -- not a stab at the Sheriffs. How do you take someone who's evicting someone on a Monday and on a Tuesday you have them out on the highway with no training at all? I just don't understand that.

I also would like to know, what about communications? We have communications with seven precincts, the command band with Suffolk PD. I don't even have a number to call the Sheriff in case I need a car on the highway. Do you guys have that number? I don't. We still don't. Communication, how's it going to happen, can someone tell me that?

It's a bad situation and I think you're taking away the safety of our first responders for something that shouldn't be put ahead of dollars. Thank you.

Applause

CHAIRMAN EDDINGTON:

Okay, thank you very much. That's the end of the sign-ups for speaking. Is there anybody else that wanted to address the committee? Before we begin, I could ask the gentleman that's standing in the aisle, see all those guys sitting? That's because you can't stand. If you could step to the right over here -- no, no, stand right over here with those gentlemen.

P.O. LINDSAY:

Stand over here.

CHAIRMAN EDDINGTON:

Okay? Good. If I can't see you, you're not standing in the aisle, so. Okay, if I could get now the representatives from the Police Department, the Sheriff's Department and the County Executive up front and center. Okay. Would the Sheriff's Department like to start?

UNDERSHERIFF CARACAPPA:

Thank you, Mr. Chairman, Madam Vice-Chair, members of the Public Safety Committee, Mr. Presiding Officer, brothers and sisters from law enforcement, my name is Joe Caracappa, I'm Undersheriff of the Suffolk. County Sheriff's Office. Joining me at the table is Chief Mike Sharkey.

As all of you are well aware of, on Monday the Sheriff's Office was put into an unenviable position to have to make a judgement call as it related to the Highway Patrol Officers being pulled off the LIE and Sunrise. Over that early morning, the Sheriff conferred with his superior officers -- the Chief, myself, Undersheriff Meyerricks -- and he had to make a moral judgement call as it related to the safety of the motoring public in Suffolk County; obviously you know what that call was. The alternative, aside from making that call on an ad hoc basis, on an interim basis, go out there and patrol the highway, there was one alternative that was clear to us and that was the LIE and Sunrise would have no patrol whatsoever, whatsoever, starting Monday at ten o'clock.

(*Legislator Kennedy entered the meeting at 10:16 A.M. *)

Therefore, as has been said by the Sheriff and by the Department time and time again, we decided to do this on an interim basis. I called most of you, along with the Sheriff, to let you know that we had made that decision and that we had highly trained professional law enforcement officers that could at least do it on an interim basis until a solution could be -- we could come up with a solution that would be good for everybody. Primarily, it would be great for us to see the Highway Patrol back on this afternoon if it was -- if it came to that, we would --

Applause

If it came to that, if that happened at two o'clock we'd be off at 2:01; if the County Executive decided to put Park Police out there at two o'clock, we'd be off at 2:01; if the State Police showed up

at two o'clock, we'd be off at 2:01. But in the meantime, there was a major void as it relates to public safety and the Sheriff did make both a moral and a constitutional call on his behalf to do his best to keep the motoring public safe. I'll ask the Chief to go on. We don't want to make too much of big statements, we're here to answer your questions and to try to clear this up and let you know what we've done over the last three full days, we're into our fourth day of doing this. And again, we are in an unenviable position at this point in time, but we have -- we are public safety officers and we had to do what we had to do. Chief?

CHIEF SHARKEY:

I would just like to echo Undersheriff Caracappa's comments regarding -- there were some statements made by the speakers earlier about replacing the Suffolk County Highway Patrol and their hundreds of years of experience amongst their officers and we make no representations that we're doing that. We are merely filling a need on an interim basis and should there be some resolution to this, we will move on. I would like to take your questions at this time.

CHAIRMAN EDDINGTON:

Actually, what I'd like to do is -- because somebody may ask you a question that one of the other gentlemen might answer -- I'd like to have the Police Department make a statement and then the County Executive and then we will ask everybody questions. So if Chief Moore, if you have a statement or anything from the Police Department?

CHIEF MOORE:

No, sir.

CHAIRMAN EDDINGTON:

Okay, then. Mr. Zwirn?

Negative Reaction From Audience

UNKNOWN AUDIENCE MEMBER:

Coward.

UNKNOWN AUDIENCE MEMBER:

Take a stand.

CHAIRMAN EDDINGTON:

Mr. Zwirn?

MR. ZWIRN:

Thank you, Mr. Chairman. And thanks for the opportunity to be able to answer questions and also explain the reasonings behind what we've done.

First of all, let me just say that the union representatives who came here today, we bear them no ill will. We understand that they're representing their membership and they're doing what they have to do. They represent Suffolk County Police Officers. The County Executive represents everybody who lives in Suffolk County, including the taxpayers who pay the taxes out here. They pay the salaries, they pay for the Police protection and these people are suffering, suffering terribly and it's going to get worse. Fuel oil is approaching \$5 a gallon for home heating oil coming into the winter. You've got 12,000 people who lost their job at Lehman Brothers in one day in the city and a lot of those people live here on Long Island.

The County Executive is going to be delivering a tax -- a budget this year with a tax freeze, all right? When Mr. Frayler was talking about that the State offered us all this revenue; where was it? We asked you to come back into special session last summer over and over again to pass Home Rule Messages to take to Albany. And what did they do? The State kept moving the goal line every time.

We talk about a surcharge on tickets. Originally it was supposed to be Statewide to help counties out all over New York. At the very last minute they said, "Well, you can put a \$25 surcharge on Suffolk County tickets, but you have to get somebody to sponsor it in an election year to put another \$25 fine on the ticket." We couldn't find anybody. There was no time to act, the Legislature was going out of session. So they have said that the State offered us money; they offered us nothing. They said, "Well, we'll support that. We'll support a red light camera surcharge going to the County." Well, that's great, but where is the money? The money never came forward. If that money had come forward -- and we asked the PBA to go up to Albany and to lobby with us, not against us, to get that money and we would not be here today.

First we asked for State Troopers to patrol State roads. I've made a number of trips to Albany, met with Counsels to the Governor, met with the Deputy Homeland Security Secretary Mike Balboni over and over again trying to get this resolved so that we can keep Suffolk County Highway Patrol officers on those roads. We were talking up until about two weeks ago. We offered to pay for some of the training, we offered to offset some of the salaries of the State Troopers to come down, nothing. We were told there were no State Troopers available, yet the Governor of the State of New York added 45 State Troopers to his personal detail. It was a slap in the face to us here in Suffolk County. We did everything we could to try to get that revenue and we still continue, in good faith, to try to get that revenue. And I invite Mr. Frayler to join with the County Executive to go up to Albany, again, to lobby with us to get that revenue so that we can get Suffolk County Police Highway Patrol Officers back on those roads.

Now, what do we do in the interim? The County Executive said a while back that after Labor Day he would reduce the number of Police Officers, he would take them off Sunrise Highway. Wasn't going to leave the highway abandoned because we weren't sure the State Troopers would come out; we pretty much figured they would, but we weren't sure. So we spoke with the Sheriff and Sheriff DeMarco said, "Look, on an interim basis we can handle it. We have the personnel, we have the flexibility in our schedules. We work different schedules in the Police Department, we work longer days, longer hours, we can handle it." So they did. They've been trained in the Police Academies. You know, it's as if they've never been on the highways or writing tickets out in Suffolk County. They respond to accidents, they have the equipment --

Laughter from audience

MR. ZWIRN:

You know, one of the things that has been irritating --

UNKNOWN AUDIENCE MEMBER:

Liar.

CHAIRMAN EDDINGTON:

Okay, guys.

MR. ZWIRN:

One of the things that has been -- that has been unusual is that we have seen law enforcement union officials denigrating other law enforcement people.

LEG. LOSQUADRO:

No.

MR. ZWIRN:

The State Troopers can't handle it, the Sheriffs can't handle it, you know, over and over again. They don't have the training, they don't have the manpower; they do. This is not the -- we're not trying to dismantle the Police Department.

UNKNOWN AUDIENCE MEMBER:

Liar.

MR. ZWIRN:

We always sit here respectfully and listen and I try to do that and talk about the facts and try to get the emotion out of it, where it's possible. But this year the County's delivering or the County Executive is going to deliver a tax freeze when people need it the most, and this was part of it. He can reduce the costs, he gets the Police -- no Police Officer is losing their job, they're going to be transferred back into patrol, they'll be doing police work in the communities, so that's good for the communities.

You know, we did the DARE Program and we reduced the number of Police Officers in DARE and changed the program, we gained 16 Police Officers going back into communities. With the PAL program, we're going to put disabled officers now as opposed to full-time, full-bodied officers, they're going to go back into the communities to patrol, so our communities will be safer. Anybody who's driving while intoxicated who's driving on the roads has got a better chance now of being picked up on the roads getting to the highway than getting onto the highway.

Laughter from Audience

UNKNOWN AUDIENCE MEMBER:

True politician.

CHAIRMAN EDDINGTON:

Guys, I will have to clear the aisles and close the doors if you don't respect the speaker's right to speak. So please, guys.

MR. ZWIRN:

The County Executive has not forgotten who he represents, and that's every taxpayer, every homeowner in this County who's trying to get by.

UNKNOWN AUDIENCE MEMBER:

That's us.

MR. ZWIRN:

And if we could provide public safety and we can save the taxpayers money, then that's what we have to do, especially in these tough economic times. I'll be glad to answer any questions that you have.

CHAIRMAN EDDINGTON:

Okay, I'm just going to start with a couple of quick things and then turn it over to my committee. But I have to tell you that what I found out in the last three years in this job is the training as a crisis intervention counselor has done me the best than anything. I wake up and I get these things going on in the County and surprise, which leads me to my question. The Undersheriff mentioned how that Monday morning at ten o'clock you found out and now you've been running around to try to do this. Are we being told that the first time anybody heard about this happening was Monday at ten o'clock?

UNDERSHERIFF CARACAPPA:

Well, I can tell you from my point of view that we all know and the Sheriff knew, through basic discussions with the County Executive late the prior week, I think on Friday, that this was a potential for happening. We knew it was a potential for happening back in the first weekend of July when 17 officers were pulled off of the highway. I'm not saying we had contingent -- we planned a contingency plan leading into Monday, but it was in the back of our minds, just as it was in the back of all of your minds that this was a high probability that it would happen, and I'm sure in the minds of the Highway Unit.

There was a deadline set for after Labor Day and when Monday came we did go into triage mode to scramble, and we did scramble. So from a point of view from the Sheriff's Office, we got the call early -- I got the call early Monday morning, we were in early and we assembled our team and we did what we could.

CHAIRMAN EDDINGTON:

Okay, because -- I ask that question because it distresses me. I mean, either way I'm distressed, you know, that one group would take over the responsibility of another group. But if there was no planning I'm even more distressed, you know? So I'm not sure I'm really happy with that.

UNDERSHERIFF CARACAPPA:

But if I could just add, Mr. Chairman.

CHAIRMAN EDDINGTON:

Yeah.

UNDERSHERIFF CARACAPPA:

We have the highest respect for the Suffolk County Police Department in the Sheriff's Office. I know I've worked with them for 12 years in the chairs that look very appealing where you're sitting today as opposed to the one I'm sitting in. And the Deputy Sheriffs have been attacked over the last couple of days for their lack of training or what have you and all the rumors. But I will have to say on the record, having been there only ten months now and having worked with them, too, over the years, I am very, very proud of the way the Deputy Sheriffs have stepped up over the last three days and did a job that they didn't expect to be doing. They've acted professionally, they've done it the best way they can and I just want to make sure that the record reflects that we are very, very proud of the way they've responded on an interim basis.

CHAIRMAN EDDINGTON:

Okay, let me just ask a question about that response. I never seem to get the same numbers when I ask the question to different people, but let's just go with the assumption that overall there were 60 Highway Patrolmen, 17 or 13 or whatever were taken off and now 45 or 48 or whatever, but let's say 60. How can the Sheriff's Department fill that gap? Because, I mean, I don't see any Sheriffs sitting on the side of the road having coffee or sitting in your offices, so how are you going to replace 60 people even in the short term?

UNKNOWN AUDIENCE MEMBER:

Overtime.

CHIEF SHARKEY:

As we are proceeding over the last few days, and presumably the few days coming up, we have been filling in on a day-to-day, shift-to-shift basis. We have not disrupted or disbanded any command in order to create something new without having any knowledge that that's necessary.

We are staffing the roadways with a contingent of four officers on the Expressway and there on Sunrise with a supervisor overseeing each roadway on a regular basis. During the rush hours we're supplementing for a couple of hours with additional units as available. Those bodies are currently coming out of the various Deputy Sheriff commands on a day-to-day basis, it's not always the same number from the same command; we're having to look at it on a shift-to-shift basis the workload and the command and see where we can pull people. That's how we're handling it at this point. Should it become apparent that it has to be a longer term commitment, we're going to have make a more detailed staffing analysis.

CHAIRMAN EDDINGTON:

Okay. So what your -- your response kind of validates what -- I want to say Legislator Caracappa, Undersheriff Caracappa said, that obviously you don't have an overall plan to deal with this, you're dealing with this daily on how you're going to fill this gap.

Applause

CHIEF SHARKEY:

Mr. Chairman, I don't disagree with you, we're handling this on -- as an emergency basis. This is something that --

CHAIRMAN EDDINGTON:

I just wanted to clear -- I want to make sure -- that's why we're here today, so we can be clear on what's being said by everybody. Okay, I have Legislator Nowick that wanted to ask a question.

LEG. NOWICK:

Yes, good morning. Thank you for coming here. Just a few things which you are clearing up a little for me. From what I'm understanding, the Sheriff's Department kind of was -- came to the rescue, was asked to do this and of course you couldn't refuse. It wasn't something that you volunteered, you were asked to do this by the County Executive; or did you volunteer the services of the Deputy Sheriffs?

UNDERSHERIFF CARACAPPA:

When we received the call, the Sheriff huddled with his top advisors and his brass and he made a judgement call to fill the void left by the Highway Patrol being pulled off the LIE and the Sunrise.

LEG. NOWICK:

Was this discussed the week before; that if, in fact, the Suffolk County PD was pulled that the Sheriff's Office would come in?

UNDERSHERIFF CARACAPPA:

From what we've been told, the Chief and myself and since discussions on Monday, that as I mentioned earlier on the record, apparently a heads-up had been given to the Sheriff by the County Executive about the potential of it happening, seeing that the Labor Day weekend had come and gone.

LEG. NOWICK:

But when the heads-up was given, I just wanted to be sure -- you may not know this, Joe.

UNDERSHERIFF CARACAPPA:

We had no contingency plan in place, we reacted --

LEG. NOWICK:

I mean, was it that the County Executive said, "If this happens, could the Deputy Sheriffs step in," or maybe you're not aware of that.

UNDERSHERIFF CARACAPPA:

I'm not aware of that. I wasn't part of that conversation.

LEG. NOWICK:

Okay, because I just wanted to see how that started. And by the way, with due respect to your Correction Officers, to your Deputy Sheriffs who I know do a wonderful job. And I will say that I did have an opportunity yesterday to go out east on the Expressway, did see a lot of Sheriffs, but I will say also I saw a State Police car there giving a ticket, I saw a Suffolk County PD car, so I did get to see the Sheriffs cars out there.

When you say interim basis, it sounds to me like if the State doesn't come through with the demands of the County Executive, interim could last indefinitely. Is that -- Mr. Zwirn, maybe you could answer that, is that the way you see it? Is that -- is that the threshold, the State comes through with what the demands are otherwise Suffolk County PD is pulled off ad infinitum?

MR. ZWIRN:

That's very possible.

LEG. NOWICK:

That's very possible.

MR. ZWIRN:

Yes.

LEG. NOWICK:

Okay. Last question and I don't know who could answer this; again, maybe Mr. Zwirn. I am just confused as to if the Police Officers are still on duty and still getting paid in another position, how does that save the taxpayers money?

Applause

MR. ZWIRN:

You'll see savings, Legislator Nowick, when you take the Police Officers that you now have from DARE back in patrol and you have the Police Officers from Highway Patrol back in patrol, it reduces the number of new Police Officers you're going to need at the academy going forward. So you're going to need less new Police Officers coming in and the ones that have been replaced on the highways are being paid at a much different salary with a much different work schedule than the present Police Officers.

LEG. NOWICK:

So then are we to understand that in 2009 there will not be new Police Officers added to the --

MR. ZWIRN:

There certainly would be less, absolutely. And the budget will be out tomorrow so you'll have an opportunity to take a look at it.

LEG. NOWICK:

Would there be any type of estimate we could put on -- I'm not going to say percentage, but what this would save every family on their real property tax bill on the Police line. Can we -- do we have an estimate, can anybody estimate what this is in dollars and cents on the average tax bill? Say at this point I pay twelve hundred a year for my Police, County line on my tax bill; what would you say someone paying twelve hundred a year would save on their tax bill with this? Can --

LEG. LOSQUADRO:

Budget Review?

LEG. NOWICK:

Budget Review, can you estimate what this is going to save me?

MS. VIZZINI:

I'd really rather not give you something quick and dirty.

LEG. NOWICK:

Oh, there she is.

MS. VIZZINI:

Because I really think we need to look at it in terms of the true savings. We did something quickly in terms of the average Deputy Sheriff makes about 89,000 as opposed to the average Police Officer makes 98,000, so --

Applause

CHAIRMAN EDDINGTON:

Say those numbers again?

MS. VIZZINI:

Again, it's a preliminary analysis. Unless you're talking about new classes of Deputy Sheriffs that start at the low dollar amount or new classes of Police Officers, but the average Deputy Sheriff makes 89,000, the average Police officer makes 98,000.

UNKNOWN AUDIENCE MEMBER:

That's not 42,000.

LEG. NOWICK:

Okay. So --

MR. ZWIRN:

Legislator Nowick, we --

LEG. NOWICK:

Yeah, Ben, maybe you can --

MR. ZWIRN:

No, when you look at --

LEG. NOWICK:

I'm sure you have numbers that you have in mind for your budget.

MR. ZWIRN:

We have no problem going --

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

MR. ZWIRN:

I'll wait until the audience is finished. I mean, there's no point in --

CHAIRMAN EDDINGTON:

One more shout, doors will be closed, guys, so it will be on you. Go ahead, Mr. Zwirn.

MR. ZWIRN:

A new class approximately costs us about \$5.5 million; if you don't have to have a new class you save that. The second year it would be \$8.5 million, roughly, for salaries and benefits; if you don't have to have the class coming in then your savings would go forward from there as opposed to -- well, we'll dispute BRO, but we'll go over with BRO the numbers with respect to an individual Police Officer.

LEG. NOWICK:

So you're thinking 13 million you can save?

MR. ZWIRN:

Over two years.

LEG. NOWICK:

Over two years, okay. So -- over two years. Let's say the first year then is 6.5 million. Budget Review, 6.5 million, can we figure out how much that would save each taxpayer?

MS. VIZZINI:

Yeah, we'll get that for you.

LEG. NOWICK:

Okay, then I'll wait for an answer. Thank you.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Okay. First of all, Ben, I mean, I know we're all sharing the same concerns with our budgets this year and how we need to save money. But also, it's important to realize we can't short the public safety issue. You know, people need to be safe on the roads and, you know, we cannot shortchange

--

MR. ZWIRN:

Agreed.

LEG. BROWNING:

-- Suffolk County residents --

MR. ZWIRN:

We agree.

LEG. BROWNING:

-- when it comes to public safety. It is something we are going to have to look at because we are hearing there's a shortage of Police Officers and we need to put them out on the road. If there wasn't a shortage of Police Officers, why is he taking them off the highway to put them on the roads?

Applause

I think -- I want to talk about response times also. We have Suffolk County Sheriffs now on the highway. We had -- one of my staff members, I wasn't able to go to the meeting yesterday with the 911 operators to see how they work. I was told that when a 911 call comes in, an accident on the Expressway, and the 911 call comes in, that is sent to, I guess, the Suffolk County Police Department Headquarters Dispatch who dispatches -- I know we have 911 operators, we'd like to -- maybe they could respond. But it's my understanding that now when that call comes, it's going to a dispatch for the Suffolk County Police Department who now, in turn, will have to call the Sheriff's Department and they're dispatched to respond to a call, and it's my understanding you will only have three dispatchers. Am I -- I'm looking at 911 operators and could we get -- do you mind if we get them to come up?

CHAIRMAN EDDINGTON:

Actually, you know what. --

LEG. BROWNING:

My concern is the response time, that you're taking away response time, it's another call, and how will the Sheriff's Department be able to respond? Because you know if there's an accident on the LIE, you're going to get 20, 30 phone calls.

CHAIRMAN EDDINGTON:

What I can do is this. I can just tell you real quickly, having been there, that it goes to the 911 operator but it will not go to the Police District dispatch, it will go over to the Sheriffs. And they

have three positions now and I understand -- Undersheriff Caracappa can address this, right -- you have more in the makings; is that correct?

CHIEF SHARKEY:

We currently -- you're correct with the current system, that the calls are being answered by 911 operators and they are being transferred directly in a similar manner to what they do with FRES, they're transferring the caller to our dispatchers in our Communications Center and then they are directly dispatching the Deputies that are on the road.

CHAIRMAN EDDINGTON:

Right. And my understanding is the protocol is the same as what you're doing with the State Troopers right now on Sagtikos.

The response time is another thing that I think I'd like to save for another meeting, because we're talking about the highway right now. And I don't think we can assess what the response time is going to be until we give you a little bit more than a three day period.

UNDERSHERIFF CARACAPPA:

Well, Mr. Chairman, we do have some breakdowns in response times as it relates to the last three days, the Chief has that if you'd like to hear it.

CHAIRMAN EDDINGTON:

I think the Legislator would like to hear that, then.

LEG. BROWNING:

Yeah. And also, maybe to add to that, it was brought to my attention, too, that now that you have pulled -- you're pulling Sheriffs from other departments to put them on the highway. And it was brought to my attention, I did see Vito at one point here, maybe he might know something more about it, but that they're -- you know, a prisoner has a heart attack, needs to be taken to the hospital, the Sheriffs have to respond. And it was brought to my attention now that we -- if we have a Sheriff on the highway, that you're not going to have Sheriffs immediately ready to go assist to do the transportation of the prisoner. You know, yes, they're prisoners but, however, they need the care that they need. And my concern is the response time now for the Highway Officer or for the Sheriff who's on the highway who's now going to be called off the highway to go to the jail to do the transportation. Can you respond to that and tell me what's going on?

CHIEF SHARKEY:

Yeah, we've not completely stripped our commands and put everyone up on the highway. The officers that have been temporarily reassigned for their shifts up on to the highway will be dedicated to that particular duty for their shift. There are other officers that are responsible for transportation, especially emergency transportation, ambulance transportation. So we're not taking everyone and moving them up on to the highway.

LEG. BROWNING:

Okay. And to get to the departments, I don't know if you can respond today, but the departments that you have pulled officers from to cover highway, I'd like to get a list of those.

CHIEF SHARKEY:

We can get that for you. As I said, it changes from shift-to-shift based on workload.

LEG. BROWNING:

Okay.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. NOWICK:

Just one second, please? I just -- I have an answer to my question, I just wanted to -- and this will take a second. I just wanted to -- figures from Budget Review on my question was that if the Police District does not -- does not go up by 6.5 million, this will save \$2.23 per million or \$14 for the average homeowner. That would be -- and Budget Review, correct me if I'm wrong; that's assuming that the Deputy Sheriff's budget or that the Deputy Sheriffs don't go into overtime which will offset the \$14.

Applause

I just hate to say it, though, for \$14, maybe less, if there's a public safety issue, \$14 really doesn't mean that much in one year; \$14 buys you maybe a meal and a half of McDonald's. So we really have to think about this.

Applause

CHAIRMAN EDDINGTON:

What you're saying is you don't want to have to have a bake sale to pay for the Police Department. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just want to be very clear here. I've heard it mentioned a couple of times by a few different people; this is not a knock on the Deputy Sheriffs. They simply do not have the training or the patrol experience in this particular area, and I'll use the analogy of a teacher. My wife is a middle school teacher, my wife can't understand how high school teachers teach high school kids. She can't understand how elementary school teachers teach elementary school kids. And the elementary school teacher says, "Oh my God, how do you deal with those kids in middle school with those raging hormones?" Each person has a specific function that they fulfill. This is not a knock on any one person. I just wanted to get that out of the way.

To bring these officers up-to-speed will cost a lot of money and a lot of time in getting them the specific training and the equipment that they need to properly fulfill these roles. Those are two things we keep hearing across the board here. Everyone likes to talk about budget and everything else. Those are two things we do not have the luxury of; we do not have the luxury of more money, we do not have the luxury of more time. Let's get to the heart of the matter, this cost savings. We've heard it mentioned several times, there is no savings involved here, none.

Applause & Standing Ovation

We hear about prospective savings in the future. What are we going to do with getting units up and ready with laser guns, training; how will those guns be calibrated -- I've been writing notes furiously here, my pen's running out of ink, I feel like I'm back at college -- to Department of Criminal Justice standards? How will those laser guns be calibrated to those standards? Will they receive the same training and the same equipment that our Highway Patrol officers have?

I don't want to belabor the point with the training and all the things because I have a great deal of respect for what the Deputy Sheriffs do. And I'm sure a lot of the Police Officers out here in this audience will say, "God, I don't know how those guys serve those orders or do those evictions, I would never want to do that," and I'm sure it's vice-versa on the other side. And I have a lot of respect for the Deps stepping up and doing this in a manner that, quite frankly, in speaking to some of the guys on the street, they didn't feel comfortable going out and having to tell one of their brothers in law enforcement that, "I'm relieving you on this post," with no advanced warning. I think that is an extreme professional discourtesy that the two departments perpetuated on the officers in their departments forcing them into that situation.

Applause

I talked about the extra equipment. Not only do we have the training involved, the laser guns, extra training in high -- high speed enforcement, what about the vehicles that your officers are patrolling? And this is directed to the Sheriff's Department. Our Highway Patrol Officers -- and any of you guys who know me know I'm a very technical person. Our Highway Patrol Officers patrol in vehicles that have a lot of additional warning equipment on them; the flip-up light bars, the rear deck rollers, a lot of additional equipment and they still get rear-ended at 75, 80 miles an hour. Your guys are out there patrolling in black and whites with low-profile strobe bars on them, the back of those cars are black. I see this as a disaster waiting to happen for the Deputy Sheriffs who are on our high speed roadways. I think that's something that needs to be addressed, it's something that I don't want to have to address because I think it's throwing good money after bad. Again, we're talking about spending more money and cutting into any perspective savings which I think will evaporate in the face of having to bring a department that was not geared up for this up-to-speed to do something that another department was already doing. I think those savings will evaporate and you'll wind up spending more money in the long run. And we going to do a detailed analysis of that --

Applause

As I said, we're going to a detailed analysis of that, but based on just the things that I'm looking at off the top of my head, I see a lot of areas which are going to have to be changed or upgraded here within your department. Again, it's not a knock on the Sheriff's Department, it's just something that you weren't geared up for. So those savings I think are illusory at best.

We heard you say that this is an interim basis and this is a very pointed question, I hope we can get a straight answer. Again, this is not a knock, I don't want to belabor the point. I don't want to start asking the questions about how many of our officers were regularly assigned to positions that included responding to 911 calls, patrol functions, I don't want to ask those questions because, quite frankly, we already know the answers to them. Would you agree that at the moment, because you got dumped into this, that your officers are not adequately prepared to handle these functions to the same level that the Highway Patrol Officers were trained to, equipment, training, everything inclusive; would you agree with that?

CHIEF SHARKEY:

As I said earlier, we're not attempting to replace these officers with --

LEG. LOSQUADRO:

I understand that.

CHIEF SHARKEY:

-- their same level that they were providing. We have been doing this for three and a half days. We are making sure that we have vehicles up there that will be -- that are properly supplied. And no, we do not have the stand-up field lights on the cars.

LEG. LOSQUADRO:

Three points.

CHIEF SHARKEY:

We've never had cars that have those before. We are using the same vehicles and rotating them through so that we can supply them adequately. We made an offer earlier that if you'd like to we could make arrangements for you to view one of the vehicles that's being used.

LEG. LOSQUADRO:

I've seen them on the highway, they look like standard Deputy Sheriff cruisers.

CHIEF SHARKEY:

They're standard Police cruisers, they're ordered off the State contract.

LEG. LOSQUADRO:

Right.

CHIEF SHARKEY:

As far as the black and white vehicles, the majority of Police vehicles in the United States are black and white, the State Police operate in dark blue vehicles.

LEG. LOSQUADRO:

But ones -- again, I don't want to argue with you about this, but the ones that are used in the highway functions have additional -- regardless of their color, I was just making a point with that because they don't have some of those additional warning lights that the cars that are equipped for Highway Patrol do which can completely offset. I mean, when those Highway Patrol cars light up it looks something out of Close Encounters from Third Kind, of the Third Kind, and yet still people manage to run into them sometimes. All right. Well, you didn't --

CHIEF SHARKEY:

I'm not making any assertion that our cars are completely equal to the Highway Patrol car.

LEG. LOSQUADRO:

I understand that, and you've answered the question in sort of a roundabout way. And I look forward, actually, to seeing a proper accounting of the units that you're pulling from to accomplish this because, quite frankly, that's something we have not been able to get from the Police Department. This comes down to simple accounting, and anybody who's been to these committee meetings over the past few years have heard me say this, and I know the Chiefs have heard me say this, they're probably getting tired of me saying it, but I've never gotten an answer. This is basic accounting. If you tell me you have 75 more officers available and 75 less officers in the department, well, I took basic accounting and that means you've redeployed 150 people. Where did they come from, what units did they come from? We hear bits -- we get it piecemeal, bits and pieces, "Well, a couple of guys came from here, a couple of guys came from here temporarily." We've never been able to get a straight accounting of where all those officers are coming from, yet as Legislator Browning pointed out, we keep hearing everything is fine, yet we keep taking officers out of other units within the department to have them go into precincts. Now, I understand precinct patrol is very important, but could someone please be honest with this body, as we are the policy-making body of Suffolk County and we have the ultimate decision in crafting the budget -- the County Executive can put forward a budget, it's a recommendation -- we have to pass it, we have veto power; can we please get an honest assessment from someone to tell us how many --

Applause

Guys, let me finish here. How many cops do we need? Even if it's a wish list; let us make the decision. Is there another department within the County? We want to say, "You know what, public safety is the primary chartered function of any County in the United States, we're going to make the tough decisions that need to be made to cut out of another department to make sure that public safety is going to be funded." Or maybe we say, "There's just not enough money, we can't give you that much," but ultimately that should be our decision. That should not be the policy-making decision of an appointed official somewhere within a department to make these type of budgetary decisions; that is our purview, we are the elected officials that make policy.

And I've asked for this time and again and all we get every single time from any department is, "It's fine," yet we keep stripping departments of units within those areas to make up for clear and obvious shortfalls. We wouldn't be taking -- and I think the number, correct me if I'm wrong here, is 36 Patrol Officers out of Highway Patrol was the last number that I had heard?

CHIEF MOORE:

Yes.

LEG. LOSQUADRO:

To backfill into precincts, approximately five per precinct, and that's not even keeping up with the rate of attrition that we have with our retirements. So we have less officers on the street, let's not try to kid anyone anymore, all right? I'm really getting sick of this.

Applause

The bottom line is we have to make an honest assessment and so far with the information we've been given, and I've been here almost five years, I haven't been able to get the type of information that I need to make an informed decision with matters in the Police Department. We're always trying to scramble and get pieces from where we can and get information through back channels, and that shouldn't be the way it should be for an elected official, that frustrates me greatly as an elected official trying to make sure that we're providing for public safety.

Because, you know, we heard before Mr. Zwirn say that the County Executive is looking out for all the taxpayers of Suffolk County. Let's face it, these men and women in our Police Department, in our Sheriff's Department, they take an oath to protect not only every resident of this County, but everyone who travels through it with our \$4 billion tourism economy. We have people coming and going on these roads on a daily basis greatly in excess of our normal population; these men and women are sworn to protect those individuals. And when we start pulling people out of one area and we can't get an answer, are we under-serving in another area, whether it be Civil Bureau and whether it be a gang unit or computer crimes or sex crimes, we don't know what it is and that's the point. We need an honest assessment of what these departments need. And I can't see any way that the Sheriff's Department is going to be able to sustain this long-term without additional officers, additional resources and additional equipment.

So again, I think at best these savings are illusory and they're going to evaporate into thin air. So I don't think that \$14 savings is anywhere near --

LEG. NOWICK:

Fourteen only if there's no offset.

LEG. LOSQUADRO:

If there's no offset, I think that would be completely impossible to achieve.

We heard before about the HOV grant. Does anyone have an answer of how those grants would be affected by this move? Because to my understanding, those grants were written with the Suffolk County Police Department as being the recipient.

MR. ZWIRN:

A lot of those grants are just about up, they can substitute the Sheriff's Office for the Police Department.

LEG. LOSQUADRO:

Just about? When would they be up?

MR. ZWIRN:

I haven't got the exact dates, but they could substitute --

Laughter From Audience

LEG. LOSQUADRO:

Months?

MR. ZWIRN:

They can substitute the Sheriff's Department. We will not lose the grants.

LEG. LOSQUADRO:

When are they up?

MR. ZWIRN:

I'll give you the dates, I don't have them in front of me.

LEG. LOSQUADRO:

So when they come up we could substitute the department.

MR. ZWIRN:

My understanding is that none of the grants are in jeopardy; we will not have a problem with the grants.

LEG. LOSQUADRO:

We wouldn't lose any of the money in the interim between the time they expired and the time we change over to --

MR. ZWIRN:

Yes, that's my understanding.

LEG. LOSQUADRO:

That's not my understanding with State law.

MR. ZWIRN:

Well, we'll get the numbers.

Applause

LEG. LOSQUADRO:

As I said, I was writing fast and furious. I don't want to monopolize the time, but I want to ask just one question and it's going to be a very pointed question. And I apologize that you gentlemen from the departments get put in the position where you have to be here to fall on the proverbial sword, and I say that with due sincerity because I have a great deal of respect for the head -- for the top law enforcement officials in these departments.

But to Chief Moore, in your professional opinion, the replacement of Suffolk County Police Officers in the Highway Patrol Bureau with the Deputy Sheriffs who, as we discussed and we've heard from the department, do not have currently the same types of training and the same types of equipment; do you feel that's in the best interest of public safety at this moment?

CHIEF MOORE:

I'm not familiar with the operations of the Suffolk County Sheriff, the staffing the Suffolk County Sheriff has, the training that the Suffolk County Sheriff provides his Deputy Sheriffs. I can tell you what my officers do. I can tell you how they perform. I can discuss with you the training and equipment that's provided to my officers. But I just don't --

LEG. LOSQUADRO:

And you feel that they are very well equipped and prepared to handle issues of public safety on our highways, our Highway Patrol Officers.

CHIEF MOORE:

Absolutely. Yes, they are.

LEG. LOSQUADRO:

All right, let me go -- I'm sorry, I'll relinquish the microphone in a second, but let me just ask that in a little different manner then. When did you first find out about the takeover of the Highway Patrol Bureau by the Sheriff's Office?

CHIEF MOORE:

Ten minutes to ten on Monday, 9/15.

LEG. LOSQUADRO:

As the top law enforcement officer in the department, the highest ranking law enforcement officer in Suffolk County, you found about this ten minutes before it was going to happen. When the Sheriff's Office received a call before business hours in the morning and was in triage mode trying to find a way to deal with this; that's correct?

CHIEF MOORE:

I was told ten to ten on Monday morning.

LEG. LOSQUADRO:

Were you given any reason of why the secrecy of the transfer was involved? Do you think that secretness (sic) and that suddenness of that transfer with Deputy Sheriffs going out and literally having to tell Highway Patrol Officers they were relieving them, do you feel that was in the best interest of public safety?

CHIEF MOORE:

The --

LEG. LOSQUADRO:

And that's a judgement question, I don't think that's something that relates specifically to the department. I'm asking you, do you think the secrecy and the suddenness of that transfer was in the best interest of public safety?

CHIEF MOORE:

I don't know what degree of secrecy there was. The Commissioner and I had a discussion about the transfer, and I'm not going to share the contents of that discussion, but we had been given an Executive Order to remove our officers from the Expressway and from Sunrise Highway --

LEG. LOSQUADRO:

The Executive order --

CHIEF MOORE:

We complied, I complied with that order.

LEG. LOSQUADRO:

Executive --

CHIEF MOORE:

And when I ordered my officers to do it, my officers complied with the order as well.

LEG. LOSQUADRO:

So that was an -- you just said you received an Executive Order, so that came from the County Executive. Because we have a departmental directive saying that this was going to be taking place, but you're telling me you received an Executive Order.

CHIEF MOORE:

The Commissioner --

LEG. LOSQUADRO:

So the County Executive ordered the Police Department to take this action.

CHIEF MOORE:

Well, let me correct just -- the Police Commissioner received an Executive Order from the County Executive, the Police Commissioner ordered me. The order you may be referring to is the order prepared by the Police Commissioner.

LEG. LOSQUADRO:

Okay. I'll relinquish the microphone, I have a few more questions later, though.

CHAIRMAN EDDINGTON:

Just a protocol thing. As Chairman, when I start the meeting I have about 35 questions and I could sit here and make it the Jack Eddington show but I try to give every Legislator an opportunity and that's why I asked Legislator Losquadro to kind of pass the phone because we've got other people. And we can go back around for sure, but I don't want it to be any show of any one person. So the Presiding Officer is waiting to ask a question and, by all means, I'd like to hear from him.

P.O. LINDSAY:

I have a number of questions about the whole thing, and they're not judgemental questions, they're just operational questions that I get different answers on, and the first is probably to Chief Moore. Are the Detectives removed from any investigations on the Expressway now?

CHIEF MOORE:

The last instructions that I received from the Police Commissioner, and I relayed them late afternoon to Chief Varrone, the Chief of Detectives, is that they are not.

P.O. LINDSAY:

They're not. Initially, though, there was a written directive that the investigative duties on the Expressway were to be done by the Sheriff as well; am I correct?

CHIEF MOORE:

Yes, sir.

P.O. LINDSAY:

So that's been rescinded. So our Detectives aren't doing any criminal investigations on the roadways.

CHIEF MOORE:

Well, the issue had to do with death investigations and investigations of serious physical injury. And in those instances, our Detectives will continue to perform those tasks.

P.O. LINDSAY:

Okay, thank you. To either Joe or Mike from the Sheriff's Department. Are we manning these assignments with the same people? In other words, is one of your Deputies assigned to the Expressway or Sunrise Highway on a weekly basis, or is it a daily basis that you shuffle people?

CHIEF SHARKEY:

As I was explaining earlier -- we are doing it day-to-day and shift to shift. There are some officers that due to their job assignment we were able to keep them on for the full week this week.

P.O. LINDSAY:

So there's --

CHIEF SHARKEY:

Other officers will be changing.

P.O. LINDSAY:

So it could be a different person every day.

CHIEF SHARKEY:

To the best of ability, we're trying to keep as many of the same officers on those assignments; however, it is not all of them.

P.O. LINDSAY:

How many people are we talking about on a weekly basis to man those roadways 24/7?

CHIEF SHARKEY:

We're doing it right now on a daily basis with --

P.O. LINDSAY:

I know that, I know that. But it seems pretty apparent here --

CHIEF SHARKEY:

I could give you --

P.O. LINDSAY:

Go ahead.

CHIEF SHARKEY:

-- a fuller number, if you will. If we're using seven people per shift, that would be 21 a day and we have a supervisor that is covering each roadway additionally; however, we're trying to use supervisors that were already scheduled. Quite a few -- if you want to count the 21 and six supervisors, you'd be up to 27 on any given day that are dedicated to this project.

P.O. LINDSAY:

Okay, but that's just a five day shift. What about weekends?

CHIEF SHARKEY:

I'm saying on any given day we're allocating that amount of resources to this.

P.O. LINDSAY:

Okay. How many Deputy Sheriffs are there, in total?

CHIEF SHARKEY:

Approximately 280, 283.

P.O. LINDSAY:

I mean, you guys have got to be stretched. You have to be stretched.

Laughter From Audience

CHIEF SHARKEY:

I'm not disputing that.

P.O. LINDSAY:

Yeah. I mean, because you're talking about at least thirty some-odd people if you figure in the Saturdays and Sundays.

CHIEF SHARKEY:

If, in fact, this becomes a longer term commitment, we are going to have to do a full staffing analysis to see if there are any economies that we can make in our existing commands and do that to the extent that we can. And if, in fact, that's not adequate, then we'll have to -- we'll do

additional staff. I mean, within -- we are attempting to assign as many resources to this as we can within our existing budget at this time.

P.O. LINDSAY:

When I talked to the Sheriff Monday morning, he told me where he was getting the people on the short-term. And one of the things that he said was a little bit disturbing and I just wanted it clarified; he said that he had some two-man cars that he was reducing to one-man cars.

CHIEF SHARKEY:

I believe that the vehicle that he was referring to in that case was in our Civil bureau, which is traditionally operated as two-man cars. It has been a relatively paperwork-intensive position there, over the last couple of years we have moved to MDT's in that section.

P.O. LINDSAY:

What does the Civil Bureau do?

CHIEF SHARKEY:

The Civil Bureau does the enforcement of civil judgements, evictions, motor vehicle levies.

P.O. LINDSAY:

Why did we send two Deputies out on something like that? Is it because of --

CHIEF SHARKEY:

What we're doing, there's many of the assignments -- as I said, it was paperwork, paperwork driven and --

P.O. LINDSAY:

Not because of increased danger.

CHIEF SHARKEY:

Some of the evictions, money judgments, you're going to someone's house to take their vehicle, it can be a charged situation.

P.O. LINDSAY:

Okay. We're not transferring prisoners with one Deputy.

CHIEF SHARKEY:

Absolutely not.

P.O. LINDSAY:

Okay. You know, getting back to the economics and Mr. Zwirn. So the savings to us here is if this becomes a permanent situation; there's two short-term savings in the sense that we're still paying the same amount of people. If we don't need a Police class, that's where the savings would be.

MR. ZWIRN:

That would be -- yes, that would be a large part of the savings.

P.O. LINDSAY:

Which would mean -- that would mean the Deputies would continue, so it isn't an interim.

MR. ZWIRN:

Well, or the State Troopers would come down or we'd get the money from the State that we've asked for.

P.O. LINDSAY:

Okay. Okay, thank you.

CHAIRMAN EDDINGTON:

Thank you. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. And I appreciate the fact that since I'm not on this committee, you're giving me some time.

What I would like to try to figure out here is -- well, I'm going to do something foolish, I guess, and ask the same question to a bunch of different people and see how many different answers I get. So the first question, BRO said that the average Police -- the average Deputy Sheriff makes 89,000 and the average Police Officer makes 98,000 and I just asked and they said the way they got that number was they added up all the salary and divided it by the number of Deputy Sheriffs and added up all the Police and divided by the number of Police, so I know how that number came.

Mr. Zwirn, I know that in the paper the number 42,000 has been used, so I guess my question is how did you guys get that number? And then after that I'm going to ask somebody from the PBA who said before that the number wasn't right, how did they get their number and what is their number.

MR. ZWIRN:

Legislator Beedenbender, what the County Executive's Budget Office said, they took the Police Officer's top steps, it was at 143,300; the top step for a Deputy Sheriff was 101,300; that comes to \$42,000.

LEG. BEEDENBENDER:

Okay.

MR. ZWIRN:

A top step Suffolk County Police Officer Sergeant is at 166,235 and a top step Deputy Sheriff Sergeant was 115,629 which was a difference of \$50,606.

LEG. BEEDENBENDER:

Okay, that's where you got your number. Mr. Applequist, you had said before, or Mr. Frayler or anybody else that wants to answer it, because I know you had said those numbers aren't correct. So if you have a different set of numbers, could you tell me what they are and where you got them from.

MR. APPLEQUIST:

Yes, Legislator Beedenbender. I got these numbers from our present contract which expired in December of '07 --

LEG. BEEDENBENDER:

Yep.

MR. APPLEQUIST:

-- and the Deputy Sheriff's contract which expired in December of '07.

LEG. BEEDENBENDER:

Okay. And you --

MR. APPLEQUIST:

What I took was the top pay for both a Deputy Sheriff I, the people we're discussing, and a Police Officer, both with ten years experience so we were comparing -- everything is going to be similar.

LEG. BEEDENBENDER:

Okay.

MR. APPLEQUIST:

I also took into effect of any longevity a ten year officer in either department would get, the cleaning and clothing allowance. What I did not include is any overtime because we have no control of that, that's purely management; they decide where the overtime is or isn't. You just add up those figures --

LEG. BEEDENBENDER:

Okay.

MR. APPLEQUIST:

-- and you get up with a ten year Police Officer making \$116,468. Where it gets a little confusing with the Sheriffs, because I'm not that familiar with their contract, the number would come up to -- bear with me a minute here, \$96,556. Now, that number includes a 10,000 plus, \$10,000 plus amount in the Sheriff's contract that is called for as a stipend in lieu of overtime. I can only presume that maybe there are certain units, the way they work, they get don't get overtime but they get the stipend; similar to what the Superior Officers have in our contract, the high-ranking officers have a stipend in lieu of overtime. So if you took that \$10,000 out, then you would be looking at \$86,000 for a Sheriff. I did not include health care, that's a wash, we both are involved in the same plan so I didn't even count that. I did not include contributions to the pension system. And again, I think a more detailed look at any numbers the County Exec's Office gives would reveal that their numbers are always pie-in-the-sky.

LEG. BEEDENBENDER:

Okay. Well, thank you, you brought up one point about the \$10,000. Either Undersheriff Caracappa or Chief Sharkey, that \$10,000 that

Mr. Applequist included for the officers that are patrolling, is that something that is part of their salary? So is it appropriate to say 96 as opposed to 86?

CHIEF SHARKEY:

That \$10,000, as he made reference to, is similar to in the Police contract, it's only for several of the administrators at that level that are not entitled to overtime.

LEG. BEEDENBENDER:

So the majority of the Deputy Sheriffs who are performing this function on this interim basis as we speak today are not receiving that ten, so I should, for the most part, say it's 86 instead of 96.

CHIEF SHARKEY:

Yes.

LEG. BEEDENBENDER:

Okay.

CHIEF SHARKEY:

I can't guarantee that it's an exact number.

LEG. BEEDENBENDER:

Right, okay.

CHIEF SHARKEY:

I believe that a top-step rotating Deputy with ten years on would be in the low 80's; I don't think it's 86, but it's in the low 80's.

LEG. BEEDENBENDER:

Okay. Well, then --

CHIEF SHARKEY:

That is including everything he said, longevity, holiday pay, cleaning, clothing, etcetera.

LEG. BEEDENBENDER:

Okay. All right, well, that's one question with three answers, and we'll move to the next one.

We talked about savings. And that wasn't a shot, it's just -- I echo some of the things that Legislator Losquadro says, we sit here and try to make decisions, we just need to have a numbers and I'm a numbers oriented person. So the next question is if we presume that the Deputy Sheriffs would become permanent in this position and they would do it no longer on an interim basis and instead of Suffolk County Police Officers performing the function, then as was discussed before, the savings we're talking about would come from the fact that we would put in a smaller Police class and we would have Deputy Sheriffs that were making less money, anywhere from \$9,000 less to \$42,000 less.

Now, my question is if we do that, obviously we're going with starting salary, what are the numbers? I mean, we probably don't have these right now, but what are the savings numbers there? Because, I mean, if we're going to hire 30 new Deputy Sheriffs, I mean, we have to hire them, we have to train them in the Police Department, the same one that the Police Officers go to. I'm just trying to figure out what the real savings are because -- and I believe that there are savings, but I need to know what they are because we talked about \$14 and I'm sure during the Operating Budget we will quibble over a lot less than that. But I'm just trying to get an idea because, you know, in the first cut when you look at this and think that, you know, we have officers that are paid less performing a function; yes, there would be a savings, there are considerations including equipment. Is there anybody -- Mr. Zwirn, Chief Moore, Chief Sharkey -- that could kind of quantify the bigger idea of the analysis, or maybe provide the Legislature at a later date with that analysis? Because I think that would be helpful to us as we're looking at this.

MR. ZWIRN:

As I said, the budget will be out tomorrow, it will be picked over with a fine-toothed comb, as Legislator Losquadro said. And I'd like to have some opportunity to respond to some of the comments that were made, but I'll wait to the end.

If the Legislature wants to raise taxes, pay for more Police Officers, they can do whatever -- you have the final say.

LEG. KENNEDY:

Oh, now we get a choice in the matter.

MR. ZWIRN:

Well, Legislator Kennedy, with all due respect --

Applause

You always do.

LEG. KENNEDY:

No, no. We didn't get a choice here.

CHAIRMAN EDDINGTON:

Excuse me.

LEG. KENNEDY:

We got no choice here.

CHAIRMAN EDDINGTON:

Mr. Kennedy, please. You will have your opportunity.

MR. ZWIRN:

That's right because, Mr. Kennedy, with all due respect, you're not the County Executive. You haven't made a tough choice since you got here.

LEG. BEEDENBENDER:

Mr. Chairman?

LEG. KENNEDY:

I never purported to be, sir.

CHAIRMAN EDDINGTON:

This is not going to be a personal dialogue. Mr. Beedenbender has the --

MR. ZWIRN:

But it's true; he's voted against every initiative the County Executive has proposed --

CHAIRMAN EDDINGTON:

Mr. Zwirn.

LEG. BEEDENBENDER:

Come on.

MR. ZWIRN:

-- to try to save the taxpayers money.

LEG. LOSQUADRO:

Mr. Zwirn --

CHAIRMAN EDDINGTON:

Mr. Zwirn, please.

MR. ZWIRN:

Every one.

CHAIRMAN EDDINGTON:

You're not closing your mouth. I would like Legislator -- no, Legislator Beedenbender has the floor.

LEG. BEEDENBENDER:

Okay. All right, we'll move on to another question. There were some statements earlier this morning about legal status of this move, so I guess -- and I read some things in the paper yesterday about legal status, so I guess my first question, I think I saw the County Attorney here. Christine, if you wouldn't mind, just because I'm not a lawyer and I read what I read in the paper and I've heard what I heard today and yesterday. So could you give me, well, I guess your opinion?

MS. MALAFI:

I'm going to tread lightly because as of now there is a complaint pending by the PBA at PERB, the Public Employees Relations Board of the State, so I cannot talk about the very specifics.

LEG. BEEDENBENDER:

To the extent that you can.

MS. MALAFI:

What I will tell you is that the authority of the Sheriff is set not only by Suffolk County law, Suffolk County Charter, but also by New York State Law. And the jurisdiction of the Sheriff's Department is County-wide, is not limited to the jurisdiction of the Police Department itself which does not span across all of Suffolk County.

And also, the New York State Criminal Procedure Law defines Police Officer to include the Sheriff, Undersheriff and all the Deputy Sheriffs. So there is the legal authority for the Sheriff to patrol these highways, yes.

LEG. BEEDENBENDER:

Okay. And -- well, you can't really discuss the substance of that complaint. Because I had some questions about that because I read some things in the newspaper yesterday that -- and not to disparage any particular newspaper, but I always tread lightly for what's in there because I know that I've said things and they come out differently. So I guess maybe the question isn't for you, Christine, but maybe a representative for the PBA.

There were some things in the paper that were suggested as the basis for the complaint. And I guess from what I've heard today, we didn't hear any of that, so it seems like that's not the basis for the complaint. So I guess -- I don't know, whatever representative from the PBA that would like to come up and talk about the basis of the concern. I mean, because obviously it's based on law somewhere, and I'm not the lawyer and I don't know where it is. So what is the basis of the complaint that was put forward? Because we've talked today about policy and we had to have a really important policy discussion and my colleagues have asked a lot of important questions. But in terms of the legal basis for the challenge, I guess that's the question that I would have; Christine?

MS. MALAFI:

I believe the legal basis of the PBA's challenge for this action is the Collective Bargaining Agreement between the PBA and the County.

LEG. BEEDENBENDER:

Okay. Well, could --

MS. MALAFI:

And if somebody's here -- but that -- other than just a generalization, I would say you have to go into Executive Session. And my office is not Counsel to the PERB Board, there's outside counsel by Suffolk County Statute that handles the PERB matters on behalf of the County.

LEG. BEEDENBENDER:

Okay. Well, I guess whoever would like to come up from the PBA, then. I mean, I'm just trying to get a basic idea. Thank you, Mr. Frayler.

MR. FRAYLER:

There are a number of issues. You know, we claim there's a violation in the Collective Bargaining Agreement. We believe that under PERB the County Executive doesn't have the right to subcontract our work to other organization, we believe we have a strong position within the County Charter. And I agree with you very much that a lot of times one gets misquoted in Newsday and other newspapers, but what occurred is there are I believe 23 different reasons in the argument. I think number 18 was the loss of the Police Officers, what loss they're suffering and that's the piece that included vacation pick and certain other contractual items that are in there. But it's an all-encompassing complaint, but those are the major issues that we have surrounding it.

LEG. BEEDENBENDER:

Okay. And I appreciate you giving me that answer because to be very honest, you know, that's the

only thing I read and that was concerning. So I guess this is going to be -- when will PERB rule on this, do we have any timeline? Is there any basis -- Jerry, maybe you wanted to add something?

MR. GILMORE:

Well, there is no timeline. I just wanted to add that the SOA has also done a PERB action for subcontracting unit work.

LEG. BEEDENBENDER:

All right, so it's -- that's the basis, the subcontract, that you believe the Collective Bargaining Agreement prevents this and obviously the County Executive believes that it does not, I guess. And PERB will make that decision.

MR. GILMORE:

PERB will make that decision.

LEG. BEEDENBENDER:

Mr. Zwirn, you look like you wanted to add something there.

MR. ZWIRN:

I would just say, I would read the affidavit that was filed by the PBA President for injunctive relief.

LEG. BEEDENBENDER:

Well, I haven't seen it, but if somebody --

MR. ZWIRN:

I'll make it available to the members of the Legislature and I'll be --

MR. FRAYLER:

He's talking about two different issues, he's confusing the TRO and the PERB complaint.

LEG. BEEDENBENDER:

Wait. Okay, so there was a Temporary Restraining Order that you received, Mr. Frayler?

MR. FRAYLER:

Correct, it just was submitted.

LEG. BEEDENBENDER:

Okay. It's in place right now.

MR. FRAYLER:

I believe the filing was already made. I have to talk to my attorney, it was either done last night or this morning.

LEG. BEEDENBENDER:

All right. Yeah, I'm just trying to figure out where we are and when we're going to get resolution. Mr. Zwirn?

MR. ZWIRN:

I would be glad to read it, the affidavit, Mr. Frayler is here, he can read it into the record; there are 15 paragraphs, it's less than three pages. And on television the other day I read paragraphs 11 and 12 which call for -- which is the grounds for the injunctive relief, and I'd be glad to do it again in the public session here today with the permission of the Legislative Committee.

LEG. BEEDENBENDER:

Well, I don't know about other Legislators but I haven't seen that, so if that's something that either the PBA or the County Executive's Office could make available to the Legislators, or Chairman

Eddington could pass out, I would appreciate having an opportunity to read that. It would be up to the Chairman whether he wants you to put that on the record right now.

MR. ZWIRN:

I would be glad to read it. I mean, Mr. Frayler can read it, it's his words.

CHAIRMAN EDDINGTON:

Well, you know what? I really wanted to try to get to questioning and then have you have an opportunity --

MR. ZWIRN:

Well, I think it has an impact because we hear a lot about public safety, but this is the complaint, asking for injunctive relief --

CHAIRMAN EDDINGTON:

Right.

MR. ZWIRN:

-- for overtime and vacation days; that's, you know, one issue that's here.

CHAIRMAN EDDINGTON:

Okay, we'll deal with that.

LEG. BEEDENBENDER:

If you want to hold off, Mr. Chairman. I just have the one question that I put out there and I don't think I heard an answer, just the timeline, and I heard there's no timeline. Do we have a guesstimate in when that sort of thing will be done, or is it just really something that's impossible for us to guess? I see lots of heads shaking left and right from both sides, so I'll assume the answer is no, we have no timeline.

CHAIRMAN EDDINGTON:

This may be the only time you get one answer.

MS. MALAFI:

There is no specific timeline. I know that the PERB Counsel will be putting in papers. There is a request for injunctive relief to the PERB Board, there has been no decision on that --

LEG. BEEDENBENDER:

Okay.

MS. MALAFI:

-- as of 9:30 this morning when I came here.

LEG. BEEDENBENDER:

Okay. All right. Well, Mr. Chairman, I will not -- I don't have any other questions. We could discuss it, but I don't have any more questions, so.

CHAIRMAN EDDINGTON:

Okay. Legislator Gregory.

LEG. GREGORY:

Good morning, or is it after -- no, morning. It's unfortunate that we're here today to discuss this issue. Can you hear me?

CHAIRMAN EDDINGTON:

Yes.

LEG. GREGORY:

You know, I've been an advocate in my district for more Police. I won't say whether I agree or disagree with the move that has happened, but I agree that we need more patrol officers on the streets. And if they all go to my district I'll be happy, because I have a gang problem, I have crime issues, I have issues. And the men and women out in the audience and Bob Moore who I consider a friend and the Chief here, they won't say that they're understaffed, but they're understaffed, so we need more officers on the streets.

But, you know, we're going to start moving officers. And I said it before, we need to be real about the issues and put in place a class for our academy so we get more officers. I don't think that this was the correct way to do this. I'm glad to see Mr. Frayler and others are here today. I personally called him three times and never got a returned call, but I'm glad to see that he's here today representing his members because this is an important issue.

I spoke to the Sheriff yesterday and he told me he had a 90 minute warning; I think that's unacceptable. We as public officials, public safety is our number one charge and to give someone -- for me, coming from a military background, to give someone a 90 minute warning to take over a function that they're not customarily used to doing is not acceptable. There should be some lines of communication.

Mr. Sharkey, I'd be concerned or be curious as to find out what you think it would take your officers, your Sheriffs, your men and women, your Undersheriffs -- your Deputy Sheriffs, excuse me -- what it would take to equip your vehicles so that they have the proper equipment. Is there any special training that they need that Highway Patrol men are given that your officers aren't given?

CHIEF SHARKEY:

As it stands now, we're -- as far as the vehicles, we'll start with the vehicles -- we are using or attempting to use the same seven vehicles or so on the roadway in order that we can consolidate equipment and make sure that those are properly equipped for emergency purposes on the highway to respond to any instances they may run into.

As far as training, if this becomes a more long-term commitment as we've said earlier, I would say we would need the cooperation of the Suffolk PD's brass to discuss their -- the trainings that their Highway Patrol has attended that perhaps our officers haven't. I mean, our officers have received considerable training other than the original Police Academy training offered through DCJS. I'm not saying it was at the same level of the existing officers that were on the highway because I don't know that, but if this turns into something that's more long-term it's going to require a cooperative effort.

LEG. GREGORY:

But do you have an estimate on how much it would cost to bring your vehicles up to standard, if you will?

CHIEF SHARKEY:

No, I don't.

LEG. GREGORY:

No. Do you have any vehicles that you will need -- let's speak numbers. How many -- because I don't think anyone has said it today, how many officers were taken off and how many were replaced by Sheriffs?

UNDERSHERIFF CARACAPPA:

That was mentioned earlier. We're up to mid 20's so far in the three days on any given day through the different shifts.

LEG. LOSQUADRO:

Twenty-seven.

LEG. GREGORY:

Well, how many were taken off?

LEG. LOSQUADRO:

Thirty-six.

LEG. GREGORY:

Thirty-six and replaced with 27, so we're at a net loss of nine.

UNDERSHERIFF CARACAPPA:

We're trying to keep the patrols as exactly as we were told they were at the point of them being pulled, four on the Expressway, three on the Sunrise.

LEG. GREGORY:

Okay.

CHIEF SHARKEY:

I just want to clarify, when we're saying 27 and 36, I don't know the exact number that were pulled off, that would be a Police Department number. However, I believe that was the total number of officers assigned, still assigned to the bureau, whereas the number that we're giving you is the total officers that we're using on any given day. So I'm assuming that on any given day there are Highway Patrol Officers that aren't RDO's, that would not be on duty, so I just want to make sure you're making a comparison.

UNDERSHERIFF CARACAPPA:

Also as it relates to the equipment in the cars, and I know this is important to Legislator Losquadro, too, aside from light bars and colors, laser -- our cars do have lasers. I've ridden in cars with officers since I've started and they've given me demonstrations out on the Expressway on how they're used, so I've seen them first-hand. Also, we're talking vital public safety, things that are needed within a car such as O2, oxygen, defibrillators, mini Halogen tools and the like, and our cars are being staffed with -- brought up-to-speed with all of that as we speak; most of them have it as of today.

LEG. GREGORY:

Okay. So we're looking at equipping cars for what has been portrayed as a temporary situation, redeploying or deploying Sheriffs, redeploying officers back into patrols, that's what the line is. So that's seems -- to me, that seems to be a waste of resources as opposed to a savings. Because why would you equip vehicles that would cost I would think at least a few thousand dollars to do what is going to be on a temporary basis for when they go back to their normal customary function, they would not need that equipment; I mean, that seems like a wasted savings, a waste of resources.

UNDERSHERIFF CARACAPPA:

Again, from our point of view in the Sheriff's Office, we're three days into this, we're trying to do the best job that we can given the circumstances. As was mentioned earlier and I'll keep saying it, if this is remedied in some other fashion, this afternoon we're out of there. We're trying to just keep the public safe the best way that we can with our professional officers until that time comes.

LEG. GREGORY:

I guess this next --

UNDERSHERIFF CARACAPPA:

And if it doesn't, Chief Sharkey has made it clear what the next step will be and obviously that will be in the hands of the County Executive and, of course, this Legislative body, by way of resources.

LEG. GREGORY:

What I don't understand is the need for the secrecy. I think if it was put out a little bit earlier, you know, you guys could have had a more comprehensive -- you could have had a plan; not even a more comprehensive plan, you could have had a plan.

UNDERSHERIFF CARACAPPA:

I agree.

LEG. GREGORY:

Well, you still have some opposition to it, I'm sure. So I'm not sure what -- I mean, can you talk to me about that, Ben? Was it a lawsuit or -- I mean, what --

MR. ZWIRN:

Well, it's very possible that it's a lawsuit, certainly an injunctive relief before. But the fact is is that before the County Executive made this move there was discussion with the Sheriff and he asked him, "Can you provide public safety on those roads," and the Sheriff said yes, with the resources he has, and he has. The Deputy Sheriffs have done that.

And you have to understand, just because the Deputy Sheriffs are on the highways, there's still other Police Departments -- the Suffolk County Police Department will still respond if there's a shortage, if there's a need somewhere, as the Sheriffs would have responded to the Suffolk County Police Department if there's a need. If the State Police are in the vicinity and they can help out, that's their job, they're sworn law enforcement officers. We have everybody working here. So it's not just all of a sudden we just have -- there's no more Suffolk County Police Department. Those Police Officers, as you say, are still there, now they're more than maybe in your community. And again, you're going to have the budget tomorrow, you're going to be able to work over it, decide what you think are the biggest priorities. You want to -- as I said, you know, everybody laughs, your choices are to increase taxes or not. You can do lots of things, but you're going to have to find additional revenues.

Now, can I ask a question? Would you support State Troopers on these roads? I ask all of them, if the State Troopers, if all of a sudden New York State said, "We have the Troopers" --

CHAIRMAN EDDINGTON:

You know what, Mr. Zwirn? We're in the lucky position that we get to ask the questions.

Applause

So I'd rather have you not ask questions and be prepared to answer ours.

MR. ZWIRN:

Well, I'm just curious, as we move forward --

CHAIRMAN EDDINGTON:

Well, you know what? You can be curious and that's fine, but right now I want you to answer Legislator Gregory's questions.

MR. ZWIRN:

Well, I appreciate that.

LEG. GREGORY:

I understand the lawsuit and, you know, that they may be -- you know, a warning order, as we used to call it in the military, went a long ways. You know, asking someone if they can do it is one thing, but telling them that you're actually going to do it is something else. I mean, my colleague Mr. Losquadro, you know, the Giants could call him tomorrow and say, "Our field goal kicker is out, we need you to come in and kick a field goal," you know, that's one thing, but whether he can do it or not is something else.

CHAIRMAN EDDINGTON:

He could do it.

LEG. LOSQUADRO:

Ten yards, maybe from the goal line.

LEG. GREGORY:

But, I mean, that's -- I'm trying to make it a little light situation. But I don't see the -- I really don't see the harm. You know, I'm not saying I agree or disagree, I haven't really made a decision with the Sheriffs, what they should do or shouldn't do, I just disagree on the execution. I think that that's something that's firm in my mind, we should have given these guys a head's up. And we're talking about lives, we're not talking about kicking field goals or other nonsense, we're talking about people's lives and we should have a comprehensive plan in place so we can execute it on day one. When the Sheriff tells me, "I got 90 minutes, DuWayne," you know, that tells me, you know, he's scrambling around. Yeah, you ask him, you know, "Can you do it?" "Yeah, we could do it." You know, everyone wants to defend their men and women, but to put a plan in place is something different.

And to see that this may be more on a permanent basis as a temporary basis concerns me even more because now they're going to have to equip their vehicles, they're going to have to train their personnel for something that's, you know, being portrayed as a temporary situation, that's a waste of resources. And then we have outside counsels. I mean, this is going to be a costly situation. So I'm really hard-pressed to see where the savings is really going to be. I'm happy to see that there are more officers on the streets, but if it's more about savings than officers on the streets, I think this was definitely a wrong way to go.

Applause

CHAIRMAN EDDINGTON:

Okay. And now Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Even though I'm not --

CHAIRMAN EDDINGTON:

Put the clock on.

LEG. KENNEDY:

Even though I'm not a member of the committee, I felt it was important to be here today to listen to the dialogue, try to get some of the rationale and to see if there's anything, any way, shape or form that any of this resonates.

I've spoken to a lot of people over the last couple of days about this. I spoke to Commissioner Dormer twice, Chief Moore, you and I spoke. I've spoken to many of my emergency services departments here in the 12th Legislative District, I've spoken to former Police Commissioners and I have yet to find one person who can go ahead and say that there's any rhyme, reason or that any of this goes to uphold public safety. We can talk about dollars, we can talk about nickels, we can talk about taxpayers, but to a person, almost everybody says what we've done -- and as a matter of fact, I'm not going to say we, because as I just pointed out, I voted for an '08 budget that had a

Highway Patrol Unit in it. I didn't get to go ahead and act on this and now it doesn't have a Highway Patrol anymore doing what it was purported to be. I guess what we do with this budget stuff is all just make believe. Even though when I read the Charter it tells me I have the ability to set policy.

Applause

Chief Moore --

CHIEF MOORE:

Yes, sir.

LEG. KENNEDY:

-- I'm going to ask you. Actually, I have a hard time even asking you these questions because I see you and Chief Ponzo sitting here and I've read your bios, and as a matter of fact you two gentlemen started protecting the citizens of Suffolk County when I was still back in high school. When you look at this you said you do not know what the capabilities of the Sheriff's Department are. And I have nothing but the highest respect for the Undersheriff and for the Chief because I know them both to be good, honorable, dedicated men. How can you implement an order when you don't know; how do you do that? If you're being directed to take an action and you don't know what the consequences are going to be, how do you implement that order?

CHIEF MOORE:

When any Police Officer is issued an order, he or she generally examines two issues; whether or not the order is legal. If the order is legal, the officer has an obligation to respond.

When I first became a Police Officer abortions were illegal and Police Officers, regardless of their personal feelings, had to support stopping individuals from having abortions. Today abortion is legal. Those very same Police Officers are at the very same locations; however, now they're enforcing the right of a woman to have the abortion and to -- for the attendant medical personnel to perform that abortion.

When I first became a Police Officer there was a law on the books called loitering, and officers loved that law because it allowed officers to take appropriate action in circumstances where they may not be able to. Well, that law was removed from the books and now those very same Police Officers who at one time were able to take police action are no longer able to take that police action.

There was a law called public intoxication; you couldn't be drunk and walk down the street. The officers found that to be a very, very important law for them because it allowed them to protect a person who was not in a position to protect themselves. Public intoxication is no longer a law, so Police Officers now don't have the legal right to arrest a person merely for being intoxicated in public.

So first and foremost, the law is in a constant state of flux. A Police Officer doesn't have the luxury of deciding whether or not he or she agrees with laws or with orders. The Police Officer has an absolute obligation and a Police Officer, every time he or she first comes into office or is promoted, swears in oath, promises that he or she is going to do what the law demands.

So first and foremost, every Police Officer -- when I was issued this directive, it was a legal directive, I complied. When I directed my Highway Patrol, they didn't argue with me, they didn't tell me they weren't going to do it, they didn't tell me to go pound salt, they did it because they're Police Officers and they understand their obligation. No, they didn't like it, no one expected that they would like it. But you know what, sir? They did it and then they went into the precincts and they did their job in the precincts and that's what they're still doing.

LEG. KENNEDY:

I don't question any of --

CHIEF MOORE:

A second thing that Police Officers examine --

LEG. KENNEDY:

Okay.

CHIEF MOORE:

-- is whether or not it violates their contract. If it violates their contract, you know what the cop does? The cop complies with the order anyway and then he calls, he or she calls his union official and says, "Hey, look, I was just ordered to do something. I did it," because that is their obligation, "but you know what? I don't think that's right," and the union officials file a grievance and then we work it out. So don't ask me how I could comply with this order; it was a legal order, I complied.

LEG. KENNEDY:

You gave me the basics in the elements of the decision making associated with the orders, Chief, but what you omitted is what I asked in the first instance about, whether or not this order compromised the safety of the public, the motoring public. Do you believe that the Sheriff's Department has the capability that, God forbid -- and it is inevitable because there are over 80,000 individuals on that Expressway every day. There's going to be a tanker truck, there's going to be some kind of vehicle, there's going to be something that wrecks up there, and what capability do they have to interact with their local volunteer fire department and ambulance departments to minister to the victims and to keep the volunteers safe? They interact with the helicopters, they interact with Hazmat, they interact with all the other complex parties that come together to preserve safety. Can you answer that?

CHIEF MOORE:

No.

LEG. KENNEDY:

Can you?

CHIEF MOORE:

Ask the Sheriff, they're sitting right here.

LEG. KENNEDY:

No, Chief. No, I'm not asking the Sheriff, I'm asking you now because you gave the order to take them off.

Applause

CHIEF MOORE:

I don't know.

LEG. KENNEDY:

You don't know. Okay, then I'd say I'm not going to ask any more questions because clearly we all agree, we don't know whether or not we can address the public safety issues. I'll yield.

Applause

CHAIRMAN EDDINGTON:

Okay. I've got a couple of more questions for round two. Legislator Nowick.

LEG. NOWICK:

Well, after listening to all of the testimony, a few things have become clear. My hats are off to the Sheriff's Department for coming in and I know that was not your first choice. Some of the questions that could not be answered, while there was actually a little bit of a gray area, a little teetering and I understand why there wasn't answers, seem to be that safety is at issue.

Legislator Losquadro talked about these cars, the Police cars that could certainly do a chase, are equipped more so than the Sheriff's cars. Here's my concern, very quickly, and I can talk from my heart here. My first job is that of a Mom. Ask Deena Cohen if \$14 could be worth the safety of anybody's child. It's not worth it. Let's -- let's save money where we can save money, but let's not save money -- let's not save money at the cost of perhaps someone's life, somebody's child, a child in danger because of a drunk driver. Let's choose the appropriate area to save money, let's not do it here.

Applause & Standing Ovation

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Okay, I'm looking at two letters here. I'm looking at the one from Governor Patterson. I know earlier you mentioned that there is no State legislation, you know, for the \$50 surcharge, however there is State legislation for the Red Light Camera Program, and what this letter is saying is that we could gain \$3.5 million in annual revenue from the Red Light Camera Program. I'm looking at a letter from the County Executive, I don't see him saying, "Thank you. We're ready to take it."

MR. ZWIRN:

They didn't give it to us; there's a big difference there.

LEG. BROWNING:

However, however --

MR. ZWIRN:

They didn't offer it to us.

LEG. BROWNING:

And we have that Home Rule Message that we passed. We have that law in our books for the red light camera.

MR. ZWIRN:

Absolutely; I went up to Albany and lobbied on its behalf.

LEG. BROWNING:

And Assemblywoman Eddington sponsored that bill.

MR. ZWIRN:

And where did it go?

LEG. BROWNING:

However, I'm looking at the County Executive's letter saying we're willing to pay New York State for 14 Troopers for the Sunrise Highway and over three years -- '09, '10 and '11 -- it will cost us \$2.7 million. I'm trying to understand, the tough economic times that we have, why are we paying State Troopers \$2.7 million? The Red Light Camera, the State bill has passed.

MR. ZWIRN:

No.

LEG. BROWNING:

No?

MR. ZWIRN:

No.

LEG. BROWNING:

Okay. However, you said the bill -- you did say there's no State legislation; we do have the State legislation for the Reg Light Camera.

MR. ZWIRN:

The State legislation has been pending for two years for Nassau County and Suffolk County. County Executive Tom Suozzi put it in his budget last year for revenue, it never came through; there's a hole in that budget because of that. He's put it in his budget again this year; again, it's highly speculative. Just because Governor Patterson said he'll support it, he supported it last year and it didn't get through the State. They asked us for the surcharge, which we did support --

LEG. BROWNING:

But the legislation is there. But the legislation is there.

MR. ZWIRN:

But the legislation doesn't do us any good unless it gets passed and signed. The money doesn't come forward, even with the best efforts of Legislator -- Assemblywoman Eddington and our delegation up in Albany, and that includes the State Senate Delegation as well. They fought on our behalf, we couldn't get there.

LEG. BROWNING:

But I'm trying to understand, too --

MR. ZWIRN:

I will answer that part as well.

LEG. BROWNING:

-- is Sunrise Highway being a State road, why are we were going to pay \$2.7 million --

MR. ZWIRN:

We were doing everything we can to try to give them an incentive to bring down State Troopers that would be here permanently, so that going forward we would have a compliment of State Troopers handling those roads on a go-forward basis that would benefit the taxpayers of this County going on and on. With the reduction in cost --

LEG. BROWNING:

But his comments of --

MR. ZWIRN:

With the reduction in cost of new Police Officers that would have to be going through the academy and then going forward they would have been here for good and wouldn't have to lobby them every year for additional revenue; that was the thought process involved with that.

LEG. BROWNING:

His comments have continually been, "This is a State road, State Troopers should be covering it."

MR. ZWIRN:

We had the option, Legislator Browning.

LEG. BROWNING:

And it's either they should pay us the money --

MR. ZWIRN:

We could have pulled the Highway Patrol guys off.

LEG. BROWNING:

I don't get why we're offering a compromise and saying, "We're going to give you \$2.7 million"; it's wrong.

MR. ZWIRN:

We did everything. We tried to be reasonable to try to get the State not to be able to say no. They told us one reason after another why they could do it and then they couldn't do it. I met with the Superintendent of the State Police, Harry Corbitt, up in Albany back in April, and he said they would have a plan in place by August 1st. Somewhere in between April and August, the higher-ups pulled the plug and it couldn't happen.

We asked the PBA to go up there and lobby with us to get the money from this particular piece of legislation; it never happened, and we're still trying to get it done. As everybody said, this is not necessarily a permanent solution if we can get the State to either give us Troopers, in which case it would be permanent, or give us the money to pay for it to cover the State roads. They do it everywhere else in the State, it's a matter of equity. And I would like to have the support of all the individuals that are here today to do that. I mean, we're fighting with each other here today, but we could be working together. We had hoped that they would work together with us at an earlier time to go up there and stand side by side with the County Executive and say, "Look, it's not fair. It's not fair."

Look, our first choice was to get State Troopers on State roads; our second choice was to get the money and keep the Suffolk County Highway Patrol in place. We didn't get the money, we didn't get the Troopers, so the County Executive is doing everything he can, public safety being first. Now, you can argue if we've given the Suffolk County Sheriff enough time. The County Executive asked the Sheriff if we could do this and maintain public safety. The Sheriff looked at his resources and said, "I can deploy and cover those roads," and that's what he did and that's what they're doing.

LEG. BROWNING:

Temporarily. Temporarily.

MR. ZWIRN:

Temporarily, but they're doing the job. And if they need additional assistance from the Suffolk County Police Department or the State Police, that will come forward because that's what law enforcement professionals do.

LEG. BROWNING:

Okay. Well, like I said, I don't understand why we're going to pay the State \$2.7 million.

MR. ZWIRN:

Well, we're not going to pay the State anything because they're not going to give us --

LEG. BROWNING:

That's his compromise, that's what it says here.

MR. ZWIRN:

They rejected it, they rejected even that. So that shows our good faith and the County Executive's Office and the State's good faith.

LEG. BROWNING:

And the other issue is, and I have to say, you know, my union background tells me the PBA has a separate bargaining agreement and -- from the Sheriff's Office. We have set a precedent by having the Suffolk County Police Department serve in the highway, and I know that they are doing what they need to do. This is definitely a change of terms and conditions of their employment and I guess they're going to have to do what they're going to have to do to win this.

MR. ZWIRN:

I would ask you to read the PERB complaint.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to clear one thing up quickly. I heard earlier someone talking about a disparity in the workday, longer hours? Mr. Zwirn, did you say something about that?

MR. ZWIRN:

The schedule for Suffolk County Police Officers is different from that of the Sheriffs, and I'll let Mr. Shar --

LEG. LOSQUADRO:

Don't they cover 24 hours, aren't there three shifts?

MR. ZWIRN:

No, there are certain contractual days. I'll let Mr. Sharkey explain what the Sheriffs do.

CHIEF SHARKEY:

Just briefly, I'm assuming what he's referring to is the amount of hours required per day and per pay period by the different bargaining units. I can only speak to what the Deputy Sheriffs are required, someone else would have to speak to what the PBA is required.

MR. ZWIRN:

(Inaudible).

LEG. LOSQUADRO:

All right, I won't --

CHIEF SHARKEY:

Let me be specific in regard to Deputy Sheriffs. Deputy Sheriffs work an eight hour day for a total of 80 hours biweekly and our rotations vary, but our annual appearances can vary anywhere from 260 to 243 at the low end.

LEG. LOSQUADRO:

All right. Now, being obviously very familiar with the union workings of the Deputy Sheriff's representative, we've heard it mentioned earlier, doesn't this make the functions of those officers then substantively similar to the functions of a Suffolk County Police Officer and wouldn't that be something I guess -- again, you're not being in that position anymore, but wouldn't that be something then that the union representatives would then use in an argument in going forward on negotiating their next contract being that theirs expired?

CHIEF SHARKEY:

That would be an editorial comment on my part, but I --

LEG. LOSQUADRO:

You're not in that position anymore, I just wanted to put it on the record. I really was asking more

about the differences because we talked about -- I thought I heard longer workday and that didn't make any sense to me; obviously, it has to do more with the shifts --

MR. ZWIRN:

And days worked.

LEG. LOSQUADRO:

-- and the days worked and days off.

Really what it comes down to for me, and we've heard the individuals here talking with a great deal of admiration and respect for the officers within their departments, and I think I can speak for every one of us up here that we have that same admiration and respect. And they're going to do whatever you put in front of them; whatever order comes down in front of them, of course, they're going to abide by it even if they don't like it. They're going to go out there and they're going to do their jobs and do what they have to do, even if it puts them -- even if it compromises their safety, that's what these individuals do, that's what these men and women do and that's why we respect them.

But the point is at what cost are they complying? At what cost are they doing that job? And not only to themselves, but to other segments of the public. And I've said it before about the Police Department and I'm going to say it again now about the Sheriffs; you have to rob from Peter to pay Paul somewhere if you're doing a lot more work with the same number of people. It's just -- this is basic common sense.

So we can sit here and say everything is fine and that the same work is getting done, but you're doing more work with less people, something's not getting completed. I don't know what it is, haven't been able to get a straight answer. I hope with all the attention and all the people here today and the cameras and the news and everything else, we're finally going to get a straight answer as to what work is getting done, what work isn't getting done, because the bottom line is we're not doing more with less, we're doing less with less, and that's the bottom line.

Applause

CHAIRMAN EDDINGTON:

All right. First of all, I wanted to thank the District Attorney Tom Spota, I saw him leave, I didn't know he was here. I appreciate that he shows his concern for public safety by personally altering his schedule to be here. I also see the Correction Officers President Vito Dagnello, I appreciate him being here showing that this is a concern for all branches of our public safety.

And before I ask you to make your last comments after our questions, I look at this from the analytical questions that were answered today. That what seems to be, as Legislator Browning said with the union, it's doing a job that another bargaining unit was doing. So if we try to keep emotion out, there's an issue and there's a problem and I think we've all said we're concerned with that. As union people, most of us here have been in unions at some point, I don't like when I see that because that is the start of many other problems, and so we have concern over that.

The why, I hear dollars and cents and then I see that the dollars don't make sense because there's not a lot of savings is what I'm hearing when we get the numbers. And I personally do not want to have a bake sale to try to pay for Highway Patrol, so we've got to find a reasonable approach to this.

And then the last thing I think that Legislator Gregory said very clearly, that it was an inappropriate implementation schedule and protocol to dump something like this on another branch when there's 45 minutes notice with our top brass. We have to look at how we're doing things in this County. And public safety, everybody agrees, is number one, and I'm not sure we're meeting those needs when we don't communicate. And what I'm hearing is it's a trust issue and I'm concerned, because everybody here, regardless of what your background is, wants to serve the public. And I'm hearing it from my constituents. So that if we're going to do something, it needs to be publicized and we

need to let the public know because what we're getting now is a reactionary type of thing; "Oh my God, is it safe, isn't it?" And here we are now, three days or four days after it's been implemented getting the information. I, for one, find that appalling, that when you implement a procedure I'm getting calls within three or four minutes. I've got a half a dozen calls before I ever talk to anybody in the Executive branch, and I've got to answer those questions and I don't like being put in a situation where I'm always catching up and I don't like having to go, "Well, uh". I don't want to do that. And I'm finding myself, as Chair of Public Safety, having to do that, that's what I'm hearing from my colleagues and my constituents. We have to work together to provide public safety.

Okay, enough of me. If anybody at the table, I know Mr. Zwirn would like to say something. Anybody else want to close, we will end this as close to noon as possible.

MR. ZWIRN:

Thank you very much, Mr. Chairman. And thank you, members of the Public Safety Committee, for the opportunity just to explain a little bit.

You can quibble over, you know, how much time the County Executive spent with the Sheriff going over this in advance. But before we move forward, we had a confirmation that the Sheriff had the resources and staffing to do this and he has done it; the proof is in the pudding, they're out there. If they need additional backup, if they need the Police helicopter, it will be made available. If the Police who are doing the precinct work are available to help them in a situation where a car can't get there in an immediate manner, they will be there to assist the public just as if the Sheriff's Department was doing the same thing with a Suffolk County Police Officer. They work together always on behalf of the public, we all do.

Public safety was the number one concern. We would not have moved forward if we didn't have an assurance from the Sheriff's Department that they could handle this, at the very least on an interim basis. We continued to hold the olive branch out to the PBA to join with us to go to the State and lobby the State Delegation, the Governor's office, the Assembly to try to get the additional funds that would only be fair and equitable to the taxpayers of this County to pay for Suffolk County Police to cover State roads; I mean, can we all agree on that? I think -- I can't ask any questions, so it's a rhetorical question.

And I would hope that the people who are here today, the Police Officers who were here today to tell their unions and say, "Please support it, let's get this money down here." If we can't -- if we can't get the Troopers, which I know a lot of -- we've talked about this and there was a Legislature don't support that either (sic). The County Executive did. And when you talk about the County Exec making these decisions, he is the County Executive, you know. And a lot of these administrative functions he handles, and they're tough decisions. Look, you see the people here today, he's got, you know, the nerve and the guts to do some things that are not popular with everybody in the County, but he knows how hard it is out there. Look, you -- we've talked about this before, you know how hard it is for the people. They're not paying their taxes, they could lose their homes, they're behind on their credit. I mean, we are facing some of the toughest economic times this country and this County have seen since the 1920's. We are doing everything we can to provide public safety and the services of the people of this County with real revenues and real expenses, trying to provide public safety, but if we can think outside the box and we can save people -- not be penny-wise and dollar, whatever it is, foolish. But the fact is we're doing everything we can to make sure the people who are paying the taxes here can afford to stay in their homes and stay here.

We look for your support on issues that we can agree on. I ask you and beg you, I'll make the PERB complaint available to you because I think when you talk about the legality you ought to read it, especially Legislator Kennedy should read the PERB report, and I'll make it available.

We heard several weeks ago the 911 operation was falling apart; it didn't work, couldn't do this, couldn't do that. Legislator Eddington, the Chairman of this committee, took a group out there yesterday, I know Legislator Losquadro was there, Legislator Gregory was there, and you saw it

firsthand that the things that we said were happening were happening. Look, we will continue to work with everybody in this County, including the Legislature, to make sure that all the services that are necessary for the people that live here are provided at a cost that they can all afford. We've got a budget process coming up. Hopefully this is not a permanent situation, but if we don't get some relief from the State stepping up -- and I think we can all agree on that, they should be stepping up to the plate -- then this may go on longer than we'd all hoped. I thank you very much for the opportunity to be here today.

CHAIRMAN EDDINGTON:

Anybody else at the table? Chief, good?

CHIEF MOORE:

(Shook head yes).

CHAIRMAN EDDINGTON:

Undersheriff, good?

UNDERSHERIFF CARACAPPA:

Good.

CHAIRMAN EDDINGTON:

Okay, then that concludes our Public Safety Committee meeting. I'm going to ask for follow-up information from you guys as we go along and as I talk to the committee. Thank you very much for being here.

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

{ } - Denotes Spelled Phonetically