

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Thursday, July 30, 2009, at 9:30 a.m.

Members Present:

Legislator Jack Eddington - Chairperson
Legislator DuWayne Gregory - Vice Chair
Legislator Thomas Barraga
Legislator Kate Browning
Legislator Daniel Losquadro

Also in Attendance:

Presiding Officer William Lindsay - District #8
Legislator Ricardo Montano - District #9
Legislator Cameron Alden - District #10
Legislator John Kennedy - District #12
Legislator Lynne Nowick - District No. 13
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant to Counsel of the Legislature
Barbara LoMoriello - Deputy Clerk/SC Legislature
Robert Calarco - Aide to Legislator Eddington
Kara Hahn - Director of Communications/PO Lindsay's Office
Michael Pitcher - Aide to Presiding Officer Lindsay
Bobby Knight - Aide to Presiding Officer Lindsay
Marge Acevedo - Aide to Presiding Officer Lindsay
Michael Cavanagh - Aide to Presiding Officer Lindsay
Jack Caffey - Aide to Presiding Officer Lindsay
Bill Schilling - Aide to Presiding Officer Lindsay
Linda Bay - Aide to Minority Leader Losquadro
Paul Perillie - Aide to Majority Leader Cooper
Maxvel Rose - Aide to Legislator Gregory
Greg Moran - Aide to Legislator Nowick
Warren Green - Aide to Legislator Alden
Bob Martinez - Aide to Legislator Montano
Massiel Torres - Aide to Legislator Montano
John Ortiz - Senior Budget Analyst/Budget Review Office
Ben Zwirn - Deputy County Executive
Brendan Chamberlain - County Executive Assistant
Ed Hennessy - County Executive Assistant
Christina Amendola - Intern/County Executive's Office.
Christine Malafi - Suffolk County Attorney
Dennis Brown - Bureau Chief/County Attorney's Office
Richard Dormer - Commissioner/Suffolk County Police Department
Robert Anthony Moore - Chief of Department/SC Police Department
Roger Shannon - Deputy Commissioner/Suffolk County Police Department
Tim Motz - Assistant to the Suffolk County Police Commissioner
Ed Webber - Chief of Support Services/Suffolk County Police Dept

Pat Cuff - Deputy Chief of Patrol/Suffolk County Police Dept
Harold Jantzen - Deputy Inspector/Marine Bureau-Suffolk County Police
Nick Mango - Assistant Chief of Detectives/Suffolk County Police Dept
Tracy Pollak - Suffolk County Police Department/Headquarters
Jeff Tempera - Director/Suffolk County Labor Relations.
Robert Kearon - Bureau Chief/District Attorney's Office
Dr. Yvonne Milewski - Suffolk County medical Examiner
Bob Genna - Director/Crime Lab-Suffolk County Medical Examiner's Office
Donna Ruppenthal - Director of Operations/SC Medical Examiner's Office
Jeff Frayler - President/Suffolk County Police Benevolent Association
Noel DiGerolamo - 2nd Vice-President/Suffolk County PBA
Michael Applequist - Financial Secretary/Police Benevolent Association
Thomas Tatarian - Recording Secretary/Police Benevolent Association
Louis Molinari - Treasurer/Suffolk County Police Benevolent Association
Lou Tuttone - 5th Precinct Trustee/Suffolk County PBA
Angelo Todaro - Trustee/Suffolk County PBA
Ray Griffin - President/Suffolk Detectives Association
Russ McCormack - Sgt-in-Arms/Suffolk Detectives Assoc/Legislvt Chairman
Vincent Stephan - Trustee/Suffolk Detective's Association
Jerry Gilmore - President/Superior Officer's Association
James Hughes - 2nd Vice-President/Superior Officer's Association
Louis Dini - Trustee/Superior Officer's Association
Larry Faraone - Treasurer/Superior Officer's Association
Louis Civillo - Suffolk County Police Officer/Patrol Officer
Michael Simonelli - Suffolk County Police Officer/3rd Precinct COPE
Mike Rando - 2nd Vice-President/Deputy Sheriffs Police Benevolent Assc.
Gail D'Ambrosio - President/Suffolk County Probation Officer's Assoc.
Debbie Alloncius - AME/Legislative Director
Debbie McKee - SC Police Department, Emergency Unit
Hope Callazo - American Red Cross/Director-Community Service Program
Debbie Eppel - Public Information Officer of Suffolk County
Laura Ahearn - Executive Director/Parents for Megan's Law
Lionel Villalobos - Family Member of Edgar Villalobos
Kevin O'Hare - Executive Director/Smithtown Veterans Youth Program
President/Citizens Police Academy Alumni
Cesar Malago - Hispanic American Association
Michael DaPaoli - Resident of South Setauket
Rick Brand - Newsday
Hundreds of Suffolk County Police Officers
All Other Interested Parties

Minutes Taken & Transcribed By:
Alison Mahoney - Court Stenographer

***(The following was taken & transcribed by
Alison Mahoney, Court Stenographer*)***

*(*The meeting was called to order at 9:45 A.M. *)*

CHAIRMAN EDDINGTON:

All right. If I could get everybody to rise, we're going to start with the Pledge of Allegiance by Legislator Gregory

Salutation

If I could ask you to remain standing for a moment of silence for all those that defend our country, foreign and domestically.

Moment of Silence Observed

Thank you very much; be seated. I'm going to start with the public portion. I have a series of people that would like to speak. I'm just going to remind the audience that I'm going to insist on decorum, that we treat every speaker, whether they say what you want to hear or not, with respect, no comments. Let's make us proud here and do the right thing and let people speak. And we're going to start with Noel from the PBA.

MR. DIGEROLAMO:

Good morning, Mr. Chairman, Legislators. Thank you very much for the opportunity to address you this morning. I'm here to express my deep concern over what's been transpiring in the Police Department, not only in the recent months but in the past several years.

Government is supposed to function with a system of checks and balances and, frankly, the system in Suffolk County is broken. When one man has the ability to impose major policy changes in public safety with no input from this body, that system is broken. When your requests for documentation go unanswered for years at a time, the system is clearly broken. When a Commissioner can just simply eliminate, at his sole discretion, vital services provided to the public and you have no control over it as the Public Safety Committee, your system is not working. In order to move forward, this body needs to obligate itself to cease the current abuses and insure that they don't continue in the future.

Now, we just found out that we're not going to be receiving stimulus money from the Federal Government to hire police officers. Possibly, if crimes are being documented appropriately, like I spoke to you about over a year ago, we may have received part, if not all, of that stimulus money. We don't know what formula they use. All we know is we didn't qualify now because of the data we gave them. However, this administration's desire to claim that crime is down outweighs the importance of proper crime classification.

We hear time and again from them crime is down, crime is down in Suffolk County. Well, all any logical person has to do is pick up a newspaper and you will see crime is not down, crime is everywhere, in particular violent crime. You don't have to look at their numbers and their graphs and their charts that they make up from data that they don't let you see, data that they refuse to give you. You know what's going on, you see it every day, everywhere in your districts. This is not fear-mongering, this is reality; this is what's happening right now, today in Suffolk County.

Funding was put in your budget a year ago to hire a Police class of 80 bodies this year; that funding was subsequently removed. When the Police Commissioner spoke at Brookhaven Town with the "We Work For You Forum", he told everybody that he couldn't hire because you, the Legislature, took the money. The Legislature took the money, not the County Executive; that's what he said. It was this body that put the money in in the first place, yet now you're receiving the blame for taking it out and your inability to staff.

The County's reaching a tipping point and something needs to be done, something needs to be done

soon. The people deserve better and frankly my offices deserve better. Every day they make sacrifices that other people just read about or see on TV; 24-hours a day, seven days a week they see things and encounter things that thankfully the general public doesn't have to expose themselves to. And the men and women that are here today, they're not here complaining about what they do, they're not here complaining what they're called to do, they're here complaining saying, "Stop hindering my ability to do it well."

They deserve better, the public deserves better. At the least, they deserve somebody who puts public safety above their own political survival. Thank you.

Applause

CHAIRMAN EDDINGTON:

I've been just informed that because of safety reasons, we cannot have people standing in the aisle, so I'm going to have to ask you to go out into the lobby. What I will ask is the staff here, to make sure that the volume is loud enough that everybody can hear the proceedings. So I'm sorry, but I'm going to have to ask you to step out of the aisles.

Okay. If I could have Louis Dini, Suffolk County Motorcycle Unit.

*(*Presiding officer Lindsay entered the meeting at 9:52 A.M. *)*

SERGEANT DINI:

Good morning. My name is Louis Dini, I'm a Sergeant with Suffolk County Highway Patrol. I have been a Police Officer for 29 years, the last 19 in Highway. For 17 years I've also been the supervisor of the Motorcycle Unit. I am also the SOA Trustee for Headquarters representing Highway Patrol.

The Motorcycle Unit was responsible for a wide variety of tasks. We taught numerous topics to our Police Officers and to many outside agencies. Each and every member of my unit was trained as a Police instructor. Additionally, they all had their own areas of expertise all of which required extra training.

As you know, several weeks ago we were disbanded with no prior notice. In fact, my officers were riding in the rain that day completing funeral escorts for two Police Officers that had died in car accidents. They were notified by Headquarters to immediately return their bikes to the Yaphank garage. They were to return their cars and their equipment and they were subsequently transferred to precincts that afternoon. What's interesting about the demise of the unit is that they were disbanded shortly after another member of the unit and I testified at the PERB Hearing in Brookhaven regarding the Sheriff's Department taking over the Highway Patrol functions on the Expressway and Sunrise Highway. Officer Angelo Todaro is the senior member of the unit and is also the PBA Trustee in Highway. We were called upon by our respective unions to testify on behalf of Highway Patrol. It seems very suspect that following our sworn testimony against the County, we were transferred with no advanced notice.

Since we worked straight day tours, we were available for special assignments on short notice. Following the near tragedy at Connetquot High School last year where a student planned a Columbine-like scenario, we were asked to accept additional firearms training so we could be an immediate response unit for incidents like this. In January we were all trained with 9-millimeter rifles which were then mounted in our Police cars; that is an asset which is now gone. Ironically, on the same day my unit was disbanded and seven of my men were sent to precincts, the department created a new unit, taking our cars to respond to the violence in the Brentwood area. If they wanted a high profile Police presence, ten Police Officers in boots and britches riding motorcycles was their answer.

Years ago, many of you will recall the crack epidemic. It was Highway Patrol that stationed a double unit on the notorious corner of Great Neck and Albany in Amityville to enforce all the laws and to maintain a highly visible Police presence. Since, as I mentioned, my unit worked straight days, they did not get paid night differential. Since they have gone to precincts, three of my men went to

midnights which resulted in a raise of \$12,000 per man; four of them went to two-tour, that's a raise of approximately \$8,000 per man. Now, the department will probably tell you that each day they work they're saving a full day's overtime, but the fact is that the squads they are in are well staffed. There was no cost savings here, only an increased payroll. Prior to this, all our assignments were handled without costing overtime.

Finally, I would be remiss if I didn't mention the thousands of escorts we've done over the years. Because the men took enormous pride in their assignments, they treated each escort with dignity, respect and utmost professionalism. We were able, with a relatively small number of highly trained cops, to move escorts, for a funeral, KIA, over-sized loads or the President of the United States flawlessly. We now have become the only large department in the metropolitan area that doesn't have a motorcycle unit; it's not fair, it's not safe and it's not right. Thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you very much. Angelo Todaro.

OFFICER TODARO:

Good morning, Chairman Eddington and fellow Legislators. I appreciate this opportunity to speak to you this morning. My name is Angelo Todaro, I am a 29 year veteran of the Suffolk County Police Department, having been assigned to the Highway Patrol Bureau for almost 27 years now and I've been a motorcycle officer for the last 20. I wanted to speak to you this morning with respect to the demise of the Motorcycle Unit and about the numerous tasks that we performed with no overtime costs to the County and how they will not be able to be performed now. I sent out a handout, I hope there's enough for everyone to get one -- if not, I have some more at my seat -- and I'd like you to follow along with me, if you would be so kind. As Sergeant Dini already spoke about, and I won't reiterate what he spoke about, he spoke about motorcycle operation and escorts, so I would like to start on the first page at the bottom with vehicle and traffic enforcement.

Every officer assigned to the Motorcycle Unit is certified as a radar and laser operator by the New York State Department of Criminal Justice Services Bureau for Municipal Police. As Sergeant Dini spoke to you about, we were readily deployable and very effective in utilization when, in fact, there was a troubled area anywhere within the County. We were not confined to one precinct and, therefore, we were able to make a difference when there was a traffic problem. For example, Woodside Avenue was a big problem a few years back, we went there on a regular basis and wrote hundreds and hundreds of speeding summonses and changed the way that people drove down that road; that now is gone because our members are scattered throughout the County.

As Sergeant Dini said, we also -- and I was part of the unit that went down to the infamous corner of Great Neck and Albany Avenue to enforce the Vehicle & Traffic Law so as to take a way some of the customers in the crack epidemic, so we were utilized in another sense there. The Police Department in Philadelphia utilizes their motorcycle units in high crime areas, they flood an area with motorcycle officers and they are very effective in reducing crime in that sense; that opportunity has been removed today.

On June 26th, the order was given to disband the motorcycle unit. Shortly thereafter, Commissioner Dormer spoke at Brookhaven Town at an open meeting at which time I asked Commissioner Dormer how he intended to complete the litany of tasks that we did complete, the Motorcycle Unit, and his response was, "We're working on it." To date, Sergeant Dini and I have had a few meetings with Chief Cuff regarding how we might accomplish these tasks and we have not received any answers. Therefore, it's my opinion that obviously this was not well thought out. All the members also went back to Patrol Units, whereas due to their high degree of expertise in traffic enforcement, they could have been better utilized in the COPE Unit, in the --

CHAIRMAN EDDINGTON:

I'm going to have to ask you to wrap up, Angelo.

OFFICER TODARO:

Okay. Additionally, I'd like to say that if you look at all the tasks that we were tasked to do, officers in our unit are the only officers in the County Police Department that are certified or licensed by the particular agencies that are responsible for those training facets in the entire Suffolk County Police Department. So the only way that we can accomplish these tasks heretofore is by you, the taxpayers of Suffolk County, paying overtime to have those officers come back and teach the particular areas of expertise that they were previously assigned to. I thank you for your time.

CHAIRMAN EDDINGTON:

Thank you very much.

Applause

Just on another note, the speakers outside the building have been turned on so that if you want to get out and get some fresh air, you can stand out there and also hear the proceedings. Next speaker is Cesar Malaga.

MR. MALAGA:

Good morning, Mr. Chairman, members of the Legislature. My name is Cesar Malaga, I'm the President of the Hispanic American Association. It was a disgrace with what happened with the body of Edgar Villalobos on July 20th in Brentwood at the murder scene. The body was left on a Brentwood street for nine hours just because of overtime issues.

Suffolk County Police are the highest paid Police in the entire world. The crime rate is not as bad in this County as it is in New York City, Newark, Chicago and parts of Texas. We do not see funerals of Police Officers in those places, we hope it will never happen here. The people in Suffolk County are civilized; there are some bad apples, but not as bad as other places.

The Police unions cannot continue to ask for more money or benefits for their members, the Police. We pay great amount of taxes here in Suffolk County. It is time to realize that money does not grow on trees. The present economic situation is going to get worse. Residents are losing jobs, they will continue to lose. To demand more money and benefits by the Police Department must stop.

We do not agree with many things with County Executive Levy such as immigration, but his plan to reduce costs and taxes is in the right direction. I was surprised when I read that the Detectives get paid to simply stand by the phone for any potential calls. Detectives, Police in general, are public servants, they do not get paid to stand by the phone. We have cellular phones, all Police have such phones they carry wherever they go, they should not get paid in case they are called to report to work.

I've worked for the telephone company for 32 years as an engineer. If there was a major telephone problem such as a cable cut or a manhole explosion where thousands of telephone lines were out of service, we were called to report to work to restore telephone service. We do not get paid to stand by the phone, we get paid overtime for working on the job.

County Executive Levy should do what President Reagan with the Traffic Controllers; Executive Levy should abolish the Police Department and their unions and hire our returning war veterans from Iraq and Afghanistan and they pay will be much less for them than the actual salary of the Police that make here in Suffolk County. It is time for a change. The Police Officer salaries are too high. Thank you very much for your attention.

CHAIRMAN EDDINGTON:

Thank you. Next speaker, Kevin O'Hare.

MR. O'HARE:

Good morning, Suffolk County Legislators, Commissioner Dormer and members of the PBA. My name is Kevin O'Hare, I'm here to talk about two organizations I'm affiliated with; I don't get paid, I just care about kids and everything else.

The first one, I'm Executive Director of the Smithtown Veterans Youth Program which is an anti-drug, anti-alcohol program. And as you can see in the papers lately, heroin is on the rise, the Daily News, "Smack is back"; these are increases that are affecting the children, our grandchildren and they are the future of America. And Commissioner Dormer, I have to say, has been there with me supporting this program. We have been -- even Commissioner Gallagher before that. We go back 16 years and he's continued the same job of supporting those programs along with Lou Raffone from the Islip program, these are two very important programs. The kids are out in the summer; rather than have them in the streets, we have them at the beaches, Heckscher, Sunken Meadow, for a safe program patrolled by two Police Officers who are members of the PBA. They are great officers, they do a lot for me; but again, Commissioner Dormer is behind that program.

The second organization I'm in, I'm President of the Suffolk County Civilian Police Academy Association, which Legislator DuWayne Gregory just was graduated in June. Legislator Vivian Fisher was a member, she graduated, and we had a member like Angie Carpenter in the past, and all I can say is that is a good program also. It's now comprised of 40% Hispanic members, and there's a program Commissioner Dormer has been behind me and the community. We're reaching out. I've now addressed the Asian-American community to join, I've gone out to a number of organizations. And our last meeting, we have over 300 members now and it's growing, and there's a program that should be kept and I know working with the Commissioner, I don't think I'll have a problem with that.

But I just want to thank a lot of you Legislators, I work with you. I work with Kate Browning with the veterans, also Jack Eddington, John Kennedy who helped me get the funding with Lynne Nowick for my veterans program, and a number of you and I can't thank you all. And I want to thank you for letting me speak here today. Thank you, Commissioner Dormer. And thank you, all the members of the PBA, I appreciate you coming today, too. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much. Next speaker, Louis Civillo? Louis Civillo.

OFFICER CIVILLO:

Good morning and thank you for letting me speak. My name is Lou Civillo, I've been a Suffolk County Police Officer for nine years. I've worked the majority of that time as a steady sector car operator in the area of Sayville within the 5th Precinct.

Just to make clear exactly what I do, I'm not in any specialized unit, I am a Patrol Officer which basically means if you dial 911, I'm the person coming. If anyone in this room wants to have an idea what it's like to be a Suffolk County Patrol Officer, try this. Pick up a Hagstrom map and try finding a random street and then memorizing all the rights and lefts it takes to get from here to there. Then imagine that on that street you're looking for is a child not breathing, and for each minute that you fumble through that map, that child's chance of surviving drops 10%.

When I respond to a call, I don't need to look at a map. I don't need to plug in a GPS, I simply go to the call, and this is because of the knowledge and experience I have gained by working the same sector over many years. The majority of the time, I arrive at medical emergency calls before rescue. I have done CPR many times and I am proud to say that I have saved lives. Every case that I have seen where someone has gone from cardiac arrest to regaining a pulse has had one thing in common, a quick response. I read the recent articles in Newsday exclaiming our ten minute response to the tragedy in Brentwood. Unfortunately, within five minutes of cardiac arrest

permanent brain damage occurs. Transferring officers out of areas that we're familiar with is having direct bearing on public safety.

The 5th Precinct has the distinction of being home to one of Long Island's largest airports. Recently we received a call of a large plane which had caught fire in the air and was attempting to land at McArthur. I started to respond, like many other units in the area, with no clear direction of where to go or what to do. Luckily, the sector car operator who covers McArthur Airport was a senior officer who had worked the area for almost 20 years. He immediately got on the radio and let us know where the staging areas were. He knew his sector so intimately that he was able to direct responding personnel to critical intersections which can be shut down to expedite the arrival of fire and rescue apparatus to a possible crash scene. Thankfully, the plane landed safely, however we were prepared for the worst because of the knowledge and experience of one officer. The officer in question has since been transferred for wholistic training. His car is now being filled randomly, day-by-day, by whoever might be available. Sometimes that's relief drivers who are not familiar with the sector, other times officers are taken from what's left of our COPE detail and stuck in that car, also not familiar with the area.

This is one case of many beginning to occur. These transfers are eliminating the officers with the expertise and background to respond most effectively to these type of emergencies. Thank you.

Applause

CHAIRMAN EDDINGTON:

Debra Alloncius.

MS. ALLONCIUS:

Good morning, Chairman Eddington, Members of the Public Safety Committee and Presiding Officer Lindsay. My name is Debra Alloncius, Legislative Director of the Suffolk County Association of Municipal Employees. Thank you for this opportunity to address the body this morning.

I stand before you this morning on behalf of AME President of Cheryl Felice and the 6,700 active members of your workforce to inform the Legislature that the Suffolk County Association of Municipal Employees has filed an improper practice against the County for reverse civilianization in the disbanding of the Arrest Processing Unit in the Suffolk County Police Department.

It's most unfortunate that this highly specialized unit which plays an integral part in not having arrest charges thrown out on a technicality has been brought into this political fray. We bring this to your attention due to your meeting with the Commissioner this morning, over staffing issues at the Suffolk County Police Department. AME would like to present the Legislature with a detailed report on the September 10th Public Safety meeting, if that date is acceptable to you. Thank you for your time and we look forward to rectifying this egregious situation.

CHAIRMAN EDDINGTON:

Thank you very much.

Applause

Laura Ahearn.

MS. AHEARN:

Good morning. My name is Laura Ahearn, I'm the Executive Director of Parents for Megan's Law and the Crime Victim's Center. Initially I'm signed up to speak about IR 1590 which I'm going to say on the record that Parents for Megan's Law and the Crime Victim's Center fully and wholly supports, provides Probation the tools they need to prevent sexual predators from accessing social networking web sites and other sites to groom potential victims.

Chairman, if I could address the media for a moment?

CHAIRMAN EDDINGTON:

You've got three minutes.

MS. AHEARN:

If you guys would please just give me a few sentences without recording or reporting on what I'm going to say? If I have that, I have your word?

MEMBERS OF THE PRESS:

Go ahead.

MS. AHEARN:

I was approached in the lobby by Lionel Villalobos, the brother of Edgar. Edgar was killed and laid on the street for nine to ten hours. He wanted to speak today but he's already been warned about the potential of having his face seen in the media. And that's fine, you can go back on the record.

What respect and dignity is there for a victim to lay in the street for hours, for their cell phone to ring, for their family to watch them in the street, dead? There is none. Edgar had three children, worked very hard, he had two jobs. His brother would like to know why did he lay in the street for nine to ten hours? Why wasn't something done to prevent this, and how could there be such a lack of respect for a victim? And as the Executive Director of the Crime Victim Center I would ask you, right here we have -- everybody's battling, I understand that this is a process, but keep in mind the people that are getting hurt. You're all here representing the community and those that are victimized by crime. So please, everybody, do your best to collaborate, to get this resolved so that our community is safe.

Thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you. Okay. James Hughes.

MR. HUGHES:

Mr. Eddington, I wonder if we could have Mr. Griffin and Mr. Stephan go first, there's a certain progression.

CHAIRMAN EDDINGTON:

Sure, I have three cards sequentially, so sure. Okay, just identify yourself and then start.

MR. GRIFFIN:

Good morning. My name, for the record, is Ray Griffin, I'm President of the Suffolk Detective Association. I thank you, Chairman Eddington and members of the Public Safety Committee, for allowing me to appear before you today. Also with me today are James Hughes, the 2nd Vice-President of the SDA and Vincent Stephan, a Main office Trustee and a current member of the Homicide Squad; they will address you briefly.

As you are aware, the SDA and Suffolk County signed a Memorandum of Agreement on May 27th of which members of our association agreed to defer ten paid holidays, giving the County \$1.6 million in savings during this fiscal crisis that we're all facing. On July 15th, a Department Directive was issued by the Police Commissioner eliminating standby for Detective assigned to Arson, Homicide, Identification and Hate Crime Units. This may be a violation of the MOA since Detectives on standby do receive two hours of pay, but it certainly violates the spirit of our cooperation with the County during this fiscally troubled time.

As to this new policy, it is my opinion that public safety could be negatively impacted. From my

personal knowledge, Detectives assigned to all Precinct sections and to Homicide, Arson and the Identification have been assigned to standby since the early 1970's, and more recently the Hate Crime Section has been added to the units and they also are now on standby, were on standby. This system has worked proficiently because Detectives on standby could be reached immediately by phone and could respond quickly to major crime scenes. The elimination of standby can lead to chaotic lapses in response time due to the need for random calls to find Detectives to respond. I cautioned the Police Commissioner about my concerns and unfortunately my predictions came true on a Brentwood street on July 20th.

Now, the need for a quick response to crime scenes by these four units is obvious; securing evidence, photographing crime scenes, interviewing witnesses, seeking leads on suspects and timely notifications of victims' families. All of the Suffolk County Detectives are well trained, true law enforcement professionals interested in enhancing public safety through their investigations. The Arson, Identification and Hate Crime Sections are well trained in specialties and conduct extremely detailed and professional investigations. The Homicide Squad is known as a premier investigative squad throughout this country.

From my personal knowledge of these men, they don't take this job lightly. They witness tragedies on a routine basis, tragedies that the average citizen in this County will not see in a lifetime, they take it upon themselves to do it as a routine basis with one common goal in mind, to get these predators off the street. My hat goes off to these people. And I can tell you this; they don't look for a pat on the back when they complete their job bringing in a suspect, what they are trying to avoid is a slap in the back of the head when they go to work. I thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you very much. Okay. Vincent Stephan?

DETECTIVE STEPHAN:

Good morning, Chairman Eddington and the Public Safety Committee. My name is Vincent Stephan, I am a Detective in the Homicide Squad, I am also Trustee in the Detectives Association. I represent the Homicide Squad, Arson Squad and Detectives assigned to the District Attorney's Office.

On July 9th, we deferred six of the ten days that we agreed to defer. The agreement was made between the County and the Detectives Association. Items four and five in the agreement state in part, "The County agrees not to impose any wage reduction and the County will not make any additional requests for concessions from the association in 2009 and 2010." On Thursday, July 13th -- I'm sorry, on Monday, July 13th we were notified that the Commissioner was eliminating all standby pay for Detectives. I don't know if the elimination of standby violates these items, but it sure does violate the spirit of the agreement that our members voted for 100%. Shortly after issuing the order, part of it was rescinded; the Precinct Detective Squads would still have standby, however the Homicide Squad, Arson Squad, Identification Section and Hate Crimes would have no standby.

We are one of the largest Police Departments in the country and not having a system in place that guarantees an overnight response to these types of serious crimes is incredible and a disservice to the public we serve. I have been in the Homicide Squad for 14 years. This standby issue is not about money, it is about respect.

Let me explain what standby is. When a Detective is on standby, he or she is ready to respond in a timely manner when called between 1 AM and 9 AM. A Chief recently said we get two hours pay for sleeping; that is not true. For most, standby starts after you have dinner, that's when you get your clothes ready and start gearing up. When you're on standby, you usually don't plan anything for that evening since you have to be ready to report to work as of 1 AM. Most Detectives go to bed

earlier than normal to ensure themselves some sleep; most Detectives I've talked to don't get a good night's sleep on standby because you anticipate the phone ringing. Standby is not glamorous. If the Arson Squads responds after less than desirable cases, we're on standby. During the winter months and in all types of weather, they investigate fire cases. In the Homicide Squad, whenever you're working day tours, you are unofficially on standby. If a murder happens overnight, you will be called in along with the rest of your team; your life-style is altered because of this.

A Homicide Detective, as well as other Detectives in this County, devote a lot off-duty time to the department. In Homicide, when you are the lead Detective in an active murder case, you are constantly on the phone when off-duty. The District Attorneys call, the Crime Lab calls, our Commanding Officer calls. It is not uncommon to get off duty at 6 AM, after working all night, and having the phone ring at 9 AM; someone always has a question for you in the first few days of a case. Detectives do not get paid for time spent on the phone.

I know ID Detectives get calls at home when preparing for trials. And knowing Pete Timmons, the District Attorney who prosecutes arson cases, I'm sure he calls Arson Detectives at home when he needs a question answered. When you're assigned to Homicide there are two --

CHAIRMAN EDDINGTON:

I need you to wrap up, I'm sorry.

DETECTIVE STEPHAN:

I'm sorry, sir. Basically, when you're on vacation in Homicide, the only time you're truly on vacation is when you're out of town, because if a murder happens when your team is working, you will be called in; we know that when we signed up for it. The recent case in Brentwood is a perfect example of the dedication put forth by the members of the Homicide Squad. The team of Detectives, Team 2, was slighted, as we all were, by the elimination of standby. However, they put everything aside, some cancelled their vacations and worked very long hours to quickly solve a very brutal murder. Not only did they solve the Brentwood case, they also solved the murder in Central Islip and the Timberline Park shooting. I would like the Detectives of Team 2 to be recognized, if they're in the building here, for a great job. They rose to the occasion during a difficult time. Without getting into details on how these cases were solved, it was not easy.

CHAIRMAN EDDINGTON:

I'm going to have to ask you to conclude your statement, please

DETECTIVE STEPHAN:

Yes, sir. I just ask the department, the Chiefs and Commissioner Dormer to reconsider their standby issues here so that we can get back to normal serving the public and serving you, sir. Thank you.

Applause

CHAIRMAN EDDINGTON:

And I want to assure the public that you don't need backup when you come forward; you have some support there. Okay. James Hughes?

DETECTIVE HUGHES:

Chairman Eddington, I would like to thank you and the Public Safety Committee for hearing us here today. My name is James Hughes, I'm a Detective with the Police Department. I'm 2nd Vice-President of the Detectives Association. I've been on this department for 31 years, I've been a Detective for 24, and prior to 2007 when I became Vice-President, I spent 19 years in the Homicide Squad.

I'm here today to tell you about why we need standbys and why standbys have been in place for the

31 years I've been on this job. The immediate response to a crime scene, particularly a major crime scene, is necessary. Early stages of an investigation are critical and could determine the success or failure of an investigation; that is a well-known adage. The early response of Detectives to a scene enables them to interview witnesses that are present at the scene and sometimes suspects are also present, but certainly witnesses are there and even cooperative witness are loathed to remain at the scene and want to get out of there as soon as possible. Information obtained from witnesses at the scene by Homicide Detectives and Arson Detectives, Detectives on major cases, information received is -- enables them to branch out an entire team responding to a homicide, it enables them to branch out and interview other witnesses and look for other evidence that would lead them to apprehend the possible -- the perpetrator.

Early response permits them to put out notifications to surrounding units and jurisdictions of persons or vehicles of interest. You may say that that can be done by uniformed personnel, but it's a difficult thing to do. Witnesses really don't give up information easily, it's necessary for the investigating Detective, the Homicide Detective to be there to ascertain that information.

Identification and apprehension of suspects that still may remain at the scene and the subsequent interviews; it's imperative that these people be apprehended and interviewed immediately. Identification and preservation of evidence at the scene, both subtle and obvious. Immediate identification and preservation of latent prints, scalp submission and identification of offenders before they have the opportunity to flea the jurisdiction, or the State or the country. And notification of next of kin; it's imperative that they conduct family interviews and ascertain possible enemies, possible -- possibly where the victim was supposed to have been, where he was going and who he was with.

In Arson, it's even more important at times to respond quickly. In arsons, early photographs at the scene are important at trial. They're essential in describing the path of a fire, fire load and damage. The odors of accelerant at the scene may dissipate, it's evidence. Identification of the crowd at fire investigations. Many a times you'll have an arson suspect that will remain around to see his handy work and to watch how the fire department handles it. When an arson investigator is able to arrive there early, they're able to secure that scene before it's damaged inadvertently by fire fighters who are just trying to put the fire out but are not cognisant of the evidence that may be destroyed during the course of those actions.

We did sign an agreement in June -- actually, June 3rd we approved the deferral of ten holidays. Less -- a month later, on June. July 9th we lost our first five days out of our holidays. We didn't -- we gave up those holidays because we knew it was the right thing to do, the County needed the money, it was the right thing to do. And the only objection to giving up that money was the members wanted to know, "Well, what are they going to want next?" Five days after our holidays were given up, they took away the standby from -- the Homicide Detectives, the Arson Detectives, Identification and Hate Crimes. The savings that are going to be cited here are meager, and the cost could be significant. If one homicide defendant is not apprehended in a timely manner, it could have been apprehended if a witness had been properly interviewed at the scene and he is not apprehended immediately and remains on the street to kill another person, the cost in personal grief and in economic loss is far more than we're ever going to save with this policy. If one arsonist --

CHAIRMAN EDDINGTON:

I'm going to have to ask you to wrap up.

DETECTIVE HUGHES:

If one arsonist remains on the street longer than he should and is able to burn another building, a house or a business, the economic loss is going to far outweigh what we're saving here. And if one group of youths who begin with graffiti and swastikas and whatever and progress to assault and robbery, and ultimately to homicide as we've seen recently in Suffolk County, if those people are allowed to stay on the street to progress to homicide, we're going to have another situation in

Suffolk County which we do not need.

The Detective in Suffolk County, the Detective Division is one of the finest divisions in this country, the Homicide Squad is probably the finest, but I'm a little bit bias. But, I mean, I've seen these Detectives go through -- call back a suspect from Columbia, South America; he comes back here, they talk to him and he's arrested for murder. I've seen them go to the Dominican Republic and locate a suspect in the jungle take a confession and convince him to fly back on his own where he was indicted and put in jail.

This is wrong. I would ask the Commissioner, I would ask the County to reconsider this and to please respect our Detectives because they deserve your respect. Thank you.

Applause

CHAIRMAN EDDINGTON:

Thank you very much. Next speaker is Mike DaPaoli. Mike DaPaoli?

MR. DAPAOLI:

Public safety, the most admirable position that anybody could ever serve under or for. Public safety, our military troops are suffering throughout the world, putting their lives on the line for homeland security and public safety.

Right across the board, our elected officials have their lifelines on the line of association to the upcoming votes. This Legislature is up for re-election and it's time for you to stand up and be counted for in representing the public of this County, the same as our County Executive, the same as our Police Commissioner.

It takes courage and guts to stand up and be counted for. These public servants that are here today have the courage and guts to stand up and counted for. They're paid for, the services they provide, but 99.9% of the time they go on above and beyond the call of duty, putting their life on the line for public safety.

I'm a Vietnam Vet; my name is Mike DaPaoli, I'm from South Setauket. At what particular point is public safety sacrificed in association to the dollars and cents? The highest calling anybody can be in America is a U.S. Citizens, is an American, is a right to speak up and have our voices heard. How do we go ahead, then, and decide, in tight economic times, where we spend our dollars? What's more important; evicting somebody from their homes, providing medical care, providing education? At what particular point in time do you, our elected officials, have the guts to stand up and be counted for and represent the voters that elect you, including these individuals that are here today that place their lives on the line on a daily basis.

You have to make the tough decisions. But where is the voice of the American citizen? Where is the voice in association to having representation for us? There are 99.9% good public citizens in our County, Police Officers and their families, associations, etcetera, etcetera. There are, though, the other percentage that abuse power. And with that recall, I ask that the Suffolk County Legislature now stand up and be counted for and create a civilian complaint board in association to launching a defective, if you will, enterprise or opposition to the abuses of Police power that take place in our County every day. We have Police Officers, yes, that really abuse their positions, that file inaccurate charges, that do so to gain overtime, that do so to profiteer on their career for making arrests. Where is the civilian voice? A lot of times the people in blue -- I'm a veteran, veterans will protect veterans. The people in blue, Internal Affairs and other departments, will protect their own. Where is that common balance? Do you have the guts and courage to stand up and be counted for?

I'm requesting or indicating or asking that the Suffolk County Legislature stand up and be counted for and create a civilian review board for a counterbalance and show by example. Maybe Nassau County can do the same thing.

In closing, I've attached and I've distributed copies of this proposal including other proposals in association with items in funding for Police functions that are not part of our duties and responsibilities in Suffolk County.

CHAIRMAN EDDINGTON:

I'm going to have to ask you to wrap up right now.

MR. DAPAOLI:

I would like to see a priority. Military can be dispensed any place at any time and they're cross-trained; where is the cross-training with this particular group or organization? We need to diversify.

In closing, as a Vietnam Veteran and as a civilian, I would like to also close by saying a policeman's prayer. Oh, Our Mighty God, whose great power and eternal natural wisdom embrace the universe, watch over all policemen and law enforcement officers. Protect them from harm in the performance of their duty to stop crime, robberies and riots and violence. We pray, help them keep our streets and home safe day and night. We recommend them to your loving care because their duty is dangerous. Grant them your unending strength and courage and their daily assignments. Dear God, protect these brave men, grant them your all mighty protection. Unite them safely with their families after duty ends. Amen.

CHAIRMAN EDDINGTON:

Thank you very much.

MR. DAPAOLI:

I would just like to summarize by indicating once again --

CHAIRMAN EDDINGTON:

You know what? I would like you to actually close, really close right now.

MR. DAPAOLI:

I just enjoyed the opportunity for being here and I would like to praise the men and women in blue. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much. Okay. Larry Farfone.

LIEUTENANT FARAONE:

Good morning, Mr. Chairman, Members of the Legislature. Thank you for allowing me to speak this morning. My name is Larry Faraone, I'm a Lieutenant with the Suffolk County Police Department and I'm currently assigned to Warrant Enforcement Section. I've been with the Police Department for almost 28 years and I've been assigned to the Warrant Enforcement Section for about three and a half years. I should also point out, I'm a member of the Board of Directors of the Superior Officer's Association where I serve as Treasurer. I'm here today to express my concerns about recent reports that the Warrant Enforcement Section is soon to be abolished and to brief you on our duties and the service we provide to the courts and residents of Suffolk County.

The Warrant Enforcement Section was established in 1997 as a result of an outcry from the court system of an ever-growing number of warrants going unenforced. The number of outstanding warrants at the time was over a hundred thousand. The precincts, saddled with many other responsibilities, was simply unable to proactively address this issue. As a result, the Warrant Enforcement Section was created to take a proactive approach to this problem. Today there remain over 26,000 active warrants with new warrants being issued every day. For instance, on July 28th, 2009, 1st District Court issued an additional 55 new warrants; this extrapolates to more than 12,000 warrants a year, and it doesn't include County Court warrants or warrants issued by New York State

Parole or Probation.

The Warrant Enforcement Section consists of one Lieutenant, one Sergeant and seven Police Officers. In 2008, this staff of nine was responsible for clearing 1,467 warrants. By comparison, in 2008, the average precinct staffed with an average of 219 sworn officers, averaged 796 warrants cleared. Granted, the precinct personnel have much broader responsibilities and cannot devote their efforts strictly to warrant enforcement. This does, however, illustrate the value of this small dedicated unit.

The vast majority of warrants cleared by the Warrant Section are a result of proactive efforts, including background checks, home visits and workplace visits. In many cases, the mere knowledge of a visit by a Warrant Officer leads to the defendant voluntarily surrendering in court the next day. These statistics aren't captured in our statistics, but it does -- the defendant's appearance in court is accomplished. On the other hand, warrants cleared by precincts are often the byproduct of other duties such as traffic stops and 911 calls and less the result of proactive enforcement efforts.

The Warrant Enforcement staff amounts to one-half of one percent of all precinct patrol staffing combined. Our warrant enforcement activity, however, amounts to more than 25% of all precincts' patrol combined. Simply put, in terms of warrant enforcement, nine men are doing the work of about 375 Police Officers. An argument could easily be made that the section should be doubled in size rather than abolished. Returning these duties back to the precincts or over to another agency will result in diluted responsibilities. Proactive warrant enforcement will become compromised, as will public safety. Disbanding the section and returning the personnel to precincts will result in a net gain of only one officer per precinct, a large price to pay for such a small and unnecessary gain.

CHAIRMAN EDDINGTON:

I'm going to need you to wrap up now, please.

LIEUTENANT FARAONE:

Okay. An unenforced warrant is a bark without a bite. Court appearances and warrants must be backed by the belief that enforcement will surely follow. Lack of enforcement leads to a lack of belief, particularly among repeat offenders. Repeat offenders with active warrants that remain at large are most likely to commit additional crimes; this is unacceptable and presents a clear risk to public safety. Getting these officers off the street and into the courts must remain a priority.

Public safety is being diminished in Suffolk County. Every day we open a newspaper, we read about another homicide, heroine overdose, fatal car crash or gang assault. We must ask ourselves, is this the norm or is this a sign that public safety is on the decline in Suffolk County?

CHAIRMAN EDDINGTON:

Please wrap up.

LIEUTENANT FARAONE:

Several years ago I recall hearing many times over --

CHAIRMAN EDDINGTON:

I'm going to need you to wrap up.

LIEUTENANT FARAONE:

Okay. All right, just before I leave, if I may just thank my staff for doing an outstanding job in these difficult times. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much.

Applause

Is there anybody else that wanted to address the committee? Yes, step forward and be recognized,

OFFICER SIMONELLI:

Good morning, Chairman, Legislators. I appreciate this opportunity. My name is Mike Simonelli, I've been a Police Officer of Suffolk County for nine years, currently assigned to 3rd Precinct COPE, and I'm also a resident and very concerned citizen of Suffolk County.

Before I go on, I found out after I prepared this there's a three minute time limit. But in light of the fact that the start of next week my life will be consumed by military training as I prepare for a year-long deployment to Afghanistan and this will be my only chance to address your committee from now til 2011, I respectfully request a few additional minutes; is that all right, sir?

CHAIRMAN EDDINGTON:

Go ahead.

OFFICER SIMONELLI:

The Suffolk County Police Commissioner spoke before the Public Safety Committee this past June 18th and on numerous occasions made references to the United States Military, as if to compare his role as the Commissioner to that of our esteemed military commanders. As a 20-year member of our Armed Forces and a former Commander myself, I initially took offense at his trying to compare the military I proudly serve in to the Police Department he seems to despise. I was offended because to be given command of soldiers is the greatest honor a military officer can receive, and it's a position taken with the utmost gravity, knowing your soldiers' lives will depend on you, and they deserve your honesty, loyalty and respect, and for two decades I've seen those characteristics displayed in dozens of commanders I've known. But then I remembered my battalion commander during Operation Iraqi Freedom, 2003 and 2004.

In an already hostile environment, this Commander put his soldiers at undue risk by making them travel two to three hours round-trip to Kirkuk, Al-Mawsil just to have a lead form signed when he could have delegated approval for that down to the company commander collocated with that soldier. He contacted an insurgent group the night before we hit their location, jeopardizing our safety and naturally compromising our mission to recover their weapons. And on occasions too numerous to list, he either outright lied to his soldiers and staff or withheld vital information from us.

Ultimately, this Commander ended up marrying a local Iraqi woman who was a relative of a {Curtis} government official, he defected to Iraq, and in contrast from what every good commander strives to do by leading his troops, he waved good-bye to us as we convoyed south through hostile and unfamiliar territory, the entire length of Iraq, to Kuwait and ultimately home. Now, that Commander who completely decimated the morale of an entire battalion in a combat environment is a great comparison to Commissioner Dormer and what he's doing to the Suffolk County Police Department since he took over in 2004.

Applause & Standing Ovation

CHAIRMAN EDDINGTON:

Please, I don't want to hear that. Please sit down.

Applause & Standing Ovation

I want you to sit down now or I'll clear the auditorium. We're going to have no more personal attacks.

OFFICER SIMONELLI:

Yes, sir.

CHAIRMAN EDDINGTON:

Make your statement.

OFFICER SIMONELLI:

Back in 2005, departmental guidance was put out that Highway Patrol would be the new pathway to get an assignment in Special Patrol Units such as our highly coveted Emergency Services. I was one of the few cops to fall for that ruse and after spending a year in Highway Patrol, I can tell you that guidance was, at best, less than truthful and, at worse, a lie.

Another such example, and more recent, was just last month we were told the department was not looking to reassign officers to different precincts for wholistic training, despite what was recently printed by Newsday. Amazingly, a teletype came out shortly thereafter, that 37 officers, approximately five per precinct, were reassigned from the precincts they have patrolled for years, over ten years each in most, and put in new precincts with which they had no familiarity. It's basic policing 101 -- and as a former Police Officer and Chief, the Commissioner, no doubt, knows this -- a Police Officer's safety and the safety of those around him depends on them being familiar with their surroundings. So now instead of veteran cops with an intricate knowledge of their sector, zone and precinct, we have cops with a wealth of experience who have to look at a map to know where they are. That means a fellow officer could be struggling for his or her life while the officer in the adjoining sector, instead of hitting the lights and sirens and speeding over to assist them, is pulled over to the side of the road, hitting the dome light in their car and frantically searching through their County map. And that scenario is the same for the infant choking on something or the woman being assaulted by her crazy ex or any or situation that comes to mind where the public deserves to have its Police rushing to their rescue.

Such a move demonstrates the Commissioner's disregard for the safety of his officers and the public which he serves. Other moves which the Commissioner has instituted demonstrate his complete disregard for the very constitution of the Police Department which he made a career in and is supposed to be leading. Instead of fighting to get more responsibilities for his department and have more officers hired for his force, the Commissioner dismantled the Highway Patrol Unit and recently wrote an editorial proclaiming the many benefits of his doing so. No military commander worth his commission would ever voluntarily get rid of a highly skilled and producing unit of his force, let alone do so proudly.

Unfortunately, that's not the only example. Just last month the Commissioner disbanded the highly regarded and effective COPE Unit. After a great outcry from this board and numerous civic groups, the Commissioner brought back COPE but with some changes, changes which he said would better enhance COPE. Despite what rhetoric we hear about how COPE has been reinstated and improved, I'm a COPE Officer and I'm telling you our staffing and our readiness has been dramatically reduced. I used to be on Team 1 in the 3rd Precinct. We had six COPE Officers and a COPE Sergeant. Now, after the enhancement, I'm on Team 2 and there's me and one other COPE Officer and no COPE Sergeant. So to be technical, I'm part -- no longer part of a COPE team, I'm part of a COPE couple.

As soldiers, we were perplexed while serving under the battalion commander I spoke of earlier. And as Police Officers, we here in Suffolk County are equally perplexed and dismayed about what our Commissioner is doing and allowed to be done --

CHAIRMAN EDDINGTON:

I'm going to ask you to wrap up, because I can't have a presentation made here now.

OFFICER SIMONELLI:

Sir, I'm just about done. Sir, in closing, I'd like to reference a quote which is engraved in big, bold letters for all to see on the grounds of the United States Airforce Academy and which serves as a daily reminder for our cadets, our nation's future military commanders of what's expected of them. It reads, "We will not lie, steal or cheat or tolerate among us anyone who does." Here in Suffolk

County, I see a Police Department that's lied to by its leadership. I see a concerted effort by our leadership in conjunction with County Executive Levy and Sheriff Demarco to steal away the rightful functions of the Suffolk County Police Department and I see a public that's being cheated out of the high level of public safety services to which it has rightly been accustomed and entitled to. Thank you, sir.

Applause

CHAIRMAN EDDINGTON:

Okay. All right, please be seated. Anybody else that would like to address the committee?

Okay, let me explain what we're going to do now. I've spoken to my committee and I have prepared a number of questions to deal with the situation of standby and the incident that took place in Brentwood, and I've tried to prepare them so they would not affect any investigation, and the County Attorney is here to help us with that. Commissioner, I appreciate you coming and your staff, and I will say that at the very least you have courage under fire, so.

Now, what I'm going to ask is that I ask some questions and get some responses rather than have a presentation. And the first thing I'd like to ask, Commissioner Dormer, is a clarification. Because I met with you and your staff and the Presiding Officer, and at that time I asked you, just so I could get it in my head, how long has standby been, and you said not very long. Before that they had, I don't know, some kind of a fill-in or something. And now I've heard Detective Hughes say that 31 years there's been standby and Ray Griffin, the President, saying since the 1970's. So that I can at least have a time line, how long has there been standby in the Suffolk County Police Department?

COMMISSIONER DORMER:

Mr. Chair, if I may?

CHAIRMAN EDDINGTON:

You may answer that question, certainly.

COMMISSIONER DORMER:

Well, if I may.

CHAIRMAN EDDINGTON:

Yes.

COMMISSIONER DORMER:

With the permission of the Chair, respectfully, I have somebody here that came as a representative of the crime scene and that's an issue and he has a busy schedule and he has to get out of here, and I know that this is going to be a lengthy hearing and I don't want to inconvenience the head of the Crime Lab from Suffolk County. And therefore, I would respectfully request the Chair to allow me an open statement on the recent murder and the handling of that crime scene within the parameters -- within the parameters set down by the Criminal Justice System.

CHAIRMAN EDDINGTON:

I hear what you're saying --

COMMISSIONER DORMER:

Mr. Chair, if I may?

CHAIRMAN EDDINGTON:

- and you did speak to me already.

COMMISSIONER DORMER:

If I may. I've sat here very patiently listening to misinformation spread around which, by the way,

is going out to the public.

CHAIRMAN EDDINGTON:

You know what? I'm going to stop you right now. Listen --

COMMISSIONER DORMER:

Well, I should have the right to defend this department.

CHAIRMAN EDDINGTON:

I am in charge here and you are going to be silent right this minute.

COMMISSIONER DORMER:

I should be allowed to defend the department.

CHAIRMAN EDDINGTON:

No, you're not talking -- I'm asking you to be silent at the moment.

COMMISSIONER DORMER:

I should be allowed to defend the department, Mr. Chair.

CHAIRMAN EDDINGTON:

I am going to ask a series of questions. I will give you all the time, but I want to take it --

COMMISSIONER DORMER:

Well, you will give me an opening statement then, right?

CHAIRMAN EDDINGTON:

No.

COMMISSIONER DORMER:

You're not going to allow me --

CHAIRMAN EDDINGTON:

You asked me privately and I said no. Now you're saying it on the record and I'm being very clear. I want to do this sequentially; I want to ask questions and build on them and where other -- you need other people to answer, I'm okay with that, but I want to move forward. I don't want talk, talk, talk, talk, I want to get some answers resolved and situations clarified today at this committee meeting.

COMMISSIONER DORMER:

That's fine with me.

CHAIRMAN EDDINGTON:

So that's all you have to do, answer questions.

COMMISSIONER DORMER:

That's fine with me. If I may. If I may. That's fine with me, but I should --

CHAIRMAN EDDINGTON:

Okay, let's go.

COMMISSIONER DORMER:

I want to be given the opportunity for to defend the Police Department which was being maligned, misinformation spread throughout the County by members of this -- some members of this committee, by the way. And I think that we should -- I should be allowed --

CHAIRMAN EDDINGTON:

Right.

COMMISSIONER DORMER:

-- to clarify --

CHAIRMAN EDDINGTON:

I will give you time to do that.

COMMISSIONER DORMER:

Okay, thank you.

CHAIRMAN EDDINGTON:

But I asked you a question and here we've gone out somewhere else and you haven't answered the question, and that's basically the problem.

I want to ask questions, I want to get answers.

COMMISSIONER DORMER:

You asked a question about standby?

CHAIRMAN EDDINGTON:

Yes, I asked how long has this been part of the Suffolk County Police Department policy.

COMMISSIONER DORMER:

It's been part of the policy for a number of years in the other administrations, not in my administration. And I'm not sure of the number of years; that's something that I did not check, but I should say that that's a benefit that was given to eleven units in the Detective Division. It was not negotiated. It was not part of the contract.

CHAIRMAN EDDINGTON:

You know what? I understand.

COMMISSIONER DORMER:

You asked me a question, I --

CHAIRMAN EDDINGTON:

And you answered. You said you don't know exactly how long; that's what you're telling me. I don't want the whole background of why, I just want -- I'm just asking is this new or has it been there, and what I'm hearing is that it's been there for like 30 years. That's all I'm asking.

COMMISSIONER DORMER:

Well, I don't know if that's true or not. But if you don't want the facts and don't want me to answer, then state that clearly.

CHAIRMAN EDDINGTON:

If I ask a question and you don't know the answer, that's fine, and you're telling me you don't know the answer. I don't want any other information, I just want a question and an answer. That's why we're here today, because we don't get answers to the questions we ask. You answer what you want. I just wanted to know how long; if you don't know, I don't think it's bad. The Police -- the Detectives know because they've been doing it for 30 years, that's cool. You've learned something now, too; it's been around since 1970, that's all.

That's all.

Applause

That's all I want.

COMMISSIONER DORMER:

If I may. You have to allow me to give you the information. If you don't want the facts -- as you stated, you didn't want information. I don't know why you're asking me a question if you don't want information.

CHAIRMAN EDDINGTON:

You know, do you want to do this right now? Because I'll do it, I'll stay here until it rains at midnight. I asked you a question how many years; the answer was 20, 30, 5, I don't know. The answer you gave me finally was, "I really don't know," and I accept that, I'm moving to question two. That's all, that's how it's going to be here today. We're going to go through a series of questions and see if it clarifies the situation.

I am not trying to create an adversarial relationship which I'm seeing happening, but I just want answers. That's what -- I mean, unless I'm wrong, this committee has been asking for two months answers -- questions and answers and we're not feeling like we're getting them totally, and that's all I want, just make it clear. I have a question of --

COMMISSIONER DORMER:

By the way, Mr. Chair, if I may. Standby had nothing to do with how this crime scene was handled.

CHAIRMAN EDDINGTON:

And I'm not saying it is. I'm trying to understand it.

COMMISSIONER DORMER:

Okay, I have to be very clear on that. But you weren't clear with the question. I think you're tying in --

*(*Laughter From Audience*)*

CHAIRMAN EDDINGTON:

I just asked how long has standby been -- look, don't put this on me. I'm crystal clear. Your answer was vague and then you came out with the answer, but don't lay that on me. I'm trying to be very succinct so that I don't have a problem with your investigation. But I have to understand the principle of standby, and the first question is how long has it been there? And I think I got my answer from the Detective's Association, at least 30 years.

MR. ZWIRN:

Mr. Chairman?

CHAIRMAN EDDINGTON:

Yes.

MR. ZWIRN:

I know I'm often out of order, but if I might just intercede just for a second; if I might? I will be brief. I know that the Commissioner came here today, there was a lot of concern about the way this particular crime scene in the Brentwood area was handled, and there was an issue of standby and there was a concern that because of a change in policy by the Police Department that a victim of a heinous crime was left in public view for a long period.

CHAIRMAN EDDINGTON:

And I understand this.

MR. ZWIRN:

But the Commissioner has prepared a detailed explanation of what happened. We have members of the family here today, you have Crime Scene.

CHAIRMAN EDDINGTON:

And they will have the opportunity to do this, but I want to get the issue of standby clarified because that's at the root of this. So I want -- I just want to get that done and then whoever wants to discuss the crime scene is fine. I just want to clarify the policy of standby. Now, I think I can have it my way and I'm going to insist on it.

I want to know that right now, has this standby affected any other Detectives? I know it is the Homicide. Could you just clarify who this new policy affects in the Police Department?

COMMISSIONER DORMER:

The Hate Crimes Unit, Arson Unit, ID and, as you mentioned, Homicide.

CHAIRMAN EDDINGTON:

Thank you. Part of what I'm trying to do is I want you to clarify so we know what the media or what we're hearing is true or isn't true; I'd rather hear it from you and you did. Thank you very much.

The next question I have, how did this policy come about? Who came up with the idea of doing away with standby overall, because it was going to be totally everyone and then my understanding is you kept the precincts and just special units. How did that thinking -- how did that happen?

COMMISSIONER DORMER:

As you know, budget problems in Suffolk County are impacting every County department, including the Police Department. The County Executive directed me, the Police Commissioner, to look at ways to save money so that, you know, budget issues wouldn't overtake us. And when we sat down with the Chiefs, the Chief of Detectives was directed to look at overtime in the Detective Division and any other way that we could save money without violating any contracts, and standby became the only way, plus overtime, that we could save money. Standby is \$400,000 a year, roughly. There were only the Detective Squads in the precincts and four of the Headquarters units that were receiving this benefit, which was \$120 a night for standby. Which, by the way, if I may explain didn't mean they had to standby at home; they were given a phone that they could be called on and a take-home car to respond.

It was decided at that time that we would look at eliminating the standby since it wasn't a negotiable item, it wasn't negotiated with the unions, was not part of the contract, and we could save \$400,000 and go to recall, which, by the way, that's the way the other Detective units respond. Thirty -- I'm sorry, 20 other units in the department respond on recall, and it was felt that --

CHAIRMAN EDDINGTON:

Right, we're on standby now; all I want to know is about the standby.

COMMISSIONER DORMER:

Well, recall and standby are very interconnected. And so the four units, we had discussions with the head of the Detectives union, the County Executive and I over a period of more than a week about the elimination of standby. And we decided to leave standby in the precincts and take it away from the Headquarters units, and that's the way the decision was made.

CHAIRMAN EDDINGTON:

Okay. Okay, so then I can see then that it was your budget people and the County's budget people that came up with this as a cost savings. At what rate are the standby Detectives -- you might have mentioned it but I want to hear it again -- are they given, what rate are they reimbursed at as a standby?

COMMISSIONER DORMER:

They're paid \$60 an hour for two hours for the night, that's \$120.

CHAIRMAN EDDINGTON:

Okay.

COMMISSIONER DORMER:

And if they get called out --

CHAIRMAN EDDINGTON:

Right.

COMMISSIONER DORMER:

-- and they call out other members of their team, which is what they do, they don't get the standby, they get the recall then which is overtime.

CHAIRMAN EDDINGTON:

Okay. Thank you very much. Where does this overtime -- does this pay come from an overtime line or a cured time or another budgetary line; where is this money coming from?

COMMISSIONER DORMER:

Yeah, it comes from a budget line and I don't have the number, but there is a budget line for that.

CHAIRMAN EDDINGTON:

Okay, okay. Can you tell me what the annual cost for standby is, I mean, just last year and where you are this year?

COMMISSIONER DORMER:

From just slightly under \$400,000 a year.

CHAIRMAN EDDINGTON:

Okay. And so this year, obviously it's only half over so you're about 200,000 down?

COMMISSIONER DORMER:

Well, the year is running out, it's the end of July. And so we had to take action, you know, very quickly because the fiscal year is coming to an end, and if we're going to save money in the budget -- which, by the way, is in the red, our overtime budget -- we had to take action. And we felt that this was the least painful way for to save some big bucks.

CHAIRMAN EDDINGTON:

Okay. How often or with what frequency would you say the Detectives on standby are called in?

COMMISSIONER DORMER:

No, I don't have these figures.

CHAIRMAN EDDINGTON:

Okay. I mean -- all right, okay. How many homicide investigations would you say we had last year?

COMMISSIONER DORMER:

I don't know the number offhand, but I know it's less than 40.

CHAIRMAN EDDINGTON:

Okay. And how many times --

COMMISSIONER DORMER:

Again, that's just an approximation.

CHAIRMAN EDDINGTON:

No, that's fine.

COMMISSIONER DORMER:

And that's generally what it is every year, either 30 to 40 homicides or murders.

CHAIRMAN EDDINGTON:

Okay. How many of those 40, say, are required to standby to be called in?

COMMISSIONER DORMER:

I have no idea.

CHAIRMAN EDDINGTON:

Okay. I mean, can you -- I'm just trying to get to see how often this happens; if it never happens then it's not a big deal, but if --

COMMISSIONER DORMER:

No, I'm not going to speculate. I don't know.

CHAIRMAN EDDINGTON:

Okay. All right. When were you aware of the potential of not having a Detective on standby or being unable to reach a Detective? I mean, obviously you must have thought of -- I think one of the Superior Officers said that they, or the Detectives said that they had discussed this with the Chief of Police or the Commissioner about scenarios. When you heard that, that certain -- something could happen, a hate crime or a homicide and you might not get a Detective, what did you do in preparation for that?

COMMISSIONER DORMER:

No, I didn't have that discussion with any Detectives or people in Homicide or Hate Crimes. I did have a discussion with the Chief of Detectives who agreed that the standby could be eliminated and that recall could be instituted like we did in 20 other units in the department and that was working fine and we could save, as I mentioned, some large money.

CHAIRMAN EDDINGTON:

Okay. Now, I have a little problem because I spoke to the officer -- the Detectives -- Mr. Hughes, Mr. Plant and Mr. Griffin -- and they said that they brought up the potential of a situation like that and one of them testified today that something like this could happen, and so that there was a discussion with somebody in your department. And I'm just curious based on that discussion, because I know it happened, what was the preparation for that type of a problem?

COMMISSIONER DORMER:

Well, the Chief of Detectives, that's his responsibility. And my understanding after the fact -- by the way, I didn't have any conversation with the union officials about this until after it occurred when Detective Hughes and Detective Plant came into my office after the event.

CHAIRMAN EDDINGTON:

No, I understand you didn't talk to them, but somebody else in your office department did.

COMMISSIONER DORMER:

Well, I have no idea who that was.

CHAIRMAN EDDINGTON:

Well, you know what? What I'll do is find out for you. Could you just step up to the microphone so we can just clarify this because we're stuck right there.

MR. GRIFFIN:

Both the Commissioner and myself were on vacation several days prior to -- prior to the order. We had a conversation, my cell phone to his cell phone. We talked about what he was going to

implement and I just said, "Just be cautious, you may have a situation where you can't find a Detective," and that's it. It's in his lap and he chose to do what he wanted to do.

CHAIRMAN EDDINGTON:

Okay.

MR. GRIFFIN:

But we definitely had the conversation.

CHAIRMAN EDDINGTON:

Okay. Thank you very much. All right, so there was a conversation; it may not have been as specific as my understanding is. However, okay, was there any preparation for what happened?

COMMISSIONER DORMER:

The answer is yes.

CHAIRMAN EDDINGTON:

And could you elaborate on -- what measures did you take; in case you called three or four Detectives and they weren't available, what was the plan?

COMMISSIONER DORMER:

The supervisor, the Detective Sergeant was called, and that plan worked at this particular murder scene, and the Commander of the Homicide Squad, who normally gets called anyway, also responded. So there was a response when the Duty Officer called the Sergeant.

CHAIRMAN EDDINGTON:

Okay, thank you. Yes, there was a plan, great.

Given the homicide that occurred on July 20th, have you reconsidered your decision; or if not, have you amended your plan -- which you have, obviously -- that we'll be able to get more Detectives in on a timely fashion? Not to say that your plan didn't work, but after reevaluating your plan, is there anything else that you are going to do to tweak it?

COMMISSIONER DORMER:

Well, there are seven Detective squads that do have standby. The Detective Lieutenant in charge of the Homicide Squad, along with the Chief from the Detective Division, assured me that that resource was there, it was going to be utilized if they were unable to obtain a Homicide Detective or they're weren't available. So Jack Fitzpatrick, the Detective Lieutenant, and Nick Mango, the Assistant Chief of Detectives, assured me that the plan was in place and that it would work fine. They were satisfied that it was adequate and that we would be covered.

CHAIRMAN EDDINGTON:

Lieutenant Fitzpatrick isn't here today, is he?

COMMISSIONER DORMER:

No.

CHAIRMAN EDDINGTON:

Okay. So -- all right, clarification now. You're going to have Detectives. There's a difference between the Detectives in the precincts and Homicide Detectives, so that when you -- when the Homicide Detective comes, they have certain duties and responsibilities, different from the precinct Detectives; is that correct?

COMMISSIONER DORMER:

No, not necessarily, no.

CHAIRMAN EDDINGTON:

Oh. Okay, so then what I'm hearing now, and you can clarify this for me, is that the precinct Detectives are going to take on some of the Homicide Detectives roles.

COMMISSIONER DORMER:

Yes, under the direction of the Detective Lieutenant and the team Detective Sergeant --

CHAIRMAN EDDINGTON:

Okay.

COMMISSIONER DORMER:

-- at that particular incident or investigation.

CHAIRMAN EDDINGTON:

Okay. So I guess just -- again, for my clarification -- it sounds like the Homicide Detectives are now being moved into the overall Detective Squad or whatever you call it.

COMMISSIONER DORMER:

No.

CHAIRMAN EDDINGTON:

Well, are there still going to be Homicide Detectives?

COMMISSIONER DORMER:

Yes.

CHAIRMAN EDDINGTON:

And how are we going to get them to a scene in a timely fashion?

COMMISSIONER DORMER:

Well, the supervisor is going to call them, if they're available and wish to respond, they'll respond. If not, the on-call or standby Detectives from the seven precincts who are available 24/7 will respond and, under the direction of the supervisors, you know, do whatever they're required to do.

CHAIRMAN EDDINGTON:

Well, then I don't understand, why do we need Homicide Detectives?
I mean, if --

COMMISSIONER DORMER:

Is that a question?

CHAIRMAN EDDINGTON:

Yeah. I mean, I don't understand. If we can't get the Homicide Detectives like at night, we're going to call in the regular Detectives and have them be supervised by a Homicide, you know, Lieutenant or a Sergeant.

COMMISSIONER DORMER:

Yeah, on the occasions that that's necessary, they would be utilized, and they're Detectives in the Suffolk County Police Department, fully trained.

CHAIRMAN EDDINGTON:

Uh-huh. Okay. I just -- I was hoping that I would hear a strategy to get the Homicide Detectives there on a timely fashion, but --

COMMISSIONER DORMER:

I'm sorry, there is a strategy and that is a supervisor calls them.

CHAIRMAN EDDINGTON:

Okay.

COMMISSIONER DORMER:

And they respond like the 20 other units in the Police Department.

CHAIRMAN EDDINGTON:

But that didn't happen on the 20th of July.

COMMISSIONER DORMER:

No, I'm told that they weren't available, they didn't come out.

CHAIRMAN EDDINGTON:

I guess what I'm saying is given that fact, how are we going to work on that not happening again? I was hoping that you've developed a strategy other than the same, "You do what you do, you get what you got." I'm just hoping that maybe there's another strategy being employed.

COMMISSIONER DORMER:

The other Detectives are available to the Homicide Commanders and they can utilize them --

CHAIRMAN EDDINGTON:

Okay.

COMMISSIONER DORMER:

-- for whatever they need.

CHAIRMAN EDDINGTON:

Okay. All right. Now I would like to -- since we've clarified, I hope, to some degree the standby procedure and protocol, I would like to address the homicide on July 20th and I'd ask the County Attorney to help me out, if you feel anything could -- how long did the body of Edgar Villalobos stay on Patton Street in Brentwood that morning?

COMMISSIONER DORMER:

At this time, Mr. Chair, I would like to read my remarks that will cover any questions, I think, that you or the members of the committee will have relative to that crime scene and that investigation. And that have -- and obviously you know and the members of your committee should know that we have to be careful on the information that's disseminated here today in a public forum.

CHAIRMAN EDDINGTON:

Okay, let's do that.

COMMISSIONER DORMER:

So I would request the Chair that I be allowed to read my remarks.

CHAIRMAN EDDINGTON:

Okay, and hopefully that will answer a lot of the questions I was going to ask. I'm hoping that we're talking five minutes or so?

MS. MALAFI:

(Nodded head yes).

CHAIRMAN EDDINGTON:

Okay. Great. Thank you.

COMMISSIONER DORMER:

And I do thank the committee for the opportunity to address you today and allowing me to clear up and clarify many misconceptions and misrepresentations of recent policy changes.

First I would like to point out that I am here before this committee completely on my own volition. As I told you, Mr. Chair, I was on vacation and I cancelled my vacation and came in today to this committee. I've always come in when I was requested to come in, never refused. There's never been an instance where I or the Chief of the Department, if I was unavailable, have refused to appear before this committee.

Second, I would like to note that some of the testimony and descriptions of the Patton Street crime scene may be vivid and graphic, and we want to remain sensitive to the concerns and feelings of the family and friends of the victim as well as the community that was impacted by this random violent crime.

In the early morning hours of Monday, July 20th, the victim was brutally attacked and left for dead in the middle of Patton Street in Brentwood. In the ensuing days, several Legislators, other elected officials and members of the media stated publicly their belief that the body of the deceased remained in the middle of Patton Street for an unusually long period of time due to a recent policy change to eliminate standby pay. Let me say clearly, emphatically and for the record, the length of the time the victim remained on the scene was not related in any way, shape or form to this policy change. Claims to the contrary are unsubstantiated and patently untrue.

The fact of the matter is that the first Police Officer was on the scene within ten minutes and immediately began securing the crime scene for a thorough investigation. That officer was joined by other officers and supervisors up to the rank of Captain. The first Homicide Detective supervisor arrived within the hour, which is not unusual given the call-out of the supervisor. At no time from the moment the first officer arrived was the sanctioning of the security of the crime scene ever compromised. Every homicide scene is unique and each presents its own set of circumstances and challenges in collecting evidence. There is no standard amount of time it takes to process a typical homicide scene, because there is no such thing as a typical homicide scene.

In this case, we had a man who was not from the neighborhood, who was not visiting residents and was not known by any of the residents or known to have any reason to be there at that time of night, savagely attacked and left for dead on the street. You must realize as well that due to the brutal nature of the fatal encounter between the victim and his alleged attackers, the crime scene was quite extensive with a massive amount of blood dispersed over a large area. Our first priority was to do the very best job we can to documenting the crime scene and collecting as much evidence as possible to aid in the subsequent investigation and prosecution; there is only one opportunity to do this and to do this right. The victim's body cannot be disturbed during this process. To disturb or remove a body prematurely can either contaminate the crime scene or lead to the loss of an opportunity to apprehend and prosecute a murderer.

As I stated before, officers were on the scene in ten minutes. The first Homicide Detective supervisor arrived within an hour. Crime Scene Investigators who were on duty and Lab Technicians who were called in were on the scene in a timely manner. Upon arrival to a possible homicide scene, the role of the Homicide Detective is to seek out and interview potential witnesses, if necessary, and obtain information about the victim, the incident or other pertinent information. It is the role of the Crime Scene Investigation Units, not the Homicide Detectives, to process the scene and the victim's body for any evidence that may be in the vicinity of the crime. Let me repeat that; it is not the role -- that it is the role of Crime Scene Investigation Units, not the Homicide Detectives, to process the scene and the victim's body for any evidence that may be within the vicinity of the crime.

Processing the crime scene and the victim's body is in the purview of the Crime Scene Unit, the Crime Lab and the Medical Examiner who is only called to the scene when all of the processing work has been completed. Consequently, even if Homicide Detectives were on the scene immediately,

that would have had no bearing on the length of time the victim remained on the scene. In this case, given the extensive collection of evidence required, this process required multiple hours to complete, and rightfully so.

This process includes the collection of blood samples every few feet. Investigators flag and photograph the chronicle and methodical process throughout. Looking at the blood stain in the street, there is no way of knowing with the naked eye whose blood that is or whether 100% of that blood belonged to the victim, nor is there any way of knowing, other than methodical collecting and testing, whether the blood found a few feet down the road from the last collected sample was the same as collected earlier. The only way to determine this is through a complete, thorough and exhaustive investigation of the scene.

The body of the victim can also contain vital evidence; blood, hair, clothing, fibers, DNA, what we call trace evidence which is not always visible to the naked eye but which could play a significant role in the investigation and prosecution. We make every effort to shield a murder victim's body from public view.

(The following was taken by Alison Mahoney, Court Stenographer and transcribed by Kim Castiglione, Legislative Secretary)

Still, that may still require certain periods of time when the victim may be uncovered while it is being examined and other times when the victim remains covered and undisturbed as other parts of the crime scene are examined, and this is what happened at that crime scene. That victim was covered, as Detective Lieutenant Fitzpatrick told me, three-quarters of the time that we were there at the crime scene.

In today's world it is easy to believe that all of this evidence can be discovered, collected and processed within the first ten minutes of an hour long television crime drama. However, the reality is that the processing of a crime scene, including collecting of vital, microscopic evidence from the body itself, can take many, many hours. For anybody to suggest that the crime scene could have or should have been finalized within four hours without taking the time to learn any of the facts and circumstances is irresponsible and potentially damaging to Suffolk County and the prosecution of this murder case.

For example, a September 2007 murder scene took more than 31 hours to process and the body was on the site for the first nine hours of that investigation. A December 2007 investigation required more than three days of extensive processing during which the victim's body was present for more than 15 hours. And in both of these instances I would point out there was a policy of standby pay for homicide detectives in place. It had nothing to do with the length of the crime scene.

The question must be asked, then, why didn't Legislators, the media or police unions raise similar concerns about these two case. It is critically important to note that three suspects in the brutal murder of Edgar Villalobos were arrested soon after the crime. These suspects have also been allegedly linked to two other recent violent incidents and I have expressed my appreciation to and congratulations to Detective Lieutenant Jack Fitzpatrick and the Detective Division and the Homicide people for an outstanding job in this instance.

Obviously the crime scene was not compromised. However, removing the body too quickly could have impaired this investigation. It is equally important to note that the crime scene process, painstakingly performed early that morning, is likely to play a significant role in the prosecution of these crimes. Again, we remain very careful and urge caution to all about specific details of an ongoing prosecution discussed in a public forum. Sadly, the defense attorney for one of the alleged murderers has already attempted to use the statement of elected officials and union officials, statements which were given to prominent media attention or received prominent media attention, as a way to cast out on the fine and comprehensive work of the Suffolk County Police Department

and the Homicide Bureau.

It would be an injustice to the swift and thorough work of our many officers and detectives who brought in these three perpetrators within days of the Brentwood incident if their dedication to duty has been tarnished by baseless allegations. It would be the ultimate injustice in this type of manufactured media controversy was in any way to hamper the ability of Suffolk County to prosecute those accused of this brutal crime. But most of all, it would be a grave injustice to the victim, his family and friends, and to all the people of Suffolk County that we are sworn to protect and serve if a suspected murderer were able to walk free because a union, unhappy with losing \$120 a night in standby pay and some elected officials created a media firestorm.

I would be happy to answer your questions regarding the procedures on Patton Street as I mentioned, and standby pay, which I've already done. However, I again caution that we must be extremely careful about the specific details of the Brentwood homicide due to an ongoing prosecution and the possibility of civil suits against the taxpayers of Suffolk County.

Mr. Chair, if I may at this time I have Bob Genna here, the Director of the Crime Lab for Suffolk County, who is not going to talk about this specific case, but I want him to briefly inform the committee and members of this audience and the public about what's involved with a crime scene so that we can put this to bed today, hopefully, and move forward so that there's no cloud over the way the Suffolk County Police Department investigates murders and other crimes in Suffolk County. Thank you.

CHAIRMAN EDDINGTON:

Certainly if you can do it in a timely fashion. You know, I know your investigations can take up to ten hours, if you can put that into ten minutes we are in good shape.

MR. GENNA:

I will do my best, Mr. Chairman. First of all, by way of introduction my name is Bob Genna. I'm the Director of the Suffolk County Crime Laboratory, which is a Division of the Medical Examiner's Office. In 1977 the Suffolk County Crime Laboratory went from the jurisdiction of the Police Department to the jurisdiction of the Medical Examiner's Office, which is all civilian employees underneath the Health Department's administration.

I'm here today to give you just a very brief understanding of the typical events that take place at a crime scene, and begin with the basic function and that is the call out procedure. In the call out procedure if the event occurs during the daytime hours obviously there's a built in factor of the individual's who are going to respond to that crime scene to just basically jump into the vehicle and respond to it. However, when you are dealing with a situation where the event occurs in the evening hours, it regards a number of call out procedures that each department has to participate in. The Crime Laboratory is one of the departments that responds to the crime scene as a result of a phone call in the evening hours when that member may be asleep, at which point it takes a period of time for that individual to prepare himself and then respond to the crime laboratory here in Hauppauge, retrieve the necessary equipment and vehicle, and then respond to the scene of the incident. At that particular point in time you are probably looking at an hour to an hour and fifteen minutes. And I'm talking very general here. I'm not speaking specifically about this incident that occurred in Brentwood whatsoever.

Once the Crime Laboratory responds to the scene of the incident, there's a number of discussions that are held at that period of time with other individuals who are at that scene. That may include the detectives from the Homicide Squad, Squad Detectives, Patrolmen, or any other individual who is at that scene that's part of this criminal justice investigation. That, of course, will take a period of time.

The next sequence is the walk through of this investigation. The walk through, by basic definition, is when members of the different departments, either the Police Department and the Crime

Laboratory, physically walk through the scene of the crime. If the scene of the crime is an outdoor scene, you can imagine the amount of square footage that might be involved. Typically on a homicide investigation that occurs in a house, involved a bedroom that's by nature 10 by 15 or 10 by 20 feet, you are looking at something that's 150 to 200 square feet. But if you have an outdoor homicide investigation you are looking at something that could potentially be anywhere from 60 to 70 feet by up to 300 feet long. If you do the math, now you are looking at something that's in the neighborhood of 21 to 25,000 square feet of coverage that needs to be walked through, and we haven't even conducted the search of that investigation yet. So the amount of the time and effort in searching that goes through this type of investigation is extremely significant by both members of the Crime Laboratory and Police Department.

Once the walk through is complete, and during the course of that walk through the physical evidence is actually identified, but only for purposes of documentation, specifically through the photography end. After the walk through is conducted, and depending upon the nature of the scene, as I indicated, if it's an outdoor scene and there's a lot of evidence, that walk through itself could take a couple of hours or it could take something in the neighborhood of an hour.

So now we have already discussed the possibility of looking at the individual getting the phone call at home, responding to the scene -- responding to the laboratory, responding to the scene, having discussion, and conducting the walk through. We're already up to the fact of something in the neighborhood of two and a half to three hours.

Once that's done, members of the Suffolk County Police Department enter the crime scene and do both videotaping and still photography. They do each one of these functions separately. So, again, imagine the amount of time it takes for a photographer to both videotape a scene and then conduct photography. Again, you are looking at something in the neighborhood of approximately an hour. After that's conducted then and only then do members of the Crime Laboratory, and perhaps a lead detective, walk into the scene of that incident and now begin to identify specific items of evidence, tag that item of evidence, have that item of evidence photographed, measure to that particular item of evidence, pick up that particular item of evidence, put it into a package container, and seal it and preserve it so that it can be transported to the laboratory. If you are dealing with a number of items, several dozen items, you can appreciate that that process alone could take several hours. Many times we try to clear a path to the victim so that the Medical Examiner can be called to the scene and help and assist in the processing of that body. If that can't be done, we continue to work around the body at that particular point in time.

Ultimately the Medical Examiner now has to be called. If the Medical Examiner is called in the evening hours, we now have a time factor that we have to consider, because if we are calling the Medical Examiner at their home, they now have to wake up, they now have to prepare, and they now have to respond to the scene. In the interim, more work is done at the crime scene. However, there is a time factor where the Medical Examiner has to respond.

Once the Medical Examiner responds to the scene there is a brief discussion as to the events that have taken place. The Medical Examiner then proceeds into the crime scene and works alongside with Crime Laboratory personnel, identification personnel, and sometimes we might recover specific items of trace evidence from the body. Once that occurs, the body is then sealed and transported back to the Medical Examiner's Office. The scene continues to be processed by all individuals who are participating at that point in time. Evidence is collected and then the final walk through is conducted to make sure that as much evidence as possible has been recovered and we do not leave anything behind.

That particular process that I just described to you can vary anywhere from perhaps four to five hours up to several days and perhaps a week. So it's not advisable to put on a particular time period and to criticize the amount of time it could take for any particular scene. Thank you for giving me this opportunity to discuss this particular procedure.

CHAIRMAN EDDINGTON:

Thank you very much. That was very clear, for me at least, I hope to the other members of the committee. I can see that it can be a very extensive, time consuming event. At this time I would like to allow the Presiding Officer -- did you want to --

P.O. LINDSAY:

Yeah.

CHAIRMAN EDDINGTON:

And one -- just before that I want to thank the Commissioner, I'm done, if he has to get to work it's fine, and the Police Department in the timely arrests in this incident. I want to commend everybody involved as I have continually supported your department. So thank you very much. Presiding Officer.

P.O. LINDSAY:

Yeah, first of all, I would like to thank the Chairman and the committee for allowing me to just put forward my point of view, and I'm not going to talk about the crime scene at all or the incident at all. The last thing I want to do is give any reason to allow these alleged people to get off.

I've been around here for I guess a little more than eight years now. I have never seen so many changes in the Police Department in such a short period of time. And the accompany -- I think what you are seeing here this morning and the questions and whether, you know, the body was there too long, not there long, or whatever, I think goes to the heart of the whole thing. And, you know, just within the last couple of weeks we have had holistic training, we have had COPE, we have had motorcycles. I just got a memo about -- from you from yesterday about warrants. Is our public safety being compromised by these dramatic changes in such a short period of time?

COMMISSIONER DORMER:

Thank you, Mr. Presiding Officer, for the question, and we did have a conversation Monday and we did -- with the staff and we went over some of this stuff. I assured you that public safety was not impacted. Are people's work environment been impacted? Yes. I think everybody here knows that we're in an unprecedented time in Suffolk County and throughout the State and the country financially. We're doing things today that we wouldn't have done two years ago, one year ago, five years ago. I think everybody knows that. We have to come up with ways to save money in our budget. That's the direction that I got from my boss and that's what I'm doing, without impacting public safety.

Now, I understand the Motorcycle Officers, you know, being upset. I understand that. And the Warrant Unit being upset at having their assignments changed and being transferred back to patrol. I understand that. And I also understand the officers in the precincts that were transferred to other precincts for training because of -- and I don't want to go into the issues of why because they're internal personnel issues that we'll have to deal with down the road, but we had good reason for that. And so we have to save money. We have to save the taxpayers money.

And I understand what you are saying, you've heard a lot of statement here today about public safety being endangered. You mentioned the crime scene and I think we cleared up the crime scene issue in Brentwood the other night, which had nothing to do with standby. It had to do with the forensics and the crime scene itself. But this is an unprecedented time and we certainly have budget issues in the Police Department, and you and I have spoken about that and --

P.O. LINDSAY:

In all due respect, Commissioner, there is -- you know, I think this is a very difficult financial period of time for all of us. But, you know, the core services that we provide our citizens, number one on the list is to protect them, to make them safe. I think that's the underlying issue on everybody's mind in -- well, the other thing that comes into play, were any of these changes brought about to influence the labor negotiations that are currently going on?

COMMISSIONER DORMER:

I'm not going to discuss the labor negotiations.

(Laughter from audience)

That is not my, you know, arena. I run the Police Department.

UNKNOWN AUDIENCE MEMBER:

No you don't.

COMMISSIONER DORMER:

Public safety, and again, I will state this, public safety is not impacted in a negative way.

P.O. LINDSAY:

Okay. That's -- I wanted to hear you say that for the record.

COMMISSIONER DORMER:

On the record I want to say that.

P.O. LINDSAY:

Okay. And if I could just, just very briefly go into another area. The memo yesterday about the Warrants Unit, is this banded as of today?

COMMISSIONER DORMER:

No. The target date for the transfer is August fifth.

P.O. LINDSAY:

Okay. Who is going to serve the warrants?

COMMISSIONER DORMER:

The Sheriff is going to take over the duties. He told me he was going to take over the duties on August fifth, so you are going to have to ask the Sheriff that.

P.O. LINDSAY:

No, I talked to Undersheriff Caracappa this morning, called me to say that they have not agreed to serve warrants.

COMMISSIONER DORMER:

Well, I had a discussion with Sheriff DeMarco last week when we discussed this issue and August fifth is the transfer date.

P.O. LINDSAY:

I'm telling you that conversation took place less than two hours ago. So I hope we have our act together, that somebody is going to serve warrants. That, you know, again, our concern is in all of this turmoil and changes that public safety is going to be impacted. Okay. And one last thing and then I'll give up the mike. The Arrest Processing Unit that AME talked about before; who is going to do that now?

COMMISSIONER DORMER:

If I could, that comes under Chief Weber's shop. It has to do with the officers entering the information themselves at the point of arrest. If I could have Chief Weber just describe briefly how that procedure works.

CHIEF WEBER:

As the Commissioner mentioned, the transferring we had -- maybe a little history would help. Years

ago the arrest process in the precincts, and in an effort to expedite processing at the time, be transferred as a pilot project which lasted a number of years, the number of which I don't recall, to the headquarters to civilian personnel. It was determined that it would be best handled back at the precinct, decentralized, where the desk sergeants could better peruse and complete -- approve all the paperwork. So the process now will be done back at the precinct of origination when the arrest is made.

P.O. LINDSAY:

Is that going to add more duties to our precinct officers that we really could use all of them we can on the street, you know?

CHIEF WEBER:

There's a legal paper called an information that had to be signed. These officers were off the road while this paperwork is being generated, so hopefully -- again, this is a relatively new process. We're evaluating it. If we find it unworkable we will transfer it back out to headquarters.

P.O. LINDSAY:

Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN EDDINGTON:

Okay. I just wanted to also validate what Legislator Lindsay said, that I had spoke to Undersheriff Caracappa last night and he told me that there was no agreement or process for the Sheriffs to be taking over the Warrant Squad at that time, too. Obviously there's a breakdown in communication.

COMMISSIONER DORMER:

Well, I will reach out to the Undersheriff today and just clarify that.

CHAIRMAN EDDINGTON:

Thank you very much. Legislator Gregory.

LEG. GREGORY:

Good morning. It's still morning. I must say that I take exception to your comment that some Legislators here have jeopardized or impugned the integrity of the Police Department because I think all that we've ever done or sought to do was to look into a situation that may be problematic as a policy and to say that -- and I -- for one I signed a letter seeking, Legislator Montano's letter, seeking special investigation. Do we have to go that route? No, but if you are here and we're able to do it in a different means that's okay, but I think to say that we're jeopardizing or we're targeting the police unit or maligning or giving misinformation I think is not fair to as our role as Legislators.

Myself and Legislator Eddington and Legislator Barraga, we come from a military background and very often in the military we have what are called AAR's, after action reviews, after major exercises. So we were very instinctive in criticizing our own actions so that we can improve upon our actions so when we go to combat or go to war and have to do the things that we practiced we do them to the best abilities that we can. No policy is ever set in stone. We are always looking to improve the policies and practices and procedures that we have in place.

This I see as a similar format and we're not trying to -- we're not criticizing you personally, but we're certainly critiquing a policy that we may see that may -- that we can do better.

You know, I have been out in my community and there are three issues that have come up, property taxes, the whole mess in Albany, and this incident in Brentwood. It's on the people's minds. I'm sure if County Executive polled it I'm sure he'll get that feedback as well. So people are watching and they're concerned that they pay \$10,000 and they can look outside their home and see a dead body laying there. I'm sure you wouldn't appreciate that, so other residents of this County do not appreciate that. So we -- and I think it's our responsibility to look at standby. I'm not unfamiliar with standby. As an officer in the military I was on standby. I missed my reunion. I couldn't go 50 miles from my home base and had to carry a pager or a cell phone on me. I have friends in mental

health field. They are on standby once a month or whatever. I was the Deputy Commissioner of DPW when I worked for the town. I had carpenters, plumbers, whoever, and then they were on standby just to be called if something happened. So it's not an unfamiliar practice.

But my concern is, and you had mentioned this earlier, that the crime scene, the body being out in the streets wasn't impacted by standby. My initial reaction to that is well, if we were able to get detectives there to respond sooner, and I would assume that if they were on standby that we would have been able to have officers or detectives respond sooner, that the body and the scene would have been able to have been processed more quickly. Is that true or false or am I?

COMMISSIONER DORMER:

No, that's not true. This was -- the time that the body stayed at the scene was determined by science, not by the standby, not by the detectives. It's determined by the crime scene CSI people, as was mentioned by Bob Genna, and by the lab and the Medical Examiner. It can range from, as he mentioned, a few hours to many hours. Every crime scene is unique. And I have stated to the media and to anybody that has listened to me since this event occurred, that the standby had nothing to do with how long the victim was out on the street. It had to do with the forensics, which had nothing to do with the detectives. And by the way, we had homicide at the scene, Detective Sergeant, within an hour. Detective Lieutenant a short time thereafter and other Superior Officers and Police Officers. Also, later a Detective from the Third Squad was called out to respond to the second person that showed up at the hospital so --

LEG. GREGORY:

Okay. Maybe I'm missing something. All right, the Detectives, the Homicide Detectives, when they go to a crime scene, what are their responsibilities?

COMMISSIONER DORMER:

Well, basically, as Bob Genna mentioned, they do a walk through with the lab and the people that come there. Jack Fitzpatrick and the Detective Sergeant did that. The forensics, that's collected by the lab and the crime scene. The photographs are not taken by Detectives. The specimens or evidence are not lifted by the Detectives, contrary to the TV shows that everybody watches where one Detective does everything. There's a procedure in Suffolk County where the forensics are done by the professionals from the Police Department separate from Homicide and the lab people.

LEG. GREGORY:

But wasn't it -- it's the Homicide Detectives but also the unit that ID's the body? Weren't they able -- weren't they delayed, the ID Unit?

COMMISSIONER DORMER:

Yeah. The ID section, yes, they didn't come to later in the morning, but their functions were covered by the crime scene section under the direction of an identification supervisor, a Sergeant, a Detective Sergeant, who responded.

LEG. GREGORY:

Okay, so what you are saying is the functions of the Detective -- Homicide Detectives in the ID section were done by other Detectives or personnel?

COMMISSIONER DORMER:

Well, the Detective Sergeant the and Detective Lieutenant responded that night, and when they needed help they called out a third squad Detective for to take a statement from somebody. I talked to Jack Fitzpatrick and --

LEG. GREGORY:

You didn't answer my questions. I said the responsibilities of the Homicide Detectives and the personnel in ID section, they were done by someone else prior to them arriving at the scene?

COMMISSIONER DORMER:

I don't understand the question. You mean before Homicide responded?

LEG. GREGORY:

Yes. What I'm getting at is you are saying that the crime scene was being processed, although the Homicide Detectives were arrived at nine, ten or whatever time we want to say they arrived. You are saying that they were done at one o'clock or two o'clock in the morning.

COMMISSIONER DORMER:

Legislator Gregory, at this point I should point out that we're treading on dangerous territory and I respectfully submit that this could in some way impact the prosecution of this case.

LEG. GREGORY:

Okay. I respect that. Now, in the paper there was a figure quoted as standby savings would be \$140,000, but yet today you said that it would be \$400,000. Can you clarify that?

COMMISSIONER DORMER:

Well, I indicated today that standby costs in the Police Department are 290 to \$400,000 year. Now, obviously with seven Detective Squads still on standby we wouldn't garner all that savings over a year. It would be less.

LEG. GREGORY:

Okay. So you are not sure where that \$140,000 figure came from? That wasn't yours?

COMMISSIONER DORMER:

No, you know, anything -- you know, I don't want to comment on what's in the newspaper, but I deal with the facts that we have and the information that we have.

LEG. GREGORY:

Okay. Now just one more last -- if I may have the indulgence of the committee. Earlier you mentioned that standby would affect the Gang Units? Or someone mentioned that. I know I'm getting old, but I'm not that old. No?

COMMISSIONER DORMER:

No, the Gang Unit, that's a new unit we just created. It's a centralized unit in headquarters. Standby has no impact on the Gang Unit.

LEG. GREGORY:

I'm sorry, backfilling. Backfilling, because the gang -- the members I guess in each precinct or the precincts that they're assigned now they're backfilling sector patrol cars. So how is that going to work? Are you pulling those people out where you have a shortage already in sector patrol and you are going to organization them in one unit?

COMMISSIONER DORMER:

Yes. We have come to, you know, determined, the District Attorney, the County Executive and myself had a meeting this week about gang activity in Suffolk County, and especially it came to a head with this brutal murder in Brentwood and we decided we had to do something more dramatic. We're going to centralize that unit into one effective, cohesive unit in headquarters. It will be run out of the Chief of Patrol's Office and we're going to get more bang for our buck. We're going to work with the District Attorney's Office with criminal intell, and that's only one part of that three pronged approach to this gang problem.

We're also going to reach out to the schools and see if we can work with the schools to try and deter kids from joining gangs and attempt to educate youngsters about the dangers of gangs. And the second prong is to reach out to the community, the clergy, through our Youth Bureau in the County

Executive's Office and come up with programs, again, to keep kids out of gangs and to see if we can reduce the violence in some neighborhoods in Suffolk County.

LEG. GREGORY:

Thank you.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Let me first start with the last comment you just made, Commissioner, thank you for being here, about the Gang Unit. Everything that you just described about the Gang Unit is what they have been doing when they have been working out of the precincts, is it not?

COMMISSIONER DORMER:

Well, yeah, but in a very small way in an uncoordinated manner.

LEG. LOSQUADRO:

So the answer is yes. Okay.

COMMISSIONER DORMER:

As you know --

LEG. LOSQUADRO:

I thought that -- you have been here testifying before saying the Gang Unit interfaces with all branches of law enforcement, telling us what a wonderful job they do in each individual precinct. Now you are telling me it's uncoordinated and they weren't doing a very good job? Just clear that up for me.

COMMISSIONER DORMER:

They did a great job in the precincts, but three or four gang officers, with two of them working at night in 3rd Precinct really wasn't effective. We have to address it in a more cohesive and sustained manner, having a centralized unit where, again, we can put a number of officers in a particular location, a hot spot where we're having problems, and instead of having two officers dealing with the issues, if you have two officers or three officers, you now have 10, 15 officers. In this case there's going to be 20 officers in the unit so you are going to certainly get more presence in a particular area --

LEG. LOSQUADRO:

In a particular area, but not Countywide. And my concern is I have two precincts that have a great deal of activity in certain portions of them, and the numbers you just quoted sound like less numbers overall Countywide than if you added up all the individual precincts.

COMMISSIONER DORMER:

No, the Chief is telling me that they have 20 officers that are going to be in the unit, with four or five Sergeants and a Lieutenant, and that's a substantial -- that's a substantial number of people.

LEG. LOSQUADRO:

That may be a substantial number, but it's less than -- if you added up the officers in the individual precincts now working in those seven precincts, it's less than what we have working now.

COMMISSIONER DORMER:

I'm just telling you what the Chief told me, that there's 20 Police Officers.

(Laughter from audience)

LEG. LOSQUADRO:

This is -- this goes to the heart of the problem that we have been having, and Legislator Eddington referenced it, Presiding Officer Lindsay referenced it, and I will reference it specifically now. I've been asking, I'm sure as you know, Commissioner, for years we've been having this banter back and forth, everyone has been hearing us have it, about accounting for staffing, transfers making up for the numbers that have been talked about. And where the people are going to come from to do specific work in specific units, like the Gang Units.

So after one of our discussions I sent a letter back on December 12, 2008, which your office just recently contacted me to resend them and we sent you a copy of your correspondence back from December 15th, 2008, saying that you are researching the information and will report back to me. That was the last correspondence I received. I'm sure as you know, Chapter 149-2, response and truth in government policy, requiring that said Legislator be periodically updated no later than every ten business days regarding the status of such inquiry. I have received a couple of oral comments from you. You came into my office once, told me you were still looking at it. Once at a meeting you told me you thought you had sent it to me but I never received it, so. Just yesterday I did get some information as to these transfers.

And I started trying to add them up, being that I only received it yesterday, and part of the problem was you were referencing some staff changes that took place well after our conversation back in December, including Motorcycle Unit and others, and again, basic accounting tells me, you know, if you have a hundred -- hold on one second, I just have to get this out from under here. I have too many papers here in front of me with all the stuff that's been going on. But if you have a 140 more officers on sector patrol, this is what I had in December 2008, and 147 fewer officers in the department, basic accounting tells me you had to have 287 transfers or moves to be able to accomplish that.

Based on the information that you've sent me, which again, includes some things that took place very recently, a lot of those seem to be temporary transfers. Again, I only received it yesterday so I didn't have a chance to go through this as thoroughly as I would like, but it seems to only account for about half of that.

So, you know, again, we have been discussing this for years. We have had formal requests, formal correspondence, things not replied to in a timely manner, getting things at the eleventh hour and 59 minute and still not getting the information that we're asking for. And I think it really goes back to the heart of the question, and I hope you can appreciate I haven't mentioned the situation that took place that occupied a lot of our discussion today, because I think a big problem that we're having here, and I think the Presiding Officer referenced it very well, is wholesale, large scale changes that have taken place in a short period of time that I don't think has allowed this department time to adjust. To sit there and say that public safety has in no way been impacted I think doesn't account for the time necessary for operations this complex to adjust -- for people to adjust to unfamiliar surroundings. Squad Detectives handling homicide work, I mean, there are more changes that I can reference here.

I don't want to monopolize the time of this committee, but I personally and members of the committee have asked you for a comprehensive plan. We deal with the budget. You are supposed to deal with public safety. We have told you give us an honest assessment and let us make the decision of how we're going to pay for it or not pay for it. That's our job. We make the difficult decisions, and we have made some very, very difficult decisions this year. And so far all we're getting is unprecedented economic times; we know that. We have to make changes; we know that. We're not getting the information that we're looking for as to what the comprehensive plan to continue the services that have been offered, that need to be offered, how that's going to continue. Let us worry about the budget. Tell us what you honestly need.

I really don't want to hear anymore we're doing more with less. I don't want to hear that term any more. Everyone knows everyone in this County, everyone in this country, is doing less with less. Let's just give an honest assessment. We're going to have less people in Gang Unit, they are going

to be centralized, we're going to have precincts throughout this County that are going to have diminished services. I'm afraid I have areas in my district that are going to be underserved because of that.

I have people that work very closely in the Longwood School District which occupies the entire southern half of my legislative district. That area has a lot of gang infiltration with Gordon Heights, other areas throughout that district. Further south into the Longwood School District, very big problems there. Legislator Browning's district, Gregory's, Montano's, all of us. We know about the proliferation of gang activity that's happening. I guess it sounds good to say that we're going to centralize it and they're going to interface, but I have interfaced with these individuals on a regular basis during my tenure in office and these are some of the best guys you have in the department. They work through whatever channels necessary, I don't care where they're located. They can put the desk out in the middle of the street and they would handle it on their cell phone if they had to. So to say that we're going to somehow be improving that service by having them in one location and diminishing the ranks of that department, I just don't see how that's possible. I don't see how that's possible. It doesn't make any sense to me.

You know, we're talking about overtime. I was just jotting down notes here. I guess part of the plan was to call out the Supervising Detective if a Detective is not available on standby. One of my questions was would that individual ordinarily come out to that scene or would it just be handled by one of the regular Homicide Detectives. Could you answer that?

COMMISSIONER DORMER:

If it's a homicide scene yes, the Supervisor would respond.

LEG. LOSQUADRO:

If he is the individual first responding to the scene, would he be the one handling it to it's completion?

COMMISSIONER DORMER:

Yes.

LEG. LOSQUADRO:

Being that that individual is more likely at a higher pay grade and handling a case to its completion probably involved a lot of overtime and a lot of investigative work. Was any consideration given to the fact that we might lose on the deal by having an individual at that higher pay grade handling cases like this on a regular basis, and would that person perhaps be overloaded if he is the only person available at times to be called out if these other individuals are not available. Would he be able to pass those cases along to another individual? Would they be able to catch those cases from him if he was the first one on the scene?

COMMISSIONER DORMER:

On a homicide scene the complete team rolls out. That includes the Supervisor, so that's not unusual. The standby --

LEG. LOSQUADRO:

Again, I was just jotting down notes because, you know, we're overwhelmed by information and changes that have taken place within the department, and, you know, the Warrant Unit being one. You know, to have the type of contradictory information that we're hearing here today in public testimony, quite frankly, I think is embarrassing. It's embarrassing to us because we are the elected officials who should be getting this information before anyone else, and I think it's embarrassing to the administration of the department to have contradictory information like this be brought forth publicly.

I am very, very disappointed in the way that information has been disseminated. I'm very disappointed in the way that information has not been forthcoming, even when requested specifically

by members of this body, and I know that the Chairman has been very frustrated with this. We have very few options left at our disposal and we may have to explore them. Thank you.

Applause

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

You know, one of our concerns is now we didn't get the Federal money and I'm just curious, Commissioner, how -- what statistics do you use when you are talking about the drop in crime, crime has gone down. What statistics are you using, because, you know, I have a letter here from the DA with statistics.

COMMISSIONER DORMER:

Yeah, we looked at our own statistical database and we also look at DCJS impact. We're one of the 17 counties that are involved with impact, so we look at that when it's given to us. So we look at all the statistical data. Sometimes it doesn't match because of different databases and different ways of categorizing a crime and so we have -- and, in fact, I would like to put up some statistics right now. I knew that question would come up and so I would like to, you know, answer your question maybe with a visual that may be helpful for the committee.

LEG. BROWNING:

Okay. If you could hold off on that for a minute because I do have a couple of other questions, but I want to read a paragraph of the DA's letter, if I can see it with my glasses. The statistics I have available to me clearly show that violent crime overall in the Police District up 10.8%. The increase is given by a surge in robberies up 20.6% and assaults up 12.6%. Obviously the recent spade in gang related murders and attempted murders will more than likely drive the numbers up further. He also states there's an 18.8% increase in firearm related crimes, by way of robberies by firearms, and have increased 32.6% during the same reporting period.

I'm looking at a website here, it's a New York State Division of Criminal Justice Services and it also somewhat agrees with what the DA's reports are, because I see in Suffolk County there is an increase in crime. Not all crimes, but there is an increase in certain crimes. And I know you want to get to that, I will let you get to that.

You know, another question of mine is, you know, transferring the Warrant Division to the Sheriff's Department. I mean, no doubt the Sheriff's Department, if they were doing it, they would do it just as good. I would never say they can't do their job well. However, you know, my union background tells me when you're doing a job for 30 years you've set a precedent, and I think, you know, we don't have Jeff Tempera here, it may not be in the contract, but a precedent is set that the Warrant Division has been doing that job for 20 years and I believe that that is something that should have been negotiated with the union.

And, you know, I do want to know also about the issue with -- oh, I'm drawing a blank. I have got so many questions as this has been going through. Megan's Law Unit. I received a phone call from a Gordon Heights civic leader about the Megan's Law Unit, that she made a call and couldn't get a response. I've since looked into it a little bit and I'm finding out that now the Megan's Law Unit is no longer reporting -- they're not doing random checks anymore because they're two officers short and they're basically only reporting based on complaints. Can you tell me what's going on in the Megan's Law Unit? Have you transferred people out of Megan's Law? What's going on there?

COMMISSIONER DORMER:

That was a number of questions. Do you want me to take them in sequence or which one do you want answered?

LEG. BROWNING:

Well, I'm very concerned about the Megan's Law Unit. I mean, what's going on in the Megan's Law Unit? Are they no longer randomly going out and checking address verification of sex offenders, or are they just doing it on a reported basis. And, again, like I'm told there's a reduction in the number of people working in the Megan's Law Unit. You know, I passed a bill that says -- requires them to randomly check, which I believe that's something that's being done, and I know there's Federal money for address verification.

COMMISSIONER DORMER:

I can answer that. No one's transferred out of Megan's Law Unit. I believe it's the Special Victims Unit. I was just notified that two people retired from the union -- the unit. I don't have the authority to cancel retirement, and so.

LEG. BROWNING:

Okay, so then the Megan's Law Unit generally had four officers, that's my understanding. It was four officers who did the address verifications. Now we're down to two and there's one Operations Officer. So my understanding is there's one Operations Officer and two to do address verifications. So my understanding, then, there's no change in Megan's Law and you will have four people in there.

COMMISSIONER DORMER:

We'll certainly look at that. We'll make a note of it and get back to you, Legislator.

LEG. BROWNING:

And one last question. The five officers, there's about five officers from each precinct are being transferred. When you are transferring, I understand what everybody is saying when you transfer officers to a different precinct, now they have to get used to that other precinct. How did you determine which five officers are being transferred from one precinct to the other? Is it low statistics as far as arrests, tickets?

COMMISSIONER DORMER:

The Precinct Commanders are the ones that determined who the officers were and I don't pick the officers and, you know, it's a personnel matter. And as I mentioned earlier, I don't want to get into why people are transferred or disciplined or any other reason. Personnel issues should not be discussed in this kind of a forum.

LEG. BROWNING:

Well, I just wanted to do -- I mean, you required the Inspectors or whoever to make those transfers. You didn't give them any direction as to what you require?

COMMISSIONER DORMER:

No. They make the determination on their own personnel. That's why they're Inspectors.

LEG. BROWNING:

So it's not based on low quotas of tickets. It's not based on a low quota?

COMMISSIONER DORMER:

No, I believe it's based on merits, you know, everything is looked at and so. But again, it's a ground that I don't want to get into.

(Laughter from audience)

LEG. BROWNING:

Okay. You know, that would be my assumption, is based on low quotas. I have been contacted by a Police Officer who, due to two months of military, he's being transferred. My understanding is it's based on low quotas. But my understanding is, being married to a Police Officer, there's no such

thing as quotas.

Applause

CHAIRMAN EDDINGTON:

Thank you, Legislator. Legislator Barraga.

LEG. BARRAGA:

I have no questions of the Police Commissioner, but I would like to make a few comments. First, I would like to congratulate the Suffolk County Police Department and its Detectives for apprehending the three individuals currently charged with the second degree murder of Mr. Edgar Villalobos.

Applause

One only hopes that a Grand Jury will return an indictment of First Degree Murder against the three individuals arrested. One involved was involved in two murders, Mr. Acheampong and Mr. Villalobos. Another individual is involved with the murder of Mr. Villalobos and an attempted murder of Mr. Wilson Batista. And the third, Mr. Amaya, is involved in the murder of Mr. Villalobos. From reports read these three individuals had been involved in systematic, planned murders, and found guilty, should receive life in prison without parole.

I ask you all to think for a moment of a method used to slaughter Mr. Villalobos. Murder with a gun or knife is bad enough, but it takes a certain uniquely depraved human being to kill with a machete. It is a weapon that hacks, tears and rips. It is a horrible death, and the perpetrator of such a horrific act deserves what we no longer have in New York State, the death penalty. If not the death penalty, life in prison without parole in order to keep such an animal away from society.

It is my hope that the prosecutors, when they go before the Grand Jury, can make the case that Mr. Villalobos was involved in an involuntary kidnapping from Bay Shore to where he was taken in Brentwood and murdered. Kidnapping followed by murder I would think would be a criteria for a First Degree indictment. Remember the comments of Mr. Villalobos's brother who said he did not know why his brother was in the area because he did not live anywhere near the location where he was murdered.

From my perspective, I feel the major problem we have to deal with, and I'm talking about elected officials and law enforcement, is the tremendous surge in gang related violence on Long Island. I believe at this point there are approximately a half dozen communities in Long Island which are suffering because of gang involvement. That if you live in those communities and you have a male in the family between eleven and 30 years of age, that son, that brother, that father, if he's wearing the wrong color, could be stabbed, killed, butchered. It is a real threat in those communities and law enforcement must deal with it. And I'm not just talking about the Suffolk County Police Department. Where is the FBI? The DEA? Where are all the Federal agencies? Gang related crime nationwide is surging, especially here on Long Island. Why would you possibly live in a community with a young son knowing that that son, if he's African-American or Latino and steps out the door will be knifed or shot?

There are many issues I'm sure that effect every single one of you, but this has to be paramount. Whatever it takes to crush these gangs we must do it. Where are the J. Edgar Hoovers, the Tom {Dillys}, the Elliot Nesses? Where is the leadership on this issue?

Separate issue, and it was mentioned by the Presiding Officer. This has been an extremely difficult time for this Legislature and these Legislators. We have had to make some very difficult decisions. Some you could care less about but they affect other people. We have done tobacco securitization. We've sold the County HMO. We had across the board expenditures. We did a lag payroll. There are people here -- almost every single one of us have lagged a payroll. Some people have refused their pay raises. They have done everything they possibly can. They have done the rainy day fund. We have gone into that. Because the intent from the very beginning, ladies and gentlemen, was

that our goal here in the Legislature was to accomplish two things; to avoid tax increases and to avoid layoffs or firing. Now, nationwide about six million Americans are going to lose their jobs this year, but not one public employee in Suffolk County has been fired or terminated, nor will they be.

Now, I understand and I have empathy for those individuals who are in the Police Department and they are performing a particular function and now they find out that function doesn't exist anymore because somebody above made a decision from an economic perspective. If I was a motorcycle cop and I was doing that for 10, 15 years and all of a sudden I went in and I was told to turn in the bike, I would be upset, really upset. But I wasn't told to turn in the badge. I'm still on the job. I've still got the salary and the benefits. That's the way it's going to continue to be.

I'm not happy that you all are here. I'll be very frank with you. I have always had a good relationship with Police in general over the years. I don't exactly have a good relationship with them now. I don't want to see you back here again. You have individual problems, you think they are major. If I had the Commissioner of Social Services here or the Health Department they would be complaining about the same kind of issues as they affect their departments. But you are going to say as they would say, "I am different, I am unique". You are all different, you are all unique, you are all special. But solve these problems someplace else, not here.

We need strong law enforcement in Suffolk County and we have always had that. And it's come about because you have worked together, the PBA, the Executive Branch. All we're trying to do here from a Legislative perspective is kind of preserve things in a very tough economic time. These individual situations in your respective departments, there's got to be somebody out there you have some faith in who can sit down and work this out so that everybody comes to a real, honest agreement so you don't agree to something one day and feel you have been screwed a week later. You are all here. You are all committed to public service as we are. We're doing the best we can. But the Police Department, you are special, but you shouldn't be fighting amongst yourselves. I don't care if you are the Police side or the Executive side.

CHAIRMAN EDDINGTON:

Well, they can hear you anyway.

LEG. BARRAGA:

You can hear me anyway. I don't need this. That's it.

CHAIRMAN EDDINGTON:

Legislator Montano.

LEG. MONTANO:

Thank you, Legislator Eddington. Good afternoon, Commissioner. I know you have been here a long time along with everybody else. I'm not a member of this committee so I'm not going to really get into the issues of -- some of the other issues. But I do want to go back to the crime scene issue in the Brentwood community that occurred on July 20th, and I don't know if you can answer some of these questions. And I've listened to your statement, I've read your letter to the editor where you've called the controversy manufactured. You said that some Legislators have inflamed or created a firestorm; I would hope that you're referring to me when you say that because I think that this is something that really needs to be addressed.

I've listened extensively and carefully to what you have said. I think it amounts to a general denial, but I haven't heard any facts or anything that convinces me of my initial impressions that this crime scene and the failure to have a Homicide Detective on the scene in a timely fact -- in a timely manner was a contributing factor to the body remaining at that scene for such an extensive period of time. I understand that crime scenes do differ. You've cited two examples. You've cited one example of nine hours where a body was on scene, another one of 15 hours. I would like to see a comparison made between those crime scenes and what happened here, but I don't think this is the time nor the place to go into that. So I'm going to, you know, hopefully we can pursue that.

I think this crime scene needs to be looked at not with the idea of compromising potentially a prosecution, but to see if anything went wrong, why it went wrong, what policies or failure to implement policies or change in policies contributed to what I consider an extensive amount of time for the body to be on crime scene. I think you know my background. I have been an attorney for 34 years, I have been a former prosecutor, I've handled homicide cases.

So let me just ask you a couple of questions that came up and I am going to try and be brief. You said earlier that you were on vacation and you came back for this hearing. Were you on vacation July 20th, the day of the Villalobos incident, if you remember?

COMMISSIONER DORMER:

Offhand I don't remember.

LEG. MONTANO:

What I want to know is if you weren't on vacation, when did you personally know that there was a homicide in Brentwood? I mean, were you called by your Supervisors if you were here to let you know that there was a homicide and that there was no Homicide Detective that was called in?

COMMISSIONER DORMER:

You know, all I can say about the homicide scene, and I respectfully, you know, respond this way and I hope you understand.

LEG. MONTANO:

I will.

COMMISSIONER DORMER:

It's something that I don't want to get into. The homicide scene was handled properly. It was a fine investigation and standby had nothing to do with how the crime scene was handled or how long the victim was at the scene.

LEG. MONTANO:

All right. Let me ask you this. Do you deny that the change in policy with respect to standby caused a delay in the Homicide Detective arriving at that time scene? Not the investigation, but the fact that a Homicide Detective did not arrive at the scene until I understand about 8:30 in the morning. And I think that's been already been publicized in the paper.

COMMISSIONER DORMER:

It didn't have no effect on the investigation or the scene.

LEG. MONTANO:

That's not what I asked. What I asked was whether or not you deny that the change in policy led to the failure of a Homicide Detective to arrive at the scene prior to 8:30. I'm not talking about the investigation. I'm talking about the fact that an assigned Homicide Detective, not a Detective Sergeant who is a Supervisor and not a Detective from the squad. I'm talking specifically about a Homicide Detective.

COMMISSIONER DORMER:

Again, and I hope you appreciate this, I respectfully decline to answer that because of the prosecution of this case.

LEG. MONTANO:

I understand. Could you tell me whether or not the same situation applied to the Crime Scene Investigation Unit or the Identification Unit as it's known, in other words, what time did they arrive at the scene?

COMMISSIONER DORMER:

Again, Legislator, I'm not going to answer that.

LEG. MONTANO:

Were they affected also by the standby, the change in the standby policy in terms of the overtime pay, that particular unit.

COMMISSIONER DORMER:

Yeah, the ID section is one of the units that we removed standby from.

LEG. MONTANO:

Okay. Now I've listened to the person from the Medical Examiner's Unit who gave a general description of a crime scene and what takes place, and I don't know if you can answer this, but I'm curious. My understanding, and I've spoken with former prosecutors, former Detectives, you know, various individuals and I must quite frankly state that all of them share my opinion that based on the facts that we know there was a delay in terms of moving this body or at least getting a Homicide Detective on board. That should not have happened according to everyone I've spoken to.

My understanding is that the assigned Homicide Detective is the lead Detective on the case once he or she arrives at a scene. Am I correct?

COMMISSIONER DORMER:

Again, we're getting into the investigation and the response to this homicide.

LEG. MONTANO:

I'm just talking about police procedure. Is it not procedurally accurate that the Homicide Detective, not the Sergeant who's a Supervisor, but the lead Detective is the one that comes in when he's called in, if he's on standby, if he's called in on a recall, he would come in and take charge or she would come in and take charge of the investigation.

COMMISSIONER DORMER:

Generally speaking, and not specifically to this case.

LEG. MONTANO:

Exactly.

COMMISSIONER DORMER:

Generally that's the way it works. If the lead Detective or the call out Detective is not available, the Detective Sergeant or Supervisor assumes that role.

LEG. MONTANO:

My understanding also is that the body really cannot be disturbed until we have the lead Detective on the scene. Is that accurate, or the Identification Unit? Not in this case, but generally speaking.

COMMISSIONER DORMER:

No, could you repeat the question again, please?

LEG. MONTANO:

My understanding was that -- my understanding is that when there's a homicide and there's a body, before that body is disturbed we need to have a Homicide Detective on the scene. Am I accurate on that?

COMMISSIONER DORMER:

No, not necessarily. Every scene is different and unique, and again, I can't make a general statement on that.

LEG. MONTANO:

Could you tell me, if you can, when the body or when the victim was identified? How long it took to identify the victim?

COMMISSIONER DORMER:

Again, I can't answer that.

LEG. MONTANO:

Could you tell me how long it was before the victim's family was notified?

COMMISSIONER DORMER:

Again, I can't answer that.

LEG. MONTANO:

Do you intend to maintain this policy where you have eliminated the standby Detectives for homicide in other units or have you reconsidered that based on what happened here?

COMMISSIONER DORMER:

No, here today I think that we clarified a lot of issues today. I think that there's a better understanding of what we did and why we did it. I think that, you know, with the media here today and the committee I think this was very beneficial and I -- my hope is that as Legislator Barraga mentioned, that we move forward, that we don't have to go through this again and, you know, we go back to doing what we do.

UNKNOWN AUDIENCE MEMBER:

Yes or no.

LEG. MONTANO:

Is that an indication that you are reconsidering the standby elimination? I'm not sure I understood the answer. It seemed like you are going in that direction. You know, if you have made up your mind I would like to know, if you haven't made up your mind I would like to know, if you are considering it I would like to know.

COMMISSIONER DORMER:

I am always reviewing every procedure in the Police Department on a daily or weekly basis. That's the nature of the business and, you know, but I'm not going to come up with any definitive answer today on anything.

LEG. MONTANO:

Do you know -- do you have a timeframe in mind when you think you will be able to notify us as to whether or not this policy will be reversed?

COMMISSIONER DORMER:

The answer is no.

LEG. MONTANO:

All right. I have further questions, but I think the lateness of the hour and the sensitivity of the subject matter prevents me from asking them at this time. Hopefully we will be able to pursue this at a later time. Thank you very much, Commissioner.

CHAIRMAN EDDINGTON:

Okay.

COMMISSIONER DORMER:

Thank you.

CHAIRMAN EDDINGTON:

Thank you. Legislator Kennedy would like to ask you a question on IR 1597, or a couple of questions.

LEG. KENNEDY:

Good afternoon, Commissioner. And I have to say that it has been interesting at the least to go ahead and hear what has transpired. Like my colleague Legislators, I was one of the signators of Legislator Montano's letter and I do not think that in any way did I compromise public safety nor this particular criminal investigation matter. Nor was I looking to go ahead and incite any kind of inflammatory rhetoric, nor did I look at doing anything other than my job as a Legislator representing the constituents of the 12th Legislative District with the concern for the preservation of public safety and the well being of the electorate. So I take exception to your characterization, and I assume perhaps that was directed to me. Nevertheless, I just want to make sure that I point that out.

And I will say to you that I will go back to the Presiding Officer's comments early on with what seems to have been an amazing number of changes that have gone on with the Police Department in a relatively short period of time. I had a series of questions that I wanted to go through with you but, again, you have sat here and you have answered many questions. I'll try to distill it and boil it down.

IR 1597, I'm sure you have seen it, you are familiar with it. It talks about the Cope Unit and it talks about restoring Cope to what had been the deployment prior to this series of directives in mid-June. You did do a directive in early June, for all intents and purposes, assigning the Cope Officers over to General Patrol. Is that correct?

COMMISSIONER DORMER:

Yes, that is correct. And some few days later, it was after we came to an agreement with the PBA on the charts, the work charts that we wanted, they were transferred back into their own Cope Unit where they are right now.

LEG. KENNEDY:

Well, I had an opportunity to see some of the research and so I know that we have about 90 officers deployed amongst the seven precincts, but I have a chance to work with the 4th Precinct since the majority of my Legislative District is made up of the 4th Precinct.

The note that you gave us on June 16th was informative and I appreciated it because at that time it seemed that the Cope functions were going to be upheld and maintained, and interestingly it did say at that time that the Gang Units weren't going to be disbanded. I guess I hear today that's been another change in three or four weeks. But you are familiar with Neighborhood Watch. You have to know Neighborhood Watch.

COMMISSIONER DORMER:

Yes, I'm familiar with Neighborhood Watch, but if I may, we didn't disband the Gang Units. We changed the way they operate in Suffolk County, which we think will be more effective, give us more bang for the buck so to speak. We have to, as has been mentioned here by Legislator Barraga, do something about the gang issue in Suffolk County. We can't just keep doing what we're doing because it's not working. Now sitting with the Commanders and sitting with the people and talking with the people that are involved in the business, it was decided that we would combine them into an effective unit so that we could go into a neighborhood in the 6th Precinct, to the 1st Precinct, every precinct where we have problems -- by the way, I should mention, and you know this already, gang members do not --

LEG. KENNEDY:

Commissioner. Commissioner.

COMMISSIONER DORMER:

You gave me an opportunity to explain the gang --

LEG. KENNEDY:

I asked you a question --

COMMISSIONER DORMER:

If I may --

LEG. KENNEDY:

And I spoke about a writing that you put out in mid-June. Now, if you are the Chief Law Enforcement Officer in this County and you have multiple decades of experience and if in your experience in assessing the situation you have now come to the belief that you need to do a radical change, why did I find that out in Newsday again? I try to rely on getting information from you. I read what you put out to me and then I read another change in Newsday. Every person I think around this horseshoe, those in the committee and those of us who have showed up because of the importance of this matter, is frustrated in our effort to understand what's going on as far as protection of our constituents day in and day out.

I will go back to my Neighborhood Watch question. In the 4th Precinct, as I understand it right now, with 20 Neighborhood Watches, there's nobody doing the liaison work. That's hundreds and hundreds of citizens who have volunteered to be eyes and ears in communities where there's rivers of drugs running through, just like the gangs in the 6th Precinct and other areas. How come nobody picks up the phone? How come we find this out after the fact? I go out to civic association after community meeting after community gathering and preach Neighborhood Watch and there's nobody picking up the phone. What am I supposed to do? How did that change come about?

COMMISSIONER DORMER:

I'm going to have Chief Cuff check with the Commander of the 4th Precinct with your complaint, with the issue, and we will get back to you.

LEG. KENNEDY:

It's not just the 4th Precinct, Commissioner. I think it's every precinct where we're finding the detail work that these men and women do day in and day out in their community is going by the wayside. They're the people we reach out to as Legislators. And yes, Legislator Barraga is right, but you know what? That's in an area where you're saving a lot of money because you are relying on citizen volunteers to come forward and help be eyes and ears. And you know what we're getting at this point? We're getting nobody responds. There's no car on my street. There's nobody to address the issues. This isn't a criticism of Inspector Rhodes. He's an outstanding Inspector, and as a matter of fact, I have nothing but the utmost respect for him. But it's like asking a carpenter to build a house out of box full of matchsticks. He's got no resources. That's the issue.

Applause

CHAIRMAN EDDINGTON:

Okay. Legislator Nowick.

LEG. NOWICK:

I'd like to thank the Chairman for giving me an opportunity to speak. I'm not a member of this committee but I just wanted to hear what was going on. Commissioner, and I will make this very brief, because you know I'm very brief. Just for my edification, Commissioner, you meet with the

County Executive and his Budget staff when you decide your budget? When you get a budget is that what you do, you meet with the County Executive and his Budget staff and then you go over it? Is that what happens? Is that the way it works?

COMMISSIONER DORMER:

Yeah, basically that's it. But I have people that are in the Budget Office in --

LEG. NOWICK:

I don't mean necessarily you personally, and then you make changes accordingly if you have to save money to go into the black rather than into the red. Is that --

COMMISSIONER DORMER:

Yes, that's true. But this last year the change is very, you know, very often.

LEG. NOWICK:

I know that. I just wanted to ask you, when I listen to Legislator Barraga say that when you change staffing, as we heard today, and you move officers over to another area, how does that save money if the officers are still on the payroll? Is that because you don't have to hire anybody else? How does that save money?

Applause

COMMISSIONER DORMER:

That's a good question. We do save money. If we put officers, for example, from the Motorcycle Unit or the Warrant Unit into the precincts, we're going to have more officers in the precincts for to assume patrol duties. It also means if we have in this case 13 or 14 officers, we don't have to hire 13 or 14 officers in the future. It does save money if you do that.

LEG. NOWICK:

That's my question. I just wondered. So you don't have to hire any more officers. That's just what had confused me and that was one of my questions.

Just as an aside, I just wanted to say to you and to the County Executive staff that while I would never, let the record be straight, I would never endorse raising taxes if we didn't have to, what I have learned in six years as the Tax Receiver of the Town of Smithtown and eight years of a Legislator, where we do get complaints, just so you know when you do your budgets, never, never, never as a Receiver had I heard a complaints about the line on that statement that says Police Public Safety. Taxes, school taxes all the time, but never -- just so you know weighing, sometimes weighing, -- it is the job of the Legislators to work on a budget and come to a bottom line. But we will never, I don't believe and I don't want to speak for everybody else, but we will never put public safety as an issue. And this is what I've learned so I wanted to pass it on to you. Constituents, citizens, never complain about the few pennies it takes to save somebody in their home, in their neighborhood and in their County. So that's the only comment I wanted to make.

Applause

CHAIRMAN EDDINGTON:

Okay. Okay. Maybe this will be the last question, though, but in light of the recent information about our stimulus grant being turned down and with the information that Legislator Browning told us from the District Attorney and the Federal crime statistics with violent crime on the increase, are you going to be coming to this Legislature to ask for more Police Officers?

COMMISSIONER DORMER:

With the budget issue, the budget problems the way they are right now, and the answer at this time would probably be no. But this is not a definite. Let me move back to the stimulus. We weren't rejected; it was postponed. The letter that I received from the Cops Office stated that we weren't

rejected and if the appropriations for 2010 include monies for law enforcement hiring we'll certainly be considered again.

And I should point out that we were disappointed with this as I'm sure everybody in this room was disappointed, but we've done such a good job with the budget, which was one of the criteria's they looked at, as crazy as we get with the budget, and the County Executive should get credit for that. Crime is down, Federal government says crime is down, our outreach to the community, these are the three criteria's they used. And so we did such a good job that we didn't get any stimulus money.

CHAIRMAN EDDINGTON:

Okay. I hear what you are saying, but the information I got that not all crime -- maybe that's how they read it and maybe, you know, I have written grants in my life as a social worker, maybe we should have emphasized that violent crimes are on the upswing and maybe that would have given us a higher grade. I don't know who you have writing your grants, but that would be a recommendation I would give them, to highlight that.

*(The following was taken & transcribed by
Alison Mahoney, Court Stenographer*)*

COMMISSIONER DORMER:

Since you mentioned the crime hiring issue overall, and using 2003 as a basis because that's the base line we look at, overall crime in Suffolk County is down over 17%; that includes every category of crime, without cherry-picking the particular crime.

Now, I understand what Legislator Browning is talking about from the impact reports, and I get the same reports. And there were two crimes that have spiked in the first five months of this year, aggravated assault and robbery, and the numbers are so small that the percentages look great, or higher, if I should point out. And by the way, we are doing something about gun violence, we've created a Gun Reduction Unit which works in Headquarters and has arrested 200 people in a matter of three months and taken 50 guns off the street; a terrific accomplishment in your neighborhoods that you are the leader of, the Legislative leader. We're going to do the same type of operation with the Anti-Gang Unit or the Gang Suppression Unit. But back to the uptick in crimes.

Robbery is up. The first five months of this year, it went up from -- this year we have 339 robberies, last year we had 281 during the same period; an increase of 58 robberies. Now, you know, any robbery is one robbery too much, but I take that in context; it's 58 robberies over five months in seven precincts. Aggravated assault went up 50 in five months, 50 aggravated assaults. We understand now, looking at our stats, that they're starting to now trend down, again, because of the Gun Unit and this anti -- the tactical unit, the small tactical unit that we also have working in certain communities, and they're very effective because they work on Intel and go after the leaders, the people that are involved with guns and violence, and so we expect these spikes to come down over time. When you look at them in a short period of time, it's really not the way to look at crime increases. Has it increased in these two categories? Yes, but I should say --

CHAIRMAN EDDINGTON:

Commissioner, I guess --

COMMISSIONER DORMER:

If I may. Murder is down, rape is down, larceny is down, motor vehicle theft is down. Now, aggravated assault is up and robbery is up. Again, there are a lot of categories of crime, and again I explained the numbers. If you were the victim, it's obviously important to you as a victim, I understand that, but we are paying attention to these spikes.

CHAIRMAN EDDINGTON:

Right, and I hear the number and I'm glad to hear that and I'm glad you told us that you are -- I

mean, with what you're doing with the Gang Unit, it looks and sounds good and we'll see. And you do monitor that and I appreciate that. But I guess -- and I know it may seem like I can't appreciate from your perspective, I understand. I do really understand. You know, I don't want to swap, but I know it's a hard position. But we -- I mean, you had, I think eleven Legislators here today at this meeting, so that obviously this is a concern. And when citizens come to us, they say crime is up. Now, I know you can dazzle us with numbers and I'm not saying it isn't the truth, but the citizens are saying crime is up. And I've said this a hundred times in this committee, perception is reality, so that we have to then do a better job of reassuring the community that they're safe. And we -- it's hard for us to say it when they don't believe it, when they call and they don't get the assistance like Legislator Kennedy was saying.

So I think we have to do a better job, or maybe I'm asking you and your department to do a better PR job of reassuring the community, because that's why we're all here, because the community is telling us. I liked my committee when we used to do it in three minutes and there were five people out there. I liked that. I don't want four hour meetings and you being grilled. That's not what I want. But it's in response to our community coming in, literally knocking on our doors, waiting outside by our cars saying they do not feel as safe. So I'm going to ask you then, thank you for coming but we need to reassure the community in Suffolk County that they are being safe.

And what you've told us, it to some degree reassures me on some of the issues. And I think the arrests were fantastic. You obviously did a great job doing what you had to do. We have to keep communicating and use that as an example of the efficiency of the Suffolk County Police Department. Even with all the arguing going between the negotiations, you still did an excellent job. We've got to do -- we've got to show that more and more. And I see the Marine Bureau here, you saved some people, I guess it was last week or two weeks ago; I think we need to talk more about that. We need to do a better PR job and accentuate the positive, because when there's a negative you know we're coming. Okay?

LEG. LOSQUADRO:

I have another question.

CHAIRMAN EDDINGTON:

One last question, go ahead.

COMMISSIONER DORMER:

Thank you, Mr. Chair.

LEG. LOSQUADRO:

Mr. Commission, I referenced it before and I will make another formal request and I will send -- I'll have my office send another letter tomorrow in regards again -- I hate to be repetitive here, but in regards to the staffing. Again, the numbers that I count, based on the information that you did provide me, only account for 144 of the 287 individuals that you referenced, and that does not include some of the changes that have taken place recently. And again, my concern being that by having less officers, we're not doing the same amount of work and those specific units which Legislator Nowick referenced and I referenced earlier, that that work is not being done to the same level that it was.

So again, I reiterate my request to you that I be provided more detailed information, and especially because some of these seem to be temporary transfers of individuals who have rolled out of their unit and then back in. So I don't know how we're accounting for that many more people on precinct patrol and still accounting for the work being done in the special units within the Police Department. And I've referenced many times, I know that our public face is having those individuals in the sector cars and I know that's very important; to have the immediate response to 911, be it a murder in Brentwood or a car crash where someone's waiting for an accident respect. People expect that level of service, but we need to know that what goes on behind the scenes that actually makes the department run and leads to those arrests and leads to those convictions is still being done to the

level that we expect.

So again, I reiterate that request to you and I hope we can keep in closer contact this time. Thank you.

CHAIRMAN EDDINGTON:

I have a couple of other just farewell mentions. Legislator Gregory.

LEG. GREGORY:

I just wanted to take two seconds to commend the department. I know it's tough, I know we had a lot of people here today come out and hear your testimony, Mr. Commissioner. I just wanted to talk to the members, thank them for coming out and thank them for the job that they're doing. It's tough going through negotiations. You know, I had some officers talk to me and a lot of people, I won't say everyone is demoralized, but certainly some are and a lot are closely paying attention to the negotiations and, you know, it's understandable why because it's going to impact them. And to see that they're doing the job, the excellent work that we expect them to do to carry it out, I mean, other municipalities and jurisdictions throughout the country, you hear accounts of, you know, work slow-downs and things like that. But they're doing an excellent job and I just wanted to recognize them for that, regardless of the negotiations between the union and the County Executive's Office.

LEG. GREGORY:

The residents of Suffolk County thank you.

CHAIRMAN EDDINGTON:

Okay. Mr. Zwirn, you wanted to say something. You were very quiet, it was very nice.

*(*Laughter From Panel*)*

MR. ZWIRN:

I was dozing off because it was such a boring meeting today. I want to thank you as well. I think this was constructive. And I'd like to thank the Police Commissioner publicly for explaining at least some of the issues and eliminating some of the questions that some of the Legislators had about some of the incidents that have happened recently.

I just want to correct one thing that the representative from the Police union said. The County Executive did not cancel the class unilaterally that had been put in the budget, that was done by resolution by the County Legislature as part of a reduction package for the budget; it was Resolution 327-09. So when they said that somebody shouldn't have that much power, somebody doesn't always have that much power and it worked in conjunction with the Legislature and I think that -- Legislator Barraga was talking about tough votes that had to be taken this year.

We have a \$100 million shortfall projected now in sales tax revenue. I mean, this is an economic crisis of biblical proportions. We have to try to make changes everywhere, in every department and nobody is sacred. We tried to do -- you can't have it both ways, is what the County Executive is saying. You can't say, "Look, every bargaining unit in this County is going to voluntarily get involved with the lag payroll," and the PBA isn't and we lose \$7 million which had been part of our budget reduction plan; they had counted on that, that has not happened. So it is incumbent upon the County Executive and the Police Commissioner and his staff to try to find additional saving where they can, where it will not impact public safety, we'll have to nibble around the corners. But you can't have it both ways.

There will be a 2010 budget coming up very shortly. There are going to be some tough decisions that have to be made. Legislator Nowick has said perhaps you're going to consider tax increases in the Police District for a new class and for more Police Officers; that's something that you'll address very, very shortly.

In the meanwhile, the County Executive is the Chief Budget Officer of this County. He will make tough decisions, he will make reforms where he thinks they're necessary. The reforms that he has made, from the Sheriffs on the highways and to the Sunrise Highway and the LIE is working, the public is protected, Fifty-five Police Officers were transferred to the precincts. And I can't have said it any better than Legislator Barraga; nobody has lost a job in this County. Not one Police officer has lost their job. We have the same Police officers, nobody has been fired. You look at municipalities all across the United States and that's not the case. Municipal employees have been fired wholesale. Police Departments have been cut back; not here in Suffolk County. And we are using the resources and the Commissioner is managing the resources that he is given as best he can.

And when Police Detectives are called out, we had hoped with respect to public service that they're going to show up, whether they're on standby or not. We have an obligation to the public here. Not everybody here is on standby. The Medical Examiner's Office doesn't get standby pay; they showed up and they will show up, and we should have that expectation from all our public servants. That's it.

CHAIRMAN EDDINGTON:

Thank you very much. Just you did -- just to make sure, you did say that this was a good meeting and it clarified a lot of issues. You did say that.

MR. ZWIRN:

That's just my opinion.

CHAIRMAN EDDINGTON:

Well -- oh, so I may get a nasty letter again, you're saying. Okay, all right. Mr. Frayler.

MR. FRAYLER:

How are you? Could I just comment on that, "you can't have it both ways"?

CHAIRMAN EDDINGTON:

Sure, give us a couple of minutes.

MR. FRAYLER:

The reality is there's an agreement here signed by me. All we're asking is you don't continue to decimate the department and give the jobs away; as soon as that's agreed to, we'll have a deal. It has nothing to do with anything else except for that issue.

CHAIRMAN EDDINGTON:

Okay. Thank you, that's very clear.

Applause

Okay. Legislator Browning wanted to say one last thing.

LEG. BROWNING:

Actually I think Jeff just said it. Because I know at that last Tuesday meeting, that was something that was said very clearly, stop taking work from one bargaining unit and giving it to another so we can get an agreement.

I have said to the PBA, "You need a lag payroll." We have all done the lag payroll and every officer in this room needs to agree to the lag payroll, but you can't come to that agreement when you're taking their work and giving it to another bargaining unit, when you're transferring officers. They feel like they're getting screwed with and that's basically how they're feeling. And you have to --

Applause

And I can tell you, Police Officers came to me and they've said to me, they've made it very clear, they're telling their PBA reps, "Don't give them a lag payroll," because they're upset with what's going on. So stop doing the transfers, stop messing around with them so we can get that lag payroll. I think it's important.

And you know, you keep shifting stuff over to the Sheriff's Department, and I can tell you right now, as a Sheriff's Department, when they're taking over Suffolk County Police Department work, what's going to happen in a couple of years from now when they go for a contract? They're going to say, "We want parody. We want what they got."

Applause

CHAIRMAN EDDINGTON:

Okay.

UNKNOWN AUDIENCE MEMBER:

Look at their budget.

CHAIRMAN EDDINGTON:

Okay. I think we've clarified some issues. We saw how the investigation proceeds and we've heard that everybody wants an agreement. So Commissioner, I really appreciate it, all your Chiefs and Deputy Chiefs and everybody, I appreciate you all being here. So we're going to actually do the agenda. Thank you.

COMMISSIONER DORMER:

Thank you, Mr. Chair.

CHAIRMAN EDDINGTON:

Okay, let's do ***Tabled Resolution 1028-09 - Establishing new procedures for housing homeless sex offenders (Schneiderman)***. Motion to --

LEG. BROWNING:

I'd like to make a motion to table. And maybe Chief Moore or somebody, I'd like to go back to explain why we're tabling this.

CHAIRMAN EDDINGTON:

A motion -- Legislator Gregory made a motion to table, Legislator Browning second the motion. And on the motion, you'd like to ask Chief Moore a question.

CHIEF MOORE:

Good afternoon. I'm Chief Robert Anthony Moore, Suffolk County Police Department. Thank you for inviting me.

LEG. BROWNING:

You're welcome.

CHIEF MOORE:

The question has to do with tabling. I'm not sure --

CHAIRMAN EDDINGTON:

Yes, can we close the back doors, please, so we can hear?

CHIEF MOORE:

-- which one you're referring to, Legislator. Initially there was a resolution to establish trailers in each of the precinct parking lots, if you will. And we asked our Special Victim's Unit to apply some

of the recent legislation as far as you couldn't be within a certain radius of a number of schools and libraries and on and on, and what we discovered was that there was no Suffolk County precinct --

LEG. LOSQUADRO:

Chief, could you bear with me one second?

CHIEF MOORE:

Sure.

LEG. LOSQUADRO:

Can we please close those doors in the back? Close those doors, please? Thank you. Continue.

CHAIRMAN EDDINGTON:

Go ahead, Chief.

CHIEF MOORE:

There was no Suffolk County Police Precinct that wasn't exempted as a result of recent Legislative resolutions. Now, I'm not sure if Legislator Schneiderman had amended that -- well, yeah, there was one, but within a six month period that, too, was going to fall within the radius, yeah. So we wouldn't be able to comply.

LEG. BROWNING:

Yeah. It's just, you know, this is a sex offender bill and I know that I have sponsored many pieces of legislation pertaining to sex offenders. And I just want to make it clear; the reason why I am supporting the tabling of this is because when the initiative to try and move them to precincts, I learned that the only precinct that the sex offender trailer could be moved to was the 7th Precinct and we have more than our fair share. So that's why I'm supporting the tabling of this bill and I'm hoping to see it into infinity tabled.

CHAIRMAN EDDINGTON:

Okay. Good. Good to go? Okay. I have a motion and a second.

All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0)***

IR 1312-09 - Amending the 2009 Capital Program and Budget and appropriating funds for the purchase of furniture and equipment for the New Fourth Precinct (CP 3184) (Nowick).

I make a motion to table, second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1314-09 - Adopting Local Law No. -2009, A Local Law to authorize a County Registry for Domestic Violence Offenders (Gregory).

LEG. GREGORY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Gregory, I'll second that. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1485-09 - Adopting Local Law No. - 2009, A Charter Law to prevent double taxation for public safety services in certain towns and villages (Romaine). I make a motion to table.

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Barraga. All those in favor? Opposed? Abstentions? ***Tabled (VOTE:***

5-0-0-0).

IR 1579-09 - Accepting and appropriating federal funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) and Welfare Fraud Investigation with 85.14% support (County Executive).

LEG. LOSQUADRO:

Motion to approve.

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Losquadro, second by Legislator Barraga. All those in favor? Opposed? Abstentions?

Approved (VOTE: 5-0-0-0).

1580-09 - Accepting and appropriating federal funding in the amount of \$16,329 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 85.14% support (County Executive).

LEG. LOSQUADRO:

Same motion.

CHAIRMAN EDDINGTON:

Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

1581-09 - Accepting and appropriating Federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement, for the Suffolk County Police Department's participation in the ICE El Dorado Task Force with 85.14% support (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1582-09 - Accepting and appropriating Federal funding in the amount of \$80,000 from the United States Department of Treasury, Internal Revenue Service for the Suffolk County Police Department's participation in Operation STEP, Suffolk Treasury Enhanced Prosecution Program with 86.75% support (County Executive).

LEG. LOSQUADRO:

Same motion.

CHAIRMAN EDDINGTON:

Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1583-09 - Accepting and appropriating Federal funding in the amount of \$13,000 from the United States Department of Justice, U.S. Marshal's Service for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 85.14% support (County Executive). Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1584-09 - Accepting and appropriating Federal funding in the amount of \$79,272 from the United States Department of Justice Drug Enforcement Administration for the Suffolk County Police Department's participation in the DEA Long Island Task Force with 85.14% (County Executive).

LEG. LOSQUADRO:

Same motion.

CHAIRMAN EDDINGTON:

Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

1585-09 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, Bureau of Alcohol, Tobacco Firearms and Explosives for the Suffolk County Police Department's participation in the ATF Task Force with 85.14% support (County Executive). Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1589-09 - Adopting Local Law No. 2009, a Local Law to ensure the timely filling of vacancies on the Human Rights Commission (Montano). I'm going to make a motion to table for a public hearing.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

1590-09 - Preventing registered sex offenders from maintaining accounts on social networking websites (Montano).

LEG. GREGORY:

Motion to table.

CHAIRMAN MONTANO:

Motion to table by Legislator Gregory.

LEG. LOSQUADRO:

I have a question on the motion, but --

CHAIRMAN EDDINGTON:

Yeah, okay. I'll second it for discussion.

LEG. LOSQUADRO:

Okay, maybe this will be to Counsel being that the sponsor isn't here. I see that this is the Probation Department in conjunction with the office of the DA is directed to recommend to sentencing Judges that a person convicted, that they not be allowed to maintain these accounts. Do we have -- is that within the purview? Is this just sort of a recommendation, or is this something that we can actually create some sort of force of law with? That this be a recommendation of sentencing.

MR. NOLAN:

Well, We are directing the Probation Department and the DA to seek these -- just make this part of the Probation. I haven't heard from the District Attorney's Office on this particular bill, I would be interested to hear their perspective.

LEG. LOSQUADRO:

I think it's very interesting, I think it's certainly worth while. Obviously we've seen the proliferation of sexual predators on the Internet, it's become an incredible outlet for them. But again, I'm just wondering, I certainly wouldn't want to put the County in a position where someone could challenge this or have it be problematic if we were to implement this. Perhaps the County Attorney's Office could comment?

MR. BROWN:

Sure. Just for informational purposes, there's a section in the Penal Law that gives judges discretion to make that part of a sentencing program. So this resolution, it really just directs the Probation Department, in conjunction with the District Attorney's Office, to implement what's currently in the Penal law.

LEG. BROWNING:

Jack?

CHAIRMAN EDDINGTON:

Yeah, I'm also going to be looking to see if the Probation Department would need funding for the software to implement that. So that before we ask for this to happen, can we actually facilitate it? Laura?

MS. AHEARN:

If I might. We actually passed this law in Nassau County about three weeks ago. The State has a law called E-Stop and it requires that probation -- that a condition of probation be that sex offenders have to report, similar to this, their screen names and any Internet identifiers and that a condition of probation be that they can't access these sites. But it falls short because it's only certain designated offenders, offenders that are Level III's, offenders that were convicted of a crime against a minor. So you can have somebody who committed an adult sex crime and still be able, as a condition of their probation, to access these sites. So in Nassau County we just passed that law, and similarly here, working with Legislator Montano, we wanted to do the same, because what it does is it gives Probation an additional tool.

Because right now, cyber sex offenders, as you all know because you see it in the news all the time, are at alarming rates, accessing victims through social networking. Everybody knows about Facebook, everybody knows about MySpace, but what most people don't know is that they are also accessing victims, potential victims through Internet dating sites. And it was here in Suffolk County that one of our Level II sex offenders was actually on that match.com trying to get access to who he believed was a single woman with two sons and his victim was two sons -- I'm sorry, was a young boy.

So this is designed to give Probation an additional tool. It's a recommendation that they have to make. Although he was correct in an assertion -- in the assertion that they can make that recommendation. The Judge can make that final determination, but if it's set in law that that's what they have to do, that's an additional tool for them.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Yeah. I know we had talked about it and I have spoken to Probation about this, about there's a software program that can be put in the probationer's computer and a program that can be put into the computers at Probation so they can monitor the computers; is this what this is?

MS. AHEARN:

This gives them the ability to monitor their computer, it would be in the law. So in Nassau County,

they have -- they're much further than we are in terms of supervision potential. In Nassau County, what they do is they put software on those computers that are registered, because a sex offender has to register them, and it's a monitoring that happens that will give their Probation Department a flag when they go to certain web sites that are off-limits. And you would have to have Probation talk to you about the difficulties that they have at times being able to -- because it's not solidified in law, being able to take certain actions to have more vigorous supervision. So this gives them those tools.

And as I said, State law already allows for this, we're just broadening the population of offender. Look, the bottom line is if it's only a Level III, that's protected by State law or that we are allowed to do this by State law. Any one of us are not going to argue that you wouldn't want your child to be alone with a Level I offender. It's a risk assessment that's done by a sentencing court. It's a point system that is fallible. We have Level I offenders that have committed horrible, heinous crimes that should be Level III's but because it's a point system it works out that way, because maybe somebody couldn't prove there was a drug and alcohol history and an offender goes from a Level III potential to a Level II. So Probation is limited in their ability to perform certain conditions; if you give them this ability, then they have more tools to work with.

CHAIRMAN EDDINGTON:

Thank you.

LEG. BROWNING:

I just was concerned about the financial end of it and also the staffing issue, because if Probation has -- if this is something additional that they're going to have to work on, you know, is the staff available? That's one of my concerns. I mean, I -- you know I've been looking at it and looking at trying to get the software. It's not expensive. It's not expensive for the County to do it, but do they have the staff that's capable, that would be capable of doing it? You know, I know Gail is here and Ben, if you want to respond to it.

MS. AHEARN:

I think in terms of staffing, though, it reduces the staffing because what it's doing is monitoring their computer and then it gives the Probation Officer the head's up when they've done it as opposed to the PO having to go in and do forensics on the computer and then make that determination. And in terms of their purchasing that software, that would have to be Probation to respond.

LEG. BROWNING:

Can somebody --

MS. D'AMBROSIO:

I really don't know much about it, so I'd really rather look into this before I comment. The only thing is right away my concern is funding also, and when you're giving another job to somebody. You say monitoring; who would monitor that? Is that something -- the computer would have to be monitored? I'm really not sure. So I'd like to know more about it first.

MR. ZWIRN:

It's the first time it's on, maybe -- and we have another -- we have two meetings in August, so maybe a quick tabling and then we'll get all the details before the next meeting.

CHAIRMAN EDDINGTON:

Yeah, I think that would be appropriate, because obviously the Probation Department has not been in the loop. So we have a motion and a second.

MR. ZWIRN:

It sounds like certainly a good idea that we would pursue.

LEG. BROWNING:

I want to support it, but I want to make sure the staffing is there and I want to make sure that the money is there. Because we don't want to pass a bill if there's no money and no staff, and so it's no good. But I guess I'd like to -- I guess I'll support the tabling for one cycle, but definitely we need Probation on this.

CHAIRMAN EDDINGTON:

Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

Okay. ***IR 1597-09 - To maintain the integrity, continuity and independence of Suffolk County's Community Oriented Police Enforcement (COPE) Units of the Suffolk County Police Department (Kennedy).***

I'm going to make a motion to table.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN EDDINGTON:

Yes.

LEG. KENNEDY:

Well, I guess I could wait for a second.

LEG. BARRAGA:

I'll second it.

CHAIRMAN EDDINGTON:

Motion, second, okay. Yes?

LEG. KENNEDY:

Mr. Chair, if I can. Although I'm not a member of the committee, I'm here to speak in support of the resolution. And as you heard earlier, my purpose for introducing this was, again, we saw the back and forth in the newspaper in the early part of June. When I filed this resolution, the department hadn't retracted from what the original directive was; subsequently there was the retraction. Nevertheless, I'm getting mixed information when I deal with my precincts and to what degree COPE Officers are available in order to perform those COPE functions.

It is -- by no means do I think that I should be directing the Police Department how to deploy officers. However, I don't know of any other way to communicate that COPE is a function that I believe that has been in place for the better part of two decades, and that in particular the neighborhood watch function is a particularly valuable function, especially as we're seeing the drug use explode. And there are drug sales and drug possession throughout the precincts in my Legislative District and it's an effective tool when citizens are concerned, and it goes back to what we've spent the better part of five hours talking about now.

I have two areas that are contemplating hiring private security. There is a significant degree and level of fear out there that our Police Department is doing what we have it here to do. So I would just ask the committee to consider that as far as the impetus for filing it.

CHAIRMAN EDDINGTON:

Well, let me respond to you.

LEG. KENNEDY:

Sure.

CHAIRMAN EDDINGTON:

I understand -- I think I understand your intent and your statement of micromanaging and you don't want to do that. But we had a meeting last -- I guess a month and a half ago now with the committee and we addressed this COPE issue. In fact, they reversed their decision and altered it based on this last meeting that was also four hours or something. So I think the message has gotten across. This may just be another way of -- you may have verbalized it by putting it in, but I think they have got the message. And the reason I made a motion to table, I think I'd rather hold off and tell them how to do their job to see if they do it to our satisfaction.

LEG. KENNEDY:

So I don't delay the committee, it's the very last resolution, and I had a brief conversation with the Commissioner. Can I just, through Chair then, address Chief Moore?

CHAIRMAN EDDINGTON:

Go right ahead.

LEG. KENNEDY:

Chief, I will try follow the kiss philosophy here. And as I said earlier, I have no level of criticism for inspector Rhodes, I have no level of criticism for any of the Inspectors, Inspector Stallone either. Both of them are impeccable managers, they come out when asked to, but I will say to you again, like any line manager, they can only do so many things with the number of folks that they have.

Now, there may be a thinking that to move to this more utilitarian type of assignment for officers is going to create a greater degree of flexibility. There is a unique skill that I've seen so far for officers to interact with civic associations, and in particular with neighborhood watch block captains and for promoting that degree of communication that results in arrests. And the neighborhood watches in the 12th Legislative District have been extremely successful in helping to promote that dialogue and to arrest bad guys.

So I don't know how we're going to remedy this and I cannot be the only one that has that, every Legislator around this horseshoe has neighborhood watches that they work back and forth with. So on behalf of all my colleagues, I'm saying to you there's got to be some remedy here, and I don't it can just be a sector car that periodically is going to pull over to the side of, you know, the road with a cell phone or pay phone, that's not going to work; I don't know what is, but that's not going to work.

CHAIRMAN EDDINGTON:

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

LEG. LOSQUADRO:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. Abstentions? ***Tabled (VOTE: 4-1-0-0 Opposed: Legislator Losquadro).***

Okay, ***Home Rule Message No. 13-2009 - Home Rule Message requesting the State of New York to amend the Tax Law in relation to requiring a revenue distribution agreement for equitable allocation within Suffolk County for Public Safety purposes of sales and compensating use tax (Senate Bill S.2272 and Assembly Bill A.4789) (Schneiderman/Romaine).*** I'll make a motion to table.

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Barraga. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

Okay, seeing no other --

LEG. LOSQUADRO:

Well, that was quick.

CHAIRMAN EDDINGTON:

-- message, I will adjourn the meeting. Thank you.

*(*The meeting was adjourned at 1:16 PM*)*

{ } - Denotes Spelled Phonetically