

**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, November 12, 2009, 9:30 a.m.

Members Present:

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

Also in Attendance:

Presiding Officer Bill Lindsay, District No. 8
Legislator John Kennedy, District No. 12
Legislator Brian Beedenbender, District No. 4
Legislator Wayne Horsley, District No. 14
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Robert Calarco, Aide to Legislator Eddington
Bobby Knight, Aide to Presiding Officer Lindsay
Linda Bay, Aide to Minority Caucus
Paul Perillie, Aide to Majority Caucus
John Ortiz, Budget Review Office
Patrick Heaney, Commissioner, Economic Development & Workforce Housing
Ed Hennessy, County Executive's Office
Ben Zwirn, County Executive's Office
Greg Moran, Aide to Legislator Nowick
Michael Pitcher, Aide to Presiding Officer Lindsay
Kara Hahn, Aide to Presiding Officer Lindsay
Maxvel Rose, Aide to Legislator Gregory
Richard Dormer, Commissioner, Suffolk County Police Department
Laura Ahearn, Executive Director, PFML
Joe Williams, Commissioner, FRES
Ted Nieves, Captain, Chief of Department's Office
Dennis Brown, County Attorney's Office
Debbie Epple, Civil Service
David Carrigan, SC FRES Commission
Tom Harrington, Representing Self

Anthony LaFerrera, VP Suffolk Chiefs
Bruce Talmage, Suffolk County Ambulance Chiefs
Thomas Cronogue, SCFCA
Bob Franz, New York Volunteer Ambulance Rescue Association District 7
Gail D'Ambrosio, SCPOA President
Tracy Pollak, SCPD-HQ
Dot Kerrigan, AME 4th VP
Michael Sharkey, SCSO
Debbie Alloncius, AME
Colleen Ancinelli, CJCC
Ray Griffin, Suffolk Detectives Association
Mike Mulligan

Minutes Taken By:

Alison Mahoney, Court Stenographer

Minutes Transcribed By:

Alison Mahoney - Court Stenographer &
Kim Castiglione - Legislative Secretary

(The meeting was called to order at 10:42 A.M.)

CHAIRMAN EDDINGTON:

Okay, we will begin the Public Safety Committee meeting with a Pledge of Allegiance led by Legislator Browning.

Salutation

If we could remain standing for a moment of silence and keep Green Beret Sergeant Keith Bishop in our thoughts who was buried this past week.

Moment of Silence Observed

Thank you very much. Okay, I'd like to start with the public portion. Before I do, I'd like to welcome back the gentleman in the back, Ben Zwirn; thank you for joining us. David Carrigan. David Carrigan, if you would just come to the microphone, you have three minutes.

LEG. LOSQUADRO:

Sir, there's a button on the microphone, just hold it down. You'll see the green light light up, make sure it stays lit.

MS. PERILLIE:

You have to hold it down the entire time you are speaking, sir.

MR. CARRIGAN:

Oh, okay. My name is David Carrigan, I'm presently the Chairman of the Fire, Rescue & Emergency Service Commission and I'm here to represent them as far as Resolution No. 1777.

As you know, we wrote a letter to the Legislature indicating that we weren't aware of this. We were aware of the Charter, I meant, but we were not aware of this particular issue until about the end of or the middle of August, and we had no time to address it before that.

I would like to say that the FRES Commission is only a policymaking group for the County Exec and the Commissioner, FRES Commissioner, so we make no laws or anything. And it puzzles me why in Section 1, Paragraph six it states that the -- it would improve the balance of the FRES Commission. We're predominately comprised of fire safety professionals. Most of those people on the board are representatives of probably another rescue group. As you may know or may not know, fire districts have ambulance corps and by the State of New York we can't form a company, they can only remain a squad, so they're not represented by the ambulance Chiefs. So this request for three additional representatives on the Commission for the FRES -- I mean, for the Ambulance Chiefs Association is not going to make any balance for it as far as the commissioners are concerned -- the Commission.

The recommendation of the Commission, FRES Commission, would be that you appoint one other person from the Ambulance Corps, the Ambulance Chiefs Association and a representative or an alternate. We would request that you consider that thought before you vote on this completely. If there's any questions, I would be glad to answer it. Thank you very kindly.

CHAIRMAN EDDINGTON:

Okay, thank you very much. Next speaker, Tom Harrington.

MR. HARRINGTON:

Good morning. I'm here to speak to you today about Resolution 1872.

In fact, my family and the events of the past three years in our lives are the reason that our Legislator Brian Beedenbender introduced us.

I know that some of you have been updated by my Legislator on the events; I briefly will touch on what started this.

On October the 11th, 2006, my 18-year old son Stephen was killed in a car crash. The individual that did this crossed over three lanes, hit my son head-on with such impact that my car went over the curb and the sidewalk and ended up on the lawn of a building on Middle Country Road. This individual that was driving was ultimately only charged with violations of New York State VTL-511, which is driving on a suspended or a revoked license; VTL-319, which is uninsured operation of a vehicle, and possession of marijuana. The District Attorney's Office, in an eleventh hour plea, offered a plea deal to this individual which was accepted; he was ultimately fined \$650 and sentenced to 140 hours of community service.

During his sentencing, this individual failed to appear for two sentencing dates. There was ultimately a bench warrant issued, he was picked up by Police, brought in in handcuffs before the Judge to have bail set. They set another sentencing date which he did come in for. Even after this type of behavior, the District Attorney and the Courts still felt that community service was the right thing. During sentencing my wife was allowed to address the court. Her address was more supposed to be a victim's impact statement and actually became a conversation between her and the Judge. She looked at the Judge and said, "Your Honor, do you honestly believe that an individual that you had to have Police go and bring in for sentencing is going to serve community service?" The Judge's response was, "If he does not, he will go to jail."

Now, I did prepare a statement which would be far exceeding the three minutes, so I'm hitting on the key points that have activated this resolution to be brought forth. We, at the end of the term of sentence, started making phone calls to confirm whether this individual had indeed served his time. My wife's first phone call was to the Department of Probation, they told her she needed to call the DA. She called the DA, the DA referred her to Court D-41. She called D-41. This routine went on for a period of ten months, until we finally spoke to someone else in Probation through a different phone number we were given by an attorney and they referred us to Community Service where, speaking to a representative of Community Service, my wife was told, "We have a file on him, the file is empty and it is marked closed."

The process we then went through was to try and get official confirmation which we asked our Legislator to try and confirm for us; it took him two-and-a-half months to receive confirmation from the District Attorney's Office.

At the end of all of this, we are now being told by the DA and the Court that there is nothing they can do; this person walked away. The responses and the tone of the responses we have received is leading my wife and I to believe that this is not the exception to the rule, but this is the rule. There is no oversight. We have been trying now for almost a year to get a copy of Suffolk County's policies, rules and procedures for community service; we have not been able to come up with any.

We have filed a formal complaint with the New York State DPCA which is Department of Probation & Correctional Alternatives. Director Maccarone made inquiries to all parties involved -- the District Attorney's Office, the Red Cross, the Department of Probation -- and he received no responses from anyone, which caused him to launch a full-scale investigation. His findings were that he found -- he did confirm the individual did not serve, he confirmed that the Red Cross did not inform the District Attorney's Office. He also confirmed that he has found major record deficiencies in the Red Cross and notification deficiencies in the Red Cross.

From what I've seen, the Red Cross is given in excess of 700,000 -- well, close to \$700,000 for the year of 2009 for running the Community Service Program, which I don't know what they're doing with the money because they're obviously not running this program in a supervisory capacity. We have addressed one of the CJCC subcommittees. I'm sorry to say that when I left the meeting after speaking to them, I felt less than moved that they even understood what I was trying to say.

So you understand, we are looking for answers to our particular case, but our hope is that when these answers are found and these deficiencies uncovered, this system can be fixed so that people that are victims can actually get some level of justice.

CHAIRMAN EDDINGTON:

Thank you.

MR. HARRINGTON:

You're welcome.

CHAIRMAN EDDINGTON:

Thank you very much. Legislator Beedenbender, did you want to mention it now or when we bring up the resolution?

LEG. BEEDENBENDER:

Well, I was just going to ask Mr. Harrington a question so he could finish, but you let him finish, so I'll just wait till we get to the bill.

CHAIRMAN EDDINGTON:

Okay, thank you. Thank you very much, sir. Anthony LaFerrera.

MR. LAFERRERA:

Good morning. Anthony LaFerrera, Vice-President of Suffolk County Fire Chiefs Council. I'm here to ask again for support of 1638. Hopefully this can get done within the next several days. It's important to our E-911 system, it's important to our PSAPs throughout the County, and it's also important to save the future of our 911 system.

Also, I'd like to speak on 1777, that's a recommendation of the Charter Review, two additional seats to the Suffolk County Ambulance Association, representation on the FRES Commission. Right now they have one, the other associations have two. I know the recommendation was to add two, which would bring that association to three representatives on the FRES Commission. To be fair and balanced, I could see them getting the additional one seat and that would bring them equal to the Suffolk County Fire Chiefs representation on the Commission as well as the fire districts and Volunteer Firefighters Council. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much. Next speaker, Bruce Talmage.

*(The following was transcribed by
Kim Castiglione, Legislative Secretary)*

MR. TALMAGE:

Bruce Talmage, President, Suffolk County Ambulance Chiefs. I wish to speak to you on Resolution 1777 with the Ambulance Chiefs on the FRES Commission. On the FRES Commission there are presently 18 seats, 16 of which are representing the fire district, fire chiefs, volunteer firemen and women, and the town Chief's Council. Each fire department, therefore, actually has representation of seven seats on the FRES Commission through their involvement in the membership in each of those other districts. The Suffolk County Ambulance Chiefs, which is a 29 year old organization, only has one seat that represents all of its departments, versus seven seats that would be from each of the -- through each of the fire district fire chiefs and volunteer firemen and the town councils.

So we are requesting your support in allowing two additional seats, giving us a total of three seats, which, as was stated before, will not change the balance on the FRES Commission. So, again, we are requesting your support of bill IR 1777.

Also, in regards to IR 1638, the Local Law requiring -- authorizing wireless communications surcharge, we would also request your support of that bill also. Thank you.

CHAIRMAN EDDINGTON:

Thank you. Next speaker, Tom Cronogoe.

MR. CRONOGOE:

Good morning, ladies and gentlemen. Thomas Cronogoe from the Suffolk County Ambulance Chiefs Association. I'm also here to speak in support of bill number 1777. EMS makes up about eight to -- 80 to 90% of the emergency services calls received by the fire and EMS agencies within Suffolk County, and we are woefully underrepresented on the Fire Commission. So, therefore, this bill would take a step in the right direction towards giving us more of a voice in addressing the EMS issues, which, as I say, are the majority of the work.

I know I have been here before you and I've heard several of you speak to the fact that your family or yourselves have been treated by the emergency medical -- excuse me, the emergency medical services in Suffolk County and how happy you were with the treatment you received. We would like to have more of a voice in how those services are provided, and giving us the two additional seats on the Commission would take a step to address that. And also, I would like to speak in support of the E-911 surcharge, of vital importance to us here in Suffolk County. Thank you very much.

CHAIRMAN EDDINGTON:

Thank you. Next speaker, Bob Franz.

MR. FRANZ:

Good morning. My name is Bob Franz.

LEG. LOSQUADRO:

Hold down the button, sir. You have to hold it down.

MR. FRANZ:

My name is Bob Franz. I'm Chairman of New York Volunteer Ambulance Rescue Association District 7, and I'm here to ask for your support also on bill number 1777, to add the additional seats for the Suffolk County Ambulance Chiefs Association on the FRES Commission. And I also would like to support the bill on the wireless communications also. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much. If there's anybody else who would like to address the committee, please come forward and identify yourself.

MR. KELLY:

Hello. My name is Dennis Kelly. I'm Chief of Community Ambulance in Sayville. I'm just here to ask your support for the seats for the EMS and also I'd like to mention that Islip Town Ambulance Chiefs is also in favor of this proposal. Thank you.

CHAIRMAN EDDINGTON:

Thank for coming today. Thank you very much. All right, I'm going to start the agenda, but I will ask the Police Commissioner and the Chief to hang out for a little bit. We'll be through this pretty quickly and we'd like to discuss a couple of issues.

Tabled Resolutions

Tabled resolution ***IR 1485, A Charter Law to prevent double taxation for the public safety services in certain towns and villages. (Romaine)***

I'll make a motion table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 1589, A Local Law to ensure the timely filling of vacancies on the Human Rights Commission. (Montano) I'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 1597, 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'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 1638, A Local Law authorizing a wireless communications surcharge. (Horsley)

LEG. GREGORY:

Motion.

CHAIRMAN EDDINGTON:

Motion by Legislator Gregory.

LEG. LOSQUADRO:

To approve?

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Gregory.

LEG. LOSQUADRO:

Did we have the public hearings on this?

CHAIRMAN EDDINGTON:

Yes, we did. Legislator Losquadro.

LEG. LOSQUADRO:

I'm sorry, Mr. Chairman. I just would like Counsel to just explain the difference between the two. There are competing resolution here?

MR. NOLAN:

There's really only one substantial difference between the two bills. The law before us, which is sponsored by Legislator Horsley, would require that 20% of the monies generated by the surcharge go to the non-Police Department PSAPs. The other bill that's sponsored by the County Executive would be 8% to those entities.

LEG. LOSQUADRO:

I'm sorry. I was having a tough time following the end of what you said there. I know everyone is a little bit confused on what's going on here. So the second one was 8% and this one is 20%?

MR. NOLAN:

Correct.

LEG. LOSQUADRO:

And, I'm sorry, one more question. This is substantively similar to what we did with the voice over IP systems in terms of finally moving the charges to fund these systems away from the now antiquated land lines to the more prevalent forms of modern communication, being the voice over internet protocol telephones at home and to the wireless communications that we're seeing so many other calls come into the 911 centers with.

MR. NOLAN:

Correct. This is the same amount of the surcharge, but now it applies to the wireless communications devices.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN EDDINGTON:

Legislator Browning asked if Mr. -- if Commissioner Joe Williams could comment on this. Could you come forward and just comment?

COMMISSIONER WILLIAMS:

Good morning. The problem we're running into in Suffolk County with our 911 system and our PSAPs is that the money is generally generated for us right now through the hard line phones. The phones in everybody's houses, there's a surcharge on that, you can see it on your bill, that comes to our PSAPs. Up until a couple of years ago, this used to generate enough money to support not only the PD 911 Center for some items, FRES and the other PSAPs in the County. What's happening now is more and more people are switching to using their cell phones as their primary means of communications, there are no hard line phones in their houses. Those numbers, excuse me, have gone down substantially over the years.

My own department, we've seen almost like 40% decrease in our funding. This money is used for repairs, new equipment, and what's happening is that we're not putting things off to purchase, but we don't have the same amount of money. The money that we get from the 911 Commission, there is a Commission, that's another Commission that's head on that, is spread out between all ten PSAPs and that money keeps on going down each year. That's the problem we've seen. We've spoken to other counties, we see it around the country. This is the avenue they took and that's basically why we're looking at that type of thing.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

You know, I haven't heard from any of the fire departments in my district. I think one fire department representative from Mastic called in support of this. So I'm -- I thought I understood it, and I don't know if I do anymore. But I guess the PSAP is saying the Town of Brookhaven, the fire departments don't have their own PSAPs? Everything is done through FRES, right?

COMMISSIONER WILLIAMS:

No. In the County we have a total of ten PSAPs. Those are the public service answering points in the County. What happens is those are the dispatch centers. Like FRES, we dispatch for about 90 departments. We have other -- like Babylon Central. When we get out to the East End we have Southampton, East Hampton Police Department will dispatch for them, Southold Police Department. So there is a total of ten of them around the County. We do the majority of them, but the public

service answering points, this money would not be funding any equipment, and I need to clarify that, in any of the firehouses.

What happens, this is money that would have to go to the public -- to PSAPs as we call them. A lot of the fire departments, what they have, they have their own dispatchers, and say for instance in my own department, if we receive a call for a certain department that has their own dispatcher, we take the call, we get all the information, we pass it on to the fire department who dispatches it. In other situations we could get the call, we do the initial dispatch, and then the fire department communication center takes over. On other calls where they don't have an in-house dispatcher, we handle the whole call, and the same thing with the other PSAPs.

LEG. BROWNING:

Okay.

CHAIRMAN EDDINGTON:

Okay. I have a motion.

LEG. LOSQUADRO:

Well, I still --

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Just another question. When we passed the surcharge on the voice over IP system just recently, that generated a fairly substantial amount of money. Maybe to Budget Review, if you can tell us how much that was and what the overall funding requirements for the 911 system are. I certainly don't think it made up the loss that you had, and then I was just wondering what the estimated revenue that this will generate, and hopefully those numbers will add up to being able to get back to fully funding this service with the money that's been lost through people moving away from those hard lines.

MR. ORTIZ:

I don't exactly remember the amount the VOIP is going to generate, but this bill will generate about four million, and will reduce the amount that has to be transferred from the General Fund to cover the cost of the program.

LEG. LOSQUADRO:

What is that overall cost?

MR. ORTIZ:

I think it was the amount between the program, the 911 system and the amount we transfer to the PSAPs, it almost becomes self-sufficient. I don't know remember the exact amount. I can look it up.

LEG. LOSQUADRO:

But the numbers with this should be able to add up to having that funded back through the surcharges as it used to be.

MR. ORTIZ:

Correct.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRMAN EDDINGTON:

Anyone else?

LEG. BARRAGA:

I have a quick question.

CHAIRMAN EDDINGTON:

Legislator Barraga.

LEG. BARRAGA:

What about the situation where somebody has a land line and they also get a wireless cell phone, but they don't give up the land line. I take it right now they are paying the surcharge for the land line; under this bill they would also have to pay another surcharge for the wireless device. They pay twice.

COMMISSIONER WILLIAMS:

Yes, sir.

LEG. BARRAGA:

Thank you.

CHAIRMAN EDDINGTON:

Okay. Then I have a motion. I need a second. I'll second that for a vote. Okay. I will withdraw my second and make a motion to table. Do I have a second?

LEG. BARRAGA:

You have a second.

CHAIRMAN EDDINGTON:

Second.

LEG. KENNEDY:

Mr. Chair, on the motion. Can I just share some perspective since the Town of Smithtown actually is one of the 12 PSAPs that do exist in the County of Suffolk, and I will tell you that the funding that's associated with this cell phone surcharge is something that I have worked extensively with our local PSAPs on, have collaborated with Legislator Horsley on this, and I can tell you from my perspective, my understanding with the emergency services and fire community, this is something that's desperately needed.

As a matter of fact, in the Township of Smithtown our PSAP serves seven volunteer fire departments for primary dispatch. We do approximately 10,000 calls a year, primary. We have about 30 to 40,000 ancillary calls that are dispatched through this PSAP similar to the Babylon Town PSAP. The PSAPs provide a critical function in collaboration with the PSAP that operates out of Yaphank, and the very important piece associated with 1638 is the dedicated stream of revenue that will come from 16 -- from this legislation and will go to those community PSAPs.

Unfortunately, Mr. Chair, it seems that every time this body moves to try to address some shortfall, particularly with the specific dedication, that new revenue evaporates into the ether and it's -- it defies logic that we can try to move forward. We work diligently with our constituents and with vested bodies. We develop the consensus and then it moves all for naught.

I would say that this resolution gives the degree of dedication absolutely necessary. The alternative to this, Mr. Chair, is that these local organizations are going to have to pass along operational costs to residents in their fire districts, and quite candidly, it's my assessment that our County PSAP does not have the capability, nor would it be reasonable or prudent to compel these local PSAPs to have to cease to function. So I would encourage this committee, I am not a member, but I would encourage this committee to strongly consider moving this bill forward because I think it's

desperately needed. I'll yield.

CHAIRMAN EDDINGTON:

Thank you. Then what I'm going to do is make another motion to discharge without recommendation and withdraw my tabling motion.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory.

LEG. LOSQUADRO:

On that motion.

CHAIRMAN EDDINGTON:

On the motion.

LEG. LOSQUADRO:

I agree with that, and we've had this discussion many times. We know that the call volume associated with wireless communications device, the cell phones, has just absolutely gone through the roof with what the 911 centers have had to deal with. So the only thing I'll ask, I fully support bringing this to the full body, but if in the interim if we could get those specific numbers, I think that would be very helpful to be able to back this up to show what the surcharge we just passed on the voice over IP is generating, what this is anticipated to generate, and where those numbers are going to add up to provide the adequate funding for this.

MR. ORTIZ:

The total E-911 system is about \$15 million to run. That includes all costs. The \$400,000 approximately would go to the PSAPs, the salaries of all the employees that work in E-911. The voice over internet is going to generate approximately \$1.6 million. The other wireless surcharge about 4.2 million, and the existing land line is about 2.7 million. And that was well over five million a couple of years ago.

LEG. LOSQUADRO:

Right.

CHAIRMAN EDDINGTON:

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. And I would agree. I think the best course -- because these numbers are in the budget that's being considered at the present time, so it would be prudent at least to get this to the floor. And I would ask if it were possible if you could discharge both these bills so we could have a full debate before the Legislature on Tuesday. I think that would be really, really helpful.

CHAIRMAN EDDINGTON:

Okay then. Thank you very much. Then we have a motion and a second. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. Okay, and no abstentions. Discharged without recommendation. *(Vote: 4-1-0-0)*

Opposed: Legislator Barraga)

IR 1708, A Local Law imposing a surcharge on wireless communications service in the County of Suffolk. (Co. Exec.)

I'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 1777, A Charter Law increasing the Ambulance Chiefs' representation on the County Fire, Rescue and Emergency Services Commission. (Pres. Off.)

I'll make a motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 1860, Directing the Director of Real Property Acquisition and Management to locate property for a police substation in Huntington Station. (Cooper)

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Losquadro.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

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

Introductory Resolutions

IR 1872, Directing the Criminal Justice Coordinating Council to prepare a report on the Community Service Program and to make recommendations to increase its effectiveness. (Beedenbender)

Motion to -- I'll make a motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor?

LEG. BEEDENBENDER:

On the motion, Mr. Chairman.

CHAIRMAN EDDINGTON:

On the motion, Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman, and thank you to the members of the committee for allowing me to speak since I am not a member of this committee. I just wanted to add a few things in addition to what Mr. Harrington had laid out there. The goal of this resolution, there certainly were plenty of mistakes made in this process, but the goal of this resolution, and it's what Mr. Harrington closed with, is to figure out why this happened, how had this happened, and to figure out, you know, is this the first time this happened in a long time or is this the hundredth time this has happened. I think it comes down to that we have to have confidence in our criminal justice system. If a judge, who's sitting behind the bench says -- if a judge who's sitting behind the bench says that you are supposed to fulfill community service or you're going to go to jail, I think the public needs to be confident that that person will go to jail if they don't fulfill their community service.

And just for some background. The gentleman, the individual I'll say, rather, that struck Stephen Harrington on December 21st of -- excuse me, on October 11th of '06, he had 19 license suspensions and about 50 points against his license in the six months immediately preceding the accident. And like Mr. Harrington said, he had to be dragged to the court to receive his sentence of 140 hours of community service, which he never completed one minute of. It's been a continuing source of frustration for me for probably about a year now to try figure out how this happened and why this happened. We just can't get the answers.

I'm not laying blaming on anybody at this point. I just think as a body and as a government and certainly for the people that we represent, when a judge says something, it has to mean something. And if there's a bureaucratic problem that is preventing that, we need to know what it is so we can fix it.

I appreciate the large number of cosponsors that have joined this resolution, and I would ask the committee to pass it so we can pass this on the floor of the Legislature. Thank you.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

I wholly support this legislation that Legislator Beedenbender has put forward. I think it's abysmal that we have a system that's failing our community, and when a subject is supposed to do community service and the system is failing and we don't know if they're doing the service that they're supposed to be doing or they're not, I think we need to look into that. I think it would be appropriate for us to call in the Red Cross, since they're in charge of this program, and ask them some tough questions. I mean, they're receiving monies to do a service and they're not doing that service. I think it would be totally appropriate to seek them to come before us.

LEG. BEEDENBENDER:

Mr. Chairman, I if just may, in response to that.

CHAIRMAN EDDINGTON:

Sure.

LEG. BEEDENBENDER:

I understand your -- I agree with you, Legislator Gregory, but the difficulty -- and the one suggestion I would make just from all the research we've done is it seems like the Red Cross might have been the organization that made the mistake. But I've heard at least three different versions

of the stories, and they're not to blame in all three different versions of the stories. That's what's difficult. If I knew who made the error, my path would have been different in the bill. I would have asked Chairman -- Legislator Eddington to bring whoever made the error before this committee to discuss it. I've heard one version of the story which is that the Red Cross got the referral, another version of the story is that the court filled out the wrong piece of paper and they never got the referral, a third version of the story is that they got the referral and didn't follow-up, but they also might not have gotten the referral, and therefore shouldn't have followed-up. I don't want to blame the Red Cross if I don't even know -- we cannot figure out what the version of the story is. That's why I have the bill before us.

LEG. GREGORY:

I understand that, but I would think that, and not totally understanding the system myself, that they would have some type of liaison that says okay, we know that so many offenders got community service or this sentence, you know, we need to make sure that person doesn't fall through the cracks. If they're not doing that, I think that's a simple procedure to do that. They should at least comb through the records and see who has been sentenced to community service. Sitting back in a reactive way waiting for the courts to tell them well, you have to service this person, I think is the wrong way to do that.

CHAIRMAN EDDINGTON:

Legislator Barraga.

LEG. BARRAGA:

I just have a question for Mr. Beedenbender. My question doesn't surround the community service aspect. My question is I listened to Mr. Harrington and listened to you in terms of the torrid history of this individual. I think Mr. Harrington also indicated there was marijuana involved. To your knowledge, Mr. Beedenbender, did the District Attorney's Office ever contact the Harrington's indicating that they were about to plea this thing out?

LEG. BEEDENBENDER:

I don't believe that happened, and they're shaking their head no in the crowd.

LEG. BARRAGA:

Yeah. See, but that's what concerns me. I mean, I've seen District Attorney's run in the past, and they always say, "Well, I have a 97% conviction rate." When you take a look at the 97%, about 98% of it is all plea bargaining. That's what I think we ought to take a look at. What is the process in place in the District Attorney's Office with reference to plea bargaining in crimes like this. Take a look at this fellow's history. As I look at it, and it is only cursory, he should have had jail time, but yet it's a plea bargain. Now we're on the other end wondering if he served his 140 hours of community service. That's not the issue here. The issue is why the District Attorney's Office plea bargained this case out, and is that the norm in that office.

LEG. BEEDENBENDER:

Well, I agree with you. I agree, and the first question I believe when I met with the Harrington's the first time was how is this -- how did he not go to jail, and that needs to be looked at, too. You're right, I don't know what the process in the District Attorney's Office and I did speak to them on numerous occasion about this. But the first concern -- the second concern involving this case is the system worked I guess how it's supposed to work, but it didn't. You know, there was a plea bargain and then there was a sentence, and it was a conditional discharge and the conditions of that were never fulfilled.

So you are absolutely right, Legislator Barraga, that I think it's perfectly reasonable to ask how somebody with 19 license suspensions, 50 points against his license, killed somebody while driving their car and 140 hours was the sentence. But what is equally disturbing to me is that wasn't even filled. So the sentence, that I think we can all agree was far below what it should have been, wasn't even done. The real travesty here that bothers me, and I can hear it bothers some of you, is our

criminal justice system gave somebody a sentence and they said this is your punishment for what you did, and the punishment was never carried out. So in this sense this guy, Mr. Guillaume, the individual involved in this case, he got off. He didn't -- he got away with it and that's just plain wrong.

CHAIRMAN EDDINGTON:

It seems like this legislation -- we'll ask the Counsel to give us a report and from there we can maybe do some recommendations and insure that a travesty like this never happens again.
Legislator Losquadro.

LEG. LOSQUADRO:

I think an important component of this is obviously the Red Cross does not have the force of law. They get the referrals. I'm sure there's a mechanism in place by which they say this person showed up or this person didn't. I'm sure they take attendance. If that is the case, and we need to find that out, and if they're doing that and giving that back to the courts, are the courts doing anything with that? Are they or aren't they following-up on who's not showing up when they make that referral?

So, I mean, I think we have a number of things to look at here to insure that this system operates properly. I mean, the larger issue of what the proper sentence should have been is a separate issue. I mean, what's germane to this is we want to make sure that once people get into this system that it functions as intended. Right now it just doesn't seem that's the case. I look forward to seeing this report.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Just to make a quick comment to what you said, Dan. Working on the domestic violence I spoke to a woman who is based in Indiana. She has a website called The Weaker Vessel. What she does is every month she calls courthouses throughout the country, whoever has committed a domestic violence offense to orders of protections, and she gets those records and she posts them on her website. I would think at least the Red Cross would have a similar situation, a proactive way of combing out that formation so they know, okay, John Doe got community service. He's supposed to report to me in 14 days. Yes, we can take the attendance, but, you know, that's only of who showed up. If we don't have the whole picture, you know, there's a fault in the system right there. I think they can take a more proactive response and I'm hopeful that the coordinating council -- Criminal Justice Coordinating Council will find all the leaks in the ship and correct them.

LEG. BEEDENBENDER:

And if I could just add before the vote, Mr. Chairman. If I could ask the members of this committee, this report will come out after I'm gone. If I could just please ask the members of this committee when you get this report, I have full confidence that you will take -- you know, take the steps forward, ask whatever questions. I will still be around, you know, at some point. I'm not leaving the state -- well maybe not.

(Laughter)

I'm not leaving the state, but there will be, you know, my successor will be here and the Harrington's will still be very interested in this. I would just ask that this committee take whatever recommendations and more forward and carry this forward next year.

LEG. LOSQUADRO:

Absolutely.

LEG. BEEDENBENDER:

Thank you.

CHAIRMAN EDDINGTON:

Thank you, Legislator. Legislator Browning.

LEG. BROWNING:

Yeah, just a little on a separate note. You know, I was with a friend of mine on Saturday and her father was killed by a drunk driver -- four to eight years he got. It wasn't his vehicle, he was unlicensed, and you know, I think that was a disgrace, that he only four to eight years. I'm listening to -- community service is a disgrace. On a separate note I was curious, was that his vehicle that he was driving, or was it a vehicle belonging to someone else?

LEG. BEEDENBENDER:

I don't --

MS. HARRINGTON:

It was his.

LEG. BEEDENBENDER:

It was his.

LEG. BROWNING:

It was his? Okay. Thanks.

CHAIRMAN EDDINGTON:

Okay. I have a motion and a second. All those in favor? Opposed? Abstentions? Approved.
(Vote: 5-0-0-0).

LEG. LOSQUADRO:

Madam Chair, just make sure I'm listed as cosponsor. I believe I am already, but.

LEG. BROWNING:

I believe I am, too.

IR 1876, Approving the reappointment of Marshal Schwartz to the Suffolk County Citizens Corp Council. (Co. Exec.)

LEG. LOSQUADRO:

Motion to approve and cosponsor, please.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Losquadro.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

(Presiding Officer Lindsay entered the meeting at 10:26 A.M.)

IR 1895, A Local law prohibiting sex offenders from living near their victims (D'Amaro).

I'm going to make a motion to table.

LEG. LOSQUADRO:

For a public hearing? Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? *(Vote: 5-0-0-0)*

IR 1903, Accepting and appropriating 100% Federal grant funds awarded by the New York State Division of Probation and Correctional Alternatives under the American Recovery and Reinvestment Act to Suffolk County Probation Department to implement support services for the Rockefeller Drug Law Reform. (Co. Exec)

LEG. LOSQUADRO:

I'll make a motion to approve and place on the consent calendar because it's a hundred percent funding.

CHAIRMAN EDDINGTON:

I'll second that.

LEG. LOSQUADRO:

But I have a couple of questions as to what the impact of these so-called reforms is going to be in terms of the volume, additional volume, that we expect to see in individuals who will no longer be subject to mandatory minimum sentences. Is there someone maybe from Probation or from the Police Department or DA's Office maybe here that could maybe shed some light on that for us?

MS. D'AMBROSIO:

I can just tell you --

LEG. LOSQUADRO:

Please come forward. Thank you, Gail.

MS. D'AMBROSIO:

From what I understand based on prior years --

CHAIRMAN EDDINGTON:

Just give your name.

MS. D'AMBROSIO:

Oh, I'm sorry. Gail D'Ambrosio. Suffolk County -- Senior Probation Officer at the Suffolk County Probation Department, but I'm the President of the Probation Officer's Association.

LEG. LOSQUADRO:

That's a mouthful.

MS. D'AMBROSIO:

Yeah, I forgot what I was. No, I just want to tell that you from my understanding, based on prior years they came up with a number of about 54 cases that will come into the system and the two Probation Officers who have been assigned to this unit, the Drug Court -- Felony Drug Court, to handle these cases, will take them.

On a personal note I anticipate it to be even more. Sometimes when you get a new program everybody jumps on the bandwagon and, you know, more people get interviewed and they do take more case. So we're not even sure because those are based on -- those numbers are based on prior years. Okay? And it was a grant for \$216,000 that they got to handle this.

LEG. LOSQUADRO:

Which would fund approximately two positions with benefits and --

MS. D'AMBROSIO:

Two senior positions.

LEG. LOSQUADRO:

Right. Average caseload for those individuals would be in that 26, 28 range, somewhere around there to handle?

MS. D'AMBROSIO:

Yeah, at this time.

LEG. LOSQUADRO:

And if -- I actually agree with you. I anticipate it to be higher than that. I guess we'll have to -- we might have to revisit this to maintain a manageable caseload in staffing for the department.

MS. D'AMBROSIO:

Right. I think John Desmond will be able to, you know, let you know about that more.

LEG. LOSQUADRO:

All right. Thank you.

MS. D'AMBROSIO:

Thank you.

LEG. LOSQUADRO:

So the motion was to approve and place on the consent calendar.

CHAIRMAN EDDINGTON:

I second that. All those in favor? Opposed? Abstentions? Approved and placed on the consent calendar. *(Vote: 5-0-0-0)*

IR 1905 Accepting and appropriating a grant in the amount of \$86,100 from the United States Department of Homeland Security, Federal Emergency Management Agency, for a Port Security Program with 75% support. (Co. Exec.)

LEG. LOSQUADRO:

Again, I'll make the motion, Mr. Chairman, but I have a question on this.

CHAIRMAN EDDINGTON:

Motion and I'll make the second. On the motion.

LEG. LOSQUADRO:

I believe we've seen a Port Security Program grant in the past. I was wondering if someone could speak to exactly what we're doing with this funding? I think we had in the past I think they were looking at an ROV, or a remotely operated vehicle. I'm not sure what this is for the Port Security Program. Does someone have information as to how this grant will be used? Going once?

(Laughter)

Someone perhaps from the County Executive's Office?

LEG. KENNEDY:

You're asking the tough questions, huh?

CHAIRMAN EDDINGTON:

I'm sure it's not K-9.

MR. ZWIRN:

I don't have it, but I'll get it for you before -- certainly before Tuesday.

LEG. LOSQUADRO:

Is this funding -- and just looking at this a local closer, I mean, I guess I'm trying to ascertain how this is going to be spent just based on what's in there, because it just says specialized equipment. I see that there will be matching funds and that's in the Police Department's asset forfeiture fund, or is that coming out of Sheriff's? I mean, what department are we going to be taking this out of and where is this equipment going? It looks like it says Police Department asset forfeiture, so I'm assuming it's equipment to supplement the Marine Bureau?

LEG. BROWNING:

Yes, that's what it says.

MR. ZWIRN:

It's computer equipment, mobile data computers and a laptop computer which -- it's a -- which will increase data collection abilities and enhance inter-operational communications, and a surface supplied air breathing system, which will enable divers to dive in areas current equipment will not allow them to safely go down.

LEG. LOSQUADRO:

Very good. Thank you.

CHAIRMAN EDDINGTON:

All right. We have a motion and a second. All those in favor? Opposed? Abstentions? Approved.
(Vote: 5-0-0-0)

IR 1924 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)

LEG. GREGORY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Gregory.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN EDDINGTON:

You know what? I'll second it for purposes of discussion. Legislator Kennedy.

LEG. KENNEDY:

Well, I'll yield to a committee member first since I'm not a committee member obviously, and if Legislator Losquadro has something to --

CHAIRMAN EDDINGTON:

I didn't see his hand. Go ahead.

LEG. LOSQUADRO:

It's all right. I'll probably ask a very similar question. Thank you, Legislator Kennedy. Obviously every time we drive into the parking lot we see that building coming along at quite a good pace. Is our anticipated move in date still the same, and what is the lead time for the purchase of this equipment? If we get this through now and we pass it at the next General Meeting, it has to be signed by the County Executive to appropriate the monies, we get the order, get the supplies delivered. What is that lead time, and if we do this now, will we even have it by the time we're ready to occupy that building? And what's the consequence of waiting until the next cycle? Will we

not have a place for people to work?

LEG. KENNEDY:

Through the Chair. That's precisely what compelled Legislator Nowick and I to reintroduce the resolution. As a matter of fact, it was at the request of the Department of Public Works, specifically because we have been able to move at an accelerated pace towards completion of the building. I am now being told, as a matter of fact, when I spoke with Inspector Rhodes yesterday, anticipation is the latter part of December. I believe it's the third week in December that the lion's share of construction should be done. As everybody around this horseshoe knows, all our resolutions will die a natural death on December 31st.

LEG. LOSQUADRO:

Well, it depends how you look at it.

LEG. KENNEDY:

Well, that's true, too. We're relegated, then, to the introduction process and the earliest that we could act on another resolution would be the latter part of February. Going through the signature process you had spoken about and any ability to order and encumber it's conceivable we could have a completed building with personnel sitting on cardboard boxes through March. Now, I would very much like to avoid having had such a successful multi-million dollar, brand new LEEDs green building being the first in the whole County, not sit there unoccupyable because we have no furniture for it. I would respectfully request we move the bill.

CHAIRMAN EDDINGTON:

Mr. Presiding Officer.

P.O. LINDSAY:

I just want to weigh in. What's the game plan, guys? You know, I'm looking at the Police Commissioner, I'm looking at the County Executive's reps over there. Were we going to move the old furniture from the old building? Why does this have to be done by legislative fiat? Why isn't this done in the normal course of the construction to have the furniture? I mean, if the game plan is because of the economy to use existing furniture, tell us.

COMMISSIONER HEANEY:

I won't tell you any of those things. One, we don't have an analysis from DPW to determine how we got to \$180,000. We are told at this point that this resolution is still not ripe, that March would be a more appropriate time to think about this. We have questions at this point, we don't have answers. You know, having heard that this has been put on the agenda at the request of DPW I'm really perplexed, because we don't have any backup from them to determine how that number came to be what it is. So, you know, I can only tell you that if you feel confused, we share that in common.

P.O. LINDSAY:

Well --

LEG. KENNEDY:

Again --

P.O. LINDSAY:

Just to follow-up on my question, is there any harm in ordering the furniture now? I mean, if our intent is to buy new furniture.

COMMISSIONER HEANEY:

I just don't know that there is an inventory list that determined the amount of money at this point. I wish that Gil Anderson were here. It seems to me that he would be the person who would have that answer. We don't have that answer right now.

CHAIRMAN EDDINGTON:

Did you want to comment, Legislator Kennedy?

LEG. KENNEDY:

I would love to, Mr. Chair. As a matter of fact, you know, I find Commissioner Anderson to be extremely responsible and always forthcoming any time I've ever had any dealings with his office. And as matter of fact, this is like Groundhog Day, dejavu all over again. We had this almost identical exchange when this resolution was in committee last cycle, and I had to ask Commissioner Anderson to have a conversation with yourself so that there would be no ambiguity and he was very apologetic after the fact and indicated that he would remedy that. Unfortunately, I guess he must have gotten caught up and has not been able to do this again.

In an alternative what I would suggest is if the committee would consider a discharge without recommendation, I'll get on the phone with him again. As a matter of fact, I called this morning on my way in here, but unfortunately he was in a meeting, Mr. LaGuardia I guess is off at jury duty, and Mr. Calderone had somebody in his office. But I think one simple contact between Yaphank and yourselves on the twelfth floor is going to clear up any of the --

COMMISSIONER HEANEY:

Apparently that just happened.

LEG. KENNEDY:

Oh, is that right?

COMMISSIONER HEANEY:

And Lou Calderone said they really don't need this until March.

LEG. KENNEDY:

Is that right?

COMMISSIONER HEANEY:

That's the little angel that you saw whispering in my ear just said that.

LEG. KENNEDY:

Well, then they're kind of going with mixed messages because what I had heard yesterday was that we're going to be ready to take occupancy by the beginning of -- or the end part of January or February.

COMMISSIONER HEANEY:

March is what's being said, yeah.

LEG. KENNEDY:

Okay. I won't trouble the committee then. I'll speak to him shortly.

CHAIRMAN EDDINGTON:

All right. Then we have a motion to table and a second. All those in favor? Opposed? Abstentions?
(Vote: 5-0-0-0)

(The following was transcribed by Alison Mahoney - Court Stenographer)

Okay, that concludes our agenda. What I would like to ask is the Police Commissioner and Chief Moore to come forward. Good morning, gentlemen.

COMMISSIONER DORMER:

Good morning, Mr. Chair -- I'm on, right -- and members of the committee. Thank you for allowing

me to appear before the committee. And if I may, I would like to mention some issues with crime statistics. I think that that is appropriate.

CHAIRMAN EDDINGTON:

Well, you know what?

COMMISSIONER DORMER:

With the permission of the Chair?

CHAIRMAN EDDINGTON:

Yeah, you know what? We have a few questions and I thought maybe that might be one of them, so why don't we start with a few questions and then we'll lead right into those.

COMMISSIONER DORMER:

Well, if I may, with all due respect. If I give an opening statement with the statistics, it may answer a lot of the questions that you have and I think it might be useful if I did that. I'd ask the Chair --

LEG. LOSQUADRO:

Mr. Chair, my question has nothing to do with statistics, so.

COMMISSIONER DORMER:

-- to allow me to do that.

CHAIRMAN EDDINGTON:

I think -- what do you mean, you're asking the Commissioner to give us the statistics?

LEG. LOSQUADRO:

No, I'm just saying I have a question that has nothing to do with statistics, so I don't know if we want to start with that or --

CHAIRMAN EDDINGTON:

Right. Let's start with the questions, and we appreciate you being here. And I'll just ask you a question, because I've asked you this a number of times, with the Sergeants. I had asked you at my last committee if there was -- if anything was going to happen, you know, could you let us know, blah, blah, blah. And now I did get notified by the Detectives Association, and I appreciate them keeping me in the loop, that 23 -- no, 13 Sergeants are going to be promoted out of the and filling -- 27 positions that are available, 13 are going to be filled; is that correct?

COMMISSIONER DORMER:

That's correct. Last week we promoted 13 Sergeants. They're in their commands as we speak.

CHAIRMAN EDDINGTON:

Okay, thank you very much. I'm also hearing that there's going to be some Deputy Inspectors made; is that correct?

COMMISSIONER DORMER:

Well, we had three Superior Officer positions open; Chief of Patrol and two Deputy Chiefs. We are going to fill these three positions which will result in a chain-filling of the ranks under them because they move up. And so there will be Deputy Inspectors, some Inspectors and, of course, the Chiefs ranks are going to be filled.

CHAIRMAN EDDINGTON:

Thank you. I'd like -- I really do like to get the information from you first, if I can, but I appreciate the information either way. Legislator Losquadro, you had a question.

LEG. LOSQUADRO:

Yes. We had a number of discussions over quite a period of time as to staffing. I understand your

position, you have to work with what's given to you and you made the statement that you were going to make due with whatever you had. But now we have made the decision in our budget to give you additional resources with actually funding two full Police classes of 100, and we know that is a somewhat lengthy process -- and quite a good process, quite frankly -- to make sure that we get the best possible candidates on the job. And I guess, you know, the expression "have you pushed the button yet" to get that process started, to get the applicant investigation process started to get those people into the system so we can get that first class up and running by spring?

COMMISSIONER DORMER:

I know the budget process is not completed yet, it's still in the process. But I directed last week that candidate investigations start the review of candidates for hiring in anticipation of the budget being finalized. I think that was the appropriate thing to do with the timeline that you mentioned.

LEG. LOSQUADRO:

Absolutely. Thank you, Sir. I'm glad to hear that that process, at least in anticipation of that issue said, has been started already, because I know that is a rather cumbersome and lengthy process but, as I said, a very good process and one to make sure that we get the absolute best results and the best people on the job. So, I'll turn it back over to the Chairman. I have a couple of more questions, but I think we'll get into some of what you were talking about.

CHAIRMAN EDDINGTON:

Legislator Barraga.

LEG. BARRAGA:

Yeah, my question is what is your statement?

COMMISSIONER DORMER:

Thank you. And --

CHAIRMAN EDDINGTON:

Could you hold on one second? Is there anybody else that wanted to ask a question before we have the --

P.O. LINDSAY:

I did.

CHAIRMAN EDDINGTON:

Okay. Presiding Officer.

P.O. LINDSAY:

How about -- we heard about Inspectors -- Sergeants?

LEG. LOSQUADRO:

Oh, that was just asked.

P.O. LINDSAY:

It was just asked? I'm sorry.

CHAIRMAN EDDINGTON:

Thirteen positions will be filled of the 27 vacancies.

P.O. LINDSAY:

Okay. No more?

COMMISSIONER DORMER:

No, we were very gratified to get 13, especially in the economic climate that we are working with

today. So we got 13 SCINS signed, we promoted the officers to Sergeant last week and we had three positions in the Superior Officer ranks; a Chief of Patrol and two Deputy Chiefs, and so we got these positions filled.

P.O. LINDSAY:

I mean, just my opinion; the Chief of Patrol and the upper brass, you know, I'm not saying they're not important, but aren't the field reps, the field supervisors more important, especially if we're going to hire some new replacement officers?

COMMISSIONER DORMER:

Well, I would say that they're all important, any rank in the Police Department, from Police Officer on the way up, is very important. Again, 13 Sergeants are going to be a big help in Patrol and the Superior Officers above the rank of Captain, in this major Police Department or in these tough economic times, are needed to manage this department, and I don't think it's a luxury, I think it's a necessity; the County Executive agreed, you know. So I think that we did pretty good. Again, I mention -- just to reemphasize, the budget issues and the money issues in the County and the Police Department, I think we did very well.

CHAIRMAN EDDINGTON:

Thank you. Legislator Gregory.

LEG. BARRAGA:

Mr. Chairman, you recognized me, I asked a question and then I was cut off and you went to another member and now you're going to a second member. With all due respect, I'd like to ask my question, and my question is to the Commissioner, what is your statement. I was recognized by the Chair, I want to know what your statement is.

CHAIRMAN EDDINGTON:

And I appreciate what you're saying, but I'm going to control and facilitate this meeting. And I made it clear that I wanted the Commissioner to give his statement at the end of questioning, so.

LEG. BARRAGA:

Well, I'm asking a question. My question is -- and I've been duly recognized -- what is your statement? It's a question. I think I have every right to ask it without being side-barred --

CHAIRMAN EDDINGTON:

Well, I think --

LEG. BARRAGA:

-- so that other members can ask questions ahead of me.

CHAIRMAN EDDINGTON:

I think --

LEG. BARRAGA:

You recognized me and I'm asking the question; what is your statement?

CHAIRMAN EDDINGTON:

I think what you're doing is nullifying my request as the Chairman. I made a clear statement that I would like to hear the questioning --

LEG. BARRAGA:

All I'm asking --

CHAIRMAN EDDINGTON:

-- and that's how it's going to be.

LEG. BARRAGA:

All I'm asking is that -- you recognized me and I'm just asking the Commissioner a question; what is his statement?

CHAIRMAN EDDINGTON:

You're asking him to make a statement that I've asked him to hold off until the committee gets a chance to ask their questions.

LEG. BARRAGA:

Well, it looked to me like --

CHAIRMAN EDDINGTON:

So is this very hard for you to understand?

LEG. BARRAGA:

No, it looked to me like all the questions were asked.

CHAIRMAN EDDINGTON:

Well, they're not.

LEG. BARRAGA:

And then the Presiding Officer had one last question, and basically I was asked not to speak until he finished, and now you're going on for additional questions for other members. I think in all deference and respect to a member, you should come back to me and let me ask my question and let him give a response.

CHAIRMAN EDDINGTON:

I hear what you're saying.

LEG. BARRAGA:

Okay.

CHAIRMAN EDDINGTON:

But obviously you're not hearing me. You are asking him to make the statement that I asked him to hold off till the end of questioning, and I'm not going to cut off questioning because other people --

LEG. BARRAGA:

Jack, the questioning was over, except for the Presiding Officer who had one final question.

CHAIRMAN EDDINGTON:

The questioning is over when I decide the questioning is over.

LEG. BARRAGA:

You said, "Are there any final questions," and the Presiding Officer indicated, "I have one," and he asked it, then it should come back to me. Now, there are additional questions and still -- you know, I've asked a question and I think, with all due respect, I waited till the end, I'd like the Commissioner to let us know what his statement is.

CHAIRMAN EDDINGTON:

Well, I'm just going to say that --

LEG. LOSQUADRO:

Through the Chair? Through the Chair, very quickly.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

I apologize, Legislator Barraga. I was not going to ask another question, I was going to let you answer this, but what the Presiding Officer asked, the response that he received led to a follow-up question on my part and that's why I asked the Chair to allow me to ask that. So it was not a separate question, I just would like to ask a follow-up question based on the response he gave.

LEG. GREGORY:

And if I may?

LEG. LOSQUADRO:

I apologize.

LEG. GREGORY:

And if I may, that's a similar question that --

CHAIRMAN EDDINGTON:

No, I understand. I understand your intent and I'm going to decide when the questioning is over and it's not over yet. And when the questioning is over, Legislator Barraga, you can have the Commissioner speak, which is what my intent is. So Legislator Losquadro, did you have your follow-up?

LEG. LOSQUADRO:

Just very quickly. Commissioner, you said, and it was a very specific statement, "We got 13 positions," and you said you were very grateful you got those signed; I was just wondering how many you requested.

COMMISSIONER DORMER:

No, there was no specific request. It was a discussion on numbers and the budget issues, what it would cost, how many people would come off the street to fill these positions; I'm talking about officers from Patrol that would fill these positions. And so I had a discussion with the budget people in the Executive Branch and the County Executive.

LEG. LOSQUADRO:

You came up to the number of 13, that was an adequate number?

COMMISSIONER DORMER:

No, the number of 13 was decided by myself, the budget people --

LEG. LOSQUADRO:

So the answer is yes, you came up with that number.

COMMISSIONER DORMER:

I'm just -- if I may, I'm trying to answer the question. I didn't come up with it on my own. In discussion with people in Budget and the County Executive and the consensus was that 13 was going to be the number and that's what we got.

LEG. LOSQUADRO:

I apologize for the pause there, but you made no specific request as to what the staffing levels for supervision within your own department should be?

COMMISSIONER DORMER:

These discussions that I have with the County Executive are between him and myself, and I think I've expressed this before, when I talk to my boss about issues of policy and budgetary issues, that

it's private and I'm not going to discuss our conversation.

LEG. LOSQUADRO:

See, Legislator Barraga, this is why these lead to further questions.

I -- I don't want -- I want to be polite here, I want to respect the position that you hold, but I find that answer completely unacceptable to an elected official, a sitting member of a standing committee responsible for public safety. I thought I asked a very simple question, I thought I asked it in a couple of different ways. And no offence, Sir, but it doesn't sound like you have any control over the decisions being made in your department, or if you are, you're not sharing them with us. So I'm not satisfied with that response. We'll leave it at that.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Okay. My question is we've promoted 13; how many -- how many overall positions, Sergeants positions do we have; do you know off the top of your head?

COMMISSIONER DORMER:

The Chief is pulling the paperwork on that.

CHIEF MOORE:

No, I don't have it.

COMMISSIONER DORMER:

It's around 240, 250 Sergeants.

*(*Commissioner Dormer & Chief Moore have brief discussion off record*)*

COMMISSIONER DORMER:

Just in Patrol, it's 241, that's the sector car, Patrol, but we have another 200 Sergeants in the department in other units.

CHIEF MOORE:

Give or take.

COMMISSIONER DORMER:

Give or take, that's approximately, because we don't have the exact numbers in front of us. So you're talking about 440 Sergeants.

LEG. GREGORY:

Okay. And we have approximately 16 vacancies remaining?

COMMISSIONER DORMER:

Yes, as we speak there are 16 positions that are unfilled.

LEG. GREGORY:

Okay, which is about -- I guess before we started this process we had, what, maybe -- I'm not a quick math whiz, but maybe about 20%? No, 10%? We filled -- well, we filled almost 50% of the vacancies that we have, and -- so I can't even ask my next question because you kind of answered it by not answering it. So you made no specific request to the County Executive saying, "I want 13, I want 100, I want 20 Sergeants."

COMMISSIONER DORMER:

No, I'm not -- as I mentioned before, it's inappropriate to get into a private discussion with the County Executive that I have as Police Commissioner with him on budget issues, policy, and I want

-- I want to leave it at that.

LEG. GREGORY:

But why is it inappropriate? Just a few weeks ago you came in and said it was okay to lose 60 personnel through the budget process. That was a public statement you made, but you won't make a public statement about requests for promotions?

COMMISSIONER DORMER:

I never said that it was okay to lose --

LEG. GREGORY:

Well, that was my characterization of your response. But you said that you were fine with losing 60 officers if the budget -- if the agreement didn't go through, you were okay with it.

COMMISSIONER DORMER:

I never said that.

LEG. GREGORY:

You said you could deal with it. I think Rick Brand, he's right behind you, he could probably print out the paper for you, it was in his article, I believe, that you said, "Well, we're okay with dealing with the numbers."

COMMISSIONER DORMER:

Well, let's go back to --

LEG. GREGORY:

If that were the case.

COMMISSIONER DORMER:

You're inaccurate and it's misleading to say that. I never said that we're okay with 60 Police Officers being laid off. In fact, I indicated and stated that I didn't want them to be laid off, the County Executive didn't want them to be laid off. I didn't think anybody wanted them to be laid off and we didn't think they were going to be laid off because an agreement was imminent with the PBA, which was borne out, and so that was off the table. But I never indicated that that was okay to lay off 60 cops. What I said was we'll manage with whatever we have, and I've always said that. That's what a department head does and that's what we have to do. Whatever you give us, we'll manage, and that includes hiring cops. It's your responsibility, your authority to hire cops, not me. If you don't hire them, I'll have to manage with what I got; if you do hire them, we'll manage whatever you give us.

LEG. GREGORY:

And I'll give you that, you did say that you were hopeful and that there was going to be an agreement. But my impression of what you said was if you did lose 60, you would do what you had to do, it wasn't a great event, which to us I think here is a tremendous thing to do and you didn't seem to have that same sense of concern, and maybe that was due to your optimism; but nevertheless, you made a public statement about that.

COMMISSIONER DORMER:

Yeah, but if I may -- if I may, Legislator?

LEG. GREGORY:

We're asking you to make a public statement about a request that you made to your superior, to your boss, to the County Executive, and you seem to think that that's some type of privileged, confidential conversation; I don't understand that.

COMMISSIONER DORMER:

I never said -- and by the way, I want to clarify this. I never said it was okay lay off 60 cops, and that was your implication when you asked me a question and that was misleading, inaccurate and I'm glad that you corrected the record on that.

LEG. GREGORY:

Okay, I'm done.

CHAIRMAN EDDINGTON:

Okay. Now I would like to have an uninterrupted chance to hear on the crime states, and I appreciate you waiting.

LEG. BARRAGA:

Let me just -- let me make a statement.

CHAIRMAN EDDINGTON:

Absolutely. Legislator Barraga.

LEG. BARRAGA:

Let me just clarify my position with reference to your statement, okay. I've been on many committees throughout the years. I can never recall a committee where a Commissioner for a given department shows up and he hasn't been extended the courtesy of an opening statement; it's just something you do, it's professional. This is the second time you've been denied that right, and I have a problem with that personally. All right? That's the only reason I'm pushing this. Now, you can make your statement. I may agree or disagree with it, but I think in fairness, because you are a Commissioner in this County, you should have the right when you go to a committee to make an opening statement, and then we could all sit around and either agree or disagree with it and do follow-up questions. Thank you.

COMMISSIONER DORMER:

Thank you, Legislator Barraga. And you know, before I make my statement, I should state that we have no problem, I have no problem with tough questions; you know, we'll try to answer them as best we can. So I just wanted to clarify that, that I understand the position and that I understand your role and you ask the tough questions, and I have no problem with that. So I just wanted to clarify that.

But on Monday, the County Executive and I had a press conference on crime statistics, and the reason that we did this is to let the people know, the people of Suffolk County, know what was happening and the crime situation in the County and let them know that crime was not out of control, that crime wasn't rampant in Suffolk County and, you know, give them the facts, and that's what I wanted to do here today.

Also, the reason we did it was to let the officers, Police Officers, the men and women of this department, both Detectives and Police Officers, know that everything they do to keep crime down, everything they do every day to keep crime down is appreciated, and we're going to highlight what they've been doing over the past year and months. Because they are the ones that make this happen, not people in offices, in Legislative buildings, in Police Headquarters for that matter, it's the men and women out on the street every day crime fighting and making sure that people are safe. So that was the reason that we did that.

Now, there's a downward trend in violent crime in Suffolk County, clearly supported by three months of data from DCJS and it's published by DCJS, not by me, not by somebody in my office. The month of September was highlighted, clearly, to show the impact of the Gang Suppression Unit which we created in -- back before September. And I want to mention that this gang and gun units that we've had out there have made 153 gang arrests, an astounding number, taking 58 guns off the street, the streets of Suffolk County. And this is a credit to the people that we have in that unit, as I mentioned before, and we wanted to give them the credit and highlight what they're doing.

We -- at our press conference, we highlighted the month of September as it related to the month of September the year before, and that's the way DCJS does it, that's the way it's done in the business. And looking at the comparison of the two months, violent crime was down 13.4%, 13.4%. Now, the two crimes that have spiked up that we were concerned about, everybody was concerned about, robbery and aggravated assault. Robbery was down 9.7% and aggravated assault was down 12.4%; that was comparing September of '09 to September of '08. Now, I understand that that's a month that you're looking at compared to a month the year before, but it is important to look at crime trends like that, but that's not the only way that we looked at it. We looked at the first nine months of '09, that was January 1st to September 30th, compared to the year before the same dates. Overall crime was down 10.83%, violent crime was down 9.87%, property crime was down 2.41%. Now, part one, violent and property put together, are down 3.02%, that's the nine months of '09 compared to the nine months of '08.

I should mention, too, by the way, that we've got to look at this data over the rest of the year. Our efforts are continuing with the Gang Suppression, the Gun Suppression Team, our Narcotics Detectives, narcotics enforcement, which is a big issue in our communities, and we believe that we're on the downward trend which should continue for the rest of the year. But we will review that on a daily and a weekly basis with our Comstat process to make sure that we react to any uptick in crime. Thank you very much.

CHAIRMAN EDDINGTON:

Okay. Legislator Browning.

LEG. BROWNING:

Okay. Your statistics, we respect what you've given us. I have a printout here from the New York State Criminal Justice Service and, yes, when there are crimes that are done, it says here for Suffolk County, violent crime is up 4.7. Certain types of crimes are down; property crime it says -7.1, but murder is down, rape is down. However, robbery and aggravated assault; robbery it says 8.2% and aggravated assault is 6.6. So yeah, if you take your violent crime statistics and you take your property crime statistic and you do the math, yeah, overall it's down, but according to this paper, crime is up on certain crimes; and again, making sure that the people in Suffolk County are safe. And you can play with numbers all you like, but it's very clear to me that crime has -- is up in certain areas and the safety of Suffolk County residents is important.

Robberies, I hear it all the time, you know, the little stores and the little delis are being robbed. The economy does create crime to go up. So I get this feeling that, you know, the report on crime statistics being done is setting us up to seeing a veto coming up.

COMMISSIONER DORMER:

If I may respond, Mr. Chair?

CHAIRMAN EDDINGTON:

Absolutely.

COMMISSIONER DORMER:

I don't play with the numbers. The numbers are what DCJS puts out based on our statistics. And I should mention, by the way, that when I mentioned that the trend down in violent crime over the last three months, and Legislator Browning raised a point and she's accurate in her 4.7, I believe you mentioned, which was the September figures. That was -- in July that was 9.5, in August it was 7.4, you can see it coming down, in September it's 4.7; and that's what I mentioned about violent crime trending down, I didn't say it went away.

But looking at the last three months, since we put in our Gang Suppression Team, you can see almost a 50% drop, from 9.5 to 4.7.

We expect to bring it lower; again, it takes time, and that's why we initiated these -- the Gang Suppression team and the Gun Unit and stepped up our narcotics enforcement. And as I mentioned,

over the next three months, to the end of the year, hopefully we'll see that keep going down. And this is a credit, by the way, as I mentioned, to the Police Officers and Detectives and superiors in this department who are working hard every day crime fighting because that's their role and it's having an impact on the crime rate. Is it where we want it? No, we always want it to be better, but we can see it trending down. And I don't -- and I think it's misleading to tell people that crime is out of control. It's not in Suffolk County and we compare it to other counties and other jurisdictions in the State to see how we they're doing and we're doing fine. We'd like to do better and we intend to do better, that's our job. And so I would say have some patience with us, you know, give us a chance for to work on this over the coming months and I think you'll see a bigger improvement, at least we hope so.

CHAIRMAN EDDINGTON:

Mr. Presiding Officer -- I'm sorry, did you want to follow-up?

LEG. BROWNING:

You know, I say it's -- you keep talking about September. You know, why aren't you showing year-to-date, from last year to this year for the entire year?

COMMISSIONER DORMER:

I just gave you that where I showed nine months of '08 compared to the nine months of '09, up to September 30th, from January 1 to September 30th. Comparing the two years, overall crime is down 10.83%, violent crime is down 9.87%, property crime is down 2.41. Putting them together --

LEG. LOSQUADRO:

Jack?

COMMISSIONER DORMER:

-- they're down 3.02%. That's comparing the nine months of this year, up to September 30th, against the nine months of last year. If we look at the six year --

CHAIRMAN EDDINGTON:

I've got a list.

COMMISSIONER DORMER:

If we look at the six year crime totals, you can see that we have crime down in every category over six years. Now, I'm not denying that there was an uptick in two categories some months ago, and that was robbery and aggravated assault, everybody recognized that. We did something about it and now we see the results of our response. And I say to everybody, give us a chance, give the officers and Detectives and people out on the street a chance to bring this down even more. They're doing a great job out there, the press conference is not to tout, you know, the headquarters, Police Headquarters. It's to tout and commend the officers who make this Police Department and make this County what it is today, one of the safest counties, by the way, anywhere in the United States.

CHAIRMAN EDDINGTON:

Mr. Commissioner, at the last meeting I read something from District Attorney Spota where he says violent crime -- this is off his report on July 29th; "Violent crime overall in the Police District is up 10.8%. This increase is driven by a surge in robberies up 20.6% and assaults up 12.6. More troubling is the increase, 18.8 increase in firearm related crimes." By the way, robberies by firearms have increased 32.6% during the same period. And when I said that to you, your response was when you look at them in a short period of time, it's really no way to look at crime increase, and that was a seven month and you're coming back with a one month snapshot, so that your own words seem to say how can we really take that seriously?

COMMISSIONER DORMER:

If I may, Mr. Chair?

CHAIRMAN EDDINGTON:

Yes, you may.

COMMISSIONER DORMER:

By the way, when the District Attorney came out with the crime stats we agreed with it. We had no issue with it. We were aware of it, that's why we created the gang unit, the Gang Suppression Unit. We knew that that was creating street crime and gun violence on our streets. And so we started back in July, and I mentioned before, for the record, that in July violent crime -- just bear with me a second, thank you. In July, violent crime was up 9.5%, in August it was only -- I don't want to say only, it was up 7.4, but you can see it starting to come down. In September, which was the latest figures that we have that were quoted by Legislator Browning, 4.7. We don't have the October figures yet, we should be getting them pretty soon and that will give us an idea now if this is coming down. And I mentioned the Gun Suppression Unit, 58 guns off the streets of Suffolk County; and these are from bad guys, by the way. These are not from regular citizens. One hundred and fifty-three gang arrests, that is significant.

CHAIRMAN EDDINGTON:

Yes, and we commend you on your department's ability to do what they're doing.

COMMISSIONER DORMER:

Thank you.

CHAIRMAN EDDINGTON:

You're doing a great job and nobody would ever say anything less.

COMMISSIONER DORMER:

Well, thank you very much.

CHAIRMAN EDDINGTON:

Legislator Lindsay.

P.O. LINDSAY:

Commissioner, we seem to get bogged down in these statistics all the time. I'm very gratified that -- I mean, to my knowledge this is the first time in your testimony here you're using the New York State Division of Criminal Justice stats. Up until now, any time we heard stats, it was stats from when you took over as Commissioner, the last four years or six years or whatever, that's what the stats were always based on, and now we see a one month snapshot in a press conference. These were the stats we've always been looking at and they're -- what I'm about to say is not to denigrate any of the men and women in your department. We agree that we think that with the resources they have, they're doing a great job; the question is do you have enough resources, that's what it boils down to. And if you had more resources, could we affect some of these statistics?

You know, the numbers that Legislator Browning alluded to that's compiled by the State organization has ten jurisdictions, and I just did a quick gaze at the ten jurisdictions; of the ten, in seven of them violent crime is down, including Nassau County. There's only three that are up and we're one of the three, and that's what we have pause for, that's what we have concern about. And we, too, hope that the trend continues and we, too, hope that we'll get some replacement Police Officers in our budget, that the County Executive doesn't veto our version of the budget, or if he does we'll overturn the veto and hopefully he'll sign the SCINS and get you some more help, because that's all we're trying to do, we're trying to get you some more help to do your job.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Again, we're grateful that -- you know, any time we hear statistics that crime is going down, we all believe that we need more officers on streets. A question I would have and a concern is with the

Gun and Gang Task Force, Suppression Units, are you looking at -- are you analyzing those areas that if you're suppressing one area, is crime increasing in another area? Because in my district, I mean, I just read a story this week, I think it was Monday, that two teen-agers robbed a delivery man. Three weeks ago there were three stabbings and two deaths in Wyandanch, and I think there was another death. So in my area, you know, crime has increased.

I just got a call Friday, I was supposed to attend a meeting that was canceled Tuesday in the Wheatley Heights area, which is the middle class, upper middle class area in my district. They have had almost ten home invasions in the past three weeks. So we're actually -- they're going to be reaching out to you, if they haven't reached out to you so far so. So there's major concerns that I have in my district in particular. I mean, I understand that you've focused in the 3rd Precinct, in that area and some other areas possibly, you know, maybe crime is down there, but it seems like it's at least -- from the people that I'm hearing that on the streets, the civic leaders, the neighborhood watch people, they're saying crime is increasing. They're hearing more gunshots being fired. All the same activity is at least where it was, which was at troubling levels, if not increased. So I hope that we are focused on those other areas that we haven't put focused efforts on, that's all I'm saying.

COMMISSIONER DORMER:

And thank you, Legislator Gregory. If I may, Mr. Chair?

CHAIRMAN EDDINGTON:

Absolutely.

COMMISSIONER DORMER:

And we certainly know that there's crime out there. Crime is not going to go away. We do the best we can, along with the communities, to keep it down. We have initiated a special task force in the 1st Precinct. It's been in operation now for a number of weeks and we're going to continue that. I don't want to give out too many details on it, but we haven't -- you know, we've noticed there's crime trends and that's what we do.

And by the way, the Presiding Officer makes a good point about statistics, and I may clarify it a little bit, Mr. Presiding Officer, with permission of the Chair. The statistics, each command keeps statistics, their own statistics, so that they can look at this in the computers and in the commands on a daily basis. And so it may differ because it's a different database, what they look at than what we send to DCJS. So what we do and what we've decided to do in the department is use one database for our statistics, so that when you look at DCJS database, it's the same thing that we're looking at. So I think that that's a plus, that we're now consistent that way. Nassau County and -- I should mention, by the way, be aware that Nassau County is about half our Police District and they don't have certain communities in the Nassau County Police Department, and these impact statistics that you read do not include towns and villages. So when you look at Nassau County and compare it to Suffolk you've got to be aware of that; we're aware of that. And so without identifying any communities, it's not a fair comparison because the Suffolk County Police District is very large. We take in a larger geographical area and a larger population than the Nassau County PD.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I don't mean to belabor these statistical discussions but, I mean, you can look at these almost any way. Why are we comparing nine months of this year to nine months of last year; why not look at the trend over the past 12 months? And I look at the DCJS and say, well, maybe because the holiday season shows an uptick, you know, people get a little nutty during the holiday season, I don't know. But September through September, under DCJS, violent crimes have gone up 4.7%; increase in robbery, 8.2; aggravated assault, 6.6; firearm by five, that's over a 12 month

period. So I understand we're trying to look at snapshots, but it seems like every time we look at something we're picking a different piece of the puzzle. So I'm hopeful that we're seeing, you know, crime trending down.

The one thing -- and it's been stated a couple of times here now and you've heard me say it many times before and I think it stands for every person who's a member of this committee, you won't find a group of people who are more supporting of the members of the department. So even the inference that somehow we're trying to vilify or somehow, in the Presiding Officer's words, denigrate the work that they are doing, quite frankly, we all think -- I certainly speak for myself -- that what they're doing with the resources at their disposal is nothing short of miraculous. Our contention has always been that given the proper information, given not having to go through this process of bludgeoning each other every time to try to get the right information to allow us to make the proper decisions, that we'd be even further ahead of this curve than we are right now.

So I'm glad that we got to the point that we are, that we're giving you these additional resources, and I hope that they're utilized in the best manner possible. Because I, like Legislator Gregory, believe that targeting some of these units and removing them from the individual precincts is squeezing the balloon; you may shrink it someplace, but it's going to grow someplace else.

Very nice community, Shoreham, just to the south of me, we just had 20 homes hit, and these weren't unlocked cars or anything like that, these were smash-and-grabs, breaking into garages, breaking into cars. A lot of -- these were not cars parked on the street, they were parked up at well-lit houses, well off the roadways. We're seeing these problems in communities where historically we haven't seen this and that is very concerning to me because we had officers in the precinct and now they're not there anymore because I feel they're in a reactionary function. And I'm hopeful that with the additional resources we're going to provide you, that we can go back to a model that allows each individual precinct to address their concerns while still allowing you the flexibility to have the resources to target particular hot spots, which I know is something that's always going to continue to be a problem.

CHAIRMAN EDDINGTON:

Legislator Barraga.

LEG. BARRAGA:

We've discussed this once before, and this has nothing to do with statistics, but I have a real concern about the possibility of a PERB decision some time in the first quarter of 2010. Now, if that decision comes down where you have to put Suffolk County Police persons back on the Long Island Expressway and Sunrise Highway, from past testimony I think you've indicated or others have indicated that those officers, 40 or 45 of them are in Patrol right now; well, they'd have to be shifted back to the Expressway and Sunrise Highway because whatever that decision is, it's my understanding that everybody is going to abide by it. Again, I want to make sure that a plan B is developed so that if that decision comes down where you have to put those officers back on those two roads, what do you do with those 40 or 45 vacancies now that you have on patrol?

COMMISSIONER DORMER:

I just was trying to clarify. The agreement with the PBA that was signed just a short time ago, I believe -- I believe, but I have to double check this, Mr. Zwirn is not sure -- but I think they gave us lag time, gave us time before we would have to move them back to the Expressway and Sunrise if the decision goes against the County.

I believe that that's accurate, but --

LEG. BARRAGA:

I hadn't read that, that's new to me.

COMMISSIONER DORMER:

So I don't think it would be a sudden withdrawal of the officers from the precincts if the PERB

decision goes against --

LEG. BARRAGA:

The only thing I'm asking is that you really shouldn't be waiting for the decision to make the plan, if the decision goes against you. I mean, I would think that you would want to develop a plan now, have it in place, even though you might have a lag situation, so that you're ready to move forward, you have a clear understanding as to what you're going to do because these officers have to go back.

COMMISSIONER DORMER:

Yes, we have discussed it and we're aware that the decision could be against the County and so we're ready to act if that's the case.

LEG. BARRAGA:

Well, that's fine. But I can tell from that Irish way about you, I don't think you have a plan yet.

*(*Laughter From Audience*)*

So all I'm asking you to do is just develop a plan, have something in place that if the decision goes against the County, you're ready to make a move and make it decisively. Thank you.

P.O. LINDSAY:

Legislator Barraga, if I -- if you could suffer an interruption. Unfortunately I'm more familiar with that agreement than I wanted to be.

*(*Laughter From Audience*)*

But there is a clause in the agreement with a date -- and I'm not certain of the date, but it's definitely in the late fall of next year -- that it has to be implemented if it should go against the County. And our hopes are that the first class that we put in the budget will be finished with the academy and ready to hit the street; if that decision should go against us, we should have the officers to fill that void.

LEG. BARRAGA:

Okay.

CHAIRMAN EDDINGTON:

Okay, that's great to hear that there is a plan, so great. Are there any other questions? No. Then I just wanted to let you know that there was a design in my head, I wanted to save you so you could be -- have just statistics to deal with and not shooting you all over the place. So there was a madness -- a method to my madness. I thank you for cooperating and you answered the questions fully and I appreciate you being here. So if nothing else, I call this meeting adjourned.

COMMISSIONER DORMER:

Thank you, Mr. Chair.

*(*The meeting was adjourned at 11:26 A.M. *)*

