

PUBLIC SAFETY COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Operating Budget

A special 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 Wednesday, October 20, 2010, at 9:30 a.m.

MEMBERS PRESENT:

Legislator Jack Eddington, Chairman
Legislator DuWayne Gregory, Vice-Chair
Legislator Kate Browning
Legislator Tom Cilmi

ALSO IN ATTENDANCE:

Presiding Officer William Lindsay
Legislator Thomas Muratore
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk, Suffolk County Legislature
Kara Hahn, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Majority Caucus
Lora Gellerstein, Aide to Legislator Cooper
Jason Richberg, Aide to Legislator Gregory
Gail Vizzini, Director of Budget Review Office
John Ortiz, Budget Review Office
Diane Dono, Budget Review Office
Jill Moss, Budget Review Office
Ed Hennessey, County Executive's Office
Robert Anthony Moore, Chief of Department, Suffolk County Police Department
Ed Webber, Chief, Suffolk County Police Department
Russ McCormick, Suffolk County Police Department
Donna Miles, Suffolk County Police Department
Pat Sitler, Suffolk County Police Department
Charles Palmer, Suffolk County Police Department
Vincent DeMarco, Suffolk County Sheriff
Michael Sharkey, Chief of Staff, Suffolk County Sheriff's Department
Joseph Caracappa, Under-Sheriff, Suffolk County Sheriff's Department
Thomas Spota, Suffolk County District Attorney
Ed Heilig, District Attorney's Office
Craig Pavlik, District Attorney's Office
Gail D'Ambrosio, Probation Officers Association
Joe Williams, Commissioner of FRES
John Searing, Deputy Commissioner, FRES
Richard Stockinger, Chief, Suffolk County Fire Academy

Robert Holley, Assistant Director, Suffolk County Fire Academy
John Desmond, Director, Suffolk County Probation Department
Dr. James Golbin, Suffolk County Probation Department
Dot Kerrigan, AME, 4th Vice President
Frank J. Gulas, Nassau/Suffolk Law Services
Sheila Johnson, Nassau/Suffolk Law Services
Lou Mazzola, Legal Aid Society of Suffolk County
Laurette Mulry, Legal Aid Society of Suffolk County
All other interested parties

VERBATIM TRANSCRIPT TAKEN BY:

Lucia Braaten, Court Reporter

[THE MEETING WAS CALLED TO ORDER AT 9:33 A.M.]

CHAIRMAN EDDINGTON:

Okay. If you'd stand for a salute to the flag, led by Legislator Cilmi.

(*Salutation*)

Please remain standing for a moment of silence for all those who serve our country, both at home and abroad.

(*Moment of Silence*)

Thank you very much. All right. I'm going to start with the public portion, just because I want to make sure that in case anybody has anything to say, I want the Commissioners or other people to hear what they have to say. All right. Number one is Gail D'Ambrosio.

MS. D'AMBROSIO:

Good morning. My name is Gail D'Ambrosio and I am the President of the Suffolk County Probation Officers Association. I'd like to express my concerns again for the safety of our community if we continue to do without enough Probation Officers. Thus far in 2010, there are over 18,000 Criminal Court cases alone in Suffolk County. Further, Probation Officers have recently been given additional mandated responsibilities, which include the Rockefeller Drug Law reforms of 2009, ignition interlock expansion, Leandra's Law, increased sex offender registration and supervision requirements, and enhanced DNA testing.

One year ago, I was asked by the Legislature what increase in the number of probationers there would likely be from the implementation of the Rockefeller drug law reforms. I reported that the Department projected that approximately 54 cases would result. I am now aware that the actual number is almost 190 cases.

The County Executive's 2011 Operating Budget provides for only two Probation Officers to handle the influx of cases that will result from the recently mandated ignition interlock expansion. This law took effect in August of this year. The Probation Officer currently assigned -- monitoring these cases reports that the number is already over 70. In 2009, there were 4,249 persons convicted of a DWI offense. Every person convicted of a DWI offense may have ignition interlock as part of their probation conditions. There are currently 42 unfilled probation positions. Within the next six months we anticipate this number will increase to over 50.

Another issue resulting from the increase of the 18,000 Criminal Court cases in the County without enough staff is what we call "crushing" a caseload. This means when someone is out on military service, extended sick leave, or there is an unfilled position due to retirement, that Probation Officer's caseload is divided amongst the other Probation Officers in the unit. There are no temporary workers part-time workers or substitute workers that can come into the County to assist in handling this overflow. The work is just distributed, crushed among the remaining Probation Officers. What is even more distressful is when there is a caseload of Spanish-speaking probationers, that has to be divided amongst non-Spanish-speaking Probation Officers. Newsday recently stated that in Suffolk heroin arrest charges are up 30% over the comparable period last year. The outcome of some of these arrests will result in supervision by Probation Officers.

Probation Officers still provide the least expensive alternative to incarceration. Probation Officers are a layer of invisible protection in the community. We protect the public from DWI offenders, sex offenders and probationers who could re-offend. The fact that we are understaffed and experiencing an increase in cases has a tremendous negative impact on those we serve, which is everyone in every community in Suffolk County. As Probation Officers' workloads continue to increase without any reprieve, something or someone will fall through the cracks and the consequences will be significant.

I'd like to thank you for the opportunity to speak about this. I truly recognize the financial state of our County. However, I hope you can appreciate the critical position Probation Officers are increasingly finding themselves in. Thank you.

CHAIRMAN EDDINGTON:

Thank you Gail. Frank -- yes, hold on for a minute. Gail, if you could just step forward, we have a question for you.

LEG. MURATORE:

Has the Commissioner of Probation been suspended? Me, Gail, over here.

MS. D'AMBROSIO:

Oh, I'm sorry.

LEG. MURATORE:

Has the Commissioner been suspended?

MS. D'AMBROSIO:

Yes, to my knowledge, yes.

CHAIRMAN EDDINGTON:

You know what, we're -- after the public portion we'll be calling him up to hear about this.

MS. D'AMBROSIO:

Thank you.

CHAIRMAN EDDINGTON:

Okay. Frank Gulas.

MS. JOHNSON:

Good morning. I'm Sheila Johnson from Nassau Suffolk Law Services. You will hear from Frank Gulas, but I just wanted to give you --

CHAIRMAN EDDINGTON:

Excuse me. Did you fill out a card?

MS. JOHNSON:

Yes.

CHAIRMAN EDDINGTON:

Oh, I --

MS. JOHNSON:

I just came in.

CHAIRMAN EDDINGTON:

Well, where did you fill out the card? Is it Laurette --

MS. JOHNSON:

No. I signed on the list in the office.

MS. ORTIZ:

I'll get her a card.

CHAIRMAN EDDINGTON:

Okay.

P.O. LINDSAY:

Let her talk.

CHAIRMAN EDDINGTON:

Okay. All right. Go ahead.

MS. JOHNSON:

I testified before this committee October 21st in 2009 about our domestic violence project. That project was funded for twenty years; ten years it was funded solely by Suffolk County. The following years it was funded partly by the County and by the State. Unfortunately, we lost funding for that project, and since December of 2009, Nassau Suffolk Law Services has not been providing legal services for victims of domestic violence.

And in meeting with some Legislators and their staff and community, I found that there are some misconceptions about the provision of legal services for victims of domestic violence. So I wanted to bring one of our staff attorneys who was in that project to discuss that, and he's going to talk about the uniqueness of the services we provided, what 18-B attorneys provide, what Legal Aid provides. Thank you.

CHAIRMAN EDDINGTON:

Thank you. Okay. Next card is -- is Frank here?

MR. GULAS:

Yes.

CHAIRMAN EDDINGTON:

Oh, okay, Frank.

MR. GULAS:

Hello.

CHAIRMAN EDDINGTON:

You've got to press it and hold.

MR. GULAS:

Okay. Good morning, Legislators. Thank you for giving me this opportunity to testify this morning before the Public Safety Committee. I'm Frank J. Gulas, Jr. I'm a staff attorney with Nassau Suffolk Law Services, and I've worked there since 1999, mainly practicing in the area of family law. However, since October of 2008, I was one of the two attorneys practicing in the Suffolk County Domestic Violence Unit Project within Nassau Suffolk Law Services. That's where I provided free legal assistance to victims of domestic violence in the Family Court, but also in the integrated

domestic violence courts located in the Supreme Court.

The purpose of my testimony today is to really describe how the project I was in was very, very specialized and unique and was not providing services that were duplicative of those provided by Legal Aid and 18-B attorneys. What we did was we provided for orders of -- we represented people with orders of protection. Mainly, the victims were women with children, but we also recognized the fact that many of the victims were seeking economic independence from the abuser. Their choice was not to go into a shelter, but to try to maintain their permanent housing and maintain their family component. And there's a significant population of those victims out there that choose not to go into a County-run emergency shelter. So those were the people that we're mainly seeing. So, because of that need, they wanted -- they needed to get economic independence and, therefore, we would represent them immediately in getting a temporary child support order or a spousal support order. That was different. And my understanding is, and I'm sure of it, Legal Aid does not represent victims of domestic violence in establishing orders of support, which is very significant; either does 18-B.

The way I got referrals was not -- I was not court appointed through the court, so I wasn't competing, let's say, with Legal Aid or 18-B, I only got referrals through one of the four domestic violence agencies, and in particular, I got referrals from VIBS. VIBS has no shelter of their own, so I was seeing clients that, again, were unique, where they were seeking not to go into emergency housing, they were seeking to get economic independence, in some way get the abuser out of their house, and I would, again, try to maintain some economic stability for them.

And what was happening, also I was seeing, was a large population of victims that were referred to me and did not qualify for Legal Aid or 18-B. So again, I was representing people that were never qualifying and needed the assistance. And the reason why they weren't qualifying, is very interesting, was that if -- and there were two scenarios mainly. A victim would get a temporary order of protection, a stay away order of protection, and they would then be in the household that they lived in. However, the abuser was out of the household, but he might have made, let's say, thirty, forty thousand dollars. When they went down to qualify for Legal Aid or assigned counsel, those -- the money from the abuser was deemed to them as family income, which was interesting, even though the abuser was not providing them with any income whatsoever at that time, so, therefore, they did not qualify, but also did not have the ability to pay for a private attorney. So that was the group of people I was representing significant amounts of. And it's a large portion of people out there that, again, choose not to go into shelters, try to get the abuser out of the household, but the problem is that income is deemed to them. And so that was a big group of people there.

I think, also, we talk about domestic violence, how it's underreported. One of the reasons why it's been told us as underreported is people don't seek to get orders of protection because they can't become economically independent. They feel that they have to stay in the household of the abuser, which is -- I've noticed that constantly. So, again, we were specialized in -- as soon as I went in and got an order of protection, I would ask the judge to issue a temporary support order also, which, again, I think is unique to my unit.

And the -- as far as is the -- and again, the referrals, it's important, we were getting referrals from these agencies that were describing the services that we provided to the victims. So the victims really were saying to us, "Oh, I can get an attorney that's going to help me become economically independent also, not just get me an order of protection and then leave me flat." So, as far as savings to the County, and this is my position here, belief, was that the clients I was representing were not going into the shelter system, not going on public assistance, a large portion of them, and, therefore, saving the County money in that respect. Also, a lot of the cases --

CHAIRMAN EDDINGTON:

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

MR. GULAS:

To wind up. A lot of the cases recently are very severe cases that are cases that go sometimes thirteen or fourteen months because of a criminal component to them. The abusers are charged criminally, so these cases go on for a long period of time. The Family Court proceeding is adjourned constantly until it's a final Criminal Court disposition. So my position is also that if 18-B is taking the cases that I'm not getting as a contract agency, 18-B is charging \$75 an hour over a 13 or 14-month case. I believe that's probably costing the County more than funding a contract agency for just a certain amount of money, and I'm there 13 or 14 months on the same case. So, okay.

CHAIRMAN EDDINGTON:

I think the position has been made over the number of years, like the Probation Department, that you guys save us money in the long run. It's money well spent.

MR. GULAS:

Right.

CHAIRMAN EDDINGTON:

The problem has been getting the money up front from the Executive branch.

MR. GULAS:

But I -- that, again, I mean, is a problem you're seeing, but I'm concerned about more that there's a population of people there, and I'm getting these referrals and I can't take them, that are not being served, are not getting orders of protection. I can give an example. I represented somebody who did not qualify for Legal Aid and there was a severe case where the guy came in with a machete, attacked her, and eventually committed suicide, so -- and that person now today would not be represented if Nassau Suffolk Law Services is not there. So there's a significant population that's in danger.

CHAIRMAN EDDINGTON:

Okay. Thank you very much. Did you have a question? We have one questions here from Legislator Gregory.

LEG. GREGORY:

All right. Thank you, sir, for coming here today. How much money are you looking for to reestablish this program?

MR. GULAS:

I would have to defer.

MS. JOHNSON:

Two hundred thousand dollars. Two hundred thousand dollars would enable us to provide services with two attorneys. And the other aspect of this, Law Services just does not provide legal representation. We also have social workers, so those services are available to the victims as well. And we also serve those clients two years after the case is closed.

LEG. GREGORY:

Okay. Thank you.

MR. GULAS:

Thank you.

CHAIRMAN EDDINGTON:

Okay. Last card is Lou and Laurette.

MR. MAZZOLA:

Good morning. I'm Lou Mazzola from Legal Aid, representing Legal Aid Society this morning. I find it a little easier to hold the button down at this location.

Some of you were here on Monday when we addressed the Ways and Means Committee, but I wanted to just this morning focus on just one very small aspect of our budget and that is the County Executive's recommendation that we add two new attorneys to our staff. We have for the past several years made that request because of an increase in our caseload. We've had an approximately 12% increase in our caseload over the last -- since 2003, and we've worked with the same number of staff for that entire time. So, although the County Executive has indicated that he's placed money in our budget for these additional positions, he has not. And I would just direct your attention, when you have an opportunity to read this, the BRO's report I think spells this out very clearly in that the County Executive's recommended budget recommends an increase of only two hundred and sixteen thousand six-hundred and sixteen in our 2011 budget, but 168,000 of that amount is for increased operating expenses. So that only leaves us a balance of \$48,000 to hire these positions. We estimated that we needed \$150,000 to hire those positions, and, therefore, the request is that we -- if the Legislature deems it appropriate, that we hire these two additional positions, that we be added -- that \$102,000 be added to our budget for 2011.

As far as the addition of these positions, I would say that, again, we're, I believe, more cost effective than the assigned counsel list, which gets paid by the hour for the work that they do. We get paid -- whatever our budget is, we live within it. We don't spend a penny more than that. The 18-B budget is a little more flexible in the sense that you have to pay whatever the vouchers -- vouchers are.

One other thing we want to address this morning is the fact that we have engaged in several cost-saving initiatives at the Legal Aid Society, and one, of course, is the freezing of our pension plan at the end of 2009. And we're going to a 401K plan for 2010 and beyond. Now that's not going to necessarily save us a lot of money this year, but in the future, as that plan becomes fully funded, it's not fully funded now, we intend to terminate the plan, distribute the assets and get out of the defined benefit business.

My colleague here, Laurette Mulry, will address what we've done with the health insurance and the cost of health insurance for the Legal Aid Society. And after that, if you have any questions for either one of us, I'll be happy to answer them for you.

MS. MULRY:

Presiding Officer Lindsay, Committee Chair Eddington, and esteemed members of the Public Safety Committee, my name is Laurette Mulry. Good morning. I want to thank you for the opportunity to present again some of -- I see some familiar faces from Monday's joint Ways and Means and Budget and Finance Committee meeting. So, if there's any redundancy, I apologize, but I do feel that it's all the more important that we're here today as you're addressing public safety issues, and in light of some of the presentations that you'll see today, because, of course, public safety, law enforcement and the administration of justice only works when you have effective and zealous representation on both sides, and, certainly, Legal Aid completes that picture.

As Mr. Mazzola had mentioned, I'm going to talk about some of the cost-saving measures that Legal Aid has researched and entered into in this last year to try to come in line with the economic reality of our time, and also to try to fulfill our responsibility to become a fiscally, or to be, or continue to

be, a fiscally responsible County agency.

As Mr. Mazzola had mentioned, one of the -- the big cost-saving measure that we entered into was freezing our pension plan, and that was done as effective as of January of this year. And we went from a defined benefit system to a defined contribution system, and, of course, that will set up the infrastructure for future cost savings down the road.

The second major cost-saving measure that we have actively researched this last year has been our medical plan. And, Presiding Officer, Lindsay, I think you will recall that approximately a year ago you had asked Legal Aid to look into cutting some of its costs in our medical plan, and we have looked into that and, in fact, you know, we shopped around to different carriers trying to cut the -- you know, find better rates. We actually increased the employees' contributions to try to cut down our medical cost in that way as well. And we have also looked into inclusion of Legal Aid Society and the New York State health insurance program. And thanks to support of many of Suffolk Legislators, as well as some of our State Lawmakers, and most notably Legislator Kennedy, we have been able to make inquiry with the State Civil Service Commission, especially Nancy Groenwegen, who is the Commissioner of Civil Service in the State, and she has reacted somewhat favorably. She sent some guidance for us to be entertained as a quasi public organization and thereby eligible for -- potentially eligible for admission into NYSHIP. And NYSHIP, by the way, is medical coverage through the State for over one million State municipal, and school district, and government employees and quasi government employees. And there is some guidance there as to how we could be, as a quasi public organization, be eligible for participation in NYSHIP. And we have reacted to that and we have sent some response to that.

And, also, I'm very, very excited to tell you that we do have presently an application pending with the New York State Civil Service Department for participation in NYSHIP, perhaps effective, you know, as of June 1 of 2011, or at least for the future. It's the beginning of trying to rein in our medical costs in keeping with your directive to us. And, so, as you see, we have tried to take some proactive measures to be fiscally responsible, in light of the economic circumstances of our time. And we hope that you'll recognize that as you review our budget. Thank you.

CHAIRMAN EDDINGTON:

And I thank you for your proactive cost-saving attempts, so okay. Thank you very much. I'd like to call, if the District Attorney is still available. Thank you. District Attorney Tom Spota, thank you very much.

MR. SPOTA:

Good morning. I just wanted to introduce --

P.O. LINDSAY:

Press the button, Tom.

MR. SPOTA:

Oh. Is it on now?

MS. ORTIZ:

You have to hold it.

MR. SPOTA:

Oh. You can see how many times I've been over here.

*(*Laughter*)*

I just wanted to thank the members of the committee for affording us the opportunity to come over. I just wanted to also introduce Ed Heilig and Craig Pavlik, both of whom will be working on our budgets from this point on. As you know, we lost Lon Kochany and also, of course, my good friend, Bob Kearon, as a result of the early retirement. So Bob was kind enough to come over to our office yesterday and tell us what this is all about. But these two fellows will be very competent and they'll put it all together for us. Thank you.

MR. HEILIG:

Thank you again. To introduce myself, I'm Ed Heilig. I'm an Assist District Attorney working for Mr. Spota. I'd like to start by thanking the Legislature for giving us the opportunity to appear here today before you. I'd particularly like to thank Ms. Gail Vizzini and her staff, especially Mr. John Ortiz, who has been very patient understanding with us novices as we try to get through this process.

As you know, the Budget Review Office has looked over the County Executive's recommended budget. They recommended that our request be cut but 3.6%. That 3.6% represents basically our request for nine new positions that were denied. I would ask and, on behalf of Mr. Spota, respectfully request that the Legislature consider in their omnibus amendment bill to include one guard position in our budget for next year. We lost a number of guard positions. We need a guard in our Riverhead office due to increased problems we've had out there and -- we have entrances and exits that are unmanned as of today. So, if we could have that one position, which is all we're really asking for as far as new positions in this year's budget, that would help us going through 2011.

We appreciate and accept the Legislature's and the Budget Review Office's recommendations, including allowing the District Attorney to fill vacancies during the year with existing funding. As I'm sure you're aware, as members the County Legislature, that that ability to fill those existing positions require the consent of the County Executive, and, hopefully, we'll get that cooperation from the County Executive in filling those positions. As you know, we have the funding. When we attempt to fill a position, we have to send a SCIN form over to the County Executive's Office, and sometimes we're waiting months to get those forms signed, where we can put the staff on. But we do appreciate the Legislators' recommendation that we be allowed to fill those positions with existing funding that we hope to have during 2011.

The one thing I would like to point out to this body and make you aware of, if you're not aware of, we had requested in the revenue portion of our budget 1.5 million dollars as a source of income. The County Executive took it out, maybe rightfully so, because it's hard to really determine where it goes in. But what that number amounts to is our return to the County based upon our sales tax investigations. We have a Tax Crimes Unit, and you may be shocked to know that there are certain business people out there that will collect sales tax revenue, but not remit it to the State. We investigate and we prosecute those people. When we're done prosecuting them, we get restitution from them that we send to the State. The State then lumps that in with the entire amount of sales tax revenue that they return to Suffolk County. For 2010, I think we're up to one million dollars that we're responsible for in returning to the County in sales tax. I think by the end of 2010, that number, we hope, will be up to 1.5 million dollars. And we anticipate that money being in the same amount next year as well in 2011.

And the tax crimes prosecutions are really a win-win for Suffolk County, because we also get a grant from the State under the Crimes Against Revenue Program that funds a portion of our Tax Crimes Unit, so we prosecute these cases with the -- investigate and prosecute the cases with State money that we get in the form of grants, and then we return over 1.5 million to the County each -- well, I can't say each year. I think we're -- since we started in 2006, we're up to about just over three million dollars that we've returned to the County in the form of sales tax revenue.

And aside from requesting respectfully that one guard position, we're happy with the budget. The other issue is, and, again, as Mr. Spota was talking to us about it on the way over here today, we had requested 33 new vehicles in the budget. I know there's a four million dollar overall County budget for new vehicles. The Budget Review Office has recommended that we get 15 new cars. But, as Mr. Pavlik pointed out to us on the way over here, right now, we have 34 vehicles that are over 110?

MR. PAVLIK:

Yes.

MR. HEILIG:

Over 110,000 miles. So, if there's any way to get any additional funding for vehicles, that would also be appreciated. But, other than that, we're happy with the budget as it exists for 2011. And I believe we'll have funding in our salary account to add new positions, again, if we are given the ability to do that by the County Executive. And I want to thank you again for giving us the opportunity to appear today.

CHAIRMAN EDDINGTON:

Thank you. Any questions? Legislator Browning.

LEG. BROWNING:

Nine positions you said. What are the other eight positions?

MR. HEILIG:

The nine that we requested?

LEG. BROWNING:

Yeah.

MR. HEILIG:

There were four new assistant district attorney positions, three paralegal assistant positions, and two security guards. Those were the nine that were requested.

LEG. BROWNING:

Okay. Thank you. I was just thinking to myself, now, why would you need those? You know, County Executive says crimes down, so you can't be that busy, right?

MR. HEILIG:

No comment.

*(*Laughter*)*

CHAIRMAN EDDINGTON:

Okay. Thank you very much. Okay. If I could have the Sheriff, Vincent DeMarco, and staff, please.

SHERIFF DEMARCO:

I'd like to take the opportunity to thank the Legislature for allowing us to come here today to discuss our 2011 Operating Budget request. I would like to also thank the Legislative Office of Budget Review for a very comprehensive evaluation of our request. Our 2011 Operating Budget request represents a very clear and accurate assessment of our needs. As a result, the Legislature's Budget Review Office has responded favorably. Nevertheless, we do have a few concerns which we need to

address. I'd like to turn the presentation over to Chief Mike Sharkey, who will address these specific concerns.

CHIEF SHARKEY:

Good morning. Also to my right is Deputy Warden Joseph Rubacka. I'd like to acknowledge him and all the work he's done in preparing our Sheriff's Office budget this year. Our concerns fall into three areas, staffing, equipment and alternate housing for our excess prisoners. Notably, the Budget Review report picks out these same three items and acknowledges them as well.

The recommended budget includes 97 of the 100 additional correction officers that we requested. However, the issue is that the recommended budget only schedules two recruit classes next year. The first class will have 50 recruits, and the second 40, for a total of 90. While the State Commission of Corrections should view this as an acceptable beginning, it must be pointed out that the Sheriff's Office based our 2011 overtime figures on conducting three recruit classes next year. Each class would have had 50 recruits, for a total of 150. The difference between the two plans is our third class would have filled all vacancies, including those resulting from retirements occurring right up to the start of the class. By only hiring 90 correction officers next year instead of 150, the recommended budget will leave at least 26 vacancies unfilled next year, and also does not account for all the retirement which will occur between now and the end of the year, which historically is another 24.

The second problem is the timing of the classes. We requested the scheduling of the three classes be in January, May and September of next year. The recommended budget provides that only two classes, and eliminates the middle class, which we had scheduled for May. It must be pointed out the September class will have no impact on the 2011 overtime, since recruits will not be graduating until 2012. However, the May recruit class that we were anticipating would have significantly reduced the amount of overtime required next year, as they would have become part of the actual workforce by August. And while the recommended budget did give us the exact amount of overtime funding we requested and the correction appropriations, the problems are overtime amounts were based on hiring 150 officers next year, not 90. The recommended budget did not adjust the correction officer overtime upward to account for the elimination of the May class. To rectify this, we can either reinstate the May class, or increase overtime to account for the reduction in the workforce. Our projection is that we'll need at least an additional 1.2 million in overtime to cover the deleted class.

We'll now turn to our equipment accounts. The Executive's 2011 recommended Operating Budget for the Sheriff's Office cuts \$175,000 from our equipment account request. The 2011 recommended budget makes across-the-board budget cuts that come on top of the cuts the Sheriff has already made in preparing our budget. Over of the last five years our equipment accounts have taken giant steps backwards. In fact, we are now five steps behind, as the Sheriff's Office equipment accounts have been reduced 46.5% over the last five years, going from almost 600,000 in 2007 to only 320,000 in the 2011 recommended budget, a \$280,000 reduction. Next year's cut from our request represents a 35% reduction in accounts that the Sheriff already made significant cuts to prior to submitting our 2011 request.

Our requested funding already represents a bare minimum, our cost to continue level. With a further decrease, we will simply be unable to function efficiently, as broken and obsolete equipment will not be replaced. The point to be made here is the need for replacement equipment does not disappear because we didn't get funding, the need only grows larger each year. If funding is not restored next year, we will reach the breaking point. Our inability to keep up with advances in technology will meet head on with a workload that continues to increase each year. Also, notably, your Budget Review Office acknowledged this problem and is recommending that our equipment accounts be increased by \$70,000. Therefore, ask that the Legislature consider this in your

adopting resolution.

I'd like to address specifically -- specific issues in correction officer staffing. Our 2011 Operating Budget submission, the Sheriff's Office requested 100 additional correction officers in all ranks for 2011. The primary reason for this additional staff is to allow for the phase-in approach to staff the new correctional facility, which we view as imperative for a smooth transition. However, until the new facility becomes operational, these correction officers will make direct and substantial impact on reducing mandated overtime. In fact, the overtime we requested for next year in the Corrections Division is 5.56 million less than our 2010 year-end projection. As we stated earlier, such a dramatic decrease in overtime can only be achieved if we hire three classes of 50 recruits, for a total of 150 recruits. This would include a class of 50 in May. The recommended budget eliminates the May class and only hires 90 instead of the 150. It does not increase the corresponding overtime accounts to compensate for the loss in manpower. Consequently, if the recommended overtime funding is adopted, the Sheriff's Office must forewarn the County that we will be unable to stay within these overtime amounts. However, it will not be a matter of overspending, but, rather, a matter of underfunding. What must be emphasized is we now have only 12 months to fill both new and existing correction officer vacancies to ensure an orderly and smooth transition into the new Yaphank facility.

Promotions are also a great concern in that we need to promote one deputy warden, five captains, eight lieutenants, and forty-one sergeants. Promotions of this magnitude cannot be made all at once, they must be made throughout next year so that we can backfill their positions and obtain the required amount of Correction Officer I positions. Phasing in the promotions allow the new ranks to gain actual supervisory experience prior to the opening of the new correctional facility. We, therefore, plan on making promotions quarterly throughout next year.

I will now briefly turn to substitute jail housing. Today, our inmate population is 4.5 percent higher than it was last year. This translates into an average of 75 more inmates on a daily basis. Whenever our inmate population goes over seventeen hundred, we must house the additional inmates at Rikers Island at a cost of \$125 per day per inmate. This year's adopted budget provided 1.5 million for this purpose. In the first nine months of this year, we've already spent 2.2 million. Our year-end estimate is almost 2.8 million. However, the 2011 recommended budget shows a 2010 year-end estimate of only 1.75 million, a figure we have already exceeded. More importantly, we requested 3.2 million next year, and the recommended figure is once again 1.75. Unless we see a drastic reduction in inmate population next year, which no one is projecting, this account will be woefully short by August of next year. We, therefore, urge that the appropriation be increased by one million, to 2.75 million. It should be noted that your Budget Review Office has also made the same recommendation.

In summary, we ask the Legislature consider all of the BRO recommendations in the adopting resolution. They include the following: Increased overtime funding by 1.2 million to make up for the difference between hiring 150 correction officers, per our request, and the 90 that is recommended. Substitute jail housing should be increased by one million. The equipment accounts should be increased by a minimum of \$70,000 to return us to our 2010 levels. We also agree with BRO's revenue adjustments.

That concludes our formal presentation. We'd be glad to take any questions you may have.

CHAIRMAN EDDINGTON:

Legislators, any questions?

P.O. LINDSAY:

Just a --

CHAIRMAN EDDINGTON:

Legislator Lindsay.

P.O. LINDSAY:

You know, just an observation, guys, and I'm not telling you anything new. It isn't a matter of putting the correction officers in the budget, it's a matter of getting the SCINs signed and getting them hired. Gail, do you remember what we put in last year? Were those positions eventually all started?

MS. VIZZINI:

My recollection was we provided an additional two million dollars in expenditures for the Sheriff's Office. I don't recall precisely what that was for. I would punt to Vinny.

P.O. LINDSAY:

Sheriff, do you know how you made out with that?

SHERIFF DEMARCO:

Yes. The class that started in September is where we got the rest of the correction officers, so they did actually hire all the ones that you did put in.

P.O. LINDSAY:

So they did. Okay. All right, good.

CHIEF SHARKEY:

The difference being we had planned on hiring a class of 40 early in the year and then a class of 40 late in the year. We had got 30 in January and then the 50 later on, so we did lose the benefit of those additional ten officers for a good portion of this year.

P.O. LINDSAY:

Okay.

CHAIRMAN EDDINGTON:

Could you just give me a -- 150 correction officers and how many deputy sheriffs?

CHIEF SHARKEY:

The deputy sheriff positions we anticipate having taken care of in this planned November police class.

CHAIRMAN EDDINGTON:

Okay.

CHIEF SHARKEY:

We've had indications that --

CHAIRMAN EDDINGTON:

I mean, you're asking for two sergeants and a lieutenant and that's no more deputy sheriffs?

CHIEF SHARKEY:

We feel that if we are able to fill all of our vacancies, that that should be adequate.

CHAIRMAN EDDINGTON:

How many vacancies do you have? Just quickly, refresh my memory.

CHIEF SHARKEY:

It will be 17.

CHAIRMAN EDDINGTON:

Seventeen? Okay. Okay. Anybody else? No? Thank you very much, gentlemen.

Okay. If I could have the representative from the Suffolk County Police Department. Okay. Everything's fine, you don't need anything. It's been nice talking to you.

*(*Laughter*)*

CHIEF MOORE:

Good morning, folks. I'm Chief of Department, Robert Anthony Moore. I have with me Chief of Support Services, Ed Webber. And if you don't mind, I will withhold my thanks until after we're done.

*(*Laughter*)*

BRO made two basic recommendations regarding the Police Department; one was that we prioritize our vehicle needs in 2011. Okay, we will. If you have any questions about how we intend to do that, we'll be happy to discuss that. The other recommendation was to add three million dollars to the overtime budget. The recommended budget calls for 27 million dollars in overtime, which is three million more than the 24 million that the Police Department was allocated in 2010. There were two major groupings of events, if you will, that made that 24 million in retrospect unrealistic. One event or series of events had to do with the settling of the contracts with the police unions, and, as a result, millions that had not been anticipated in retroactive overtime had to be paid.

The other series of events was the Police Commissioner's decision to begin task force operations in many of the hot spots throughout Suffolk County. Now, as you can imagine, the additional patrol demanded for those hot spots is labor intensive, and, as a result, the overtime was substantially higher, because, again, when we originally began the planning for the 2010 budget, the Police Department did not anticipate that it would be performing these operations in the various hot spots.

So those were the two major events that took our 24 million dollar overtime budget and increased it significantly.

In 2011, the Police Department requested 29 million dollars in overtime, but, as you can see, the recommended budget is for 27 million. The Police Commissioner is satisfied with that amount. The original request by the Police Department for 29 million dollars did not take into account the 90 officers that we anticipate hiring at the end of November, and those officers will be available during the summer of 2011, which is a -- as you know, a time of significant demand for police staffing. That's, of course, in addition to the 70 officers who began in June. Now, the officers who began in June, the recruits, they will be prepared for full service, well before the summer of 2011. The 90 officers that we expect to be hiring at the end of November will certainly be available for service in July and August.

So, again, to recap the overtime, yes, we had requested 29 million. Yes, the recommended budget is for 27 million. However, our 29 million dollar request did not anticipate the 90 officers who will be available for service in the summer of 2011.

CHAIRMAN EDDINGTON:

One of the Legislators asked me, where's the Commissioner? So I'm asking you.

CHIEF MOORE:

I'm not sure. The Commissioner has been available for the past hearings.

CHAIRMAN EDDINGTON:

Absolutely, he's been here each year. In fact, last year is when he told me that -- I said you're the only person saying you don't need anymore staff, so. See, I don't get a chance to interact with him if he doesn't come to the meetings ever.

Okay. Then let me ask you, then. We're down 300 officers from 2004. We're up 11 civilians since 2004. With all the civilianization, we're only up 11; okay? That's like we keep saying we're not playing shell games or number games, but, in fact, the number is the number. And now we got 70 people in training now and you said next July we're forecasting 90 more.

CHIEF MOORE:

No, sir. This November, 90.

CHAIRMAN EDDINGTON:

You'll put 90 more in November when these other recruits get out.

CHIEF MOORE:

The class of 70 will be completing their in-classroom training by the end of December, early January. The class of 90 will begin its training in late November, and generally it's six months in the classroom.

CHAIRMAN EDDINGTON:

Okay. So we're saying like by next summer we'll have 160 more Police Officers available.

CHIEF MOORE:

A hundred fifty, yes.

CHAIRMAN EDDINGTON:

A hundred and fifty, okay. So that means that we'll only be down 150. Now, what about expected retirements? Have you heard the numbers that I'm hearing, because I'm just wondering, do you guys do that kind of research?

CHIEF MOORE:

Well, again, you know, budgets and projections are -- of retirements and staffing are always snapshots and the unfortunate reality is that our line of work is dynamic. So much of our projections are best guess estimates based on the information that we have available at that time.

CHAIRMAN EDDINGTON:

Right, I guess, and that's what I'm saying. You know, have you made a guess -- best guess scenario?

CHIEF MOORE:

Well, you know, one of the things that makes it particularly difficult in this instance was the fact that the contracts had been agreed to, as you know, in mid 2010, but those contracts expire on December 31st of 2010. Now, what sort of impact that's going to have on our sworn officers we can't tell. We would imagine that there might be a slight increase. On the other hand, many of our officers retire at a young enough age that they're usually retiring to another line of work, or similar line of work, with agencies or organizations other than the Suffolk County Police Department. So, on the one hand, yes, you would expect that retirements could increase. On the other hand, we're

not sure the dampening effect that the horrific economic environment is going to have on retirements.

CHAIRMAN EDDINGTON:

You know what, let me just stop you a second, because when you do think of retiring, I've got a great job for you.

*(*Laughter*)*

Because you've spent time not answering a question and you did it great, much better than I could, and I'm telling you right now. I'm here and I'm going to help you with this. I'm hearing like 112 people. So, if I'm hearing that, that we're going to be down again to -- we've really done nothing by putting in the amount we're putting in. And I think that's why we put in for 200 to be out there already and that hasn't happened. So, you know, yeah, you're right. Look, I'm learning that you can't be specific, I understand that. I've learned new words. Instead of crime increasing, we've got hot spots and upticks. You know what, I'm not into word games, I'm trying to figure out how we can staff the Police Department adequately to deal with unforeseen hot spots and upticks.

And if the Commissioner was here, I was going to ask him that if I can find funding for the hot -- for the ShotSpotter in North Bellport, will he sign on to it? So you can bring that message back, because I have a possible person that will fund it completely. Will he sign -- will he come out publicly and support it if I can fund it? So that's another thing that we're looking in to help the Police Department.

So, I have a real problem with the staffing, as you've known, and with the civilianization. If we've been civilianizing positions, but only have eleven more in approximately six years, I'm concerned about what are they doing and how much.

CHIEF MOORE:

I'm sorry, Mr. Chair. You know, that, again, we just didn't anticipate that there would be retirement incentives, you know, County-wide. And I'm not sure that has had a significant impact on the Police Department itself, but it can have an indirect impact on the Police Department, because I'm not sure if people realize that the -- unlike the sworn officers who cannot transfer amongst the various agencies within Suffolk County, our civilians can and do. So, frequently, what happens is individuals who are County employees and have the appropriate job classification who might have found a career with the Suffolk County Police Department interesting, opted for the early retirement. Personnel from the Suffolk County Police Department, and I don't believe our civilian members were eligible for the early retirement incentive, but when the other agencies suddenly found themselves with a number of unanticipated openings, a number of our civilians decided to take advantage of the opportunities in other agencies, for example, the Suffolk Community College.

CHAIRMAN EDDINGTON:

And that's a great explanation. I guess I'm just saying, are we going -- are we going to do anything? Obviously, now you're telling me, and you have told me in the past, people transfer around and stuff, but rather than us see you go (*shrugged shoulders*), are we doing anything to prepare for vacancies? I mean, you know, it just seems like we're constantly reacting and there's no proactive, whether it be putting more people in training for a surprise retirement, you know what I mean? We don't have a bullpen, we don't have a reserve, you know what I mean? We constantly go to overtime. I've just -- you know, we've been doing ride-arounds with the Police Department. The officers are great, but they're doing two hours of paperwork because we can't give them overtime to do it, and we don't have enough COPE officers to be filling in the gaps, so we're treading. And as the Chair of Public Safety I'm seeing upticks, and I believe the upticks are because we don't have enough people out there doing proactive policing, and I don't see it. I'm

concerned for next year. You're hiring more, but we're still -- we're not gaining, and if the upticks continue, that's my concern.

CHIEF MOORE:

You know, I can't tell you how much I appreciate your input, and I'm very close to thanking you.

*(*Laughter*)*

But, you know, the darndest thing about our line of work is it's a feast or famine line of work. Do we hire enough human beings so that we can handle every contingency in the summer and have a massive overflow of human beings during the winter; or do we hire enough to get us through the winter and then have to pay high overtime in the summer; or do we try to strike a balance between the two? Well, in the Suffolk County Police Department, we try to strike a balance between the two, and we expect that in the winter (sic) we have slightly more officers than we might need in the winter, but you can't tell them to go home, I mean, they have contracts. In the summer, Police Officers, like everyone else, want to take vacation and they have the right to take vacation, and they have the contractual -- you know, we have the contractual obligation to let them take a vacation. And anyone, I mean, a seven-year-old child could tell you that during the summer, activity levels go through the roof, you know. So what is the right number of officers year-round to be able to not have so many that it's wasteful, but so few that we exhaust our officers, which is a danger to the officers? And, you know, it's an art more than a science. I wish there was a mathematical formula.

CHAIRMAN EDDINGTON:

And I hear that, and you've been very good at articulating that, but I really don't buy the premise.

CHIEF MOORE:

Okay.

CHAIRMAN EDDINGTON:

Because, if we have an extra hundred Police Officers in the winter, I've got in my district at least fifty stop signs that go -- that we get complaints, and there are -- and I'll tell you right now, the inspector has been doing a brilliant job in the Fifth Precinct of putting priority stops where there's been robberies and stuff. I could assign a person that could just go to those priority stops all day, which would be a wonderful thing if he wasn't going to 911. So, I got to tell you, I don't want to get into micromanaging, but I could tell you that I could put them out there and everybody on this committee could find a spot to keep them busy so that the word would be in the winter, "There's going to be a lot more proactive policing, so you better be careful. Just because it's getting dark early doesn't mean your safe." I understand where you're coming from, but I would love to have the feast time for a while while sitting up here.

P.O. LINDSAY:

Mr. Chairman, could I interrupt you for a minute?

CHAIRMAN EDDINGTON:

Yes, Legislator Lindsay.

P.O. LINDSAY:

We have to leave to go downstairs to resume the Working Group, because we have so much work to do, and I just wanted to ask --

CHAIRMAN EDDINGTON:

Go right ahead.

P.O. LINDSAY:

Just one. It's a logistical question. The County Executive's scheduling of the police class, he's scheduling a class for the end of November of 70.

CHIEF MOORE:

Of 90. There's --

P.O. LINDSAY:

Of 90.

CHIEF MOORE:

Yes.

P.O. LINDSAY:

Ninety. We had 70 coming out, right, at the end of the year?

CHIEF MOORE:

Yes.

P.O. LINDSAY:

And he's talking been another class of 60 in March. Now, I know in prior years you never liked to overlap classes in the academy. Is that going to be a problem the way he has them scheduled?

CHIEF MOORE:

Sir, if you give me Police Officers, it's not going to be a problem. We'll --

P.O. LINDSAY:

Okay.

CHIEF MOORE:

We'll get it done.

P.O. LINDSAY:

So you can overlap classes in the academy.

CHIEF MOORE:

Absolutely.

P.O. LINDSAY:

Okay. That's all I wanted to know.

CHAIRMAN EDDINGTON:

Okay. Any other questions? Okay. Great. Thanks, Chief.

CHIEF MOORE:

I'd like to take this opportunity to thank the members of the Public Safety Committee.

*(*Laughter*)*

CHAIRMAN EDDINGTON:

Thank you very much.

LEG. BROWNING:

Jack, can I --

CHAIRMAN EDDINGTON:

Yes, Legislator Browning.

LEG. BROWNING:

Yeah. Mike Sharkey from the Sheriff's Department, there was a couple of things I questioned the Sheriff about. I'd like you to kind of give us a little lowdown. You know, we're always talking about civilianizing in the Police Department, and I believe the Sheriff has been civilianizing some positions in the Sheriff's Department. If you could let us know what those civilianized positions are, and, you know, have those positions been filled? And I have another question about the auctions.

CHIEF SHARKEY:

We have introduced civilianization. Sheriff DeMarco introduced civilianization over the last few years. It's been a slow process because we have asked for additional civilian positions in the last two budget cycles. Some -- the first cycle, it didn't make it into the budget through the -- into the recommended budget, and last year it didn't make it into the final version of the budget. This year, we have, I believe -- we had asked for six positions to continue our civilianization process. Three of them made it into the recommended budget, and we would hope that they would continue to follow through into the final version of the budget this year.

LEG. BROWNING:

Okay. What are those job titles, the six positions, do you have them? Well, to cut a long story short, those are jobs that some corrections officers were doing, law enforcement officers that --

CHIEF SHARKEY:

These are jobs that were -- are currently being filled by correction officers and/or deputy sheriffs, including, you know, a grants coordination, material controls clerk, purchasing agent, and I believe we had some detention attendants included in the budget.

LEG. BROWNING:

So those are positions that -- they're civilian positions, but you have officers doing the jobs because you can't fill the spots, because you didn't get the SCIN forms signed.

CHIEF SHARKEY:

Those positions that I just mentioned are not in the budget yet, those are positions we're hoping to have included in the 2011 budget.

LEG. BROWNING:

Well, I guess Gail will look into that, right? He mentioned the six positions that they're requesting, civilian positions.

MS. VIZZINI:

Sure, we can look into it.

LEG. BROWNING:

Okay. And another question about the -- you know, the bill that I introduced a couple of years ago about auction properties and a percentage of the monies is to go to -- for the SLAP Program to the Sheriff's Department. How much money have you received over the past couple of years? I know we had an auction I think last October, and we had an auction again -- I believe there's one today, but I'm just curious if you've -- how much you've received on that.

CHIEF SHARKEY:

To date, I am not aware of any fund transfers as a result of that resolution.

LEG. BROWNING:

Okay. Thank you. And maybe I can have us look into why, if they're not receiving the money, where the money's going.

CHIEF SHARKEY:

If I may --

LEG. BROWNING:

Go ahead.

CHIEF SHARKEY:

-- make a slight correction. Four of the six positions we requested made it into the recommended budget this year.

LEG. BROWNING:

So you need an additional two?

CHIEF SHARKEY:

If that's the Legislature's desire, but, certainly, at least the ones that made it into the recommended.

LEG. BROWNING:

Okay. Thank you, Mike.

CHAIRMAN EDDINGTON:

Okay. Once again, thank you very much. If I could have Commissioner Joe Williams and his staff.

COMMISSIONER WILLIAMS:

Good morning. We appreciate the opportunity to talk about FRES this morning. With me, I have Deputy Commissioner John Searing, I have the Director, Chief Richard Stockinger of the Fire Academy, and the Assistant Director, Bob Holley of the Fire Academy.

In reviewing the County Executive's budget, we looked at it, we set our priorities. We feel those priorities have been filled. Like anything else, we always look for more where we can run our department at the level that is recommended to us. We are fortunate to have a lot of positions filled by grants. We've been fortunate lately to have some of our fleet replaced. There'd be no impact on public safety, anything with the way FRES is run right now. Radio Room is minimum manning. We are looking at some -- filling some positions in 2011. They were in the recommended budget. What we do is right now we have to have minimum mannings; we fill it with overtime. Our Fire Marshal ranks, we've lost one Fire Marshal through normal retirement, and also one through the State program. We're looking to fill some of those positions next year and they are in the budget. So, speaking for FRES itself, I'll let Chief Stockinger talk about the Fire Academy, unless there's any questions. We can operate very well with no deferential to anybody in the County.

CHAIRMAN EDDINGTON:

Okay. So, basically, as long as the position, the Fire Marshal position and -- are filled, you're in good shape.

COMMISSIONER WILLIAMS:

Well, the positions that we -- we're looking for next year, we -- right now we're down a couple of -- three Fire Marshals. The current Fire Marshals are doing a tremendous job of filling those positions. We have normal response, emergency response, which we do our school inspections. We're looking -- we would need some filled next year in the County Executive's recommended budget. We have a hiring plan to stagger them out, and the same thing with the Radio Room. The Radio Room is minimum manning. We have to have those people in there. We fill those spots every day, whether we have to put them in overtime or not, recall. In the County recommended budget, there is a position to start filling some of those positions during the course of 2011.

CHAIRMAN EDDINGTON:

So you feel that those positions will be filled?

COMMISSIONER WILLIAMS:

I can only assume that based on what I see in the County Executive's recommended budget.

CHAIRMAN EDDINGTON:

Okay. All right. I want to hope that it's definite, because sometimes there are things that are in there don't happen. But, I mean, it sounds like those are positions that really would impact public safety, so I'm hoping that they will be filled.

COMMISSIONER WILLIAMS:

Well, just the answer to that is that if the -- our Fire Marshals work -- like I mentioned, the Radio Room, those positions I can guarantee you every day is filled with either overtime people or hired people. Our Fire Marshal positions, if I need a Fire Marshal, that position or that job is done, whether it's done on overtime or a new hired person, but it will definitely be done. There's no job that we walk away from and say we don't have the people.

CHAIRMAN EDDINGTON:

Okay, great. Thank you. Any questions? Okay. Thank you very much, gentlemen. Oh, I'm sorry, go ahead.

CHIEF STOCKINGER:

All right. That's okay. Thank you for the opportunity to address the committee. We, too, the Fire Academy are very pleased with the recommended budget. That, coupled with the State Aid that we will receive for next year, which is the proper amount of State Aid that we -- through the litigation that we filed against the State Education Department several years ago, coupled -- those two coupled together, we feel that next year is just going to be a positive year for us. We will have a little bit more money and be able to provide all of the classes that we need to provide the Fire Department, so we're very pleased, and we thank you.

CHAIRMAN EDDINGTON:

Let me ask you about the training. Is there anything that you see as new in the training? Is there anything that you feel that you might need to add based on experience to the training in the Fire Academy?

CHIEF STOCKINGER:

The training is constantly changing, you know, because of the NFPA standards. They're constantly updated and we try and keep up with them as fast as they change. In fact, we are introducing two new programs next year because of changes in the standard or standards that have been added because of new technology in the fire service, and we're able to do that through -- you know, through the budget that we have now. We have talked in future years about the possibility of having some new buildings constructed on the property, you know, in capital projects that would assist us in providing all of the current technologies that are out there.

CHAIRMAN EDDINGTON:

Great. Thank you for that, for what you've been doing. And, certainly, come to the committee with any other proposals.

CHIEF STOCKINGER:

Thank you. We appreciate that.

CHAIRMAN EDDINGTON:

All righty. Thank you gentlemen. Okay. Director Desmond of the Probation Department and staff.

DIRECTOR DESMOND:

Good morning. John Desmond, Probation Director. To my left, Dr. James Golbin, who is whose my Chief Planner and Budget Officer.

CHAIRMAN EDDINGTON:

Okay. Before you make your presentation, I'm hoping that you feel comfortable enough to elaborate on something that was dropped here at the beginning of my committee, because I'm concerned. What I heard was that Director Desmond was suspended for maybe up to two weeks. I don't know a more professional, better social worker than yourself and so I really would love to hear an explanation.

DIRECTOR DESMOND:

I was suspended effective 10/11 to 10/22 for administrative failure in the court discharge of the five sex offenders that was discussed here earlier in the year.

CHAIRMAN EDDINGTON:

Okay. That comes under the category of fall guy, is that how that works out? Oh, you don't have to respond to that, I'll just make a statement.

All right. Why don't you give us what's happening in the Probation Department?

DIRECTOR DESMOND:

Thank you. I appreciate the opportunity to do so. We've had a very productive year, as the Probation Officers Union representative eluded to. Caseload supervision has arisen to over 18,000 individuals in Suffolk County. We've had a big year with two significant changes. I'm having the statistics handed out now for you, with copies for the other Legislators.

We had two major changes in the law that have impacted the Department significantly, one was the Rockefeller Law. This has been very successful in diverting individuals from the State prison system. Suffolk County has done something a little unusual in that instead of having these individuals take a plea and then having their cases handled through normal probation, as per I think the State Law, what has happened here has been that the courts have put a number of individuals into Alternatives to Incarceration Program. And when they successfully complete, their pleas are adjusted. And thus far, with that incentive, this program has been working very well.

Just to correct the P.O.A. representative, the 54 individuals that she made reference to was not a departmental estimate, but a State estimate. I discussed this here last year and I indicated that I thought our numbers would go up significantly and they have.

The other major change in the law has been Leandra's Law, with the requirement that anybody

convicted of a DWI has to have an ignition interlock device installed. That is going to have an impact on us, not primarily with probation supervision, but in the fact that there'll be a large number of individuals receiving conditional discharges that will be referred to the Probation Department to monitor the ignition interlock process by the courts, and this is something new for us.

Also this year, we implemented with South Oaks Hospital a new adolescent outpatient program for troubled Family Court youth. We've had a 21% reduction in juvenile placements, from 216 to 171, in part because of the cooperation of the courts, and because of the cooperation of both Sagamore and the other hospitals and the County Health Department.

We did 40 gang awareness presentations and trainings to schools and community groups. And also in cooperation with the Health Department, we developed two new soboxone programs, one at South Oaks Hospital for an extended treatment clinic, and one at Hope for Youth for in-patient detoxification process for adolescents involved in the Family Court.

We have two new initiatives coming up in 2011, expansion of our Dual Diagnosis Program, which is currently in operation in Farmingville, we'll also be opening up another at our day reporting center in Hauppauge. And then, in cooperation with South Oaks Hospital, we're in the process of developing a video consulting system using the County internet system. We'll have their hospital staff interview adolescents in crisis at various of our offices, and they'll provide us with appropriate referrals and intervention approaches.

We're having an exciting year in addressing problems with mental health and with substance abuse. I thank you very much for your time and attention.

CHAIRMAN EDDINGTON:

I'd like to just read something from the BRO report. "Probation's ability to protect the community can be compromised without adequate staffing, and current levels is inadequate." That's a pretty clear statement, that if we don't do something to hire more staff -- and you're telling me more things that you're going to be doing. We're going to be in trouble, and you guys, like Legal Aid, are like our best bang for the buck. You're trying to keep people out of the system that cost us tremendous amounts of money. What is your -- have you been given any reassurances that you're going to be getting increased staffing?

DIRECTOR DESMOND:

Due to the economic situation, I don't think it's realistic that a lot of additional resources will be available, except if the Legislature wishes to provide us with any additional assistance, which I'll be more than happy to accept.

CHAIRMAN EDDINGTON:

Well, I guess -- I don't know. I'm not on the Working Group, but unless downstairs they have a safe there or a printing press, we don't have any other resources that the Executive branch don't have. You know, we don't have any special spot. So -- and yet, I'm hearing that this is like imperative, this is like a priority, and it doesn't sound like in the budget it's been made a priority.

DIRECTOR DESMOND:

Well, I'm preparing at this point to reallocate existing staff to cover the areas that we see are going to be our growth areas in the upcoming year. One of the things that has happened in the last two years has been a reduction in our Family Court supervision numbers, and we will be assigning Probation Officers from that section over to Criminal Court.

CHAIRMAN EDDINGTON:

Okay. I'd be interested to see how you do your magic, because I know there are recommended

caseloads, you know, from the State. So I'm hoping we're not seeing more people with 49 and 50, you know, client caseloads. Okay. Legislator Browning?

LEG. BROWNING:

You know, first of all, I'd like to say that I know that we have spoken often about the sex offender issue, and I find it hard to believe that you, yourself, and knowing how the County works these days, that you, yourself, are any way responsible for making sure that those sex offenders would be released early. However, I -- we did have the Suffolk County Coalition Against Domestic Violence was here and they were saying that they're now working as advocates for victims in petitioning the Family Court, when it used to be Probation Officers that did that. Is that, in fact, what's going on? Now, you did -- can you explain to me what they did as far as the petitions are concerned?

DIRECTOR DESMOND:

Yes. What has happened is the Family Court requested about a year ago to take over the filing of the orders of protection petitions from the Probation Department, and we have cooperated with them with that. The court wanted the control of the petition process. What we've done in arrangement with them is that when they have a particular case that they're concerned about, they will send it back up to our petition office and we will assist the person with that. But, for the most part, the order of protection petitions are now being done through the Clerk of the Family Courts Office.

LEG. BROWNING:

Yeah. You know, it's just -- I know it's a very complicated issue for somebody to go in to get an order of protection. And a clerk behind a desk doesn't have the time to assist a victim who maybe it's the first time to be there, and, you know, making sure that that victim is getting the order written up exactly how it needs to be written, because I can tell you, I know, I've seen a petition that was so poorly done that the victim actually was being victimized because of the person who was abusing her. And he, in turn, did an order of protection and it was -- he basically had her arrested. So now she's being victimized again. So my concern is, is that, you know, if the victims are not getting the right assistance in writing up an order of protection, you know, they wind up having a lot of problems.

DIRECTOR DESMOND:

This wasn't a County initiative, this was a request by the Family Court, which has the legal proprietary control over the petitions. Again, we have indicated to the Family Court Clerk's Office that we will take any case referred to us to assist them, because we are also very concerned with the rights of the victims.

LEG. BROWNING:

So, do they have somebody to go to? I mean, it's just -- I know the Coalition are understaffed. You know, they're trying to make -- stretch themselves. They're trying to assist, but they just can't do it to the extent that they'd like to. I'd just -- I'd like to see how we can resolve that and make sure that the victims are getting their orders done the way they need to be done to protect them.

DIRECTOR DESMOND:

Again, we can only assist anybody who's referred to us by the Family Court Clerk's Office, but we're more than happy to do that.

LEG. BROWNING:

Okay.

CHAIRMAN EDDINGTON:

Yeah. You know, our -- I think part of our concern is that with the economic situation and the lack of staffing, I mean, when you can look over at the Fourth Precinct right now and see 14 cars sitting there, you know there's something -- and every precinct you go to you see cars sitting there, where, if we had adequate staffing, they would be out. But you're not as visible as that, and that's what I keep seeing when year after year with Probation, you're just invisible until -- you know typical social work, nobody knows about you, nobody sees you until there's a problem and then they want you, and they want many of you for a long period of time. I can tell you that the committee is dedicated to trying to help get your staffing up there, so that we don't need maybe as many Police Officers arresting people, so we're going to work very hard on that this.

DIRECTOR DESMOND:

Thank you. We appreciate your support and interest always.

CHAIRMAN EDDINGTON:

Okay. Thank you very much. Is there anybody else that wanted to address the committee in any way? Seeing none, I will take a motion to close the meeting.

LEG. CILMI:

So moved.

CHAIRMAN EDDINGTON:

Okay. Motion, second. Okay. Thank you very much.

[THE MEETING WAS ADJOURNED AT 10:55 P.M.]