

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Verbatim Transcript

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, Thursday, December 16, 2010, 10:00 a.m.

Members Present:

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

Also In Attendance:

Presiding Officer Lindsay - Legislative District No. 8
George Nolan - Counsel to the Legislature
Sara Simpson - Office of Counsel to the Legislature
Renee Ortiz - Legislative Assistant/SC Legislature-Clerk's Office
Sara Hartmann - Aide to Legislator Eddington
Terry Pearsall - Chief-of-Staff/Presiding Officer Lindsay's Office
Kara Hahn - Director of Communications/P.O. Lindsay's Office
Michael Pitcher - Aide to Presiding Officer Lindsay
Bobby Knight - Aide to Presiding Officer Lindsay
Michael Cavanagh - Aide to Presiding Officer Lindsay
Paul Perillie - Aide to Majority Caucus
Jason Richberg - Aide to Legislator Gregory
Chris DeLuca - Aide to Legislator Cilmi
John Ortiz - Budget Review Office
Ben Zwirn - County Executive's Office
Ed Hennessey - County Executive's Assistant
Brendan Chamberlain - County Executive Assistant
Trisha Saunders - County Executive's Budget Office
Dennis Brown - Bureau Chief/County Attorney's Office
Robert Moore - Chief of Department/Suffolk County Police Department
Ted Nieves - Deputy Inspector/SC Police Department-Headquarters
Chris Bergold - Deputy Inspector/Suffolk County Police Department
John Siering - Deputy Commissioner/Fire, Rescue & Emergency Services
Mike Sharkey - Chief-of-Staff/Suffolk County Sheriff's Office
Kerry Kneitel - Deputy Warden/Suffolk County Sheriff's Office
Anthony Papparatto - Lieutenant/Suffolk County Sheriff's Office
Noel DiGerolamo - 2nd Vice-President/Police Benevolent Association
Louis Molinari - Treasurer/Police Benevolent Association
Fred Sales - Sergeant-at-Arms/Suffolk County Police Benevolent Assoc.
Tom Tatarian - Recording Secretary/Police Benevolent Association
Russ McCormick - Sergeant-at-Arms/Suffolk County Detective's Assoc.
Hank Mulligan - 2nd Vice-President/SC Superior Officers Association
Gail D'Ambrosio - President/Suffolk County Probation Officer's Assoc.
Dot Kerrigan - 4th Vice-President/Association of Municipal Employees
Hope Collazzo - ARC - Community Service Program

Laura Ahearn - Executive Director/Parents For Megan's Law
Crime Victim's Center
Dr. Alan Groveman - Nominee/SC Vocational Education Extension Board
Harold Moskowitz - Resident
All Other Interested Parties

Verbatim Minutes Taken By:
Alison Mahoney - Court Reporter

***(*The following testimony was taken
& transcribed by Alison Mahoney - Court Reporter*)***

(*The meeting was called to order at 10:11 A.M. *)

CHAIRMAN EDDINGTON:

Okay. Would everyone rise for a salute to the flag.

Salutation

Please remain standing for a moment of silence for all those that provide safety and security for our country, both domestically and abroad.

Moment of silence observed

Thank you. All right, I have one card. I'm going to ask Dr. Alan Groveman to come forward. And just for the committee, Dr. Alan Groveman is an appointee that will -- 2209, to the Suffolk County Vocational Education Extension Board, and I thought we could let him speak now. And if anybody had any questions, do it now because he has to go on his way, and I'd appreciate it. Doctor?

DR. GROVEMAN:

Thank you, Legislator. Thank you. Is that working now?

MS. ORTIZ:

Yes.

DR. GROVEMAN:

I just wanted to give you the chance to meet me, introduce myself, give you a quick overview of my background regarding both my educational services and my fire rescue services.

As you know, I'm a candidate for the position on the board of the Suffolk Vocational Educational Exchange Board. I've been in education for approximately 30 years -- well, a little longer, but I don't want to admit to it -- and I'm currently Superintendent of the Connetquot School District. I'm also a long-term member of the Commack Fire Department for 17 years where I've been a Captain, Rescue Leader, etcetera, and I'm also Junior Chief at the Commack Volunteer Ambulance Corps. So I've got a background of fire service rescue and handle a quarter of a billion dollar budget on an annual basis. And that's my overview, quick background for your benefit. Thank you.
Any questions.

CHAIRMAN EDDINGTON:

Thank you, Doctor. Any questions? No. Thank you very much.
I don't anticipate any problem with the legislation.

DR. GROVEMAN:

Thank you, sir.

LEG. BROWNING:

Jack, could we make a motion to take that bill out of order?

CHAIRMAN EDDINGTON:

If you'd like to make that motion, go ahead.

LEG. BROWNING:

Yeah, I'm looking for the bill number, though.

CHAIRMAN EDDINGTON:

2209. We'll make a motion to take --

LEG. BROWNING:

I'd like to take --

CHAIRMAN EDDINGTON:

Go ahead.

LEG. BROWNING:

I'd like to make the motion to take 2209 out of order.

LEG. CILMI:

Second.

CHAIRMAN EDDINGTON:

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

Okay, we have *IR 2209* on the floor here, *it's appointing a member of the Suffolk County Vocational Education & Extension Board (Dr. Alan B. Groveman)(Stern)*.

LEG. BROWNING:

I'll make a motion to approve.

CHAIRMAN EDDINGTON:

Legislator Browning made a motion to approve.

LEG. CILMI:

I'll second.

CHAIRMAN EDDINGTON:

Second by Legislator Cilmi. All those in favor? Opposed? Abstentions? Thank you, Doctor, and congratulations.

DR. GROVEMAN:

Thank you.

CHAIRMAN EDDINGTON:

There will be no need to come back on Tuesday for the General Meeting. We'll put your name forward.

DR. GROVEMAN:

Thank you, sir.

CHAIRMAN EDDINGTON:

Okay. I have a presentation by Noel DiGerolamo, Suffolk County PBA, Vice-President. And I would also at this time ask Mr. Zwirn to just come up and sit at the table so you can respond, as you requested.

CHAIRMAN EDDINGTON:

Shake hands and go to your appropriate corners.

*(*Laughter*)*

You need another -- he's got three, you only got two. You want Freddy to come up and join you?

CHIEF MOORE:

I'll go.

*(*Laughter*)*

CHAIRMAN EDDINGTON:

We want to be fair here, you know? Okay. Noel?

MR. DIGEROLAMO:

Good morning. Thank you very much, Mr. Chairman, Legislators. Again, I really do appreciate the opportunity to be here and you allowing me the time to just present some facts to you regarding some of the statements that have been made recently by our County Executive and his administration within the department.

Today I want to cover two basic topics, one being that of civilianization and the other one just being the general fitness of the Police Department. And it's extremely troubling that not only this committee and the entire Legislature, but the public is continuously being deceived by these ongoing attempts of the Executive Branch to claim reform and savings through different types of initiatives and deployments and those statements are just totally false.

Last week the County Executive and his Police administrators went -- maybe it was two weeks ago, I'm sorry. They went out and they were saying there were 200 positions that have now been civilianized. Well, after that statement was made, I had a conversation with Chief Weber, the Chief of Support Services, who actually made that assertion on live TV, and I asked him to please provide me with a list of 400 names; the 200 civilians they hired and the 200 Police officers that were replaced. Well, not only did I not receive any names of those 400, I did not even receive one bit of information on civilianization back to show any jobs that have been done by any representative in the department. Now, Mr. Zwirn is here today and I'm sure he's going to rebut some of the things I say, but I appreciate the opportunity when he's done to just clarify. And maybe someone in this body could make the same request I did for those names and you'll have better luck getting them.

Now, I said, you know, basic mathematics will show you that this doesn't work; there is no way that you could have replaced these bodies with the numbers that show. And to illustrate that, I just want to point out January 1st of 2007, when this civilianization initiative first started, we had 1,819 sworn Police Officers and 618 civilians. As of today, we have 1,778 Police Officers, that's 107 less; however, we only have 605 civilians which is 13 less. It is impossible to claim civilianization of a position if you have less civilians doing the job than you did before the process began. That is an impossible statement for them to make. It is -- cannot happen. It's simple math. What they do is they interchange the word "civilianization" with "elimination". They may be eliminating positions and services, but they're not civilianizing them.

Now, these positions that are being eliminated, as we all know, are already paid for; they're paid for in advance through the budget that you pass. So once again, we see how these sound bites are just that, they're sound bites. There's no substance, there's no fact behind it.

I'm sure we remember the three-minute video that the County Executive put out last week. It was a very extensive three-minute video of a range officer doing their job and tried to justify a civilian taking the position at the firing range. What needs to be understood right from the beginning is the qualifications of that instructor that he showed on the video tape. That instructor is cross-trained in all aspects of the firing range and the Police Academy training process for firing arms and is a certified firearms instructor by State regulations. So that means that the officer who's in that booth for the three minutes he showed you calling out the commands, there's also an officer who stands on the line and gives hands-on training to the individuals that are outside the booth, just as the individuals outside the booth do. So just calling out commands from the booth is not the only job that person does.

In addition, the person who does control the booth at that moment, they're responsible for that entire line. They're overseeing over 20 live shooters at once, overseeing all of that, and ultimately they're responsible to shut the range down. So when I talk about the other qualifications that that officer has, it goes far beyond just what you see on a video tape and even what I've just described to you. That officer also does live role-play, teaches car-stop technique, barricades. We have what's called a Hogan's Alley where it's live "shoot/don't shoot" scenarios with targets. There is a lot of training that goes in to the Firearms Section that these individuals all can do. So to diminish the need of a person there and say, "Well, we can fill it in with a civilian," is just absurd. It will only reduce the productivity and the availability of another trainer who's there.

To continue on the topic of that video in the Firearms Section, I just want to make a point known to everyone. You know, our fiscally County Executive touts his reform all the time. He found a need to send a Deputy Inspector, a Lieutenant and two other staff members out to the firing range to take his video for his press release. Now, he would be the first one to point out that the annual cost of those four individuals far exceeds half a million dollars a year. For what reason would the County Executive need to have a Deputy Inspector of the Police Department, a Lieutenant from the Police Department and two civilians go make a video tape? I can't think of one reason why you would need all of those resources to make you a three-minute video.

And the second part of that is where is the rest of the video? Is it only three minutes? Where is the rest of the interviews? Where are the range officers that are describing their duties and responsibilities in detail; why isn't he sharing any of that with us? Simply because it doesn't fit his agenda, that's why. Now, if there's some reason why he needed to use these Police resources to make his video, I know the Deputy Inspector is here right now today, that was part of it. The Chief of department is here, maybe they can explain to you why Police resources are necessary to make a video for the County Executive's press release. It doesn't make sense the way the money is being spent for a political agenda just to get his word out at a time when he was talking about one person. What is his motive? Why is he doing this?

Mr. Chairman, we go back and forth all the time with the Executive Branch, as you know; they say something, we refute it, he'll refute what we say. It all comes down to one basic problem, is that tax dollars are being collected for positions that he has no intention of filling. He has no intention of filling those positions, and then that money is used in any way he wishes. We had five other County-wide elected officials here two weeks ago telling you the same exact thing I'm telling you right now, positions are being taxed and not filled.

They went so far as to say he's filling positions in his office under other departments. The District Attorney himself sat here and said that it's hindering law enforcement in Suffolk County. All we're asking is that the people receive what they're paying for and what they deserve. Right now as I sit

here, with officers in the academy, we're still 50 Police Officers less than what the Legislature funded in this budget. Where is that money and why is he not filling those positions?

You took the high road last year and you had a lot of courage to pass a budget that included a tax increase for hiring of Police Officers to put them on the street and protect the citizens of this County, and the County Executive unilaterally decided he wasn't going to do that and there's no answer to why and he's not held accountable to it. We're at a time right now when shootings are at unprecedented levels. Legislator Gregory, over the summer, over 20 in one month. You know, there are people, Legislator Browning, you had a constituent who was afraid to walk around the corner of her house without telling about dozens of victims of crime. We have the Police Commissioner on TV speaking about a serial killer leaving bodies on the Ocean Parkway. This is not a time for the Executive to be playing politics with the public's safety. This is a time when the County Executive should tell his administrators to do their job, but first he has to let them. Thank you.

CHAIRMAN EDDINGTON:

All right. I've got a couple of questions. First, obviously you didn't get the memo that crime is down in Suffolk County, so you missed that.

*(*Laughter*)*

I guess what I'm understanding is that positions are being civilianized. You know, if you look at a piece of paper, you scratch off Police Officer and you put civilian there, but then you don't fill that position now that it's civilianized. So that the claim that I've civilianized 200 or 400 or 800 or a million is true, it's just that they're being eliminated is what you're telling us.

MR. DIGEROLAMO:

Well, then it wouldn't be true because it wasn't civilianized if it was eliminated.

CHAIRMAN EDDINGTON:

Well, the category. I guess what I'm -- you know what it is? I mean, I went through this in a school system where it was a social worker and now they say, "Well, what we're going to do is put a guidance counselor in there." One less -- then they didn't fill the guidance counselor's position, but they did eliminate a social worker and put in in the budget -- you know what I'm saying? I know it's double-speak, I know it's playing games, but at least now I know the game, before I couldn't figure out what was going on. So, you know, it's been very difficult.

Four years ago or three years ago, whenever we started civilianizing, I just tried -- I sat with the Commissioner and I said, "There was a Sergeant and a Patrol Officer when you go into Yaphank, when you walk in the door. They're no longer there, there are civilians. Where did they go?" I thought I'd make it simple. I want to let you know, I still didn't understand the answer I got because, "Part-time he was here and over here, we could use him over here and we move him here." So I don't think you're ever going to get what you asked for because I haven't gotten it. I think it's because they disappear, the jobs disappear.

MR. DIGEROLAMO:

Well, I think that there needs to be a system of checks and balances in place where appointed positions that are answerable to this body have to provide the information you asked for, whether it has to be done through legislation or any other means. But when you run into road blocks where appointed positions within County government are not answering to the Legislature, that's even a much bigger problem than what we're speaking of right now.

CHAIRMAN EDDINGTON:

Well, I mean, I think my committee can validate that for five years we've been asking for questions. I've even asked BRO to ask for questions and then ask them and they said they haven't gotten it. We actually had to subpoena information. So the flow of information is not real good. I'm hoping that it's going to improve, but it hasn't been real good in the past, and we'll just have to continue to work on it. Any other questions?

LEG. BROWNING:

Yes.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Okay. Actually, I do have some questions about the recent press conference about using Aviation for the DWI wrong-way drivers. But I would like to know not just this one, I mean, I'm looking at a chart here, 618 civilian position in I think it was 2006 and as of July there was 605. So you're talking about 200 civilianized Police positions? So shouldn't we have somewhere around 800 civilians? I mean, I did see that Long Island Talks where the County Executive said some people were doubled up. How do you double up 200 positions? I'm trying to figure that out.

So even if he did double up some positions, I can't see doubling up 200 positions. So at least we should have more than -- you know, we're, what, 13 people less today than what we were four years ago, I think. Sorry, in July. So I'm trying to figure out the numbers. I like to call it "vacanization" is what's happened. Where are the civilians? I just don't see them.

And a second thing is the range officer, who's a female range officer. How many female range officers do we have? And I heard recently about a 3rd Precinct female officer who was transferred, and I guess a cover driver or something, she was a community, like a COPE officer. And now she's, I guess, didn't do what she was told, so I guess she got a good smacking and basically disciplined. So, you know, and I'm curious now when it comes to these transfers of Police Officers, is there a disproportionate number of women being transferred over men? Who wants to answer that?

MR. DIGEROLAMO:

Was that to me or was it to the Chief?

LEG. BROWNING:

Whoever's got an answer.

MR. DIGEROLAMO:

I don't think it would be my position to answer why the department chooses to discipline a person. I'm more than happy to answer to any statements that are made regarding that officer's character or that officer's job. Because having to know her, I know that she has her reputation that precedes herself, she is well respected by the community and her peers alike. I don't have an answer as to why she was transferred. I have requested information regarding it and if my organization becomes aware that this transfer was done in a punitive manner, then we're going to take every action available to us.

LEG. BROWNING:

What about the range officer? How many women range officers are there?

MR. ZWIRN:

I'm advised that there's one assigned to that team.

LEG. BROWNING:

Okay. And so, you know, Noel sat here and talked about the responsibilities of a range officer, so clearly she just happened to be the one in the booth that day. There's about 13, 14 range officers and they rotate? And so they all do more than just sit behind that booth. They do all the car scenarios, they do a number of functions, and she just happened to be the one there that day. So, you know --

MR. ZWIRN:

If I can --

LEG. BROWNING:

Do you agree with what Noel is saying about the functions of what a range officer does?

MR. ZWIRN:

If I can just jump in, and I have plenty of support here if I say something that's out of turn, but with the Chairman's permission, I'll respond to Legislator Browning.

My understanding is that there's a -- the range officers, there's a team of 13 and they rotate around, and at one time each one of those range officers will spend time in the booth. The County Executive's thought in his budget process, after working with the Police Department and the administration, was that that person in the booth could be made a fixed position, and that the other 12 positions in that team which give instruction on the range would be trained Police Officers. But that the person who -- the duties that were required in that booth itself, if it were made a permanent position, then that could be a civilianized position. That was the thought, not to keep them in the rotation. The other twelve would remain, but that one spot, the duties required in the box as they call it, could be civilianized without any compromising of safety or of the training of Police Officers at the range.

LEG. BROWNING:

And that's the only thing that person would do? What about the classroom training that they do? That person would do absolutely nothing but sit in a booth all day.

MR. ZWIRN:

Yes. And then there would be -- if there was no range activity they would be doing something else, but there would be no need to have a Police Officer ever being in the booth and that person could be signed out to Patrol or somewhere else in a public safety manner.

LEG. BROWNING:

I'm curious, out of the 13 who are you going to pick, the woman?

CHAIRMAN EDDINGTON:

No.

MR. ZWIRN:

The Chief tells me it would be based on seniority.

CHIEF MOORE:

Or volunteer.

MR. ZWIRN:

Or volunteers, maybe somebody would rather be in Patrol or somewhere else in the Police Department.

CHAIRMAN EDDINGTON:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Let me ask a couple of basic questions about the range function, and then I'd like to go over to this specific unit. You talked about a whole variety of different things that go on at the range besides just, I guess, firing at a target. How frequently does an officer have to go to the range to practice shooting?

MR. DIGEROLAMO:

The officer is required to go to the range by the department only once per year, but the officer has the ability to go to any private range that they want throughout the year to enhance their shooting skills.

LEG. KENNEDY:

Okay. Could an officer go to our range more frequently if they wanted to keep up on it, or they just fulfill that requirement of once per year and that's it?

MR. DIGEROLAMO:

They fulfill the requirement of once a year and, if available, at times they have made instructors and the range available to officers who want to come on their own. But there is nothing set as far as times, you know, scheduling, anything like that, it's on an as-you-go basis; you'd have to call up and see if there's availability for you.

LEG. KENNEDY:

Okay. And Noel, today we have 1,778 officers on board in the patrol function, but we have brass as well. And do they routinely go to the range also? If we look at the total compliment of sworn, what are we at, 23, 24? We have about 500 supervisory, don't we, 600 supervisory?

MR. DIGEROLAMO:

Well, Legislator Kennedy, I just want to point out, we don't have 1,778 in the patrol, we probably have somewhere between 900 and a thousand. Those other officers are assigned to other sections within the department, so they're not all in Patrol. They would be in other functions within the department, whether it be Emergency Services, K-9, Aviation, Marine Bureau, etcetera.

LEG. KENNEDY:

Let's stay on that for a second. So there's an approximate; do we know a specific? Does anybody know a specific as to today right now how many officers we actually have on patrol?

MR. DIGEROLAMO:

I don't have a specific number today. It would be a fluid number, but it basically stays consistent, somewhere between the 900 and a thousand range. The Chief may know if I'm off on that number, but that's usually where it's at.

LEG. KENNEDY:

Well, I don't want to have to go through all of the basics. That is a number that I've always kind of wanted to try to get at, the total number of sectors, officers committed to patrol, this that and the other thing. So let's get back to -- I'm trying to understand how many of our personnel actually utilize the range for target purposes and then for some of the other things that you had spoken about, I guess the simulation of going down a blind alley or the automobile or whatever it is. When I think of a range officer, I think of, I guess, what I saw on TV, a bunch of people standing in a line shooting at a target that may be 50 or 100 feet away. But there's other things that are involved in that; is that what you're saying?

MR. DIGEROLAMO:

Yes, there's a whole host of things involved in that. Before you even go out to the range, you do a classroom period where you go in and you refresh all of the basic safety skills of the weapon. A range instructor there will go over, you know, weapon safety and proper storage.

LEG. KENNEDY:

Breaking it down --

MR. DIGEROLAMO:

Just breaking it down.

LEG. KENNEDY:

-- what to do with a unit, how to handle a jam.

MR. DIGEROLAMO:

Right, exactly. Everything --

LEG. KENNEDY:

How many, you know, rounds, all that?

MR. DIGEROLAMO:

All of that is classroom. And then when you go out before you shoot, they'll do a practice round of simulation of weapon malfunctions.

LEG. KENNEDY:

Uh-huh.

MR. DIGEROLAMO:

And then you'll actually go out and qualify on the range, like you saw them shooting, as the range goes on. As you move back, then you have situations of barricade and so forth where you'll have to take cover, shoot from left, shoot from right, weak hand, strong hand shooting; it's a whole program that you go through.

LEG. KENNEDY:

Okay.

MR. DIGEROLAMO:

After that, time permitting and availability of trainers, then they have other training options where you'll go into two vehicles and they'll do simulated car stops, removal of, you know, felony car stops, people with weapons in vehicles, proper searches of vehicles, where weapons can be hid. It's all focused on firearms and the firearm safety.

LEG. KENNEDY:

Okay. Our officers, I think the standard-issue weapon is Glock, I believe, right; a Glock 9 mm?

MR. DIGEROLAMO:

Yes.

LEG. KENNEDY:

Okay. Is that the only weapon that's utilized on a range, or are there other types of weapons that officers will practice with as well? And I don't need to know specifics. Give more --

MR. DIGEROLAMO:

There are times when there are other weapons used.

LEG. KENNEDY:

Okay. So any of the range officer instructors have to have a familiarity as to how to teach, operate and interact with a range of types of weapons; is that a true statement?

MR. DIGEROLAMO:

Yes, it is. And you also have some of them that are certified as armorers to make basic repairs on those weapons also.

LEG. KENNEDY:

Okay. So it sounds like it really is a fairly complex type of a function, then, from an instructional and also from a supervision.

If one individual has the oversight for -- what did you say, there may be as many as 20 people that actually are firing at one time?

MR. DIGEROLAMO:

Yeah, there could be over 20.

LEG. KENNEDY:

Okay. And so -- how many range officers are typically deployed when you have a compliment of officers that are actually practicing?

MR. DIGEROLAMO:

You know, I think we're getting into an area where maybe the department should answer, because this is about their staffing and safety decisions made at the range.

LEG. KENNEDY:

I'm not trying to drill this down so far, Mr. Chair. But again, you know, in an effort to try to understand taking what I think is a fairly complex and important function and ultimately has responsibility for discharge of live ammunition and firearms, I want to make sure that I have a good understanding.

CHAIRMAN EDDINGTON:

It also seems like a field trip might be in order. I know you like those, so.

LEG. KENNEDY:

Well, absolutely, Mr. Chair. You know, I'm always up for them, aren't I?

CHAIRMAN EDDINGTON:

So we may do that, too.

LEG. KENNEDY:

Okay.

CHAIRMAN EDDINGTON:

Thank you. No, no problem.

MR. DIGEROLAMO:

If I may say one thing. What's also important to remember is that these individuals who are out there, they also have the experience of being police officers, you know, and they have the experience, some of them are involved in their own shootings.

LEG. KENNEDY:

Okay. I'm interested in the compliment. But the only other question I'll pose, Mr. Chair, is I have no knowledge of any video. I heard reference before about a video made of this function or

something; I haven't seen it, I haven't heard of it, I don't know anything about it and I don't know why it would be done.

CHAIRMAN EDDINGTON:

I don't know. It would have been great to see here.

LEG. KENNEDY:

This is true.

CHAIRMAN EDDINGTON:

It may have answered some of the questions that we're asking now.

LEG. BROWNING:

It was a County Executive press piece and he decided to have this video to go with this little press release.

LEG. KENNEDY:

Oh, I see. Okay.

MR. DIGEROLAMO:

Well, the Deputy Inspector who is in that video is sitting here, he can probably tell you what the function was and so forth.

LEG. KENNEDY:

Well, before we go to that, if that's the committee's desire, could I just hear about the compliment of instructors or supervisors or trainers when we actually have shooters, target practice?

CHIEF MOORE:

The Suffolk County Police Department would be uncomfortable if the student-to-instructor ratio was fewer than five students per one instructor, or more than rather. So, you know, we'd be uncomfortable with six students per instructor or seven. Five is the number that the Suffolk County Police Department uses when it makes a determination as to how many instructors we should have given the number of students.

In addition to that, there are 24 positions on the range. So that's where the five instructors would come from, it would be five instructors on the line overseeing as many as 24 officers. Every sworn officer in the Suffolk County Police Department, from the Chief of Department to officers in training, must undergo firearms qualification once a year.

LEG. KENNEDY:

Okay.

CHIEF MOORE:

If he or she scores below a certain number, the guns are taken from the sworn officer until he or she demonstrates a sufficient level of proficiency. If the officer for whatever reason fails to appear at the range within a 12-month period, he or she is given a reasonable amount of time, usually 30 to 45 days, to make that qualification. And again, if he or she is not available for any reason, the guns are removed from the officer.

Now, there are some commands within the Suffolk County Police Department where the range requirements are much higher; for example, Emergency Services. They hire -- they deploy a more advanced weaponry, more versatile weapons. Even the officers, the patrol officers, and I myself, when we go to the range, if we have a so-called off-duty weapon, there's really no restriction on what type off-duty weapon he or she can have, you know, other than full automatic weapons. So

there could be anything from a 2-inch five-shot pistol, you know, revolver to a fairly advanced semi-automatic weapon. And the Police Department invites officers, when they are required to go to the range, to bring not only their duty weapon, but -- which is almost always a Glock-19. There is a smaller version, a Glock-26, which is the undercover or the plain clothes weapon, it has a shorter barrel than the 19. But officers are permitted to bring whatever other off-duty weapon -- and again, there are no restrictions on what that weapon is -- and they can actually fire a qualification round with that weapon to demonstrate proficiency with that weapon. And that score is maintained just as are the other scores.

Now, the reality is that although there are 24 available positions on the line, which are our terms, rarely are there 24 officers at the range. The officers are called to court, officers are scheduled to the range but then for whatever reason they take a day off, through illness or a personal leave day. So as it so happens, and a recent study by range personnel, not by the Police Department, suggests that the ratio is not five-to-one, it's closer to two-to-one, because we don't mix and match range officers. A range officer is scheduled to be at the range and that's regardless of how many sworn officers appear on a given day.

We would very much like to fill the range up every day because the Suffolk County Police Department is not the only department that uses the range, there I think are at least 20 agencies that use the range. The Sheriff's Department, Probation, not all Probation Officers carry weapons, but those who do and they have appeared before this body, they use the range. We invite Federal and State agencies, East End agencies, on occasion agencies from Nassau County, we may help them with their overflow because their requirements are very much like ours.

Now, it is true that there are agencies in the country that the minimum requirement is higher than in Suffolk, they have to go to the range two times a year. I think the FBI has to go to the range four times a year. The Suffolk County Police Department, we're very fortunate, our officers exhibit tremendous discipline in use of their weapons. Our range staff is second-to-none in terms of the credentials they possess and their ability to get someone who has no familiarity with a weapon, within a week's time in the case of the recruits, to become proficient with the weapon.

The Police Commissioner's sense was that, you know, no one disputes the value of our range officers, the heavy credentials that they have. They're armorers, they're range instructors, they're safety instructors, they're medically-trained, they're cross-trained to do EVOC, which is the car driving that we -- they're trained to step in and help in-service training, they're trained to help with recruit training. These are heavily credentialed individuals. Having said that, the Commissioner came to realize that during the course of the day when an officer first enters, he or she signs in; well, you don't need a Police Officer to oversee that. Then the officer puts his or her weapon into this little box after rendering it safe, and armorers, Police Officers who are armorers check the weapons to make sure that the weapons operate. Those are Police Officers. When the individuals walk into the classroom, they sit down and one of the first things they do is they start to fill out paperwork to, you know, assure the Police Department that the weapon they brought is, in fact, their weapon and a Police Department weapon, and other sorts of paperwork; well, the Police Commissioner doesn't think you need a Police Officer for that.

Then they begin -- depending, though, because each year is different because our range staff does stay abreast of developments. We can pretty much be sure that our officers are going to fire one or two courses at the range, that's two courses of about 60 rounds and you have to score a certain amount. Well, the instructing on officer safety, gun handling, on how to shoot, when to shoot, all those things are actually videos now, but overseen by police officers who are available to not only demonstrate but to reinforce the important lessons in the videos. And again, that wouldn't change, that would be done by Police Officers.

The attendance; who is supposed to be there, who is not supposed to be there, and the people who are supposed to be there and didn't show up. Well, we need to find out where those individuals are and why they haven't gotten there. That doesn't need to be done by a Police Officer. Someone other than a Police Officer can do that. So now the officers have had their weapons checked, they've gone through the training videos, the determination has been made, they're going to do the qualifications and then they're going to do something else. And as the Vice-President said, you know, that varies, they may do a Hogan's Alley, they may do --

LEG. KENNEDY:

But can I -- Mr. Chair? And Chief, I appreciate it.

CHAIRMAN EDDINGTON:

Do you remember the question?

*(*Laughter*)*

LEG. KENNEDY:

I do, I do. I do. First of all, how did you score?

CHIEF MOORE:

Well, I shoot 300, which is a perfect score.

LEG. KENNEDY:

I'm glad to hear that. Secondly, the person in the booth who -- and I think I know what this term means, but I'm going to use it -- who has the cadence, which is the command for officers to shoot; is that person one of the people who's calculated into the department's ratio for the number of officers that are there to be firing?

CHIEF MOORE:

No, that person is not. That is a separate individual, and that's why the Commissioner has determined that that individual -- there's no question that the range officers are very flexible, but that flexibility comes at a cost. The Commissioner has determined that when you look at all the administrative work, and he includes sitting in the booth with a stop watch or -- it's not a stop watch nowadays, it's more sophisticated. Those kinds of functions don't require a Police Officer, and when you add them all up it equals, you know, about a single civilian position. So it's not just the time that the individual spends in the booth, it's all the other administrative work that occurs during the course of a day when it comes to managing the tremendous task of insuring that every sworn officer in the Suffolk County Police Department is qualified every year. And the Commissioner is comfortable that with 12 officers and one civilian, the task -- the same task can be done as is currently being done with 13 officers and zero civilians within that group, because there are other civilians at the range.

LEG. KENNEDY:

I genuinely appreciate you sharing with me everything that you've shared.

The only other item that I'm going to ask you, and I'll let it go at this, you mentioned that officers are encouraged to bring their own personal off-duty weapons as well. I would think that that would mean that our range officers have to have a knowledge and a versatility in a tremendous range of weapons. We have countries all over the world -- Italy, I think a Barretta is a weapon, there's weapons from all over the world -- and our range officers have to have a knowledge and operation not only of the department issue, but also one that an officer will purchase for his own personal use?

CHIEF MOORE:

(Nodded head yes).

LEG. KENNEDY:

No kidding?

CHIEF MOORE:

Yes.

LEG. KENNEDY:

And so they do, our range people have that body of knowledge?

CHIEF MOORE:

Well, they -- I don't know if you're talking about fixing the weapons or ensuring that the weapons operate safely. That --

LEG. KENNEDY:

Knowing that it's something that's actually safe to carry and to, I guess, use. I mean, if we're going to have a Suffolk County Police Officer come to our range and have with him, I don't know, a Colt-45 or something like that, that our range officer is not only then proficient and at the level where they can instruct in the Glocks, but they have to have that same level of proficiency with whatever else it's going to be, right?

CHIEF MOORE:

Well, as far as -- there are, as you know, three basic classes of weapons. There's the revolver, and revolvers are five-shot or six-shot, some of them, you know, if it's of smaller caliber.

LEG. KENNEDY:

Right.

CHIEF MOORE:

You know, but it's the same basic operation. Automatic weapons, again, there's a host of different types and there are nuances, some have external safety clips, some have internal safety clips, how you extract the -- the --

LEG. KENNEDY:

Clip.

CHIEF MOORE:

Thank you. The clip, you know, those kinds of nuances. Having said that, you know, it's the same basic operation, don't get your thumb in the way of the sliding weapon.

I think you may be talking about armor and that has to do with making sure that the weapon does operate and operate sufficiently.

LEG. KENNEDY:

I could. And as I said when I started this, I am completely unfamiliar with handguns at all. You know, shot a shotgun once or twice here or there, I have no knowledge whatsoever. So if that's it, that's fine, and if our people are trained in that.

The only thing that I would say is, you know, I started this discussion with a concern about the role that the civilian would have in this group. I have to tell you, I appreciate everything you've shared with me, but as a layman relatively unfamiliar with weapons, I think I'm even more inclined now to want to see sworn people around sworn people discharging. I don't know.

And the last thing I'd say is what's the delta? What's the difference in money between the officer and the civilian; what would be the savings?

MR. DIGEROLAMO:

I'm sorry. Before he gets into that, I just wanted to point something out before we go too far off things that were said. Number one is when the officers come in and sign in, there is no Police Officer who oversees the sign-in. Nobody sits at a desk and says, "Sign here" as you're walking in. Paperwork? Nobody fills out the paperwork for you. Every officer at the range fills out his own paperwork as the sworn officer is preparing to do the classroom instruction. And if it's the position of the department that there's eight hours a day of paperwork, signing in and calling out commands from a booth, I would just ask that they please lay that out because I have no idea how they're coming up with those numbers, and I've been going to the range for 20 years.

LEG. KENNEDY:

Okay. I'm curious about the number, but I'll let it go. I think I've -- thank you to the committee and I thank the Chief.

CHAIRMAN EDDINGTON:

Okay. Legislator Browning.

LEG. BROWNING:

On a separate note, I guess nobody has any more questions about the range officer, but I definitely would like to get some information on the number of women being transferred in comparison to the men.

The press conference that the County Executive did talking about having the helicopters now to do the DWI checks? You know, there was a couple of things, because now the Sheriff's Department patrols the highway and, you know, I had a few questions about, you know, was the Sheriff's Department contacted for this press release? Were they present at that the press conference?

MR. ZWIRN:

I don't know. Chief Sharkey is here, maybe he would have an answer. I don't.

LEG. BROWNING:

Yeah, I was going to say, because I had a couple of questions for him. Has the Sheriff's Department been called about the plan for this wrong-way driver, DWI drivers on the highway?

CHIEF SHARKEY:

We were contacted prior to the press conference. My understanding of the plan revolved more around the -- is this on? More around the on-ramps, the way that I heard about the plan, which is -- doesn't fall under our purview.

LEG. BROWNING:

But you have -- so you haven't been contacted at all about the plan. Because obviously the ramps are, you know, off the highways which you patrol. So wouldn't there be some kind of --

CHIEF SHARKEY:

We were not contacted specific to this press release, but we speak regularly with the Police Department and their administration to discuss mutual operations.

LEG. BROWNING:

Okay. Because, you know, again, if it's a highway issue, if the highway does get involved, I think they're too close not to include the Sheriff's Department. Is there radio communication between helicopters and Sheriffs, yes?

CHIEF MOORE:

Helicopters and Sheriffs?

CHIEF BERGOLD:

Yes.

CHIEF MOORE:

Yes.

LEG. BROWNING:

Okay. Actually, what was funny was I was watching this and, I mean, you know my husband is a pilot and he kind of laughed at the whole idea. He said, "How in the name of God are you going to track wrong-way drivers and DWI drivers on the highway from a helicopter?"

CHAIRMAN EDDINGTON:

It sounds good.

LEG. BROWNING:

It sounds good. It sounds very good. And you know, I contacted someone who is a pilot within Suffolk County PD and I'm hearing that there has been no communication with the Aviation Unit to set up a plan as of last night. Is there any plans to contact the Aviation Unit to let them know what they're doing?

CHIEF MOORE:

I really can't dispute anonymous claims by individuals purporting to be helicopter pilots in the Suffolk County Police Department. I can tell you that the photo I saw was in front of the helicopter in the helicopter hangar and I would imagine, if for no other reason but that, that people are aware.

I also happen to know that when the Chief of Patrol was putting the plan together, it was Stu Cameron who is the Commanding Officer of the Special Patrol Bureau was involved in the planning.

LEG. BROWNING:

Okay. You know, how do you plan to spot a drunk driver, a wrong-way driver from the helicopter?

CHIEF MOORE:

Well, the answer is, I'm afraid, somewhat lengthy.

LEG. BROWNING:

Try and make it short.

CHIEF MOORE:

To begin with, the helicopter pilots are aware of what's happening within the jurisdiction. They are in radio communication, so they are aware when there's a pursuit or when there's a call of a possible drunk driver. They're aware when there's a call of someone possibly driving the wrong way, and this is whether that comes from 911, a motorist or --

LEG. BROWNING:

Okay. Okay, to cut it short, so it will be based on a report is when you're going to get them to come up. So they're actually not going to be proactive and go out there looking for wrong-way drivers.

CHIEF MOORE:

Well, no, that's not necessarily the case either because the helicopters are often up and flying. Now, what happens with helicopters, helicopters and small, fixed-wing air crafts. As a matter of fact, the Sheriff, I think, had a fixed-wing aircraft that they had hired at one point. But at any rate, they use

the major roadways as a road map, they follow the major roads; they follow the Expressway, they follow the parkways, they follow Sunrise highway.

Now, you know, often what happens, we have resources available, but you have to put the thought in the mind of the officers, for example, we significantly increased K-9, not only in terms of the number of K-9 officers but their availability. But then we had to constantly remind the officers that these K-9 officers were available to get our officers into the habit of using those K-9 officers. At the same time, we wanted the K-9 officers to get into the habit of saying, "Okay, I'm on my way," without being asked.

The same principal applies to the helicopters. You know, looking for DWI's is not the primary mission of the helicopter pilots, you know, they have other missions. However, we want to put it into the mind of our helicopter pilots that, hey, you know, when you're driving, when you're flying over the Expressway, take a look around. Yeah, you're going to focus on your mission, but, you know, take a look and see what's going on. Helicopters are used in pursuits, they're frequently called already, so --

LEG. BROWNING:

Okay. Well, let me stop you there. Because, you know, I know it's not Suffolk County PD, but I'm asking -- you know, I talked to my husband about what does he do at night when he goes to work; do you sit around and wait for calls, or do you go out and patrol? I know they go out and patrol and they're required to do two patrols a shift with their helicopters.

My understanding is Suffolk County PD do not do -- they don't have required patrols to do, but basically they're doing Medevacs, that's their main function. So if you have a helicopter going out and doing a patrol, I believe that the majority of the time -- the longest time that they could be up in the air and flying around would be about an hour and they'd to come back to refuel in case they would get a Medevac call to go, say, like to Montauk. You know, this is what I'm understanding. What other aviation -- are you familiar with other aviation units that are currently doing this; no?

CHIEF MOORE:

Well, you know, in the Midwest, up until, you know, the economy soured, they made great use of fixed-wing craft for basic patrol. So yeah, there are other Police Departments that use helicopters and airplanes for routine patrol, I'm sure in Alaska they do. But at the same time, I'm also aware that a number of agencies have had to sell their helicopters because of the economy.

LEG. BROWNING:

Okay. And, you know, it's just that there's so many questions. You know, you have, I believe, only one team of pilots working, say the night shift starts around ten o'clock, nine, ten o'clock at night, and a team consists of how many pilots?

CHIEF MOORE:

You know, I'm very sorry but, you know, I wasn't prepared to answer questions about the operations of aviation in such fine detail, and I wouldn't want to say anything that's misleading.

LEG. BROWNING:

Okay. So --

CHIEF MOORE:

If you like, we could have our Commanding Officer of Special Patrol come down. You know, we have provided to this body on more than one occasion a breakdown of the amount of time that our helicopters spend doing the various types of missions; you may find that useful. You may find it useful to know the amount of time they spend up, you know, those kinds of things. So if you don't mind, why don't we do that?

LEG. BROWNING:

Well, we can do that. And, you know, I'm wondering, was the press piece more just talking about the holidays, nights, weekends? I mean, is this going to be a permanent thing?

MR. ZWIRN:

I can't respond to the press release.

LEG. BROWNING:

You don't know. Okay.

MR. ZWIRN:

I don't know. I didn't see the press release.

LEG. BROWNING:

So we don't know if it's going to be nights, weekends or not at all. And I know -- okay, you're talking about a helicopter uses about a gallon of fuel a minute, so do the math. You have four civilian, full-time civilian mechanics. I know that they don't work at night, so I'm just curious how you're budgeting -- if you're going to now have them go out and do these patrols plus the Medevac, are they going to wind up using additional fuel? You know, a gallon a minute, that's a lot of money for one helicopter. So I'm just curious where your budget is going to be on this. And are you going to have overtime for pilots?

You know, I believe a team per shift is about four pilots, but that's based on -- you know, it could possibly be there may be only two because they get vacations and whatnot. You know, I'm just curious. You know, is this going to be a full-time thing? What is the plan? What is the plan, if there is even one? Because if you're going to do it at night, which is clearly when a lot of people are drinking, are you going to have to put on an additional helicopter, an additional team? You know, nights and weekends are clearly the times when you catch a lot of the drunk drivers. So I would really like to see what the budget's going to be. You know, you have fuel, you have maintenance and possibly overtime for pilots.

MR. ZWIRN:

I would just suggest, not having been a party to the press conference, I don't think that the Aviation Unit is going to be taking the bulk of the responsibility for preventing drunk driving in Suffolk County. I think it's going to be a part, it's going to be available --

LEG. BROWNING:

But he did a press piece with a helicopter that he's going to be proactive and use a helicopter.

MR. ZWIRN:

Well, I think they've already put signs up, I think they are trying to put Police cruisers in areas, in on-ramps. I think it's a multifaceted approach and this is just one part of it.

I know the helicopters may not be up there 24-hours, it's an expensive proposition. We use them, I know, a great deal for Medevac evacuation, if there's an accident. But they're up -- I mean, I think what the Chief said is that if a helicopter is up, I mean, when you're in pursuit of a vehicle, of a potential drunk driver, it pulls off the road, I mean, you have a helicopter up there, it can tell officers up in front how to go about trying to stop that particular individual.

It doesn't apply just to people who are DWI, but also, you know, people who are driving erratically or may have a medical condition or are evasive, trying to be evasive from a Police operation. But I think it's just part of the process and part of the -- hopefully a remedy to -- I don't think it was ever intended that it would be the primary remedy. There's still going to be, you know, Police officers and --

LEG. BROWNING:

But then why would you do a press conference with a helicopter and say you're going to use a helicopter? And again I'm asking you, do you have a plan? And I'm sorry, Chief of Police, you don't know what the plan is, if there is a plan. And I can tell you that the pilots don't know about a plan, as of last night.

CHIEF BERGOLD:

Good morning, Chairman Eddington and other members of the committee. Regarding this plan, as the Chief said, it is a comprehensive plan; aviation is just a component of that plan. The primary purpose of the press conference is to deter people from driving drunk, to raise public awareness around it and to inform them that there will be substantial enforcement efforts regarding it.

As part of the plan, we've already had two DWI checkpoints in the Police District, one was in the 4th Precinct and one was held in the 5th Precinct this week. And a significant part of the press conference involved the fact that sector cars and other -- you know, other resources of the Police Department would be involved.

Regarding Aviation's involvement of it, I can tell you that they are aware of this plan and of the fact that they would be used for this purpose. Aviation has been used over holiday periods to look for drunk drivers on the roadways as well as the waterways. And also, as the Chief said, if a call comes in of an intoxicated driver on a roadway at night, it's a lot easier for an airborne Aviation unit to identify that vehicle than sector cars that may be trying to get to the area. So it is just a small component of a much larger plan.

LEG. BROWNING:

Okay. I guess Noel's --

CHAIRMAN EDDINGTON:

Well, I just wanted to add that we're finding out once again that we need to keep in touch with Newsday to get the policy changes and updates with the Police Department. Because it would have been nice if you had shared this with us. I mean, if we have to take an oath to promise we won't tell anybody, but we can't obviously reach the press quicker than you. So, I mean, why aren't we in the loop so that we can avoid all these questions? This is really -- to me, it's ridiculous. If you let us know, we wouldn't be spending four hours or two hours going over a policy that you could just say, "We're working on it. This is what's going to happen. We're going to do a press release to let the public know," blah, blah, blah. I mean, is this new to you? Is this the first time you're hearing this from me? The communication breakdown, is it really who can get the information out first? I want you to get the information out first, I just want to know about it so we don't sit here and look like jerks. I don't know how to make it any clearer to you. Because we keep going over the same stuff. And I know, the definition of insanity is expecting things to change, and I guess that's -- I guess I'm crazy then, I must be. Because I really hope that some day we are not going to be sitting here telling you that we saw in Newsday the information and then have to pry it out of you. I think it's a great idea using the aircraft. We can have our own Suffolk County air force, you know?

LEG. BROWNING:

But the main thing is, Jack, I'm sorry, you know, don't do a press piece and say you're going to do something and we get this great new initiative and, you know, to the average public it looks good. But when you really get down to the nuts and bolts, how are you going to do it and what is your budget to do this? Because helicopters are not cheap. And you know, you don't have them going out on regular patrol, I know that. So now you're going to be -- you are going to be looking at them to go out on patrol, so it's going to cost more money. So Noel, if you want to jump in. I'm sorry.

MR. DIGEROLAMO:

Yes, I'm sorry. I just wanted to add something in there. I'm kind of surprised that the Police Department and County Executive hold press conferences just as a means of a deterrent; I thought it was actually to provide information for people.

That being said, as I came in this morning, my representative in Special Patrol informed me that as of right now there is no plan to incorporate Aviation. And at the press conference, when inquiry was made as to what their level of participation is going to be, they were told they don't know yet when they left. Now, as sure as I'm sitting here saying it and the person on the 12th floor of the Dennison building is listening, Special Patrol is probably being called and told what the plan is and it will be in a press release within the next twenty minutes.

CHAIRMAN EDDINGTON:

Well, then we've accomplished something.

MR. DIGEROLAMO:

Well, finally. But as we came in this morning there was nothing.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Just out of respect for the Chief, I know he is put in a tough spot. I think everyone here respects you as a person, respects the job that you do, and I think it does a disservice to you not having you in the loop to this new initiative. And I think it kind of reinforces some of what -- some of what the members thoughts are, that the train is being driven not by the Police Department but by the administration, and that certainly is disconcerting.

So we hope that you would be, if anyone would be, apprised of and kept in the loop on any initiative. You deserve that, you deserve that respect, and I certainly would ask for you to be given that respect.

CHAIRMAN EDDINGTON:

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. You know, I'm not intimately involved with the Police matters, but I can surmise that Police Officers are given daily instructions; they get their orders on a daily basis from their Commanding Officers. And if the Aviation Unit gets a command, you know, tomorrow or today that this is what you're going to be looking for, for drunken drivers or erratic drivers, the plan is in effect. They don't have to be notified three weeks in advance. It's like a military operation; they get their orders as needed and when they get them, they follow them. So I don't think whether they got three weeks notice or four weeks notice is critical in this case, and I don't know if they've gotten the orders or not.

With respect to -- I know that you are unhappy in the past trying to get information before you read about it. But just to give you an example, and I say this with all due respect, the range officer in the box. One position in the Police Department to be civilianized has been discussed for months, one position. We've gone back and forth. I think the rational for going out and taking a picture or a video of the range officer was to try to make a point that this is what the range officer does. We've heard a lot of dialogue, but this is a photograph, this is a video of what they do. Was it done with anybody's knowledge? It was what it was. I don't think it was doctored, it was done, this is to show whoever saw it, this is why I want to civilianize this position.

CHAIRMAN EDDINGTON:

And how was that presented? Because we didn't see it.

MR. ZWIRN:

I think it was presented at a press conference.

CHAIRMAN EDDINGTON:

Okay. So, I mean, you know what the motivation was. And before you say anything else, I don't want your nose to grow and strike me in the heart.

*(*Laughter*)*

Let's be straight; this was a PR thing. This wasn't to inform everybody because you would be presenting it to us right now if that was the logic. So that sometimes -- you're not being straight, come on.

MR. ZWIRN:

I made that presentation to this committee and to the Legislature on numerous occasions. And I think I can only surmise again, is that the County Executive got frustrated and --

LEG. CILMI:

We have a screen, we can put it up right now.

MR. ZWIRN:

Well, I'll see if we can get a copy of it, I'm sure -- the County Executive showed it to the public, I'm sure we have no problem showing it to the Legislature as well. But I'm just saying, that's one of the reasons why I think he's trying to do -- sometimes you're not -- you don't get the information fast enough, I think it's because he's afraid that we're never going to get to do anything if we have to debate every issue. And since he's charged with day-to-day administration of the County, he's taken the position he's going to do these things and ultimately he will be held accountable for the decisions that he's made with the Police Commissioner, and I think that's been the case. And part of it is to try to do public safety without breaking the bank or the backs of the taxpayers of this County.

With respect to civilianization, we did do a chart by breakdown in the Police Department of the civilianized positions. There are 121 civilianized positions that freed up Police Officers, and if you put that together with the redeployed Police Officers, they came off of the highways and from the DARE Program, you have 211 more Police Officers through civilianization and redeployment on the streets than what we had. You took 55 trained Suffolk County Police Officers off the Highway Patrol and put them into precincts doing Police work, making communities safer. We took people out of the classrooms, with your support. It took us, you know, a number of meetings before this committee and before the full Legislature to get that approved, but we put 19 more Police Officers out on patrol or into data Police functions.

You are right, Mr. Chairman, when you said that some of those positions in the civilian end, we have only about 17 or 18 more civilians than we had several years ago when the County Executive took office and it's because those positions, they were attrited out if we didn't need them. Even the Commissioner's Office, his clerical staff, if somebody retired they were not replaced. So the savings were even greater than with civilianization.

Legislator Kennedy asked about if you had a licensed range operator in the box as opposed to a police officer. A police officer makes anywhere from 150 to \$190,000 a year, with benefits and allowances and everything else; a civilian would make about \$50,000. But it's not just that amount of money that would be saved to the taxpayers, it gets another Police Officer out of the range box and out on the streets protecting the public, without sacrificing the safety of Police Officers training

at the range. That's what the goal was and that's why we have been so persistent in trying to get it done. But the information I guess that Noel was asking for is there. Again, there's 211 Police Officers that have been out on the streets that were once either doing desk jobs or working in the Highway Patrol or DARE that are now in precincts doing Police work.

So it is a very difficult process going through civilianization. We've debated that one position here for quite some time, but I think we've made tremendous progress. I think the taxpayers and the residents of this County are safe. We have more Police Officers now coming, we have a class of 70 that will be coming on board in January, the first week in January, January 7th, and you have more Police Officers scheduled for next year in several classes. So I think we're in the right direction and I think -- you know, if you look at the Police District taxes over the last couple of years, they've been pretty level. We've managed with increases in salaries and step increases and benefits, health benefits and pension benefits. The Legislature and the County Executive have kept costs under control. And in these tough economic times, I think the taxpayers are appreciative of that. We're certainly appreciative of the Police Officers in this County. It's been tough for everybody, they have done a terrific job and we are grateful for their service. But I think the County Executive has managed the resources and the taxpayer dollars wisely and, you know, we can debate that, but the numbers that you're looking for are right here.

CHAIRMAN EDDINGTON:

Thank you. Legislator Browning.

LEG. BROWNING:

Yeah, I'd like to correct you a little bit on the press piece. I mean, you kind of through in a bit about the military and how and how, you know, they get something to do and they just go do it; well, that's not quite true. I mean, for 28 years I've been a military wife, and I know that when my husband had missions to go on, when my son was deployed to Afghanistan, there's months of preparation before you do that mission. And if you are going to have a new initiative, you would have some kind of a plan, some kind of preparation, and the people that were involved in that plan or initiative would have been included. And I just think it's a little -- again, I think there's a lot of smoke and mirrors when you're going out there doing a press piece and saying this is what you're going to do, but the people that are going to be doing it have not been included yet and have not been informed of what they're going to do. I just think it's wrong.

And again, you know, Mike Sharkey said it appears like most of it is Suffolk County PD related, but these are people who are driving on the highways. And at some point in time I think it's only proper that you would include the Sheriff, who's an elected official, to come in on this and be aware of what your plan is with the connecting roads to the roads his Sheriffs are patrolling, Deputy Sheriffs are patrolling. So I think out of appropriateness, it would be important to let him know what your plan is and to coordinate with them, because something may happen that they can wind up on the road the Sheriffs are on. So, you know, he is an elected official. Unless now maybe we were going to find out he's going to be appointed and, you know, the County Executive is going to start directing the Sheriff what he needs to be doing? I don't think that's appropriate. I think he should have been brought in on this, letting him know ahead of time, "This is our plan." And again, if you have a mission or a new initiative, everybody should know about it before you do a press piece.

CHAIRMAN EDDINGTON:

Legislator Cilmi.

LEG. CILMI:

Thank you, Chairman. I guess this is just more of a general statement and a proposition. The -- it's incredibly frustrating for me as a Legislator to hear such polar opposites from a variety of different sources in terms of what's happening and what's not happening within all of the different branches of our public safety team, if we can call it that, within Suffolk County. And I just want to make up --

you know, asking Legislators to run a Police Department or to run a Sheriff's Department, you know, is no more logical than asking a County Executive to run a Police Department. We have a Commissioner to do that. We have Police Chiefs to do that. We have -- most importantly, we have Police Officers to do that.

But here's the proposition, and I don't know who to make this to; Chairman, maybe it's you, maybe it's the County Executive. I propose that on a quarterly basis, all of the stakeholders in public safety in in this County, from union leaders to administrators of the Sheriff's Department, of Probation, of the Police Department, of every one of our public safety units, have a round-table meeting. Not a meeting where somebody stands up on a podium and speaks to an audience, but rather a round-table meeting where public safety issues are discussed in an adult, collaborative, cooperative way. Until we do something like that, and maybe it's every quarter, maybe it's twice a year, but until we do something like that, it's going to be -- it's going to continue to be frustrating not only for us as Legislators, but each of the union representatives and the administrations of all of these different public safety units.

So Mr. Chairman, that's my proposition. Again, I don't know quite who to make it to. I don't know if we can find a conference room big enough to house everybody.

CHAIRMAN EDDINGTON:

Well, I hear you and I think that's a wonderful suggestion. Originally that was the intent of this committee, to have the Commissioners come or the people in charge and give us an update. The problem was that we don't get an honest update, and that's been the problem.

LEG. CILMI:

Well, Mr. Chairman, with all due respect, that's not really what I'm suggesting. I'm not suggesting that -- I mean, it's important that we get updates, and your mission is absolutely correct, but I'm talking about more of a discussion. Because you hear one thing from one side, you hear another thing from another side, and I would love to have everybody in a room together and just talk because I think we can get places. It's pretty clear to me that we're not getting very far the way we're doing it now. And that's not a criticism of you by any -- you know, I'm not suggesting that this is the forum, but there needs to be some other method to get things accomplished. Thank you.

CHAIRMAN EDDINGTON:

Sounds good.

LEG. KENNEDY:

I have one other thing.

CHAIRMAN EDDINGTON:

Legislator Kennedy.

LEG. KENNEDY:

All right, just to kind of follow-up where we went before. You know. Ben, I ask the questions because, as I said, I -- in my life, as I said, it's maybe been a shotgun, a 30-30 and a 30-yard six when I was a kid; never handled a handgun in my life.

LEG. GREGORY:

Thank God.

LEG. KENNEDY:

And I think that the Chairman's suggestion is something that I do want to take, and actually now I'm going to go out to wherever the range is, you know, Westhampton or Southampton.

MR. ZWIRN:
Westhampton.

LEG. KENNEDY:

It's kind of -- I need to see that in order to be able to go ahead and get to the next level. Again, I don't disagree with -- and I don't think any of my colleagues disagrees with a desire on the part of the County Executive to effectuate the greatest degree of police coverage and public safety while trying achieve savings for our residents and our taxpayers. And if there is a function that truly has absolutely no direct or tangential aspects that are associated with safety or safe operations of live weapons, I'll stand with them and join them and cosponsor the resolution, because then it makes sense. But I don't know that at this point, Ben, and that's the reason that I go there. He's got the benefit, I guess, of now being able to see this video. I'm telling you, before I heard this 15 minutes ago, I had no idea.

I was clueless, didn't know what happened.

MR. ZWIRN:

If I might. Yeah, I thought, Mr. Kennedy -- Legislator Kennedy, I thought your questions were very pointed questions. I mean, you asked about the coverage at the range and how many officers, was the person in the box considered -- I didn't know the answer to those.

CHAIRMAN EDDINGTON:

Why don't we make -- why don't I make this request, that the administration, with the Police Department, set up a time where Legislator Kennedy can go as a representative of our committee.

MR. ZWIRN:

Absolutely.

CHAIRMAN EDDINGTON:

Anybody else that wants to join him, and bring somebody that can take pictures and we'll show -- even if it's a video, you'll show us here what you saw personally --

LEG. KENNEDY:

Absolutely.

CHAIRMAN EDDINGTON:

-- and then we'll be able to make a more solid judgment.

LEG. KENNEDY:

I'd be glad to do it.

MR. ZWIRN:

Absolutely.

CHAIRMAN EDDINGTON:

Okay, good. Any other questions?

LEG. BROWNING:

Why don't we --

CHAIRMAN EDDINGTON:

Well, you can ask. You have a question, go ahead.

LEG. BROWNING:

I'm just curious, why did the County Executive even put in a bill for the range officer? Is that -- is that something that we actually -- that she has to come in front of us for a vote?

MR. ZWIRN:

I believe it was -- and I have to be -- it's a new title. I'm not sure if we had it in the budget and it was if the Legislature didn't approve it in the budget. I have to go back and check. I don't know off-hand, but I know it was a new title that we were creating. It was a Civil Service position that we were creating.

CHAIRMAN EDDINGTON:

Yes, Mr. Vice-President.

MR. DIGEROLAMO:

Thank you, Jack. I just want to point out, it's apparent to me right now that, Mr. Zwirn, I'm not putting words in your mouth, but obviously the County Executive and the Chief who appeared on television misrepresented the civilianization process to the public. Because they claimed 200 positions were civilianized, and now Mr. Zwirn just informed us it was 121 and they're adding in some other redeployments into that. So it wasn't civilianization, he's adding in some other issues.

And to call replacing sworn Police Officers with Sheriffs, who are also sworn officers, civilianization is the greatest misrepresentation you could possibly make, because they are not civilians. Looking at his chart here also, I still cannot understand how they're claiming to have hired 121 civilians yet we have 13 less. So you either replaced fewer than retired or your numbers are way off.

MR. ZWIRN:

The numbers include positions that were attrited out. We didn't -- if there was a civilian position that did not have to be replaced, we eliminated it, so we didn't count it again. I mean, so that's the point there. But the fact is that we have -- we did include, as far as the redeployment, the Highway Patrol Officers and the DARE Officers that were put back on to Police functions in the communities.

CHAIRMAN EDDINGTON:

Okay. Any other questions, comments? Okay, thank you very much, gentlemen. Very informative.

Okay, I'll get to the agenda and start with the *Tabled Resolutions:*

IR 1782-10 - Adopting Local Law No. -2010, A Local Law to register prepaid cell phones purchased in Suffolk County (Browning).

LEG. BROWNING:

Motion to table.

CHAIRMAN EDDINGTON:

Table, Legislator Browning makes a motion to table for public hearing. I'll second that. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1916-10 - Adopting Local Law No. -2010, A Local Law to ensure the safe use of air guns in Suffolk County (Eddington). I'll make a motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. *Approved (VOTE: 4-1-0-0 Opposed: Legislator Cilmi).*

IR 1952-10 - Adopting Local Law No. -2010, A Local Law to protect animals in Suffolk County from abuse (Cooper). Table for public hearing. Do I have a second?

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

IR 2036-10 - Establishing a Suffolk County Surveillance System Task Force (Cooper).

LEG. GREGORY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Gregory. I'll second that.

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

2047-10 - Amending Resolution No. 202-2010, accepting and appropriating \$50,000 for "Creation Of Explosive Detection Canine Team" (Barraga). I'll make a motion to discharge without recommendation.

LEG. BROWNING:

I'll second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor?

LEG. KENNEDY:

On the motion, Mr. Chair?

CHAIRMAN EDDINGTON:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This resolution we've spoken about for quite some time now, Mr. Chair, and it involves the grant funds for an explosives detection dog on the behalf of the Sheriff's unit. Again, it's similar to some of the issues, I guess other issues that we've talked about here at the committee at great length. But I think that we have some larger issues that we've been looking at besides the simple acceptance of \$50,000 from Homeland Security for the procurement of this one animal with the Sheriff's Department.

One of the things that I heard about from the PBA -- or from the Police Department, I'm sorry, from the Police Department, was the compliment of K-9's that we have there in the Police Department which is, I believe, 22 animals. And I believe that we were -- I was told, I'm sorry, I was told that we have eight dogs that are trained in explosives detection. One of the most interesting things that I came to find out was that the average useful time period for a bomb detection dog is I believe

between 20 and 25 minutes at a maximum, and then after that I believe the animal loses its ability to concentrate or be on focus.

So again, in an effort to try to understand the logic or the rationale for accepting the funding and then stepping into the function, I just would need to know a little bit more from somebody who's got knowledge here, to what degree this animal would be utilized and if we're not duplicating a function that we have or a capability that we have now. I don't know if we have anybody who can speak to it.

CHAIRMAN EDDINGTON:

Well, first of all, I'd like to address that. Because as the Chair, I have been working on this for over a year now. And again, I will just preface it by saying I try to be fair; nobody likes fair, they like cheerleaders, but I try to be fair.

I read the whole grant. My assessment of the grant was that it does overstate, I think, the responsibility of the Sheriffs by talking about two deep water ports and two airports that they could possibly use the dog in, which they won't because of the PD. However, the idea of having a fully equipped Sheriff's Department to monitor facilities like this or the jail, which is -- I'm not opposed to personally. If we're going to have Sheriffs and they have a responsibility, I want them fully equipped just like a fully equipped Police Department.

The agreement that was made between the County Executive and I think the Sheriffs and the Police restrict the usage of any -- of anything that the Sheriffs do from April 1st forward that they -- they could get a million dogs, but the agreement says they can't use it in any way that the Police Department was doing as of April 1st. So that automatically excludes like this building and the court and any other place, even though -- you know, too bad they made that agreement because -- I don't think they're going to bring a bomb into the jail, but I could see them walking in here or the 12th floor.

*(*Laughter*)*

You know what I mean? So I'm not really opposed to the Sheriffs being able to do a hundred percent of the job where they are. They've made an agreement to not do that, that the Police will continue doing what they've done. So then I came down to the conclusion that the only reason I would not approve this is because I'm saying I don't trust the Sheriff's Department to honor their agreement. And for the last five years, I've been trying to say I'm always going to look at the glass half full, and I'm thinking that maybe I haven't been in the last month or so. I've been looking at it like, "Oh, man, once that violate this we're in for a world" -- and I'm not going down that. I am going to be consistent, at least to who I am, of trusting that people will do what they've agreed to. So I can't justify anymore tabling it and that's why I put a recommendation of discharge, because I want everybody to get the same chance to look at it fairly.

LEG. KENNEDY:

Well, and thank you, Mr. Chair, I appreciate the efforts on your part to go ahead and go to that level of review of the grant application itself. Because, again, it appears that we need to have that level of knowledge and detail about matters that are important matters. A \$12 million compromise or giveback on the part of one fraternal organization is something that we certainly, as policy makers I think, don't want to run afoul of.

And I guess I would ask you, then, since you've invested this work, is it -- is it the PBA's assessment, as you came to look at this, that they're in concurrence, as long as the Sheriff is keeping the dog here or in the jail or whatever we're okay?

CHAIRMAN EDDINGTON:

Well, I guess -- I mean, I'll certainly let Mr. Sales speak for the PBA, but my assessment is that they're not as trustworthy. They're not willing to trust as well as I am, and maybe they have other experiences but, you know.

LEG. KENNEDY:

Okay.

CHAIRMAN EDDINGTON:

Mr. Sales?

MR. SALES:

Fred Sales, Suffolk PBA. I spoke to this body a year ago, it actually was December 14th, on this matter. At the time, I didn't have certain information because we were in the process of FOILING specific documents that the Sheriff had filled out in the application.

Through our attorneys, I sent three FOIL requests to the Sheriff specifically asking for documents that related to page five of their application; the first one being dated October 9th, the second one being dated November 13th, and the third being dated January of 2010. So when I spoke to you in December, I didn't have this information.

On page five of their application, and this speaks to Mr. Eddington's lack of trust or however you want to term it, this is in the application. "In the past several years, we," meaning the Sheriffs, "have had cases involving explosives" -- remember that word explosives -- "that the Sheriff's Office investigated." In 2005 two incidents, 2006 two incidents, 2007 three incidents, 2008 one incident. I FOILED their reports which they eventually sent to me. I went through every single one of them with officers from the PBA and out of all of these alleged explosive calls that they went to, only one was remotely a suspicious package at Gabreski Airport that our Suffolk County Emergency Service responded to and rendered safe.

So the fact of the matter is they were less than truthful in filling out an application to New York State Homeland Security, but yet you would rather -- you would like to trust them that they're only going to utilize this K-9 dog at the facility. That's where the distrust comes from, it's from this application. And I would point it out to the Commissioner of Homeland Security, numerous inconsistencies, and every time I point it out to him they change the rules. So the problem is with the State of New York and the application process and it will be brought to the attention of the Inspector General at the least. Thank you.

CHAIRMAN EDDINGTON:

Okay. I see we've got Chief Sharkey.

CHIEF SHARKEY:

Really I just came up to address any questions you may have.

CHAIRMAN EDDINGTON:

Well, could you respond to what was just said?

CHIEF SHARKEY:

I stand by our application, okay? I do not have all of our backup with us today. In reality, and I discussed this with several of you individually, the -- this has been discussed in great detail, as you said, over the course of now over a year, and eventually the resolution was passed to accept the funding. The only reason we're back to you is because the New York State Department of Homeland Security had reservations with one of the two protective RESOLVED clauses that were contained in the compromise that was made with this body in order to accept the funding.

The stronger, I believe, of the two RESOLVED clauses wherein the Sheriff's Office commits to, in the resolution and on the record, to not utilize the explosive K-9 obtained under this grant in any way that would violate the lag payroll agreement between the Suffolk County PBA and the Executive remains in the amended resolution, and we stand by the fact that we will not do that. It is not just our word, it is in the resolution.

CHAIRMAN EDDINGTON:

Yeah. And I wanted to ask Mr. Nolan to comment, because if I remember correctly, I passed legislation -- well, I sponsored legislation and this Legislature approved it in April about that. Could you comment on that?

MR. NOLAN:

Correct. Earlier this year we adopted a law having to do with Police functions, and it basically says that no service provided primarily by the Police Department shall be transferred or reassigned to another law enforcement agency without the prior approval of the County Legislature pursuant to a resolution, and no services provided primarily by the Police Department and no official command, duty or responsibility performed by the Police Department will be assigned to another law enforcement agency without the expressed approval of the County Legislature. So that was kind of a reaction to things that had happened a couple of years ago, so I think that would come into play as well in considering this particular bill.

CHAIRMAN EDDINGTON:

We had a debate on this because some said we don't need this legislation because we had the prior agreement, but we put this in just to -- just to double check, you know what I mean?

LEG. KENNEDY:

Right.

CHAIRMAN EDDINGTON:

Just to back-up. So that's why I did a recommendation to discharge because I feel that we -- not only is there an agreement, but we also have a law now that says that they shouldn't do something like that.

LEG. KENNEDY:

Mr. Chair, I -- again, I applaud the efforts that you've brought forward with this, and I think I share some of the frustration that my colleague, Legislator Cilmi, does sometimes. So let me ask just one or two simple questions from the Chief, if I can, and then I think I'll be able to support the motion to discharge but I'm probably going to have to do more work. Chief, does the department have any K-9's now?

CHIEF SHARKEY:

Yes we do.

LEG. KENNEDY:

Okay. And what are the -- will this new dog -- let me ask it a different way. What do the K-9's that you have now do?

CHIEF SHARKEY:

We have two Corrections K-9's and three Deputy Sheriff K-9 positions, one of which is currently vacant due to a dog's retirement and we have been working, as I said, over the course of this past year to utilize this dog as the replacement for that retired dog. Each of those dogs, the Deputy Sheriff dogs are all full patrol dogs with the enhanced ability to detect narcotics.

LEG. KENNEDY:

Okay.

CHIEF SHARKEY:

The Corrections dogs, one is a narcotics dog and the other one is narcotics as well as, I believe, firearms and gun powder which is used inside the facility.

LEG. KENNEDY:

Okay. So the -- this animal would be the first time that you've got an animal that's going to be utilized in this capacity, in explosives capacity, or you have that capability with some of the other animals you have now?

CHIEF SHARKEY:

The one Correction animal has limited ability for firearms and gun powder; this would be an enhancement of our current assets. This dog would be a full-service patrol dog with the enhanced ability to detect explosives.

LEG. KENNEDY:

Okay. Let's just say for hypothetical, and now I'm going to try to keep it very general, but let's say that there was concern in the Legislative auditorium here and we needed to have you do -- your office do some type of a sweep, if you would, of the building in order to rule out some type of explosives. Would that -- would adding this animal now give you the ability to be able to do that?

CHIEF SHARKEY:

There's a little bit of a complication to my answer to that question. The ability would be there, however, we made a commitment that we wouldn't violate anything that would violate the PBA lag payroll agreement. So if there was an explosives call at this building --

LEG. KENNEDY:

Yes.

CHIEF SHARKEY:

-- the Police Department would respond. If we're talking about general screening, we wouldn't even entertain that at this building unless it was completely vetted out and said that that would not violate the agreement. As Chairman Eddington said, there's a \$12 million risk here and no one here is willing to risk that \$12 million.

LEG. KENNEDY:

The reason I had asked this -- and I'm not trying to lead you anyplace, Chief, really I'm just trying to understand. I mean, at every General Meeting I see two of your Deputy Sheriffs that are here basically, I guess, making sure we don't run with scissors or something like that, trying to, you know, keep us safe.

CHIEF SHARKEY:

I'd had to take some exception to that.

LEG. KENNEDY:

Oh, no, no, no.

CHIEF SHARKEY:

Because we have provided far better service than making sure you don't run with a pencil in your hand.

LEG. KENNEDY:

Chief, I'm sorry. I'm being self-deprecating. This has nothing to do with your officers. Your officers do a wonderful job and, as a matter of fact, they assisted in saving a heart attack recently. I don't mean that for your officers, that's directed at myself.

But then in an effort to try to understand -- you know what? Maybe I need to have this conversation off-line, because it's just -- I'm not getting it how I need to. I'll speak to the Chief later on. I'll yield, Mr. Chair.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

You know what? I think there's the concern about obviously the \$12 million being at stake. And again, the Suffolk County Police Department do have bomb detection dogs; I think you said eight of them? And I'm wondering why you can't coordinate with them when there's, you know, to use their dogs. I mean, the East End, I don't believe the East End Police Departments have their own bomb dogs, I believe -- am I correct? I don't know if anybody can answer that. I believe the Suffolk County Police Department works with them. Is there anybody that can answer that question? I guess somebody is here. How does that work; does the East End use the Suffolk County Police Department too?

MR. TATARIAN:

The East End departments --

CHAIRMAN EDDINGTON:

Just identify yourself, please.

MR. TATARIAN:

Thomas Tatarian, Suffolk County PBA. I'm also a member of the Suffolk County Police Department K-9 Unit.

In answer to your question, Legislator Browning, we train the East End Police Departments. At this particular time, Southold Police Department has one K-9 and the Riverhead Town Police Department has two K-9's; none of them are trained for explosives and we do provide that service to them when requested.

LEG. BROWNING:

Okay. So, you know, are the bomb dogs used to do sweeps or is it, you know, an unattended package and you respond to that? I mean, how do bomb dogs -- how do you use them?

MR. TATARIAN:

Primarily for security sweeps. If a dignitary is coming in, we will search the building with Emergency Service bomb techs with us a precautionary measure. Packages, suspicious packages we would not necessarily use a dog for. They -- Emergency Service would use the robot and the x-ray rather than endanger an officer or the dog to approach a package. If a package is found in a particular location, the bomb dogs would respond and would do a safety check of the area for a secondary device.

LEG. BROWNING:

Okay. And again, going back to duplicating services, isn't there some way that you can do some kind of an agreement with the Police Department? Because it seems to me that you would more need a narcotics or firearms dog than you would a bomb dog because clearly, you know, narcotics is the biggest problem when it comes to prisoners. And so I'm trying to understand why you need it. I mean, I did support the discharge, but I'm not telling you I'm going to support the bill. You know,

again, I do have some concerns. Clearly the Sheriff would not want to violate that either. But again, the Homeland Security grant, when you applied for the grant it was rejected because of some language. Can you kind of go back into the grant again?

CHIEF SHARKEY:

That's incorrect; the grant was not rejected.

LEG. BROWNING:

Okay.

CHIEF SHARKEY:

The Office of Homeland Security, the compromise resolution that was passed by this Legislature, after we spent at that point somewhere in the neighborhood of eight, seven, eight months discussing this in fine detail at multiple committee meetings and in front of the full Legislature, there was a compromise resolution that the Office of Homeland Security had an issue with one of the RESOLVED clauses.

*(*The following testimony was taken by Lucia Braaten
& transcribed by Alison Mahoney - Court Reporters*)*

As I said before, there two protective clauses that were added to that resolution in an effort to get all sides working together and at that point, we were no longer talking about the merits of the Sheriff's Office operating with a full-service patrol dog with enhanced explosives abilities. At that point we were talking about protecting the County's liabilities in regard to the lag payroll agreement, and those two protective clauses were added in there. One was, as I said and in my opinion, and I will defer to the Legislators' Counsel as to which one they think is the stronger RESOLVED clause that said we would not, would not use the K-9 explosive team in any way -- absolute language -- that we would not use in any way that would violate the agreement. There was another clause that discussed that primary usage would be at the correctional facility; primary being, in my opinion, a lesser restrictive word, and that was a clause that the New York State Department of Homeland Security had an issue with. And the amended resolution before you today retains the more restrictive clause and removes the less restrictive clause.

And all I'm asking you for today, and I've discussed this with you privately, is we have now been given a deadline by the New York State Department of Homeland Security. And I am asking you not to table this, that vote your conscience, and if you feel that we should accept money from New York State Department of Homeland Security for an asset for the County of Suffolk, please vote yes; if you don't, then please vote no, but I'm asking you not to table.

LEG. BROWNING:

So the Homeland Security, though -- hold on. Homeland Security was uncomfortable with the word "primary".

LEG. CILMI:

Mr. Chairman?

LEG. BROWNING:

No, "exclusively".

CHIEF SHARKEY:

No, no.

LEG. BROWNING:

"Primary".

CHIEF SHARKEY:

"Primary." There was correspondence that went back and forth between New York State Department of Homeland Security and the Sheriff's Office and the Clerk of this Legislature, as well as the Counsel to this Legislature and the Presiding Officer to this Legislature were cc'd on all correspondence to keep you informed.

LEG. BROWNING:

Okay.

CHAIRMAN EDDINGTON:

Legislator Cilmi.

LEG. CILMI:

Thank you, Chairman. Chief, how are you? Could you describe to us exactly how this dog would be used in your facilities or otherwise? What would be the daily regimen of this dog that you would get?

CHIEF SHARKEY:

The reason -- the reason that the correctional facilities were put forth as a primary use in that resolution was because we were discussing, certainly, that that would not violate the PBA's lag payroll agreement. Because in my history at the Sheriff's Office, which is 22 -- over 22 years, I am not aware of any occurrence of any type of explosive screening at the correctional facility is done by the Suffolk County PD, or for that matter anyone. It's an enhancement to our security. And as I said, we envision this being used to support the Sheriff's Office mission. We should be able to, as a law enforcement agency, be independent and be able to take care of our own needs to the degree that we can.

Any usages that we would have for this K-9 team would have to be screened with the County to make sure -- with Counsel to make sure it's not going to violate that agreement. It will make deployment more complicated, but certainly leaves us with a valuable tool. As I said, this is a full patrol animal with the enhanced ability to detect explosives. You know, we do assist with searches for evidence or missing people with our K-9's all the time. I mean, for me to be able to spell out to you the exact deployment of this animal every day, every minute here at this Legislature, I can't do that now.

LEG. CILMI:

Would you say that the dog's use would be primarily reactive or proactive?

CHIEF SHARKEY:

As I said, we will have to develop that. However, I see it in a screening mode for explosives as a primary function.

LEG. CILMI:

So -- and I'm sorry to nitpick on this, but you don't have any -- a vision in your mind of how -- what would occur that would trigger the dog's use, or would the dog be stationed at a particular location that would -- and the dog would, kind of on a regular basis, be screening incoming inmates, for example, or visitors, or -- just give me something that --

CHIEF SHARKEY:

As I had said at earlier meetings -- and again, I didn't come here prepared today to fully discuss the deployment of this animal because, quite frankly, that was not the issue at hand with this resolution. So you're going to have to forgive me, I don't have that information to share with you today. If you would like to continue this discussion, I would be more than happy to continue it with you at another time, or even before this body at another time. But I'm not -- basically what I'm saying is I

can't speak to you fully on that at this time. It's going to be, I envision, in the screening process, certainly at our facilities, at our larger facility that is scheduled to open in a year, at the minimum being used in a proactive way at those facilities. To be utilized beyond that, as I said, has to be looked at. Any usage has to be looked at very carefully because of the lag payroll agreement that is in place.

LEG. CILMI:

Chairman, can I ask, does the administration, the Police Department administration have any opinion as to whether or not the functions that this dog may be tasked with could be effectively tasked with or are being effectively tasked with presently by the eight -- and if it is eight. If somebody could confirm that it is, in fact, eight bomb dogs that the Police Department owns?

CHIEF MOORE:

We'll have a full complement of eight bomb dogs. Right now we have six which are qualified and two in training, so we anticipate having eight. As far as this piece of legislation, the Commissioner has no comment or statements to make.

LEG. CILMI:

So if the -- if one of our correctional facilities, for example, had a suspicion of some sort of explosive device, does the Police Department have the authority -- given that there are two different law enforcement organizations, does the Police Department have the authority to go onto the grounds or in the jail and inspect and do what it would need to do to vet that?

CHIEF MOORE:

I'm not sure how to answer that question directly. I can tell you that there is a great deal of cooperation between the office of the Sheriff and the office of the Suffolk County Police Department. Some of that is by formal agreement where the Commissioner and the Sheriff or Chief Sharkey and I would sit down and work things out, because the dynamic nature of our work and the work of the Sheriff is such that you can't possibly anticipate every happenstance.

However, I can also tell you that the Deputies and the Police Officers in the field are on a daily basis coming to each other's aid. So I would imagine, and I think Chief Sharkey could help me with this, any time the Sheriff has a need and the Police Department can fill that need, all he'd need do is call and we would instantly respond.

Now, the jail itself is not within the Suffolk County Police District. In fact, it's not even within Riverhead, I believe it's in Southampton, Chief?

CHIEF SHARKEY:

It addresses Riverhead; however, it falls in Southampton.

CHIEF MOORE:

Yeah. So, you know, I would imagine, should there be an event in or around the jail, either the Sheriff or Southampton would be the primary agency. However, I can assure you, and I know we don't have to tell Southampton or the Sheriff that all they need to do is call and the Police Department would, of course, respond.

LEG. CILMI:

It sounds like a James Taylor song. Chief, can you -- got a friend, just call out my name.

LEG. BROWNING:

Oh, okay.

LEG. CILMI:

Chief can you expound on anything that Chief Moore said?

CHIEF SHARKEY:

Yeah, I think that your question was if there was a confirmed explosive at one of our facilities, who would handle that? And there's two functions we're talking about here, we're talking about an explosive K-9 that can detect an explosive or screen for an explosive, and then there's the other function. And I apologize because this was discussed, again, over the course of the last year, but a response to a confirmed explosive device is done by the Bomb Squad which Suffolk County PD provides.

LEG. BROWNING:

Can I ask another question?

CHAIRMAN EDDINGTON:

Let me just interrupt. I think here's the scenario that I've heard over and over again that seems to be the greatest fear. There's a bomb threat in Southampton, they don't have a bomb dog. We have now a bomb dog at the jail in Riverhead, but the Police Department is responsible and their dog is in Yaphank. What do we do? Do we tell the Sheriff's Department, "Well, you're closer by 20, 30 minutes, but sit there because we've got to get the PD to get out there"? I think that's the scenario that we're all worried will happen. I don't know how that's going to be dealt with. I hope there's going to be some type of an inter-department agreement that in case of a certain scenario, this will be taken care of. But this is what I keep hearing from people when they hear about this legislation; "Well, what would happen if?"

LEG. CILMI:

Well, I can't imagine with eight --

CHIEF SHARKEY:

If I --

LEG. CILMI:

Let me just make my statement, Chief, and then you can. But I can't imagine if the PD actually has six or eight dogs, that they're all, you know, actively being deployed, you know, every moment of the day. So, go ahead, Chief, I'm sorry.

CHIEF SHARKEY:

And again, I think the scenario that you're describing is a confirmed explosive response which is then going to require the Bomb Squad, which we cannot respond to.

CHAIRMAN EDDINGTON:

Okay.

LEG. BROWNING:

Jack?

MR. SALES:

Mr. Chairman, if I may?

CHAIRMAN EDDINGTON:

Yes, Mr. Sales.

MR. SALES:

One point that I neglected to touch on, and I asked this of Homeland Security right at the beginning; what was the intent of this grant? What was the intent of the application? And in their application, this is the State paperwork, I'll just -- "Applicant seeking to develop new explosive detection K-9 teams where none presently exist with a given priority of applicants seeking to fund additional teams." Their intent, and I got this directly from Homeland Security, was from areas of the State where there were no bomb detection dogs. But it's a loophole in the way the application is written. Yes, the Sheriff does not have an explosives K-9 dog, it's a bit of a loophole. Do other ones exist? Yes. Then they go on to say in the application, "The applicant must provide a strong case for doing so by clearly describing how a supplementary team would close existing capability gaps and highlight how your current explosive detection team are not sufficient to address your jurisdiction's risk." Now, again, a loophole in their application. The K-9 units are not in at Yaphank, each individual officer responds from their home if they're required to come when they're not on duty, and the rest are on patrol throughout the County. So it's a matter of you may be talking about minutes to respond to the jail if they're needed.

So this application -- and again, it came directly from Homeland Security, if you had a rural area in Upstate, New York where the closest New York State Trooper might be 60 to 80 miles away, this would close the gap. We don't have that here. Suffolk County is the only responding unit in the County of Suffolk with bomb detection dogs, from the Nassau County line, from County Line Road, all the way to Montauk point.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Yeah, I'm trying to remember, I think maybe about a year, maybe two years ago there was a grant application from Suffolk County Police Department for an additional or a new bomb dog and the Commissioner rejected that, I believe. Do you remember anything about that?

CHIEF SHARKEY:

Legislator Browning, if I may?

LEG. BROWNING:

Sure.

CHIEF SHARKEY:

First to the point of the grant application. New York State -- Lieutenant Paparatto is sitting to my right and worked on the grant application. The New York State Office of Homeland Security was well aware that Suffolk County PD had multiple explosive dogs and it was made -- discussed during the grant application process. Part of the grant in this case and in that year discussed the increase of a proactive presence as opposed to an explosive response in the grant application.

Now, to go to your question you just began asking about, an explosive K-9 application by Suffolk County PD, I think you should be aware that, in fact, this grant application period that we were awarded targeted agencies that did not have that capability currently. The new grant period for 2010 didn't have that restriction. And as a matter of fact, Suffolk County PD was awarded a grant, this exact same grant that we are and have been discussing for over a year, Suffolk PD has been awarded a grant for the current grant period.

LEG. BROWNING:

No, it's just that I remember there was one question on why, because the -- I don't want to put words in the Commissioner's mouth, but I believe that it was rejected because they said it was going to cost too much. And that the grant was -- I'm trying to get an exact time, but it was going to cost

too much. While there was a grant to pay for the dog and the equipment and the training of the officer, but it was only a grant for a certain period of time and then after that grant ran out, the cost would be on the Police Department and it would cost too much.

LIEUTENANT PAPARATTO:

Exactly, and I'm glad you brought that point up and that goes right to the root of what we're talking about here. Is that also in their application on page six, and this is -- I don't know what happened in the case with Commissioner Dormer and I can't speak on that, but it probably goes parallel with what I'm about to tell you.

You could accept a grant and it has -- you know, you can only go so far with \$50,000. You have to purchase a dog, you have to purchase a vehicle. There are not too many vehicles out there, once you equip them for K-9 capability, they're going to eat up most of the \$50,000 before you even purchase a dog, and then put a kennel in the officer's home and ongoing training. In their application it says, "The Sheriff's Office will incur the costs going forward after the initial set up phase of the team." So that may be why Commissioner Dormer turned down that grant; I don't know, but I'm just going by what I read in here. You get a dollar figure and then it goes away and then it becomes either a budget line or an increase in your budget for the following year. And if you already have eight dogs, maybe his analysis showed that they had enough to do the mission at hand.

LEG. BROWNING:

So, how long is this grant for? How many years does it cover? Is it just for the dog, training, equipment and --

CHIEF SHARKEY:

And again, you have to forgive me because we have gone over this repeatedly.

LEG. BROWNING:

I know, but it's been a while.

CHIEF SHARKEY:

And this budget, this budget which was reviewed and approved by the New York State Department of Homeland Security, covers the full start-up cost for this endeavor including the vehicle, the animal, the overtime for the training, etcetera. And we absolutely made a commitment to continue covering the cost for our K-9's as we have since the inception of the K-9 Program in the County. Our trainings have been covered out of our forfeiture funds, the budgeted maintenance amounts, etcetera, have not changed. We're not asking for any additional funding to cover this. We had three functioning dogs in our Police division and our intention is to continue with three functioning dogs in our Police division.

LEG. BROWNING:

But the -- you now have a new function. So as far as your supplies, equipment that's needed to do continued training, there's a grant that you're going to train the dog, you're going to train an officer, but moving forward and going down the road you'll need to replenish supplies, equipment. I mean, how much does it cost to --

CHIEF SHARKEY:

I mean, if we're talking about supplies for the dog, I mean, whether the dog can detect narcotics or he can detect explosives, there is going to be veterinary costs and there's going to be food costs, etcetera, etcetera, which --

LEG. BROWNING:

No, I'm not talking about that. I'm talking about the training --

CHIEF SHARKEY:

If you're talking about training costs --

LEG. BROWNING:

Training and equipment, yeah.

CHIEF SHARKEY:

If you're talking about training costs, the Sheriff's Office has absorbed those costs through the use of Asset Forfeiture.

LEG. BROWNING:

Is there a difference in cost for training for a bomb dog versus narcotics?

LIEUTENANT PAPAROTTA:

I have that information here, if you want it, in their application.

CHIEF SHARKEY:

You know, I didn't come here to debate a union official. And I have to apologize --

LEG. BROWNING:

No, no, you're not.

CHIEF SHARKEY:

That I understand that his function is to protect his members, okay, and I laud him for that, but I'm not going to continue a debate with a union official.

LEG. BROWNING:

Okay. But I do -- again, being that you put the grant in, you know, my question for you is is that clearly you -- you know, you have to plan and prepare for when it does -- you know, when it comes to a time where you're going to have to pay for it without the grant, right?

CHIEF SHARKEY:

We extensively researched the initial training and the availability and the maintenance training, and each of those items -- and again, I appreciate the fact that this may have been seven months ago that we discussed it and I don't expect anyone to remember all the details, least of all me sitting here today. However, we have looked into all of the training and maintenance, we looked into other agencies that would agree to train with us for free, for ongoing maintenance training. The K-9 community at large generally is a -- just that, a community, and does work interactive with each other and support each other with training. We currently train -- our current dogs sometimes train with Nassau County Sheriff's Office. We have covered all the bases as far as operations and as far as how we're going to handle moving forward. The costs here that are allowed from this grant are the start-up costs.

CHAIRMAN EDDINGTON:

Good?

LEG. BROWNING:

Okay, yeah. I mean, again, Homeland Security grant, it's clear that they don't want you to be too restrictive. And I just wonder, has it being a little deceptive to accept a grant when you know that you can't -- when you can't do things that their grant is kind of wanting you to do?

CHIEF SHARKEY:

Again, with the correspondence that went back and forth between our office and the Department of Homeland Security, we made them fully aware of the lag payroll agreement that was in place with --

between the County and it was going to put some restrictions on usage of the K-9 team. The full scope of what we may be able to accomplish has to be looked at as we move forward to make sure that we don't violate that in any way. So we will proceed cautiously.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thanks again. I guess my question to Jeff is -- you know, my -- given the existence of the fourth RESOLVED clause in the original resolution, can you explain how the elimination of the fifth RESOLVED clause materially affects your opinion on the intent and the practical application of this resolution?

MR. SALES:

I may have to have Noel speak on that, but -- in fact, I'll have Noel speak on that.

MR. DIGEROLAMO:

I'm sorry, I was outside. Can you just please --

LEG. CILMI:

Sure. Given the existence of the fourth RESOLVED clause in the original bill, which basically -- and I'll ask Counsel, now that he's back, to read it, to remind us of it. Given the existence of that fourth RESOLVED clause, which Mr. Nolan will read, how is the elimination of the fifth RESOLVED clause, which is what happens with this resolution that's before us now, how does that substantively materially affect your position or the intent of the original legislation? So George, if you could read that fourth RESOLVED clause which is staying in, as I understand it; correct?

MR. DIGEROLAMO:

I could probably save you the time, you don't have to -- you wouldn't have to read it. Because it's not the position of the PBA to tell you how to execute the RESOLVED clauses or not, our position is just simply to protect the agreement that's in place, and ultimately protect the taxpayer from having to pay back \$12 million in one lump sum.

LEG. CILMI:

Right. But my question is how does the removal of the fifth RESOLVED clause, given the existence of the fourth RESOLVED clause, compromise that? Because the fourth RESOLVED clause seems to me, in my reading, to be very specific in terms of preventing the Sheriff's Department from over stepping its bounds as they relate to the agreement.

MR. DIGEROLAMO:

The problem isn't with any RESOLVED clause, the problem is going to lie with an action that someone takes. You're going to have a situation where there's a Sheriff driving from point A to point B with a bomb dog in his car, and if something comes over the radio and he responds to it, that's a violation of the agreement. There's going to come a situation where that dog leaves the jail, goes somewhere else, does something; or as the Chairman pointed out, you know, he's ten minutes away from a call, request for a bomb dog from another agency, does he not respond? Because if he does, it's a violation of the agreement.

On April 1st, 2009, as it's very clear in the agreement, any services that were provided for the County by the Suffolk County PBA members is exclusively to us. They did not have a bomb dog. Nobody in the County had those services outside of us. So if they provide a service, it's going to be a violation.

LEG. CILMI:

Maybe to Counsel. And I'm sorry, this gets very in-depth, but this brings up another question in my mind, is that if that were the case and if we had this dog in the Sheriff's Department available and there were some sort of an emergency, and the Police Department, for whatever reason, couldn't respond as quickly as the Sheriff's Department might respond using this dog; if we didn't respond, if the Sheriff's Department didn't respond in deference to the agreement, what sort of liability would the County be faced with in that instance?

MR. NOLAN:

Generally speaking, you know, the failure of -- to provide a response would not expose the County to liability. That question came up a couple of years ago in relation to implementing a no-response policy to alarms that had gone off repeatedly, repeatedly, repeatedly. We did research at that time and it indicated you could do a no-response policy and you would not be subject to liability, and I think the same principal would apply here. So if the Police Department didn't respond for whatever reason, I don't think there would be, generally speaking, liability for the County in that scenario.

CHAIRMAN EDDINGTON:

Legislator Kennedy.

LEG. KENNEDY:

I -- I'm going to defer to Counsel now, and again, to any of the law enforcement individuals in the room. You may have addressed the liability issue, but I believe every law enforcement officer takes an oath to uphold the laws of the locality, the Constitution and things such as that.

LEG. BROWNING:

Protect and serve.

LEG. CILMI:

Protect and serve as well.

LEG. KENNEDY:

I don't know the -- yeah, I guess. So my question goes to, does a Sheriff or a Police Officer or a village officer, or for that matter anybody, have an affirmative duty to respond if they've been made aware that there's some type of a potentially dangerous situation in their proximate?

MR. NOLAN:

Legislator Kennedy, I can only basically restate what I just said, that as a general rule, a failure to respond, that's a very, very difficult case for a person to make out against a Police Department or any law enforcement agency. So I don't think that is a huge concern from the County's perspective, the failure to respond.

LEG. KENNEDY:

But there's a difference between liability and breach of oath, so maybe this is a question -- again, I did not want to go this way, but I will tell you at this point, no matter what we do at this point, I'm abstaining on it because I've got more questions than I do answers now.

LEG. BROWNING:

You know, getting to the -- sorry, you know, the comment that you made. When we had the issue that came up with, you know, the County Executive pulling the Suffolk County Police Department off the highway and, you know, the Sheriff was asked about, you know, putting his guys on the road, and there's that human factor that you're not going to just leave the road wide open. And he felt that he had no other option but to respond, because they're law enforcement and that's your job and that's who you are.

So, you know, going back, that is one of my concerns. While the Sheriff does say that he doesn't want to violate, you know, the agreement, you know, God forbid there's an incident and the Sheriff's bomb dog is closer than the Suffolk County PD's and they respond. Because the human end kicks in and your job as a law enforcement officer is going to take over and you're going to respond, because you feel it's the right thing to do. And then we're going to see, you know -- we have a violation of the agreement and, you know, the County is now \$12 million in the hole. And it's hard. I know that there's agreements, but there's that human part that kicks in and, you know, and about doing the right thing, what you believe to be doing the right thing, which makes me nervous.

And again, to duplicate the service when you know you have it. I wish there was some way we could come up with some kind of an agreement that you could all work together, but things are just getting worse and going down a real bad road, the way I see it.

CHIEF SHARKEY:

If I could. I don't think things are getting worse and I think that on a day-to-day basis, the men and women of both the Police Department and the Sheriff's Office work very well together. So I have to -- primarily I have to disagree with you on that. And as far as --

LEG. BROWNING:

No, I'm not going to say it's about the officers because they are professional and they do a good job and I know they work together. But there's this conquer-and-divide mentality that's been going on over the past couple of years and we think we know who's doing that.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Okay. Thank you, Mr. Chair. I've been pretty much quiet during this debate. I know everyone's concerned about the agreement, but I have a question about the agreement. How long is the agreement in effect, do we know?

MR. DIGEROLAMO:

The agreement is in effect until 2016, unless it's further extended.

LEG. GREGORY:

Okay. So as it stands right now, after 2016, if the Sheriff's Office were to have a bomb dog, they could expand their capability after that point, after the agreement lapses, or the use -- or at least the function would be the same, but where they can use it; yeah, the use.

MR. DIGEROLAMO:

Correct. And the -- and something else I would want to make clear is that simply the purchase of the dog is not the violation, it's the use of it, and that's what makes this such a complex issue. Because I am sure that if there is a Deputy with that dog in his car and he hears something come over the radio, just as Legislator Browning pointed out, when the highway was pulled, when the County Executive pulled the Police off the highway, the Sheriff, I believe his statement was that he felt he had a moral obligation to put them there. And to be honest, that would be the same moral obligation someone might feel at a moment that they think someone was calling for help, but that action is going to cost the taxpayer \$12 million. And as much as -- I'm not saying I want a response to be slower somewhere. We entered into an agreement for a purpose. The purpose was, you know, to loan the County \$12 million and protect jobs and positions of our officers. So we can't be asked to walk away from that either. Simply purchasing the dog is not the violation, but you have to consider what is the purpose of having that dog there if you can't use it? Why put yourself in that position? Why risk 12 million for a \$50,000 grant? They could get a dog that does additional narcotics and call us in whenever they need a bomb dog; that's not an issue. Just I want everybody

to be aware that this is not something that we take lightly either. We realize the importance of having, you know, a rapid response to an emergency, but we also have an obligation to our members who have made the sacrifice of millions of dollars to this County.

CHAIRMAN EDDINGTON:

Legislator Cilmi.

LEG. CILMI:

Yeah, I think what Noel just articulated is really the two most important things. I mean, the other hand of Legislator Browning's comments, which are completely true, is that in addition to the human aspect of the officers who might have the dog available to them, the Sheriffs who might have the dog available to them, wanting to use the dog to help. You know, part of me says, "Well, and why not?" If there's somebody who needs help and the Sheriff is closer to the problem than the Police Department is, why wouldn't you, in the interest of public safety, want to help and why wouldn't you help? But on the other hand, we have this agreement. And I'm not sure how to reconcile the two, because both to me are exceedingly important.

You know, what Noel said also, again, he articulated it very well. The fact that the Sheriff's Department has a dog doesn't in and of itself put them in violation of this agreement, or put the County in violation I think more appropriately of this agreement. But if they use it in any way that violates the agreement, it costs us \$12 million, it costs the taxpayers \$12 million.

So I'm not sure how to go here. I mean, I'm inclined to -- I'm inclined to support the Chairman's discharge motion without recommendation, but I -- I want to see a very, very clear description of how this dog will be used before we have to vote on Tuesday. Because in no way does my agreement with this -- with this motion signal my agreement with the bill. You know, public safety is very important. The fact that we're getting this money from the Federal Government is important, but ultimately it is taxpayer money, and I want to make sure that we're not wasting taxpayer money, regardless of whether it's coming out of the County's budget or some other taxpayer funded budget.

And, you know, my point to the Police Department, and to the PBA, would be that if this resolution does pass, ultimately after Tuesday, and there is some violation of that agreement, I think I would stand with everybody on this committee -- again, regardless of how we vote -- in supporting -- supporting the upholding of that agreement. Thank you.

CHAIRMAN EDDINGTON:

Okay. I have a motion and a second to discharge without recommendation. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:

Abstain.

CHAIRMAN EDDINGTON:

One abstention, Legislator Kennedy. ***Discharged Without Recommendation (VOTE: 4-0-1-0 Abstention: Legislator Kennedy).***

Okay. ***IR 2161-10 - Appropriating funds in connection with the safety improvements at the police firearms shooting range in Westhampton (CP 3111) (County Executive).***

I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

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

IR 2162-10 - Appropriating funds in connection with the replacement of existing fireworks burn pits (CP 3016) (County Executive). 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 2164-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 83.37% support (County Executive). 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 2165-10 - Accepting and appropriating supplemental funding in the amount of \$63,157.49 in reimbursement funds from Sprint Nextel for federally mandated rebanding of Suffolk County Public Safety Communications Network with 100% support (County Executive). I'll make a motion to approve and put on the Consent Calendar.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor? Opposed? Abstentions? **Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).**

IR 2166-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department's participation in the Tactical Diversion Task Force FY2011 with 83.37% support (County Executive). 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 2184-10 - Accepting and appropriating Federal funding in the amount of \$51,606 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force FFY2011 with 83.37% support (County Executive). 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).

2185-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Long Island Cyber Crime Task Force (LICCTF) with 83.37% support (County Executive). I'll make a motion to approve.

LEG. CILMI:

Second.

CHAIRMAN EDDINGTON:

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

IR 2186-10 - Accepting and appropriating a grant in the amount of \$800,000 from the United States Department of Justice, Office on Violence Against Women, for Project SCOPE (Suffolk County Orders of Protection Enforcement) administered by the Suffolk County Police Department with 98.46% support (County Executive). 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 2189-10 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 83.37% support (County Executive). 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 2190-10 - Accepting and appropriating 100% Federal funds awarded by the FBI to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (County Executive). I'll make a motion to approve and put on the Consent Calendar.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? **Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).**

Accepting -- **IR 2207-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP 3013) (County Executive)**. 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)**.

2225-10 - Authorizing the placement of a monument on the grounds of the 2nd Precinct in Honor of Glenn Ciano (Stern). We have to make a motion to discharge without recommendation because the committee, the Sighting Committee is going to come into play right after us. So if you want to make that motion?

LEG. CILMI:

Sure.

CHAIRMAN EDDINGTON:

Okay. Motion to discharge without recommendation by Legislator Cilmi. I'll second that. All those in favor? Opposed? Abstentions? **Discharged Without Recommendation (VOTE: 5-0-0-0)**.

IR 2234-10 - Adopting Local Law No. -2010, A Local Law to restrict the residence of sex offenders near amusement parks (Gregory).

LEG. GREGORY:

Motion to table for a Public Hearing.

CHAIRMAN EDDINGTON:

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

Seeing no other business, I'll adjourn the meeting. Thank you.

(*The meeting was adjourned at 12:42 P.M.*)