

***PUBLIC SAFETY COMMITTEE***

***OF THE***

***SUFFOLK COUNTY LEGISLATURE***

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Thursday, October 6, 2011, at 10:00 a.m.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Presiding Officer Lindsay  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Clerk to the Legislature  
John Ortiz, Budget Review Office  
Bobby Knight, Clerk's Office, Suffolk County Legislature  
Ellen Stitt Bove, Aide to Legislator Eddington  
Paul Perillie, Aide to Legislator Cooper  
Jason Richberg, Aide to Legislator Gregory  
Robert Anthony Moore, Suffolk County PD, Chief of Department  
Ted Nieves, Suffolk County PD  
Tracy Pollack, Suffolk County PD  
Gerald Cook, Director, Suffolk County Probation Department  
Hank Mulligan, Superior Officer's Association, 1st VP  
John Cowey, Superior Officer's Association, 2nd VP  
Michael Sharkey, Suffolk County Sheriff's Department  
John M. Searing, Deputy Commissioner, FRES  
Noel Digerolamo, Suffolk County PBA  
Russ McCormick, Suffolk County PBA  
Anthony LaFerrera, Chairman, FRES Commission  
Jeff Cergol, Suffolk Detective's Association, Trustee  
Harold Jantzen, Suffolk County Marine Bureau, Deputy Inspector  
John Hanley, Suffolk County Marine Bureau, Captain  
Ed Hennessy, County Executive's Office  
Noel Di Gerolamo, PBA  
Gail D'Ambrosio, SCPOA President  
Michael Deering, LIPA  
Laura Ahearn, Parents for Megan's Law, Executive Director  
John Bruckner, National Grid  
Tom Beisner, National Grid  
Michael Hervey, LIPA  
Vanessa, Baird-Streeter, LIPA  
Richard Meyer, AME, Legislative Director

George Wilson, Bridge of Hope Resource Center, Treasurer  
Roselene Medeiros, Bridge of Hope Resource Center  
Cynthia Yablonski, Bridge of Hope Resource Center  
Celina Wilson  
Greg Fisher  
David Tyska

**MINUTES TAKEN BY:**

Lucia Braaten, Court Reporter

**MINUTES TRANSCRIBED BY:**

Alison Mahoney, Court Reporter

Kim Castiglione, Legislative Secretary

*(\*The following testimony was taken by Lucia Braaten - Court Reporter  
transcribed by Kim Castiglione - Legislative Secretary\*)*

*(THE MEETING WAS CALLED TO ORDER AT 10:05 A.M.)*

**CHAIRMAN EDDINGTON:**

All right. If everybody could rise for the Pledge of Allegiance to be led by Legislator Cilmi.

*(Salutation)*

If you could remain standing for a moment of silence for all those that serve our Country, both foreign and domestically.

*(Moment of silence)*

Okay. Thank you very much. I don't have any cards. Is there anybody that would like to address the committee for three minutes? Oh, here we go. The first card here is Celena Wilson. Now, I'm going to let you make a presentation later, so --

**MS. WILSON:**

Yes.

**CHAIRMAN EDDINGTON:**

So, you know, I'm hoping you'll have more than three minutes to say. Okay? So we'll wait on that. Okay. Greg Fisher. Greg Fisher? Okay. David Tyska.

**MR. TYSKA:**

Good morning. I'm here about the child concealment. My son was abducted back in 2008 and I have some copies of the problems I've been going through with the judge who allowed this to happen. My son has been concealed from me since 2008, roughly around September. My ex-wife took him, had a stay against my divorce agreement, which stated she couldn't move 50 miles from the marital property, because I found out in her past relationship marriage she did the same thing with the other person's children. She abducted another man's two children and he never saw his kids. So I had it put in my divorce agreement that my son would not be able to move 50 miles from the marital property to prevent this problem from happening.

My son has been abducted and my other two sons have not been able to see their brother since. My sons have written the judge, David Freundlich. I've written to David Freundlich, and they just keep refusing my paperwork, which states that my case shall stay in New York. I don't know if my son's alive or dead.

I had a private investigator looking for him. I have Voices for the Children in Palm Beach, Florida, looking all over Tennessee to find him. The address that she gave on the court paperwork is not a legit address. I went down there last year to find my son, to speak to him and he's not there. I don't know if my son, like I said, is alive or dead. I just need some type of help to find my son. He's in bad danger because I have paperwork that's been submitted to the courts, my son was born prematurely at Stony Brook Hospital because my ex-wife is a cocaine addict. Her name is Maryann

Linda Jensen. This was all given to the courts and one of the judges remarks was, to my ex-wife, do you do these drugs in front of your child. I said no, she said no, I do not. He goes it's irrelevant then. I thought drugs were illegal.

My son is living with a cocaine addict. And it was on BainScape.com that my stepdaughter wrote that her mother is a crack addict. I submitted that to the courts. We got BainScape shut down because it's basically people talking bad about other people. But I have a copy of my stepdaughter's writings.

I don't know if my son's alive or dead. You know, I was a primary caregiver to my son, and I have photos here if you want to see the birth pictures of him. I mean, if it wasn't for me my son probably wouldn't be alive, but now because she abducted him and concealed him from me I don't know if he's alive or dead.

I just hope that some bill gets passed to protect other children. Children need both parents in their lives, and when one falls the other one can correct some of the mistakes they are making. I have a three year parenting degree to make sure I didn't mess up on raising my kids. I mean, you can't even say the word well, you're just like your mother, that's abuse. I mean, you have to help the child. And I just hope this bill gets passed. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Greg Fisher.

**MR. FISHER:**

Hi. My name is Greg Fisher. I'm a resident of Riverhead Town. I faxed a copy of a letter in support of 1624 to each and every Legislator and certainly all people on the committee here today. I'm going to give a copy to the Clerk for the record.

**MS. ORTIZ:**

Thank you.

**MR. FISHER:**

Very simply, this Legislature did pass Caylee's Law recently, which is a bill talking about the concealment of a child generally. And what the common theme of that law and this proposed law is once a child is concealed, hidden, there's no good of that. If the child happens to be concealed for its own benefit for -- perhaps there's some abuse or -- and the child needs to be taken to authorities, doctors, police, etcetera, that can certainly be done within 24 hours. But any child concealment that is not for the child's benefit is clearly a demonstration of mental illness or some kind of manipulation or abuse of the child or spouse, the child's other parent.

There's no legitimate reason to conceal a child, really. We have a lot of infrastructure in this State to protect children. We have police and judges and lawyers and forensic evaluators etcetera, so if that child is being concealed for more than a very, very short period of time to go en route to that protective mechanism, clearly there's a problem, clearly there's a problem. Usually, as Mr. Tyska pointed out, concealment is the first step to a far greater problem, perhaps interstate or international abduction.

So any time there is a concealment, and if it does lead to abduction as concealments actually commonly do, whether that abduction be for more than two hours or -- which is a federal rule. The federal rule is that a child concealment must be reported into in NCIC immediately and municipalities are required to develop a mechanism where that certainly happens within two hours. We should do what we can to deter concealment to prevent the concealments from occurring. It starts to create county costs and local town costs if we're not deterring concealment because certainly we now have

to follow up on those reports and take them out, adjust them. The family Courts get involved, other mechanisms get involved. So as a deterrent this is a very, very important step.

New York State does not have this defined in the Code, child concealment or child abduction. Neighboring states, like New Jersey, the second a child is concealed, the second, it is a felony. California, many other states, the same. It's a felony and the reason why they do that is so they can invoke the police mechanisms to get those children back as soon as possible, get them out of harm's way.

You all know my story, which is my children have been abducted many, many times. There is a pattern to abduction. In Mr. Tyska's case it was different marriages, but my kids it's repeated abductions of the same children over and over again, ranging from one day to 25 months.

So thank you very much. I appreciate it, I know my time's up. This is an important step and Suffolk County has taken the lead on so many other measures, so many other laws and areas of public safety in the past. And I would appreciate that they take the lead on this as well. Thank you very much.

**CHAIRMAN EDDINGTON:**

Thank you. Is there anybody? I have no other cards. Is there anybody else that wanted to address the committee? Okay, seeing none, I would ask Robert Anthony Moore, Chief of Police, to please come forward.

As you are aware, I wrote a letter to the Commissioner asking about the particular part of the Laffer case, since it's five blocks from my house and the media has been banging on my door, I believe my companions here, and I have continued to say oh, I didn't know, I don't know anything about it. So I asked the Commissioner and he said what I had predicted that it's -- that it's -- now it's in the courts and we really can't say anything, which is basically what we hear all the time. So I guess what I'd rather hear if that's the case, I'd like to hear that from you.

But my real of desire is how do we -- and it's always been the same desire. Whether anything fell through the cracks or not, what kind of procedure do we have, and is there anything we could do to even make it better? And I don't know if you can answer that, but that's what I'm asking, anyway.

**CHIEF MOORE:**

Good morning. I'm Robert Anthony Moore, Chief of Department of Suffolk County Police Department. I didn't realize that you also had a timer for yourself.

**CHAIRMAN EDDINGTON:**

We all should have timers.

**CHIEF MOORE:**

You know, we share your frustration, sir. There are many times when the Police Department would like nothing better than to share information with the Legislature and with the media, but because of pending litigation, whether it's on the criminal or the civil side, we're just not in a position to be able to speak about these issues in a public forum. The Laffer and Brady have yet to be sentenced, so from the criminal side we really can't speak to that issue. And from the civil litigation side, there are currently at least two civil suits pending against the Suffolk County Police Department. So in a public setting I'm afraid we're not going to be able to discuss any of those issues. However, if you'd like I'd be happy to sit with you and the members of the committee in Executive Session and share whatever information I can. And it will be considerably more than I'm able to discuss here in the public forum.

**CHAIRMAN EDDINGTON:**

And I appreciate that offer. And here's how I feel about that. You can't say anything in public, but you'd be willing to tell six politicians information hoping that they won't say anything.

**CHIEF MOORE:**

Well, sir, you're more than a politician. You were elected by the people of Suffolk County to represent them, and the things -- I'm fully confident that the things you do are with the best interest of the people of Suffolk. And there are frequent occasions when we're able to share information with political leaders who are duly elected that they would never -- state secrets. You know, a homeland security issues, you know, we could go on and on. So it's not that unusual that the law enforcement arm of the public service sector shares information with politicians fully confident that the politicians understand the gravity of the situation and the important role they play in the American political system.

**CHAIRMAN EDDINGTON:**

Thank you for that vote of the confidence. You know what, I will consult -- I'll listen to what my committee says, and if they want that at the end of this meeting, before it ends we'll have that. So basically what you're saying is you can't make any kind of comment at all about procedure or anything?

**CHIEF MOORE:**

I'm sorry that at this juncture we're just not able to, sir.

**CHAIRMAN EDDINGTON:**

You know, then I guess before I turn it over to anybody else, I just want to say, you know, I'm going to continue for the next 96 days to talk about the lack of communication. And I understand this, I understand this, but like five days ago, at 1:00 in the morning there was a police helicopter over my neighbor and my house for a half hour. Didn't get a phone call from the Precinct Commander. Do you think --

**P.O. LINDSAY:**

You were watched.

**CHAIRMAN EDDINGTON:**

Yeah, they're watching me. Do you think after five-and-a-half years of asking just let me know if there's something going on in my neighborhood. Do you think any of my neighbors called me? They have this expectation that I know what's going on. I will tell you the 5th Precinct was very cooperative when they got individual calls, but I don't think that's the right way to do it. I'm going to continue to my last breath in the Legislature to talk about the lack of effective communication with this body.

I don't have faith that what you tell us inside privately will be all the information because communication is not that effective and I think restraints are put on you on what, "Well, you can tell them this but you can't tell them that". I don't have faith anymore in the communication because we've been asking for it. We had to subpoena records, for Pete's sake. So I'm sorry if I -- it's not you personally, it's the department that I don't have faith in getting true and open communication when I can't get something that happens right over my head, for God sakes. So after that I'll open it up. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Good morning, Chief. You and I had a private conversation about some of -- some of the circumstances that were associated with the Laffer case and I -- I want to be able to have a conversation, I guess, about general department protocol, but then I'm going to turn and

I'm going to defer to the Chair because there may be a need to possibly even have an Executive Session with you. So indulge me for a second.

If an officer is called to a residence and the owner or somebody that lives at that residence has a weapon, legally has a weapon, and there's some kind of complaint, whatever it is, maybe it's, you know, petty theft or a DV thing or something like that. Many years ago I was familiar with A-1A under then County Executive Halpin that said any time there was anything that fell in the bundle of domestic violence that there would be an arrest, and actually the individual would be removed from the premises, and if there was any sorting out that had to be done, it would be done subsequent to the removal from the premises. I guess my first question to you is has that policy changed? And then secondly, would that be something that was in play when the officers responded in January or February to the Laffer home?

**CHIEF MOORE:**

In cases of domestic violence?

**LEG. KENNEDY:**

Well, my understanding with A1A was that -- where there's allegations. Now, as you know, I mean, domestic violence is not always just spousal or man on woman. We have unfortunately incidents of elder abuse, we have a whole variety. We have abuse that may go on, parent/child, but there's something that prompts a call from a resident to 911 or to the Police Department asking for a response and intervention. So from a general perspective I'm asking you, when an officer arrives at the scene, they have the conversations, they try to decipher what's going on. What triggers that arrest policy?

And I'll give you one last question, and this goes way, way, way back, back when I was an intern in Family Court. Any time there was an allegation of weapons, Sheriffs, when they went out to a site, automatically removed those weapons, even if there was, I believe, I believe, even if there was a license. And I'm not trying to tell you that I want to tangle with the Constitution, but as I said to you when we spoke privately, I was extremely, extremely troubled when I read what I read in Newsday. Now, that's not the whole story. So I'm asking you to educate me hypothetically in a broader fashion as to the department policy.

**CHIEF MOORE:**

You know, we always run into danger when we begin to talk hypothetically, because these hypothetical situations evolve as the questions are answered. I think that perhaps, as the Chair had suggested, you talk amongst yourselves and see whether or not you'd like to discuss these matters in Executive Session.

**CHAIRMAN EDDINGTON:**

The helicopters over your house tonight.

**LEG. KENNEDY:**

It may be the new civilian pilots that are being tested.

*(Laughter)*

I just -- I need to know for the purposes of being able to speak with my constituents. And as you pointed out with the Chair, all 18 of us were elected as the policy-makers and the fiduciaries on behalf of the County. And if we can't articulate that policy, then at least for me personally, I'm negligent, I'm not doing my job. I need to know and you know, I'll defer to the Chair and I'll defer to Counsel, if this is something that's more appropriate in Executive Session, then I'm going to ask the Chair to convene an Executive Session for this specific purpose.

**CHAIRMAN EDDINGTON:**

Yeah, why don't we do that at the end of the meeting. We'll stop for minute and go inside.

**P.O. LINDSAY:**

Yeah, that's a good idea. Let's finish the rest of our business.

**CHAIRMAN EDDINGTON:**

Yea, we'll do our business first. Is there anybody else or do you want to wait until Executive Session? Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. If I may go off course a little bit. I have a different question in a different area, an issue that was brought up to me about our night attendants in our Precinct.

**CHIEF MOORE:**

Detention attendants, sir?

**LEG. GREGORY:**

Detention, excuse me, right. We have -- how many do we have, about six or so or is there more than that?

**CHIEF MOORE:**

You have the advantage, sir. I wasn't prepared to address, but please.

**LEG. GREGORY:**

Okay. Well, my concern is detention attendants, female detention attendants, what I've been informed of is that there are female detention attendants that are left alone on a shift and from what I understand that hasn't been the past protocol. They usually had at least a male or a female partner, and it's my understanding that there have been several instances where there's a female detention attendant by herself, which you know can be a very precarious situation if something were to arise.

**CHIEF MOORE:**

I'm sorry, sir. I just don't know, but I'll certainly find out before the end of the day and get back to you, through the Chair if you'd like or directly to you.

**CHAIRMAN EDDINGTON:**

I think that would be great if you could do that. Thanks. Legislator Browning.

**LEG. BROWNING:**

Good morning. I -- you know, I was away last week on a family matter and prior to my going away I spoke with the Precinct Commander of the 7th Precinct, and evidently I learned that the Sheriff's Department were patrolling in Mastic Beach. Are you aware of this?

**CHIEF MOORE:**

I was not aware that they were patrolling Mastic Beach.

**LEG. BROWNING:**

Okay. So you have never been by the Village.

**CHIEF MOORE:**

About the Sheriff patrolling Mastic Beach? No.

**LEG. BROWNING:**

Well, my understanding was is for some reason they believe that the Suffolk County Police Department weren't doing enough. I don't necessarily agree with them, because I'm aware of a lot of the calls, you know, reports and complaints that I've received, and they do respond very well. We have the COPE officers down there. I know at times there's been the Gang Unit down there. However, I've said before, you know, our Gang Unit and undercover, you know, unmarked cars are pretty much stretched to the limit. And what I was told was that they had called the Sheriff's Department because they felt that they need a better presence in the Mastic Beach Village. And I believe up until yesterday they were still patrolling in the Mastic Beach Village. I was just curious if you had been reached out to by the Village or, you know, if you've spoken with the 7th Precinct about it.

**CHIEF MOORE:**

No. This is the first I'm hearing it.

**LEG. BROWNING:**

Okay. I think it's important to make sure that we reach out to them, because, you know, one of my concerns was, and I did speak with a Sheriff yesterday, and he said that they had a grant that was going to -- it's expiring and that was what they were doing with that money, was sending them down there. However, I have a little concern about if there was something going on, an investigation at a home or, you know, incidents in the area and the Sheriff's Department weren't necessarily aware of it, that it could probably create a conflict for our Police Officers. So I would like you to follow up on that, because clearly, if they feel that there's not a good enough presence of Police Officers in Mastic Beach Village, I think it's important to make sure that we address that.

**CHIEF MOORE:**

And this is going on right now, ma'am?

**LEG. BROWNING:**

I believe up until yesterday there were still Sheriff's cars patrolling. And, you know, I think that's something that maybe having you contact the Sheriff's Department, you know, I guess the Sheriff got a call and he was asked to do something. He's responding to it. But I think it's important that we have better communication between the two entities.

**CHIEF MOORE:**

Well, I couldn't agree more. Perhaps there's someone from the Sheriff's Office that can explain that right now.

**LEG. BROWNING:**

I don't think anybody's here that's -- you know, I'm just wondering --

**CHIEF MOORE:**

The Sheriff doesn't have a representative at Public Safety?

**CHAIRMAN EDDINGTON:**

We've asked to have a representative every meeting, but I guess I wasn't as clear as I could be as a communicator.

**LEG. BROWNING:**

I just -- you know, it's my concern is, is that, you know, we do have them down there and if Mastic Beach is not feeling that they have an adequate presence, I think that's something we need to address. I just want to find out if the, you know, if they have reached out to the Precinct before

they did this, what was the response from the Precinct, you know, and if they didn't get satisfaction from the Precinct that they called Police Headquarters. So if we could get some answers on that I'd appreciate it.

**P.O. LINDSAY:**

Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

Legislator Browning's statement is very disturbing to me. Chief Moore, Mastic Beach is in the Police District, am I correct?

**CHIEF MOORE:**

Yes it is, sir.

**P.O. LINDSAY:**

Don't we have an agreement with the PBA with \$12 million hanging over our head if the Sheriff goes beyond his current jurisdiction?

**CHIEF MOORE:**

We most certainly do.

**P.O. LINDSAY:**

Then what the hell are they doing? I mean, this is not a time that we can risk losing \$12 million, and I'll say that to all of you. And doesn't the Sheriff have enough to do with his current duties in patrolling the Expressway and everything else that he wants that now he's going into the Police District? My only response to that, and it is disturbing to me that there's nobody from the Sheriff's Office here. And I know the Chairman's been talking about that for a while.

**CHAIRMAN EDDINGTON:**

Legislator, I wonder if I could ask your office, since we're here, could someone in your office contact the Sheriff's Office and tell them that we would like an answer to this question? Is it true or is it not true? At least give us that from Riverhead so that we can at least then work on that premise to correct it. But at least they can make a phone call to your office and let us know.

**P.O. LINDSAY:**

I could have that done right now.

**CHAIRMAN EDDINGTON:**

I'd appreciate that.

**LEG. BROWNING:**

No, I can respond.

**CHAIRMAN EDDINGTON:**

I cut him off, I'm sorry.

**LEG. BROWNING:**

You want to say something?

**P.O. LINDSAY:**

No.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

No, I did speak with the Sheriff yesterday to find out what was going on and he said it was a grant that was getting ready to expire. It's not on a permanent basis from what I can understand what he's saying, however --

**CHAIRMAN EDDINGTON:**

It doesn't excuse the behavior.

**LEG. BROWNING:**

I didn't even think about the \$12 million issue when he said that. My major concern is, is that if they're feeling that there's not an adequate presence. That's my major concern right now, is the lack of adequate presence in the Mastic Beach Village area. You know, they're a new village, they're trying to clean up the community, and same with the North Bellport area. How do you change a community is you have to have adequate police presence in a community to fight the crime and deter that crime.

I know you're talking about that other issue, but he did -- they are there, have been there. I did see a car coming out of Mastic Beach the other day myself, and, you know, however it's not permanent, but, yes, they were there.

**CHAIRMAN EDDINGTON:**

This greatly concerns me because the County Executive just made a four million dollar agreement with the Sheriff. So what keeps the Police Department from looking for a grant for two months to patrol the highways or something? I mean, we're -- this is opening up a can of worms that could cost us \$16 million.

**P.O. LINDSAY:**

Could I just point out, you know, I can appreciate about a new village. Every community that I know of could say I want additional police protection. Who doesn't want additional police protection? What are they going to do, get on the phone with the Sheriff and say send some patrols here. I mean, this is really out of control, folks. You know, I hate to put Mr. Kopp on the spot, but, is the Executive Branch aware of this? Because \$12 million would really knock our budget totally upside down.

**CHIEF MOORE:**

Perhaps the Mayor is unfamiliar with the County Charter.

**LEG. BROWNING:**

I think he is.

**CHAIRMAN EDDINGTON:**

Yeah, but the Sheriff is.

**MR. KOPP:**

You have succeeded in putting me on the spot because I've not heard of this until this moment, so.

**P.O. LINDSAY:**

I didn't hear about it until this morning either, so I apologize to you, Mr. Kopp.

**MR. KOPP:**

Not a problem.

**P.O. LINDSAY:**

But, could you --

**MR. KOPP:**

Check on it?

**P.O. LINDSAY:**

Not only check on it, I mean, the agreement with the PBA is signed by the County Executive. I'm sure he would be very concerned about having to give back \$12 million at this point in time in our fiscal crisis.

**MR. KOPP:**

Yes, we would share your concern about any fiscal implications and I'll check into this.

**CHAIRMAN EDDINGTON:**

Well, we're going to have an Executive meeting at the end of this committee. Maybe you could have a response for us and we'll all be one big family and communicate effectively.

**MR. KOPP:**

I notice you didn't say one big happy family.

*(Laughter)*

**CHAIRMAN EDDINGTON:**

Anything else for the Chief? Okay, thank you very much, Chief. As you know that we had a meeting and we were discussing the non-hurricane, the -- what do you call that again?

**LEG. BROWNING:**

Tropical storm.

**CHAIRMAN EDDINGTON:**

Tropical storm, and we had Verizon and Cablevision and LIPA here. And Cablevision has gotten back to me and asked me to share with the committee that the -- like the County Executive and the Deputy County Executive, the Chair of Public Safety will be in the loop and part of the communication and that -- that they will be responsible to make sure that everybody on the Legislature knows.

LIPA, Mr. Hervey, the Vice President, agreed to come here and, in fact, I told him he didn't have to, but he wanted to come here to make sure that everybody was aware of their response to our meeting. So, Mr. Hervey, I appreciate your being here. Good morning.

**MR. HERVEY:**

Good morning. And thank you for inviting us. And today also I have with me Mike Deering on my left, Vice President at LIPA, who was at your last meeting, and on my right John Bruckner, who's the President of Transmission and Distribution on Long Island for National Grid, who was also at the last meeting. And, Legislator Eddington, I certainly thank you for inviting me again today. I did want to make a special point to come to your meeting. I was not able to make the last meeting so I do thank you for your indulgence in that I wasn't able to make your last meeting, and thank the

committee as a whole, certainly, for entertaining us today.

Last month there were several issues raised relative to LIPA's performance in the storm and -- by this committee, but this committee made it clear to us in its statements that it has responsibility for coordinating these activities on the public safety issues, storm issues, and we certainly recognize that, and can commit that we will bring this committee into the loop while we're having these major events during storms and we'll certainly do that in the future.

Also, many members of the committee voiced concerns and had questions about LIPA's preparations. We have a -- I hope it's been passed to you, we have a large, rather large presentation that we've given to you. Out of respect of your time, I don't intend to go through all that information. I will go through some high level summary of that today, but I believe the information we've given you does answer the questions that you've asked us. I just do want to go through a few of the high level issues revolving around LIPA and storm response.

One of the questions, I think, or a set of the questions and some of the information that we'd like to give you today is that we -- we of course, want to do each and every storm better than we've done the last storm, and we have a better thorough process set up of review afterwards. I know that you work often with the police service and the fire service and know that in these professional organizations that we have after action type of reports. We have the same type of process at LIPA almost compounded. We certainly will do an internal after action report and staff report with lessons learned. We do that after every major event. That information will in turn go to the LIPA Board of Trustees Operating Committee, who already has assigned Board members to review various aspects of our storm.

We have -- for this storm we voluntarily asked the Department of Public Service, Public Service Commission, to include us in their statewide review that the Governor's requested of all utilities across New York State. And we're right now negotiating with the Department of Public Service in a way that they can carry that out and include us in that review. I think that will be valuable to us and the other utilities and statewide in that we'll be sharing the experiences and lessons learned across the entire state, including LIPA.

We've already had three very productive sessions that we held and sponsored with municipal authorities, mayors, trustees, Town Supervisors, invited the County Executive's and their staffs, to the meetings, in a mode of data gathering of what we could do better to communicate with them and to support them in the storm. We came away from that with a lot of productive information that we will carry forward in any changes that we make.

We also committed to having roundtable meetings with the various Departments of Public Works that, of course, service the towns, villages, County, etcetera. And we will take all of that information and also have it reviewed by an independent board that we established several years ago that have reviewed some of these instances called the LIPA Major Storm Review Panel. And that panel consists of experts from out of state from municipal utilities and investor owned utilities from the emergency management fields, representatives of consumers and representatives of business, and they'll do a review also. Ultimately, all of these reviews will result in some number of procedural changes, I'm sure, at LIPA, but will also result in the entire storm being reviewed by our Board of Trustees, and of course they'll make any changes that they see fit to make.

Just turning quickly to one issue that I know that was important to several of you, and that's critical care. We've been going back and reviewing our Critical Care program, really, with every storm. I think Vanessa has a -- had passed to you our critical care brochure. But there is a misunderstanding around the Critical Care Program. First of all, our Critical Care Program mirrors the Critical Care Programs of every utility in New York State. And the primary purpose of the

Critical Care Program is to give us the ability to reach out to critical care customers and know where they are, but most importantly, to reach out to them ahead of and during the emergency to give them additional information.

Now, there is a perception that critical care means first to be restored. And I can tell, on a sunny day like today if a dispatcher has a choice between a critical care customer and an outage that doesn't involve a critical care customer, that they'll, in fact, give priority to that critical care customer. But in these large scale events the critical care customer is -- our duty to them and our commitment to them is to reach out to them and give them information regarding their restoration so that they can make plans for their own particular situation.

Last year we did do a Newspaper and Public Outreach Program to sign up more people for critical care to make them aware of that. The information that goes to critical care customers is very specific in that it says that it does not guarantee priority restoration, but, in fact, gives them the ability to be warned by us when we have storms and during the storms. So, in fact, ahead of this storm we did call all 5,000 critical care customers ahead of time with personal phone calls, and during the storm at least once. In some cases, depending on the area, twice. We did call them during the storm to give them updates of what they should expect. So our task is to be more communicative towards the critical care customers to let them know the expectations that they should have of us, and certainly at the end of the day if there is a medical issue in the home those customers need to have -- take the responsibility to care for themselves or to make alternate arrangements in these large scale events.

There were several questions last month about storm priorities, restoration priorities, and I think some of that was described at that time, but I briefly want to just go over that again. Our first day, first event priority is restoration of the transmission system and that transmission system is the bulk power system that takes the electricity off of the generation grid and interties off of Long Island and takes it to the substations, and then of course substations go ahead and power up the neighborhoods. But in this event we did spend a considerable amount of time that first few days restoring the transmission system. In fact, the Smithtown, Flower Field, Nesconset area, and you can draw a giant circle around that whole area, was completely out of service because simply the transmission lines were all down. So in order to do any restoration activity at all, and I just use that as an example, we had to restore the transmission system first.

As we're addressing the transmission system and substation systems, we turn, then, to a parallel path. One side of that parallel path is to restore as many customers as quickly as we can and we go after the largest blocks of customers first. The second side of that parallel path is to go after critical social infrastructure. That starts out generally with hospitals being at the top of the list. If there are other priorities identified, those would be identified generally through the County OEM, but our second tier then has several different options we can go towards depending on what the particular issue is. Those might include government centers, airports, certainly includes water pumping plants, sewer pumping plants, those types of things that are critical for social infrastructure. So we're working both of those paths at the same time.

There was some question last time about priority between business and residential, and we really do not necessarily carry that priority through our priority systems, but by default since most businesses are on what we would refer to as our main line distribution system. They by default generally come on first because our order of restoration is transmission to the substation, restore the substation, restore the distribution main line. So inasmuch as those businesses are in the business centers are on that main lane, which they generally are, businesses tend to come on ahead of residential neighborhoods. But that's more a function of the particular configuration of the electric system. So we do go through all those priorities.

There is a mechanism for notifying us and arranging for a priority shift, and that, again, is through the County OEM, and they do that on an active basis. If they -- if through the OEM there is a discovery that there is a particular priority that we need to pay attention to that message -- there is a route for that message to get to us. We do staff the OEM and that communication happens pretty well and, in fact, those priority shifts do happen on a regular basis.

There was a question about local control, which is where we decentralize our operation and then start to run portions of the system out of particular substations and why we do that. Over time that has been found to be the most effective way to do the most restoration with the most customers as quickly as possible. It is a best practice. Many of the utilities look at that and emulate it after they see what we've done. Unfortunately, what has happened and what happened in this case is we also lose some amount of local information when that happens. So it's our task to improve that local information flow as we go forward, and I will speak a little bit about how we're going to do that in just a moment.

Next question was about the question of using more local labor. We do use quite a large amount of local labor, not only the local contractors that normally service us, but many other local trades are used in the process of the storm restorations, everything from food service to laborers, for example. I know the concern there comes around can we use the Local 25 electricians more, but I just want to say the Local 1049 electricians, which are the electricians that service us, are trained in the utility work. They work in the high voltage to low voltage areas. Everything above 480 volts all the way up to 345,000 volts. Each and every one of those linemen have over 10,000 hours of training specifically on system and specifically on this type of equipment to be able to work on it. As a contrast, the Local IBW 25 people, all great people, typically work up to 480 volts, sometimes in some specialty areas higher than that, but it would simply be impractical and unsafe to have them work on our high voltage system.

That all being said, we are always looking for more opportunities to use them. It should be said that they have quite a lot of work normally that comes to them as a way of the customer damage, damage on customer equipment that comes through on storms, and generally have quite a large number of jobs that they work on at that point. But in our review we are looking for additional ways that we can use the Local 25 electricians going forward.

There were several questions about the substation flooding and how we prepare for that. For legacy purposes, before anybody realized -- that LIPA's been and before LILCO was in service or has been doing business for over 100 years, so before people understood the issues around surge and storm surge, substations were built in the surge areas. It is our practice now not to build substations in the surge areas, and we have built no new substations in the surge areas. But that does leave several of our substations, nearly 20 of our substations vulnerable throughout the system. To rebuild them on higher ground would mean finding new substation locations, moving them into neighborhoods that right now that don't have that type of substation facility. It would mean building transmission in the neighborhoods that presently don't have transmission lines in their area. It would cost tens of millions of dollars per facility to do that.

So what we have done, and started this about six years ago, is we have been through a process of storm hardening our system, and in some cases that means that we've changed out or elevated some of the equipment inside of the substations. That still doesn't address all of the substations and, in fact, because of all the problems I just mentioned it's impractical to relocate these substations. So our plan behind that is to protect those substations as much as we can with temporary measures such as sandbagging when we know that there is a surge event predicted, and also in many cases to have replacement equipment on hand so that if equipment is damaged we can work quickly to replace it, or to have temporary equipment, mobile equipment we can bring in after the fact. So we do have plans regarding each substation that is in a surge zone subject to flooding.

It would be a traumatic event for the system regardless if we did lose a substation because of flooding, but we do have plans in place to recover from that should it need to be.

There has been a lot of conversation in the public about improved communications, and that's certainly one of the areas that we're focusing on in our review. As I mentioned earlier, we've already been in the process of identifying several of those areas of potential improved communications. One of them specifically has to do with this committee. As I said, in the future we'll bring this committee into the loop on communications and we'll also make a commitment to regularly attend the Suffolk County Public Safety meetings and to kick off a proactive education campaign. The scope of that has yet to be determined, but we definitely do see the need to, going forward, to proactively get out in front of municipal officials and let them know what the process is.

Right now we do -- the current practice is we do participate on all state, regional and County OEM calls leading up to and during the significant events, but a commitment that we're going to make is to have -- for LIPA to sponsor specific municipal calls ahead of an event and during the events. I believe that where we've done that, and we've done that from time to time, it's been very effective. We've gotten very positive feedback on that, and there's no reason in the world that we just wouldn't do that as a matter of course for each major storm. So we will implement that, that process of doing that.

We've already published a new municipal phone number. Some of the conversations around the phone numbers, I know many of you know, municipal officials have a specific phone number to call in on. That phone number was flooded by non-municipal traffic. That number over time gotten out into the public, and a few cases we're aware it was even published on village websites, and that rendered that number ineffective. So we have established a new number. Communications will go out to the municipalities in the very near future to tell them what that new number is. We'll monitor traffic, and if we need to build additional safeguards into that phone numbers, as in changing it more frequently or putting the PIN numbers in, we'll do that. But certainly we want the municipal officials to be able to get in and talk to a person who can help them through their particular concern, and we'll make sure that that process works.

We're also evaluating the normal type of equipment. By the way, I do want to mention we did during the storm initiate a daily e-mail and fax to the municipal officials, and we found that to be very useful and we got quite a bit of public -- good feedback from municipal officials on that. So that will also be part of what we do normally going forward.

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

We have several items that we need to address regarding communications to customers and to the public in general. This is an issue that I think that we understood that we needed to upgrade some of our computer systems. In fact, ironically a company that we contract with for a new computer system called an Outage Management System, which is what managers are -- outages and restorations, announced the contract that we signed with them during the hurricane; I think it got lost, but they put out their PR piece during the hurricane. So we had been working on this issue, but I've asked the National Grid folks who work on this for us to look at accelerating the installation of that new Outage Management System. It will give us quite a bit more capability to have from the field all the way to the customer communications. That originally was scheduled to be in place by some time in 2013; I've asked them to look at everything they can do to accelerate that scheduling to 2012 and to get that major computer system replaced. And it actually gave us much better ability to gather intelligence in and out of the substations, gather that up, have it in a computer system and then of course communicate it out through the channels that we use.

That having been said, I do want -- you know, it's not all negative news on the communication side. I think we did effectively use many of the social media during the storm to open up communication channels that we've never used before.

Another change that we made, as you recall, in the first few days of the storm, we publicly said that we were losing a lot of the phone calls coming to us through the phone system; not that we weren't answering them, but that they were not getting to us. We estimate at this point that that was about 20% of the phone calls were lost in those first few days. And we've worked with Verizon, they've put several new features in place, not just for LIPA but around many of the central stations on Long Island to help to alleviate some of those traffic bottle necks. They've given us some additional tools that we can use to remove what they refer to as throttling of the data on the phone network. And we've also moved out, one of the issues with the cellular phones is that we moved our phone number from it being a regional 800 number to being a national 800 number. And so not to go into that, but very simply, if somebody was picking up a roaming from Connecticut, for example, or they had an area code that was out of ours and they couldn't get to us on the 800 number because it was an original number, so we've alleviated those issues already.

And really the last item -- there are several others in the package that I've given you, but the last item I just wanted to mention is that there were a lot of comments around the process for clearing downed wires from roadways and restoring traffic lights. We definitely need to put into place an Island-wide process. We got stuck in a process of many, many fragmented different processes from different villages and towns and we did react to many of those, but from an organization our size, we just need to get into a uniform process across Long Island. And that would determine a priority system, hopefully priorities ahead of time. Certainly we believe it's possible to work with local communities and determine the priorities they have on roadways and intersections, and to better develop and coordinate the communication process with the EOC, the towns and the villages.

And we're looking at options that we might have a dedicated workforce. I don't know that we can do this yet, but I just want to give you an example of what we're looking at, of some sort of dedicated workforce that just has that as their assignment, just interfacing with the towns, the villages and the County on roadway clearance. So we are still looking into how we might do that.

So once again, I want to thank you for inviting us, for engaging this. I know we're all looking for improvement on an ongoing basis, and I'm certainly committing to do that. I wanted to come here today to let you know that you have my commitment that the organization as a whole will work on these issues. And of course we remain available, both myself and my staff, National Grid staff, remain available to address any issues you may have going forward.

**CHAIRMAN EDDINGTON:**

Okay. Questions from the committee; Legislator Kennedy.

**LEG. KENNEDY:**

Good morning. Thank you for being here, Mike. And it's good to see you again.

Some of the questions I'm going to defer to my colleagues, in particular the Presiding Officer and the discussion with Local 25. We had talked about that as well. I don't want to get into the training issues, but I do know for a fact that there are Local 25 electricians that work at in excess of 480 volts. My father was a splicer, as a matter of fact, as you know, and so he worked on high voltage, and I'll defer that to the Presiding Officer.

Let me start with just a couple of specifics. And you addressed in general fashion some of the things that I asked last time, but I want to drill down just a little bit further. How many miles of the

backbone are there?

**MR. HERVEY:**

Not to parse this out, we have about 13,000 miles of distribution overall. I would say, I would guess roughly half of that is backbone.

**LEG. KENNEDY:**

Okay. So say it's seventy-five hundred miles. So when we call and one of your folks are responding and they're saying, "We're doing backbone assessment or major transmission assessment first," to me, as a layman, then, that's meaning that you're having folks that are out there looking at roughly seventy-five hundred miles of high voltage transmission?

**MR. HERVEY:**

Well, it's not transmission. And I know that you and I are both trying not to -- for the general here, trying not to get caught up in the vocabulary because we have our own internal vocabulary on these issues. But it's the distribution system, about 13,000 miles of distribution line. And of course one of the activities in the first few days that we participate in, or that we carry out, is that we survey all of that distribution line.

**LEG. KENNEDY:**

Right. But from a layman's perspective, then, we're talking about those big towers or the real large poles that are carrying wire that generally are going through right-of-ways and things like that; not the poles that I see like on my street or in my backyard.

**MR. HERVEY:**

No, sir. And to clarify that, when I say main line distribution, it is, in fact, the three-phase; the poles you see with three wires up on top on the distribution system. The transmission system, which is a first-day activity, are, in fact, those types of wires that you're talking about on the steel poles and lattice towers in the right-of-ways. A transmission system, of course, is the feed for the system.

**LEG. KENNEDY:**

Yes.

**MR. HERVEY:**

When I say the backbone, I was referring to the distribution backbone, meaning the main line of the distribution of the system.

**LEG. KENNEDY:**

Okay. So then as usual, I'm not asking the right question. Let me start with the first one, then. The big tripods and the steel tower lines; how many miles of those do we have?

**MR. HERVEY:**

If I recall, we have about 600 miles of that transmission line.

**LEG. KENNEDY:**

Okay. Good. Just in my head, I'm trying to follow the system and just trying to quantify it a little bit. How about the substations; how many substations do we have?

**MR. HERVEY:**

About 190 substations.

**LEG. KENNEDY:**

Okay. Just, you know, it's -- when I think about it and try to understand how the system goes, maybe it's a little bit of a help.

Let me shift, then, from the actual configuration of the system itself to the critical care piece. And here I'm going to ask, if there's 5,000 people that you have that are in the critical care program now, and we -- LIPA serves roughly about three, three million customers; is that it?

**MR. HERVEY:**

No, we have about 1.1 million meters or accounts --

**LEG. KENNEDY:**

Okay.

**MR. HERVEY:**

-- that equates to a population of about three million people.

**LEG. KENNEDY:**

My point there is, and now I'm going from a specific, and I related it last time and I know that at my level, I need to do a better job with helping my constituents to understand the process. But I had a gentleman who lives only two blocks away that's on a ventilator, he didn't have a generator. Clearly he should have had a generator. He went seven days before they were energized. It was the worst set of circumstances that you could probably come down to. It was a small street-feed that only went to about seven or eight houses; it was line at the end of the street where it came off of a primary; it was lines sitting in a swimming pool that was heavily treed and everything else. My point there is is that I think with the critical care folks, there's a broader pool that are out there that should be getting the phone -- the advisory phone calls from you and working with, whether it's my office or the Supervisors, our offices, or also our Health Departments. Our Health Department and Social Service Departments know handicapped and disabled folks that are residing at home that are utilizing equipment that may be power-driven equipment, whether it's a ventilator or nebulizers or all different types of things that folks need that they're in a home with. I'm almost positive that that's a broader range than what we have right now with 5,000.

So I'd ask if there's a way that we can look at -- the newspaper publication is good, but I think we need to do something more there to try to capture them and gather them and broaden that pool out, for what it's worth.

**MR. HERVEY:**

Certainly a great suggestion, and we can maybe talk with you off-line about that.

**LEG. KENNEDY:**

Sure.

**MR. HERVEY:**

But I will just point out that last year we did go through half-page ads in local papers and in Newsday. We did bill inserts, we did an outbound communication campaign, and we did sign up several more customers.

**LEG. KENNEDY:**

Good.

**MR. HERVEY:**

But if you -- I'd be certainly glad to work with you in anything going forward to expand that.

**LEG. KENNEDY:**

Fine. Thank you very much. I appreciate you being there, and let me defer back to the Chair.

**CHAIRMAN EDDINGTON:**

Anyone else? Legislator Gregory.

**LEG. GREGORY:**

Just to piggy-back on Legislator Kennedy's comments. I think we all experience that people generally are not 100% sure how they are serviced, whether through government. Oftentimes my office, I'm sure it's a similar experience with my colleagues, that if there's a town issue they contact our office, even if -- you know, people contact our office when I worked at the town, people contacted us about their Social Security, so people go to what they're familiar with. And there are different avenues and resources that our critical care people can be serviced. So if there is a common portal, which there isn't now, of information, I think we can address some of the issues that Legislator Kennedy brought up. So you may have a database of 5,000, our Health Department or even our ambulance companies may have a different list of people, but somehow during a storm like this, everyone should be on the same sheet of -- same page, so those people are serviced in the proper way. So if we can come up with some type of common portal where everyone has the same information -- as you witnessed earlier, communication is not always perfect, but I think if we put our heads together we can certainly address this issue hopefully in a better fashion than we have in the past.

So I thank you for coming here today, sharing your experience and your insight, and look forward to the results.

**MR. HERVEY:**

Thank you for that comment. And as we work through that issue, and questions you have from your constituents, if they would want to go on our website, [www.lipower.org](http://www.lipower.org), look up the critical care, they can see the details there. So that gives you a spot to refer them to at this point in time and it outlines the program pretty well on that website.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi has a question.

**LEG. CILMI:**

Thanks, Mr. Chair. Thank you very much for your presentation. The question I had at our last meeting, and maybe you can address it just very quickly, is very specific with regard to service to ambulance companies, fire departments, etcetera. So can you speak to, first of all, the level of communication with those public safety entities between them and your organization? And second of all, can you speak to -- you know, we had two ambulance companies, for example, either in my district or in neighboring districts, that were out of -- you know, out of power for four or five days. They had generators, so fortunately they were able to operate, but to let them go that long seemed to me to be a problem. So could you speak to that?

**MR. HERVEY:**

Sure. So we're in a dilemma at that point of time of restoring power to customers who have no power versus those who have power because of generators. So generally, the generator is so that they can be self-sufficient so that they can ride through those types -- these types of storms.

If a fire department, firehouse, any sort of public agency gets into trouble regarding their generator, then we have a clear path to go up through the County OEM, identify that as a priority, we can look at it as a priority and also the OEM can deploy its remaining resources as a priority. So there is a

path, and I think the fire service is well aware of that path, for getting that attention on that issue.

I think you would have to agree, there's some concern about us say diverting our resources to go and to spend special time on a fire department when we have -- that has generation, that has electricity, when we have business districts, stores, special events, other things that might be going on that don't have any power at all. So it's a balance that we have to work on. And as I indicated earlier, if there's a priority that needs to shift, there is a mechanism for shifting that priority and it's through the County OEM.

**LEG. CILMI:**

Well, I'm happy to hear that you have a plan in place to deal with situations where those generators may go out of service for whatever reason, and maybe I'm just unfamiliar with exactly how extensive those generator systems are. But, you know, we have -- these agencies are there to provide public safety and serve our communities, thousands of people saving lives and property. And so, you know, again, maybe it's my unfamiliarity with the significance of those generating systems that they have available to them, but it seems to me that a more secure system of power would be better for those -- you know, for those -- again, for those agencies that are providing our residents, constituents with public safety services.

**MR. HERVEY:**

Just to mention, you said you're glad that we have a process for that. The process for backing in -- backup stand-by power, back-up emergency generation, is really a process through the County OEM. I know that the County had extra generators or had generators on request, the State providers generators into the region, so there was a capability to respond through that apparatus. You know, this is -- these restorations and these types of events involve the entire emergency response apparatus.

We have our part of restoring power, other pieces of the apparatus have their pieces, but there is a process. And in fact, not in this case, in Nassau, there was a firehouse who ran several days with a generator, the generator died, it came through as a very urgent call to us, we went and looked at it, I went and looked at it myself, talked to the Administrative Officer of the fire department, he was not aware that he could go through the OEM and get generation; with a few phone calls, they had a generator on the way. So there is a process for handling that should it need to be -- should it come to pass.

**LEG. CILMI:**

Thank you.

**CHAIRMAN EDDINGTON:**

All right. I appreciate you coming. Before you go, I want to take advantage of this opportunity. We have in our County a program that we're trying to institute called the ShotSpotter, and I don't expect you to be able to respond to this, but you could be the messenger maybe and maybe it would come laterally or down.

We planned on this in April. We wanted to have it facilitated in North Bellport for sure where there's been many, many shootings by the summer. It's still not done, and from what I hear, the County has done everything, it's between ShotSpotter and LIPA and the discussion is where to place it on the pole, meanwhile there are shootings going on. So in my mind I'm saying, "Come on, guys. Figure this out." And if you could at least find out what can be done, because, I mean, this is -- this is a crisis for us. It's not a tropical storm, but people are being shot at and hurt in our communities and this would definitely be a proactive thing.

So since we're talking about those kind of things, do you think you could maybe just find out what's

the problem?

**MR. HERVEY:**

I can tell you the problem, sir. Thank you for asking.

**CHAIRMAN EDDINGTON:**

Oh, great.

**MR. HERVEY:**

The specific issue here is that in many of the locations the company wants to put the device up in the high voltage space which is up by the high voltage lines. We can certainly accommodate the devices down in the communication space or between the communication -- the communications for the phone companies cable, etcetera, in the low voltage space on the pole. We have no problem doing that, we certainly will work with doing that. As a matter of fact, we deployed such a system in Nassau County and cooperatively with the County there.

So the specific issue is we have to get the technical people together to figure out how to get those devices back down into the low voltage space. The high voltage space is going to cause an extreme amount of liability on our part. We're going to have people working up in the areas where they have to have specific training, they have to keep clearance from the wires. And we are very concerned that if we allow those devices up in that space, that in order to work on them and do maintenance in the future, it will cause electric outages in the area; in other words, we'll have to de-energize the power lines in the area to do work. So we are absolutely in support of your program and we're absolutely looking for a way to get those devices down into the space where it won't cause us operational problems.

**CHAIRMAN EDDINGTON:**

Well, thank you for that clarification, because we always get part of the story and never really get the true one, and to me it makes a lot of sense, so. Thank you very much for your presentation, and it will be great working with you guys.

**MR. HERVEY:**

Thank you.

**CHAIRMAN EDDINGTON:**

All right. I have a presentation from Ms. Celena Wilson, Bridges of Hope. Good morning.

**MS. WILSON:**

Good morning. Everybody can hear me?

**CHAIRMAN EDDINGTON:**

Yes.

**MS. WILSON:**

Okay. Just a quick question, just to check your geography. Can you tell me like what country's represented on the right eye? I forgot, is it like North America, South America?

**LEG. BROWNING:**

In the right eye?

**MS. WILSON:**

I mean right there.

**LEG. CILMI:**

Our right or his right?

**MS. WILSON:**

I'm sorry, by the nose area, by the nostril area; right on the right side right here.

**LEG. BROWNING:**

South America.

**MS. WILSON:**

That's south?

**LEG. CILMI:**

South America.

**CHAIRMAN EDDINGTON:**

We hesitate to answer because if there's a right or wrong answer, we could have problems, you know?

*(\*Laughter\*)*

**MS. WILSON:**

Oh, okay. So everybody does know their geography, okay. I'm sorry.

Well, first of all, good morning. My name is Celena Wilson and I am the founder and President of Bridge of Hope Resource Center. I want to first thank our Chairman, Jack Eddington, for -- and the rest of the Legislature for allowing us to bring solutions to the trouble facing Brentwood and other surrounding communities.

I'm here with my staff today. To my right is my husband, George Wilson, who is our treasurer; behind me is our Director of Recreation, Rose Miderus -- raise your hand, Rose; community representative, Judy Gregory; Director of Pastoral Care, Pastor Edward King; and our Director of Education, Cynthia Jablonski. Okay? And {Catarina Componia} and Maryann Edwards are not in attendance due to previous commitment; and {Catarina Componia}, by the way, is our corporate secretary.

All right. Division admission of our organization has always been to improve the quality of life of all community residents by ensuring equal access to the same opportunity afforded to others, fostering a spirit of compassion and direction for those striving to self-improve and become self-sufficient. We create a happier, safer and healthy environment for individuals and families, targeting and decreasing those risk factors responsible for the instability and disintegration of today's family. Our ultimate goal is to see our families grow closer and stay stronger.

I know it may be customary to speak first about the problems and then the solution, but I thought this time around, to give you the good news, the solution and then what we may be doing wrong and how we can turn it around. The last time I was here was on May 6th, 2010, and I briefly introduced to you all the idea of a therapeutic center for the Town of Brentwood, but today I'm going to expand on the idea.

Now, I'd like to use illustrations because, as you heard said before, a picture says a thousand words, and we see here art imitating life. First of all, why do therapeutic centers make good economic sense? For one, therapeutic centers can help lower the risk of youth entering the criminal justice

system early, also recidivism rates -- I'm sorry, reduce recidivism rates and help youth transition from a treatment facility into their home communities. Preventive and early intervention programs can be tailored and designed to meet each individual's need while addressing root cause and improving outcome.

Youth who have committed misdemeanors or who are not a threat to public safety can be monitored at the community level. According to the National Center of Juvenile Justice, most violent crimes committed by juveniles are between the hours of 3 p.m. and 7 p.m.; supervision is greatly necessary. Therapeutic centers can also help reduce spending, create jobs and improve the overall health of the community.

A therapeutic center can also help reduce the high cost of residential treatment facilities. When we talk about dollars and cents, residential facilities charge an average of \$240.99 per day, time, estimated length of stay depending on the level of risk with the youth offender, 247 days; it totals about \$60,000 a year. Now, OCFS Office of Children & Family Services bills our local government in the city an estimate of between 200,000 and 220,000 per youth, and if we take that times 40 cases, we're looking at \$8.8 million a year; that is a lot of money and that is something we need to address today.

Now, I know you are aware of the budgetary decision done by Governor Andrew Cuomo who decided to close down some residential treatment facilities, one, because they were not being operated correctly, another because they were half empty, and another one because of the price tag bill of \$62 million for sending 569 offenders. And so that -- that raised -- that got our attention because that showed the Governor being fiscal responsible. And the only thing that he said was, "You know, if we're going to do this and I'm going to do this, that the State would have to provide a safe, humane and therapeutic environment for relocated youth." So that's something really to keep in mind in terms of -- in terms of trying to keep costs down for the sake of our taxpayers.

Now, I do the same for you, Jack. I hope -- because you say you didn't want a presentation that was going to make you sleepy, so I decided to put a little twist to this whole thing. Recidivism is a revolving problem. According to the Department of Justice and Bureau of Justice Statistics, approximately 16% of Federal inmates released will return to Federal prison within three years, costing taxpayers, again, billions in incarceration costs. Now, what we're going to -- what we're going to present to you is -- which I'm pretty sure probably you've heard about it, but we're going to go over it again because I'm asking you -- I think what I'm asking you today is to consider going -- doing things we find ourselves in, for the sake of generally our taxpayers, you know, people who today do not have jobs, people who today can't even afford to send their kids to college, they're losing their homes and the amount of crime that is just astronomical; we have to do something and we have to do it soon. And so we thought, well, let's look at some of the cost-effective ways that perhaps the Legislators can look into and maybe consider.

I don't know if you've heard of evidence-based programs, but these are science -- these are programs that have been put through rigorous scientific research and have been proven to work. And they are cost effective and they are a very attractive proposition for the government right now. We're looking at -- I don't know if you've heard of the multi-systemic therapy and -- I'm sorry, and functional family therapy. These programs are excellent, because they can be offered in different sites. They can be offered in a clinical site, they can be offered in a home site, they can be offered in a school site, you name it. And the beauty of these programs, the reason why I like them so much is because they look at the ecology of the individual and they look and see where is the dysfunction coming from. Is it coming from the home? Is it coming from the environment? Is it coming from the school, their peers? And so -- and then it creates -- the therapy is surrounded around wherever the dysfunction is.

And let me tell you, I've been doing this, doing home visits, working on one-to-one with families not knowing that there was something out there that was called multi-systemic therapy, and I tell you it does work. I mean, if you look at the price tag, I mean forty-five hundred per youth compared to what we just discussed, the residential treatment facility costs; these programs are a fraction of a price, which I think will be extremely attractive to taxpayers. Okay?

And then we look at the one-time fee. This is the incredible year series, I can problem solve. Let me just say, this multi-systemic program and functional family program also addressed psycho-social disorders such as your conduct disorder, such as your oppositional defiant disorder, substance abuse disorder, violent disorders, you know, a whole list of disorders that are so prevalent in low, social economic areas like Brentwood, because we know the low socioeconomic areas are a breeding ground for conduct disorders and oppositional disorders. All right?

Now, if we look at the other programs, these are the one-time fee. Why? Because there is not per attendee, it's actually per, you know, a session, group sessions. And I like these programs specifically because for one thing they're cost effective; and number two, they work. I know it should probably be the other way around, you know, it works, it's cost effective, but because of the economy we're looking at, we have to look at dollars and cents. And I'll tell you right now, nobody can tell me these programs don't work. If you're looking and say, "Well, in four months, you know, you could have a little bit -- you could have a turn around. You're telling me these programs will bring some kind of -- you know, some kind of effect in four months?" I'll tell you right now, yes, they do work. I've done it myself, they do. You do start to see turnaround with these programs. All right?

And also, preventive programs and early intervention programs, they pay for themselves over the life of the individual. So, you know -- let me just keep moving, because they're going to tell me, you know. Well, if we look at the summary of the cost comparison, all right, per day, looking at MST, we have \$36.26 per day; per month, about a thousand dollars; per year, \$13,000. By the way, the MST encompasses the use of two therapists and the Clinical Supervisor. And so each of the therapists takes approximately six months and they work with these families, and then based on the response, the turnaround, it's about four months, but that includes home visits, calls, a coordination of services, obviously.

But moving along, if you look at the residential facilities per day, the cost per day, it's like \$240; OCFS, \$604.40. But what is astronomical to me is I can't put -- I just can't figure out the per month of the residential, 4,000; OCFS, 18,000; I can't put my head around those figures, and I don't think -- I don't think taxpayers will be able to do so either, especially when you're showing them that there are programs out there that can save them money. Their question is going to be, like my question and like my staff question, why not?

Now, how will Governor Cuomo's decision impact our local government? For one thing, the local government would have to build an infrastructure which can support and redirect the growing number of youth offenders. Also, our local government will have to consider community-based organizations and a preventive program as an alternative to incarceration. Also, there's a risk of overcrowding at some of the OCF facilities, which may lead to out-of-home placement challenges for some at-risk families and their youth. But then again, if you have the MST and the FFT, that could basically take care of that. Because like I said, those specific therapies can be applied, like I said, in a home setting, clinical school. And really, the goal of these therapies is to really prevent out-of-home place; that's really what their goal is, to prevent out-of-home placement. So if you have something like that, then you're already saving money to begin with.

And something else, if, for example, let's say you do have this overcrowding now that that Governor Cuomo has reduced the amount of OCF facilities, and he's basically saying, "Look, he's putting it

back on the local government's lap." And he's saying, "Now, you know what? Put an infrastructure together. There is funding available to put an infrastructure together in these communities and work with these problems, because it's just too expensive." That's what the Governor is saying, he's putting it back on the local government's lap. And so what we then need to do is we need to build this infrastructure, because there is a great temptation, with the overcrowding, to think, "Well, if I can't place this youth offender, then I'm going to consider youth prison," but there is another price tag for the taxpayer and that, again, goes back to prison, \$5.7, billion a year. That's too much money.

Also, we need to consider the negative consequences of this decision. Because you may place a youth offender that might have committed a misdemeanor, a minor violation, into a prison, and then what happens is if he gets violated by a more -- I don't know, a more dangerous youth offender in there, then you're going to have an additional costly litigation now. So you have to consider that.

But there is the good news called Brentwood News Infrastructure, okay. And basically what we have here is that, you know, there is a solution. The only -- you know, Spanish people have a saying, you know, and that is simply this. They say, you know, the only thing that doesn't have a solution is death; everything else has a solution. And when people or my family brings me problems, I always say, "What's the solution? Is there a solution? If there's a solution, then we can work through this," okay? Because now -- not to get off topic, but you turn on the TV, you hear CNN, because I'm always on CNN, CNN, MSNBC, and the sky is falling, you know, the economy is up in arms and, you know, and everybody is having a canip, you know, "The sky is falling! The sky is falling!" But we don't have -- nobody's -- let's do this and let's stick with it, all right? So this is how this can function, this is how this infrastructure can function.

Okay. The therapeutic center, right there in the center can access support and referral sources for school agencies and provider -- providers by offering assistance in behavior health and management, prevention and early intervention services, stress management. In addition to personal development classes and community -- and continuity of care for those transitioning from a treatment or correctional facility back into their home communities. So the primary prevention can start here in agency aid, and we see primary prevention because schools do it all the time. But now schools are going to have something extra, they're going to be able to refer those students who ordinarily will have problems with detention and so forth, but these are the students that could pose the most risk. These are the students that later on enter the criminal justice system. These are the students that are going to come into the therapeutic center when we are going to work with them to reduce that risk. That's what we're talking about here. Okay? Instead of letting the school throw them into detention, they go back into the homes, Mom, Dad throws up their hands in the air, or maybe just Mom, and then, you know, do what you want, the kid goes out into the street and here we go; prison, cops. It's a vicious cycle that must end and must be broken.

And so then we have Agency B; by the time you get to Agency B, of course there's some -- you know, this is where, you know, you have -- the youth has committed more serious violation or more substance abusing and so forth and so on. But the beauty of it is that eventually the goal is that there will not -- the youth -- the youth will not be -- excuse me, referred to agency B as much, there will be a reduction. It will go from Agency A to the therapeutic center, but not so much -- not so much to Agency B. That's what the goal is, that there will be less utilization of Agency B and Agency C.

**CHAIRMAN EDDINGTON:**

Celena, can you kind of wrap up a little bit?

**MS. WILSON:**

Oooh, I'm sorry. I'm sorry. I'm getting to -- okay, sorry.

**CHAIRMAN EDDINGTON:**

Because we're running out of the time and I wanted to give you some comments.

**MS. WILSON:**

Sorry, sorry. Okay. Keep going, sorry. Okay, so now what we have here, we have an infrastructure that supports sustainability and the growth continue, and so the new infrastructure deals with the environmental developmental model which consists of prevention and early intervention programs, and also that the government budget supports these initiatives for social awareness, promotion of -- promoting and awarding high academic achievement and so forth and so on.

Now, the social development model, I'm going to move really quickly. The social development model ensures that the well transfer is occurring evenly across the board and not just the few get richer while others get poorer. Promoting high education attainment among residents which will lead to skill labor, higher wages and productivity, and community which not only is diverse in culture but also is comprised of members who have college, professional and technical education. The economic development model supports investment in areas such as education, environmental, technology and community-based initiative which ultimately can increase resources in the community. Goods and services continue to stir community growth as businesses and consumer's confidence grows. This is due in part to the reduction in diverse activity in the community and leading to an equal distribution of wealth among community members.

One little slide, people, and that's it, I'm going to let you go.

The old system -- I'm going to close it out, this closes it out, this is the last time. The old system and its affect on economic development; folks, this is where we are right now. The economic development cannot be sustained in communities where there is constant violence, gangs, vandalism and graffiti. Safe communities attract businesses and families; violence is costly and depletes valuable resources in a community. Families looking for good neighborhoods, safe schools typically about communities known for a history of violence. Therapeutic centers can help redirect, stabilize the community saving taxpayers billions of dollars in incarceration costs. And I'm going to skip this because we all know what diverse activities mean; they have such social costs, they raise taxes to fund these anti-diverse activities, so we need to stop there, and basically the end. Every solution involves sacrifices, finances and overcoming obstacles.

Thank you for your support.

**CHAIRMAN EDDINGTON:**

Celena, I appreciate it. And I want to let you know that when you came to my office and had talked about this, I had said to you how frustrating it was because these are proven solutions for 20 years. And what we've now done is basically frustrated my whole committee because they are seeing what you're saying.

**MS. WILSON:**

Uh-huh.

**CHAIRMAN EDDINGTON:**

The problem is the way that the State is dealing with the \$4.7 billion, because we all know, you know, Jesse Jackson said it's cheaper to send somebody to Yale than jail. Well, the way the government's dealing with it is let people out early or put them on parole or probation, that's how we deal with our jails, so that they're not -- and then we'll say, "Well, that's going to mean you have to have more Police because of the recidivism." Well, we don't hire more Police, so it becomes

more of a problem. We're in a situation right now where this is what's causing us the pain. We know you're right and we know you're there, but we're trying to figure out how we can keep our Health Centers going. So that the problem seems to continually be in the prevention area. We all know we need to spend more money, but we don't have the money. And we didn't -- what we didn't do is do this in the good times.

**MS. WILSON:**

Yes, I know.

**CHAIRMAN EDDINGTON:**

And we would have had a system in place. So that you and other agencies like that, I think we need to hear it, and unfortunately I think we need to feel the frustration so we don't forget when the funding comes available. I feel bad because that's really the answer.

**MS. WILSON:**

It's been put out there. That's really what the goal is, is to bring awareness, and as long as we're bringing awareness, then something good has got to come out of it, no?

**CHAIRMAN EDDINGTON:**

Yeah. Well, I think that's why I asked you to come. The hope is that somewhere some day somebody, maybe, you know, a corporation is going to see the light and say, "We've got to fund that," because I'm not seeing it coming from schools or communities, you know, like us. It's very frustrating. It's very informative, you reaffirmed a lot of things that I had learned years ago in prevention and intervention. Does anybody have any questions?

**LEG. BROWNING:**

No.

**CHAIRMAN EDDINGTON:**

This is the face of frustration. Because, I mean, I know everybody wants to help.

**MS. WILSON:**

I know.

**CHAIRMAN EDDINGTON:**

Keep spreading the word. And I appreciate you taking the time to come by and see us.

**MS. WILSON:**

Thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you.

I didn't know I had questions, but I do have a question for Probation Director Gerry Cook; if you could just come forward, please. Yes, Legislator Browning had a question for you.

**LEG. BROWNING:**

Good morning.

**DIRECTOR COOK:**

Good morning.

**LEG. BROWNING:**

Or almost afternoon. I apologize that you had to sit here so long; if I had known, we would have said come later. However, you know, it was brought to our attention about the electronic monitoring, and obviously budgetary costs have forced you, from what I understand, to cut back on using Probation Officers 24/7 to monitor the people on the GPS.

**DIRECTOR COOK:**

Well, we haven't cut back yet. What we're looking at is the viability of doing so, yes.

**LEG. BROWNING:**

Okay.

**P.O. LINDSAY:**

Hold the button down.

**LEG. BROWNING:**

I'm curious -- yeah, maybe hold it closer, because I think they're not hearing you right. I know Jack's not.

**MS. ORTIZ:**

You just need to pull the microphone right next to you.

**DIRECTOR COOK:**

Okay. Can you hear me now?

**CHAIRMAN EDDINGTON:**

Yes.

**LEG. BROWNING:**

Oh, you got your hearing aid? (Laughter). Okay.

You know, I'm just curious; how many individuals do we have on electronic monitors

**DIRECTOR COOK:**

At the present time there are 48.

**LEG. BROWNING:**

About 48? And are they a mix between sex offenders, other --

**DIRECTOR COOK:**

Yeah, there are about 18 of those, the sex offenders, yes.

**LEG. BROWNING:**

Eighteen are sex offenders? And what about the alcohol monitoring devices, is that separate from --

**DIRECTOR COOK:**

The SCRAM? That's separate.

**LEG. BROWNING:**

That's a separate issue.

**DIRECTOR COOK:**

The same unit monitors those, but they don't do 24/7 on those.

**LEG. BROWNING:**

Okay. As far as Probation Officers, do we -- how many do you have assigned?

**DIRECTOR COOK:**

Nine.

**LEG. BROWNING:**

You have nine assigned for the electronic monitoring?

**DIRECTOR COOK:**

Yes.

**LEG. BROWNING:**

Okay. And how many have we had in the past? Do you know what the numbers were in the past?

**DIRECTOR COOK:**

I believe a couple of years ago it was ten. It was certainly no more than ten.

**LEG. BROWNING:**

Okay, so it's about the same. Okay. Basically my question is and my concern is is that, you know, how do we propose monitoring -- my concern is, you know, the sex offender who's on an ankle bracelet and if we're not going to monitor on a -- you know, say we're going to stop at five o'clock on a Friday night and we're going to start again --

**DIRECTOR COOK:**

Well, but I would never do that. That isn't what we're doing.

**LEG. BROWNING:**

Okay. I want to know how -- because I want to know if a sex offender goes to a park on a Saturday morning and we don't have anybody monitoring them, who -- how are we going to do this? Because I don't want to find out that a child's been violated on a Saturday morning and maybe we don't know about it until Monday.

**DIRECTOR COOK:**

Nor do I, of course.

**LEG. BROWNING:**

Right.

**DIRECTOR COOK:**

No, what we have now is we have the nine officers providing 24/7 monitoring of this on staggered schedules. And what happens is when you have Probation Officers doing this at their salary, and they have staggered schedules 24/7, sometimes they're not able to be there; you need holiday coverage, people go on vacation, people get sick. And the other officers, since they're the only ones -- that unit are the only officers that are trained to do this, they have to then double-up for overtime. In 2010, it cost \$187,000 in overtime alone to man this union.

There is also, when you do it that way, there's the possibility that if more than one officer would call in sick at the same time, there's a possibility, which no one wants to happen, of the unit being uncovered for a period of time. I don't know of any other department in the State that provides

GPS coverage by Probation Officers. Their -- Westchester a couple of years ago -- well, they started around the same time as Suffolk County providing this which was about 2006. But Suffolk County, their 24/7 monitoring was manned by Probation Assistants who are a lower salary personnel than Probation Officers. Two years ago, Westchester abandoned it totally, they don't provide any GPS coverage whatsoever, neither does New York City. What Nassau County does is they don't have any overnight monitoring at all, they get a printout in the morning. The other counties that have it at all pretty much do the same thing.

What I'm looking at is going to a system where the -- we would have officers present from 6 a.m. to 11 p.m., in the other hours we would have the vendor {ProTech} do the monitoring, weed out the technical glitches, which are all you get in the overnight period. The guy didn't charge his unit correctly, he went into the basement, stepped behind his boiler, whatever it is that broke the signal; those are technical glitches that we've had Probation Officers responding to at this point, not real situations. I would like the vendor to be handling those situations, vetting them out, making sure that all they are are technical glitches. If there are no -- if it's something real, I would have them call a stand-by supervisor who would then make a determination about what has to be done, contact a Probation Officer, contact me, contact the local Precinct which could respond a lot quicker than we could because they have sector cars in the area, and we'll deal with the situation that way. And if I could do that, I could then take the overnight people and deploy them in other areas in the Probation Department to provide more enhanced public safety in those areas, cut down the overtime in those areas as well. So that is what I'm looking at doing.

We -- this still would give us more GPS monitoring, better coverage than any department in the State; even if we went to this anyway, nobody else even does this. So that's the situation we're talking about.

**LEG. BROWNING:**

What kind of timeline are you talking? Because I'm looking at a Probation Officer who's right there on the job, checking the monitor, and the process that you're kind of giving me, if we have the company doing it, what would the timeline be?

**DIRECTOR COOK:**

The timeline would be the same thing, it just depends upon who's doing it. In other words, if something comes up, it's 3 a.m., there's a break in the signal, what we would have now is a Probation Officer calling the house to make sure it's just a break in the signal. If they get the person and he said, "I just came out of my basement," or, "The thing's not charged," and then the signal resumes and the GPS could show you that he's still in the house, that's the Probation Officer doing that at their salary. What I'm saying is if we have the company doing that and then they vet that out, they weed that out, we don't have to respond to it. If they can't do that, if they can't get a hold of the guy, then they contact us and we go into action.

But to monitor this 24/7 using higher salary Probation Officers doesn't make fiscal sense. I'm talking about providing the same coverage with no possibility of any breaks in coverage whatsoever because people couldn't -- you know, two or more people got sick the same day or there's another reason, this would be an umbrella of coverage totally that wouldn't take into account those eventualities which wouldn't happen, and then we could provide the same response, or better response actually.

**LEG. BROWNING:**

Are you currently enacting a zero overtime policy in your department?

**DIRECTOR COOK:**

No, no, no. Just for -- yes. I mean, the fiscal situation is what it is; so not a zero overtime policy,

but taking a look at each individual situation. There were, frankly, things that evolved in the Probation Department, regular duties that as part of the duty involve the regular use of overtime, and I'm looking at those situations to see if it's -- if that overtime is necessary. I mean, I think that's a fiscally responsible way of going about our business.

**LEG. BROWNING:**

Okay. Is this being done elsewhere? I mean, is this something new, period? I mean, what do they do in the other counties as far as Probation is concerned?

**DIRECTOR COOK:**

No one does anything like this. As I said, Westchester abandoned it totally, New York City abandoned it, Nassau County gets a print out in the morning. The only County that I'm aware of in the State that does something similar is Monroe County where Rochester is; they have something similar to what I'm talking about, have the vendor monitor overnight and then contact them if there's a real situation that arises.

**LEG. BROWNING:**

Okay. Because I'd like to know if it's actually been effective where it is, you know, before we would even consider doing this, to see -- you know, obviously if somebody else is doing it, let's look at what they're doing and see --

**DIRECTOR COOK:**

I did it a couple of years ago myself in Nassau County; I can tell you it works.

**LEG. BROWNING:**

Okay. But I think it would be important to look at everywhere else and see is it working --

**DIRECTOR COOK:**

The only other place, as I said, would be Monroe County; I know the Director fairly well, I can talk to him about it today.

**LEG. BROWNING:**

Right. And I just want to see if we're going to do it where the company is going to be monitoring on the weekends and nights, that, you know, we're not going to find some glitches where something falls through the cracks. Because the bottom line is is if one child is violated or hurt because of this, it means it's not working.

**DIRECTOR COOK:**

There's no question about it. And as I've attempted to convey to this committee and to you also, I'm at least as concerned as you are with this situation and with the -- with anything that might jeopardize public safety, and certainly in the way of sex offenders and our response to them.

**LEG. BROWNING:**

Okay. Well, I appreciate your information at this time. Thank you.

**DIRECTOR COOK:**

Thank you.

**LEG. KENNEDY:**

Jack, I've got a quick question.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Okay. Gerry, I had occasion to talk with somebody recently, and as you know, we're looking at the budget for 2012 and it's a challenge; let's just say it's a challenge.

I was told that there are several retired weapons, I guess, that your officers have used previously and now maybe have had the benefit of being upgraded to, but the old weapons are still, I guess, there and being stored at Probation, and that there may be some value to them if there's another law enforcement agency that may have an interest in them. I just heard it through the grapevine. I don't expect that you would or wouldn't know it.

**DIRECTOR COOK:**

No, you probably have a different grapevine than I do because I haven't heard about this, but I will look into it.

**LEG. KENNEDY:**

Yeah. And I was told that it was not just a handful, that it was 38's, I guess, and old initial-issued Glocks.

**DIRECTOR COOK:**

If it's 38's, I don't know of any other agency that would be interested in using them, but I'll look into it.

**LEG. KENNEDY:**

Well, and then what I would suggest to you is if that's something that's no longer a firearm that's utilized by anybody out there, then let's just scrap them and melt them down, get the value for the metal or do something. Revolvers that are sitting there just, you know, rusting away are of no value and I'd say we should dispose of them one way or the other.

**DIRECTOR COOK:**

I will look into it.

**LEG. KENNEDY:**

Thank you.

**DIRECTOR COOK:**

Thank you.

**CHAIRMAN MONTANO:**

Thank you very much. I guess that's it. Thank you.

**DIRECTOR COOK:**

Okay. Thank you.

**CHAIRMAN EDDINGTON:**

Okay, if we could have Chief Mike Sharkey from the Sheriff's Department. I just want to start by saying that I'm a little disappointed that there was nobody here. We had a conversation a couple of months ago, and I asked you to come to a meeting and you said you wouldn't be able to but you'd reach out to every Legislator and I said, "That's usurping the committee process. And I appreciate your offer, but I would rather have you come to the committee." And then the next one you weren't able to make, and now nobody's here. Now, it kind of looks like avoiding the Public Safety Committee, because I was crystal clear that I wanted a representative if it couldn't be you.

**CHIEF SHARKEY:**

I'm here now.

**CHAIRMAN EDDINGTON:**

What kind of an answer -- you're here now? I asked you to be here at the meetings. So I guess what you're saying is you're going to choose if you come to our meetings or not or send a rep; is that what you're saying to me?

**CHIEF SHARKEY:**

*(Long Pause)* I spoke to you in regard to the meetings I couldn't make. I was made aware today that you needed me to be here and I'm here, and was directed to do so by the Sheriff.

**CHAIRMAN EDDINGTON:**

I guess what I'm saying is that I've asked for you or a representative at every meeting and it's not happening. So that I guess what you're saying is the Sheriff will decide if you come to any of these meetings, because obviously I have no say because I've asked you, and made it clear. The Presiding Officer had to take a call; he's upset because he said he has asked also that there's a representative. And I just -- you know what? It's like a dis to the committee. You know, my policy has never been to surprise anybody in Public Safety with, like, "I'm going to get you." I've always been forward, given people -- you ask any of your colleagues. I don't try to put somebody on the hot seat and embarrass them, but I would like somebody to be here in case something happens; not you get to decide or the Sheriff says, "All right. Well, you know what? I'll send you now." Am I being clear?

**CHIEF SHARKEY:**

I -- you're being clear, sir.

**CHAIRMAN EDDINGTON:**

I would like -- it doesn't have to be you. It doesn't certainly have to be the Sheriff, but just someone that we could talk to. I promise in the next 96 days I'm not going to try to embarrass any representative of the Sheriff's Department, but I would like them to at least be able to communicate with us.

And on this issue now, there's been some questions that, especially with the budget coming up, I just found out today. So what I will do is I'll let -- ask Legislator Browning to respond because it's her community that we're in question now.

**LEG. BROWNING:**

Yeah. Actually, it was not so much directed towards the Sheriff's Department, my question initially, it was directed towards Chief Moore. I had learned that the sheriffs were patrolling in Mastic Beach in the new village and there was a request to patrol. I did speak with Sheriff --

**CHIEF SHARKEY:**

Can I clarify that?

**LEG. BROWNING:**

Go ahead.

**CHIEF SHARKEY:**

Because I think that the term that you're using paints a much broader picture than need be.

**LEG. BROWNING:**

Okay. Well, I'll finish up. I did speak with Sheriff DeMarco yesterday and he explained to me that

there was some grant money that was available. And you know, he got a call from the village, as an elected official, you know, he felt the need to respond to them; I understand that.

I agree as far as the need for a better presence. However, I'm trying to find out from the Police Headquarters, were you notified by the village or was -- what kind of communication was there with the Suffolk County Police Department before they called you? And from what I can see, there really wasn't that much communication. I guess maybe they were not satisfied with a response from the 7th Precinct, so they should have gone above the 7th Precinct and contacted the Police Headquarters. But, you know, again, I did speak with the Sheriff. There was some questions then that wound up happening because of what's going on with the Sheriffs down in the village. And maybe if you want to explain exactly what the Sheriff's Department is doing in the village for the rest of the committee, maybe that would help.

**CHIEF SHARKEY:**

I was briefed by the Sheriff, and as you, I'm sure, know, it's your district, you know, we have a significant amount of work in your area; you call my office frequently in regard to that work. So on any given day, there is 18 Deputies that work that area. If you want to use the term "*patrol*", you're welcome to use that. I was just concerned that when you said the Deputies are patrolling Mastic Beach, that it painted a much broader picture and it created an image in people's heads that we're receiving 911 calls and we're -- you know, Suffolk Police Department is the primary patrol agency in that area and first responders in that area. As I said, we have a team that is in there, in that area every day and has been in that area pursuant to our regular work.

The Sheriff, in response to a request from the village, asked that we concentrate one or two more teams in that area to work the existing work that, as I said, you're aware of that is in your area, and while they're there to pay attention to quality of life issues that were brought to his attention by the Mastic Beach officials.

**LEG. BROWNING:**

Okay. So basically, the majority of the work that comes from my office to the Sheriff's Office is evictions. So is that what you're doing, is you've stepped up evictions in the area?

**CHIEF SHARKEY:**

It's not -- civil work in that area is not limited to evictions, that's what we have our most communications on, but there are various other civil judgments, etcetera, that are enforced in the area. We also have our Family Court Warrant Squad that is active in that area; they work at-large in the County. And they also have been asked to, for a short term, this has happened over the course of a few weeks -- we certainly can't make a long-term commitment to anyone -- but over the last few weeks they've been asked to work the files that they have in that area in favor of other areas.

**LEG. BROWNING:**

Anybody else have any questions?

**P.O. LINDSAY:**

Yes.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

Mike, I know that the Sheriff's Department's very aware of the fiscal crisis that we're involved in now; we're really in dire, dire straits. And I know you guys are aware of the lag payroll that the PBA negotiated a couple of years back. You don't feel that this is jeopardizing that agreement?

**CHIEF SHARKEY:**

First, let me say that I certainly don't hold myself out to be a labor attorney, but my general understanding is that the spirit of the agreement is that the unit work is not to be diminished nor any unit members to be replaced. I certainly don't think concentrating on our work with one or two extra teams for a short period of time does either of those things. And I don't believe that the Sheriff would in any way, if he believed that, would have engaged in the activity.

**P.O. LINDSAY:**

But you're putting patrols in the Police District.

**CHIEF SHARKEY:**

We have Deputy Sheriffs, using the term "*on patrol*" throughout the County every day. We're merely taking the existing ones -- in other words, if those teams were not -- as I said, every day there's a team that's assigned to Mastic and has been for years.

**P.O. LINDSAY:**

To do civil warrants; am I correct?

**CHIEF SHARKEY:**

While they're there, they have always and consistently enforced the law while they're there.

**P.O. LINDSAY:**

Here's what's problematic to me. I can't -- you know, the budget's in our hands now, it's out of the Executive's hands. I don't know how we're going to balance what we have. If your actions should cost us -- and I say you, the Sheriff's Department -- another \$12 million, it's insurmountable, it's just insurmountable.

And I question, you know, do you have that many Deputy Sheriffs around that if any village calls you up and says, "Could you send an extra patrol here?" --

**CHIEF SHARKEY:**

I think I made it clear that we have work in the existing area and we've moved personnel to do the work that we have, and while they're there they were told to pay attention to any quality of life issues that were occurring in the area.

**LEG. BROWNING:**

Are they -- so, okay, I just want to make sure. They're doing a job function that they always do. They're not writing summonses to -- like for code enforcement issues or anything, they're basically just doing, like you said, the warrants, the evictions and what their job function currently is, they haven't done anything different; is that correct?

**CHIEF SHARKEY:**

If the teams that happen to have been concentrated in that area came across a violation they would write it, no differently than if they happened to be in Babylon or Wyandanch or in Montauk and were doing their daily assignment and carrying their daily caseload of civil work. And in the course of their day, they are Police Officers and if they see a violation of law, they act on it. There's not any change of procedure in any way in their daily activity.

**LEG. BROWNING:**

It's just that I think maybe there was a lack of communication. And definitely, I think the village, I will reach out to them because they never called me to tell me that they were doing anything. I found out that they did meet with the Inspector from the 7th Precinct, and if they felt that there was

need for additional patrols, what we have done in the past, like we've done in North Bellport, you know, having the additional teams, you know, driving around and kind of focusing on a specific area, it seems that that hasn't happened. And I want to make sure that the communication is right. And I think before they had to call the Sheriff, you know, they should have called the Police Headquarters to say that, "Well, you know, we called the Precinct, we don't like the answer." And they -- it doesn't seem like they went through the proper chain of command. You know, I think it was unfair to maybe bring you into something that maybe because of the lack of communication.

I know, I do appreciate, I know that we've had a number of evictions in my district and the Sheriff's Office has been extremely good about it. I just don't want to see any conflicts going on. I understand the need in the Mastic Beach Village, but, you know, we have to make sure that -- I didn't even think about the agreement with the PBA. I'm concerned about Mastic Beach Village and making sure they get what they need. But now that Bill has mentioned it, I am concerned about that, too, because tomorrow he's asked me to come and sit in on the budget process and see where we're at. We have some really tough times coming up and I don't want to see us jeopardizing another \$12 million.

**CHIEF SHARKEY:**

I just have to say that, I mean, the interpretation of that agreement is really at the crux of this. I have Deputy Sheriffs that are doing the same job they did yesterday, the day before, last year and ten years ago, that merely have made a managerial choice to tell them that instead of going to, as I said, Huntington, Babylon, Montauk today, take work for that area and work in that area. We're not doing anything differently than we did ever. I don't see how this is a violation of the agreement.

**P.O. LINDSAY:**

Let me spell this out, and that would be the decision of an arbitrator that I don't want to see it go to. But you have a Mayor who calls up the Sheriff and asks for additional Police patrol. I think the proper answer to that Mayor is to say, "You're in the Police District, you know, call the Police Department." Mike, I'm not --

**CHIEF SHARKEY:**

I believe that.

**P.O. LINDSAY:**

Yeah, but understand one thing, where we are. If you guys cost us \$12 million by this decision, there's only one place I can go to get that \$12 million, lay off more people. Do you want that on your shoulder? Because I don't know where else to get the \$12 million.

**CHIEF SHARKEY:**

As I said, the Sheriff wouldn't have made this decision if he believed that it was in any way risking that \$12 million. I will certainly take your -- I will take your message back to the Sheriff.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Yeah, thanks. Chief, this is maybe a question not for you but maybe a legal question. If you have Sheriffs in all of the towns, all right, at one point or another to do the variety of things that we understand the Sheriffs do. But in the course of their activities in those other towns, they also have the authority and have always had the authority and have always done some of the things that we know that our Police Department does, such as write speeding tickets, etcetera, respond to crimes, whatever, how does that jibe with the settlement that occurred from a legal perspective with the

PBA?

I mean, if the settlement with the PBA hinges on the question of -- or rather prohibits the Sheriff from encroaching on activities that the Police Department normally does, well, if you -- if the Sheriff's Department normally did all of those things anyway and then you can, therefore, you know, just kind of fall back on a statement of, "Well, we always have done it, so we're really not doing anything more than what we've always done," then what -- what did the Police Department -- what did the PBA get in return? And again, this may not be a question for you; what in return for their lag payroll did the PBA actually get?

**CHIEF SHARKEY:**

Well, if I can, I'm not going to give a legal opinion --

**LEG. CILMI:**

Right.

**CHIEF SHARKEY:**

-- but the agreement, in my mind, did not intend to reduce any -- and I'm not just talking for the Sheriff's Office, did not intend to reduce any other agency's ability to service the people of Suffolk County. What it did was it gave them protections for their jobs and their unit work and would not diminish their unit work that they're doing, nor --

**LEG. CILMI:**

Define unit work for me; what do you mean buy unit work?

**CHIEF SHARKEY:**

Well, that would be a broad definition, it depends on what you're talking about. Unit work is the work that is being -- I don't want to get into legal terms now, but if you want to say exclusively being done by a particular bargaining unit. So my understanding is that they are not to have their unit work diminished nor have any of their unit members replaced, and that's why -- and I'm looking at this situation in Mastic and saying that certainly their staffing nor any of their people are being displaced simply by my people being assigned in one area of the County versus another on a particular day.

**LEG. CILMI:**

Well, I don't know if, Sarah, you can weigh in on this. It seems to me that if, for example -- and I don't know that this is technically the case -- but if, for example, part of that unit work, as you describe it, is, you know, making sure people are not going through stop signs on First Street in whatever, you know, town, and now that the Sheriff's Office is putting additional patrols in that area, or additional Deputy Sheriffs in that area, let's say, and as a result of those additional Deputy Sheriffs they may be writing more tickets for people going through stop signs; then isn't that sort of diminishing what the Police Department's doing? Or required to do?

**CHIEF SHARKEY:**

Well, in the first place you're saying they're writing more tickets in that area; if they're not -- if they're in that area, then they're not in another area, so in totality they're not writing more tickets as Deputy Sheriffs, they're writing the same amount of tickets. But I think the question --

**LEG. CILMI:**

But we have a Police District.

**CHIEF SHARKEY:**

The question comes back to -- the question comes back to is their unit work being impacted or are

their unit members being replaced?

**LEG. CILMI:**

Well, let's say we had a hundred more Deputy Sheriffs, let's just say. And let's say that each of us in our districts called the Sheriff and said, you know, "We need additional help in our districts. Would you please send those hundred -- disperse those hundred additional Deputy Sheriffs throughout the five western towns in Suffolk County?" And do your normal activities, but in the course of those normal activities, you also, you know, did other things that traditionally the Police Department would do. How does that really differ than what we're experiencing here and doesn't that present -- wouldn't that present a problem in terms of this agreement that we're talking about?

**CHIEF SHARKEY:**

I think we're getting very close to getting into a legal debate which I certainly can't make. But I --

**LEG. CILMI:**

And if I may --

**CHIEF SHARKEY:**

But if I can finish my thought.

**LEG. CILMI:**

Finish your thought, go ahead.

**CHIEF SHARKEY:**

I think that if you had Deputies deployed in a particular area and as a result the Suffolk County Police Department said, "You know what? We can close down that sector today," certainly that would be an impact on unit work. I'm just giving you a clear example of what I would understand as being impactful on unit work. To my understanding, they're maintaining their exact levels of patrol, nothing has been impacted in their day-to-day operation. I certainly can't say that factually because I'm not with Police Department, but Chief Moore is and perhaps he could.

**LEG. CILMI:**

So in your point of view, the ball basically is in the court of the police Department. If the Police Department, as a result of your additional Deputy Sheriffs being in a certain area, providing a certain service, decided not to provide that service, then -- you know, then that would present a problem. But if they were to continue to provide the same services they've always provided without diminishing their units or those services, then in your point of view -- again, not from a legal point of view, but from your experiential point of view -- that wouldn't present a problem.

**CHIEF SHARKEY:**

I merely gave that as an example of my understanding.

**LEG. CILMI:**

Right. Okay. You know, maybe we should deal with this conversation in a different venue, maybe in executive session or some other time.

**CHAIRMAN EDDINGTON:**

Legislator Gregory.

**LEG. GREGORY:**

Thanks, Chief, for coming here today. I'm a little confused. Earlier, prior to you coming, it was mentioned that this increased activity -- I won't refer to it as patrol, it's a delicate word to use -- came about through a grant; I could have sworn someone said that.

**LEG. BROWNING:**

That's what the Sheriff said.

**LEG. GREGORY:**

Right, that the Sheriff told Legislator Browning that it became part of a grant and so you actually increased activity or patrols in the area, and that to me is particularly problematic because that opens the floodgates to the whole issue, for instance, with the highway. If the Police Department were to receive a grant to patrol the highway, you know, what would prevent them from following through in a similar matter as to what is perceived that you're doing or your office is doing in Mastic Beach, particularly at the request -- I'm kind of confused at the facts. On one hand I'm hearing that there is a grant, then I'm hearing also that there's a request from the local Mayor, he called the Police Department first, for whatever reason he wasn't satisfied with that and decided to call the Sheriff's Department.

So I don't -- if you could clarify that for me.

**CHIEF SHARKEY:**

I don't necessarily think that if the Police Department had a grant and it allowed them to work on the Expressway it would be a problem. The Police Department works on the highway, I see them on a daily basis on the highway; I don't see where that would be a problem.

We have -- again, we have done grant traffic enforcement throughout the County for an extended period of time. I'm not that familiar with the grant that the Sheriff discussed with Legislator Browning, but I believe that that activity that she is referring to was limited to one weekend, it was possibly two patrols done on a weekend for traffic enforcement.

**LEG. BROWNING:**

No, he actually really didn't get into a lot of the specifics, more it was a grant, I guess, that was expiring at the end of September that --

**CHIEF SHARKEY:**

Then that would be what I'm thinking of, which was a small amount that covered probably two people on the weekends, that was it.

**LEG. BROWNING:**

I think it was like \$3,000. It was only like \$3,000.

**CHIEF SHARKEY:**

I think it might have been less than that that was left.

**LEG. GREGORY:**

So was this grant in relation to this same general area? I'm not --

**CHIEF SHARKEY:**

I believe they're referring to a STEP Grant which is a traffic enforcement grant which we have used in many different areas of the County. I certainly don't have a notation of anything with me, but the Sheriff made a decision to use the last portion of that grant on one particular weekend in Mastic.

**LEG. GREGORY:**

Oh, so it was the same area. Okay. My understanding was that those types of grants were in relation to like the off-ramps, people coming off the highway, since you're in charge of doing that at this particular point, but not in any particular communities.

**CHIEF SHARKEY:**

We were involved with the STEP Grants prior to the expansion of our highway duties in 2008. So this predates -- it predates that event, so it's not a grant that's tied to the highways.

**LEG. GREGORY:**

Oh, okay. So that would explain questions that I received as well about enforcement activities throughout various communities in the County, and that's specifically through grants or is it just the normal course of --

**CHIEF SHARKEY:**

It's difficult for me to answer that specifically. I mean, if you had specific, you know -- something specifically you wanted me to look into, I would be happy to and reply. But I certainly can't make a general response to that because enforcement could be done in the course of a Deputy's normal day or it could be a grant related item, I don't know.

**LEG. GREGORY:**

Now, explain that to me, when you say enforcement could be done in, you know, the course of someone's day. If they're, I guess, you know -- I guess it was mentioned earlier it was evictions; if there's a team going to do an eviction and there's a car that's speeding or has a broken taillight, they have every right to pull this person over and write them a citation.

**CHIEF SHARKEY:**

Correct.

**LEG. GREGORY:**

Right. But it would be different than having a car sitting at an intersection waiting for cars to go by, cite them for speeding or whatever their infraction may be.

**CHIEF SHARKEY:**

That has happened and --

**LEG. GREGORY:**

That has happened?

**CHIEF SHARKEY:**

It has happened, yeah. I mean, I find it odd that it raises eyebrows that a Police Officer in Suffolk County would enforce the traffic laws in the County. If I have a Deputy in a particular area and I want him to provide the best service he can to the people of Suffolk County, certainly it has no harm in him, in the course of his day, if he has -- would you rather have him sit in the back parking lot of a fire house and do his paperwork or sit on a stop sign and do his paperwork? If someone goes through the stop sign, stop him. I mean, it's a matter of providing the most service you can with the resources nowadays.

**LEG. GREGORY:**

I understand that, but I think there's a distinct difference between having someone recognize an infraction as they're doing their daily course of work than as opposed to having someone, you know, stationed at an intersection waiting for, you know, any possible infractions. Which I think -- my understanding, you know, I'm not an expert, but my understanding is that would be the work of the precinct.

**CHIEF SHARKEY:**

I disagree. This is work that -- I have been with the Sheriff's Office for 23 years and as a new

Deputy I sat on stop signs. This is not -- I'm -- would you be offended if a Suffolk County Police Officer sat and did his accident report work a hundred feet away from the stop sign and enforced that stop sign while he was doing his other paperwork? I wouldn't. We're supposed to be providing service to the people of Suffolk County.

**LEG. GREGORY:**

That's not what I'm referring to. I'm referring to the person's duty is to sit there, not doing paperwork. Not, you know, waiting at a red light to make a right turn, but someone who says, "Okay, I'm going to -- from 10 to 12, I'm going to sit at this intersection, I'm going to look for any infractions, cite them when found. I have no other purpose, no other duty, this is my primary function for this time period. I'm not on the way to an eviction, I'm not" --

**CHIEF SHARKEY:**

And I would say even in that case, that is not work that is exclusively one particular Police Department's job.

**LEG. GREGORY:**

Okay. I'm done. Thank you.

**CHAIRMAN EDDINGTON:**

Okay. A couple of things. First of all, I'm sorry that you were the target of my frustration. Five years we've been having this issue and it saddens me that it's become a political and legal issue between law enforcement officers, it really does. I wish we could have resolved this somehow, but as you can see it's still an issue. "I got you. No, you got me," and it's supposed to be about the safety.

And what I'm hearing you try to say, because there's always like, "Well, you can say this and you can't say that," I think you were trying to do -- have more law enforcement present in that community; I think that was the intent. I think we all want more law enforcement. But now it's become part of legal, who can, who can't, and I think -- I think you should be as frustrated -- you hide it very well -- as I am because you say you just want to do your job and yet there's all these entanglements? And I apologize, but because of like what the County -- what our Presiding Officer said, it's so much money now that we're making agreements that, "You won't touch this" -- I mean, it saddens me to think that people have to make a \$12 million agreement that you won't do this or a \$4 million agreement that you won't do that; that saddens me to think that's where we're at. Are we going to have CPS workers have to give back millions of dollars so you don't put in somebody else in their job? It just -- it's very frustrating. And I apologize to you personally because I kind of let it out on you. I would like to have somebody here from our -- for our committees.

**CHIEF SHARKEY:**

I will say, Legislator Eddington, that on the occasions that I was not able to be here, it was for an issue that only I was able to address and that is why I did not send another representative. You know yourself, you have been sitting behind that horseshoe for a lengthy time and I have been at virtually every one of your committee meetings. So I am somewhat disappointed that I was cited, if you will, for missing one, and when I was asked to come here today I responded. So I would hope that you would look at --

**CHAIRMAN EDDINGTON:**

Just to say --

**CHIEF SHARKEY:**

I would hope that you would look at the length of your tenure here and how many times I've been here versus how many times I've missed it.

**CHAIRMAN EDDINGTON:**

Yeah, and you're absolutely correct, but I don't know if I've been clear. If you can't make it, could we have another body? I won't expect -- we have an officer here, you know, I don't expect him to answer for the Police Commissioner, but I can say to him, "Please get back to the committee," and I know it doesn't have to go from somebody else. That's all I'm really asking.

**CHIEF SHARKEY:**

I understand.

**CHAIRMAN EDDINGTON:**

Okay, good.

**LEG. KENNEDY:**

Can I ask one quick question and then I'll let him go.

**CHAIRMAN EDDINGTON:**

Okay, the time is one. All right, one quick question, let's see what that is.

**LEG. KENNEDY:**

Chief, I've listened to you with the dialogue and, like the Chair and I think most of the Legislators up here on the committee, we're struggling with this whole notion of how to thread the needle or find how many angels can dance on the head of a pin. It's not something that we elect to do and as I sat here and I was going through my e-mails, I said to myself this has shades of bomb dog all over again. And if you recall my comments then, what I said was I never wanted to be part of something that was going to facilitate any officer, any sworn Police Officer from being in a situation where they had to refrain from doing what the statute not only empowers but directs that they must do. I never want to be a part of that, because I find that absolutely an untenable position for any of our municipal employees.

I'm going to ask you to carry to the Sheriff a request to have a conversation with me. I am not going to do this with you now and I do not want to do this in this forum, but I read in the newspaper about some unilateral writing that the County Executive executed with the Sheriff's Benevolent Association associated with Long Island Expressway and Sunrise Highway patrol that would go on for another five years. I'm confused about that. I, in my seven years here, have had the opportunity to vote on a number of contracts for all of our 13 unions, and from the little bit that I remember in law school, to me that seems like it's a significant amendment to a contract and I am at a loss to understand how the Executive might have executed that writing.

So I need to have a conversation either with you or with the Sheriff, or I'd be happy to talk to both of you. But I need to know about that and I want to know about it specifically as to how it may or may not interplay with some of what you've spoken for the last hour about here? Okay? Thank you.

**CHAIRMAN EDDINGTON:**

All right. Thank you very much for coming.

Okay. Why don't we get to the agenda.

**Tabled Resolutions**

Tabled Resolution ***IR 1624-11 - Defining child concealment in Suffolk County (Romaine)***.  
Do I have a motion?

**LEG. BROWNING:**

Can I we get an opinion from --

**CHAIRMAN EDDINGTON:**

Motion to table?

**LEG. BROWNING:**

Well, I'd like to get an opinion from the Chief.

**CHAIRMAN EDDINGTON:**

Oh, okay. Who did you want to have an opinion from?

**LEG. BROWNING:**

Chief Moore?

**CHAIRMAN EDDINGTON:**

Is Chief Moore still here?

**LEG. KENNEDY:**

How about Counsel?

**CHAIRMAN EDDINGTON:**

Oh, I didn't even see you there. Okay. Okay, if you could answer the -- I don't know if you can, but respond to --

**LEG. BROWNING:**

Who does this?

**CHAIRMAN EDDINGTON:**

-- child concealment in Suffolk County.

**LEG. BROWNING:**

Give us information, an explanation.

**CHAIRMAN EDDINGTON:**

Go ahead and ask, I don't know.

**MS. SIMPSON:**

Basically what this bill would do would define child concealment as taking enticing away, keeping withholding or concealing a child and maliciously depriving a custodian of a right to custody or a person who has a right to visitation. That said, this bill was drafted by the District Office. Counsel's position is that these issues are covered under the Penal Law, Sections 135.45, Custodial Interference in the second degree, and 135.5, Custodial Interference in the first degree, at the State level.

**LEG. BROWNING:**

So there's a State law currently that mirrors this one. This mirrors the State law.

**MS. SIMPSON:**

This doesn't exactly mirror the State law, but I believe that the issue that's trying to be addressed in this resolution is already addressed at the State level.

**LEG. BROWNING:**

Okay. So it's the same thing. You know, I'm just trying to figure out, you said it's not quite the same.

**MS. SIMPSON:**

Well, this --

**LEG. BROWNING:**

Can we enforce -- if there's something different in this one, can we enforce what's different?

**MS. SIMPSON:**

Well, this law is requesting that this definition be taken into account when examining the Penal Law that deals with kidnapping and custodial interference. I don't believe that adding this law, I don't know how we would be able to enforce that. Because the Police are already, you know, required to enforce the State law and this isn't -- since this is not a modification of the State law, I don't know how they would be able to utilize this.

**LEG. BROWNING:**

Chief Moore? I'm sorry.

**CHIEF MOORE:**

The Suffolk County Police Department asked Detective Lieutenant Ed Riley who, as you know, is the head of our kidnap team and a number of other of the specialized teams for the Suffolk County Police Department, and the analysis indicates pretty much what Counsel has already said. The law doesn't add anything to the protective statutes. And as a matter of fact, the Suffolk County Police Department, in these instances where this law may apply, the Suffolk County Police Department will be charging the appropriate section of the Penal Law.

**LEG. BROWNING:**

(Inaudible).

**MS. SIMPSON:**

It can't be -- I don't think that it will really be enforced at all since it's already been addressed at the State level.

**LEG. BROWNING:**

So if we passed it, it's a redundant bill, it's really nothing.

**CHIEF MOORE:**

It is redundant, yes.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. Chief, did you share some of your thoughts with the sponsor? Have you had occasion to have any conversation with the sponsor's office?

**CHIEF MOORE:**

Not that I'm aware of, sir.

**LEG. KENNEDY:**

All right. Then I'm going to make a motion to table and I'm going to ask -- or I'll contact the

sponsor today and I'll ask him to get in touch with you and have that conversation. And then also, I guess I'll have him get in touch with Counsel as well. So the sponsor may have thought that there might be an opportunity to clear up ambiguities or if there is any element of vagueness within the statute that we might get some greater clarity here at a local level. But if the State Legislature has fully occupied the field, then clearly we're preempted and there's no opportunity for us to go ahead and give greater enforcement capability by view of a local resolution. So it's something that's going to be subject to I guess your department's input and Counsel's office as well. So I'll offer the opportunity to table based on that.

**CHAIRMAN EDDINGTON:**

Okay, I'll second that. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

***1839-11 - Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).*** It has to be tabled for public hearing; I'll make that motion.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

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

I'm going to make a motion to go into executive session to discuss pending litigation with the Police Department. I think we can meet in the back, right?

**MS. SIMPSON:**

And then we'll come back on the record.

**CHAIRMAN EDDINGTON:**

Okay, we'll come back on the record as soon as we're done with our meeting. Thank you.

***(\*Executive Session: 12:35 p.m. - 1:21 p.m. \*)***

**CHAIRMAN EDDINGTON:**

Okay. We're going to come back on the record with the Public Safety Committee meeting. And I see no other business, so I will adjourn the meeting. Thank you very much.

***(\*The meeting was adjourned at 1:21 p.m. \*)***