

**PUBLIC SAFETY COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

**Operating Budget**

A special meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Wednesday, October 19, 2011, at 9:30 a.m.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Presiding Officer William Lindsay  
Legislator Thomas Muratore.  
Terry Pearsall, Chief of Staff, Presiding Officer's Office  
George Nolan, Counsel to the Legislature  
Gail Vizzini, Director of Budget Review Office  
John Ortiz, Budget Review Office  
Diane Dono, Budget Review Office  
Jill Moss, Budget Review Office  
Bob Martinez, Aide to Legislator Montano  
Sarah Hartmann, Aide to Legislator Eddington  
Kevin LaValle, Aide to Legislator Muratore  
Eric Kopp, County Executive's Office  
Ed Hennessey, County Executive's Office  
Robert Anthony Moore, Chief of Department, SCPD  
Ed Webber, Chief, Suffolk County Police Department  
Ted Nieves, Suffolk County Police Department  
Noel Digerolamo, Suffolk County PBA  
Russ McCormick, Suffolk County PBA  
John Keary. President of the SC Detective Investigators PBA  
Vincent DeMarco, Suffolk County Sheriff  
Michael Sharkey, Chief of Staff, Suffolk County Sheriff's Department  
Joe Rubacka, Suffolk County Sheriff's Department  
Thomas Spota, Suffolk County District Attorney  
Ed Heilig, District Attorney's Office  
Craig Pavlik, District Attorney's Office  
Gerry Cook, Director of Suffolk County Probation Department  
Gail D'Ambrosio, Probation Officers Association  
Joe Williams, Commissioner of FRES  
John Searing, Deputy Commissioner, FRES  
Anthony LaFerrera, Chairman, FRES Commission

Richard Stockinger, Chief, Suffolk County Fire Academy  
Yvonne Milewski, Suffolk County Medical Examiner  
Laura Ahearn, Executive Director, Parents for Megan's Law  
Ben Zwirn, Town of Babylon  
Bobby Knight, Clerk's Office, Suffolk County Legislature  
Jack Caffey, Presiding Officer's Office  
Bob Mitchell, Suffolk County Legal Aid Society  
Lou Mazzola, Suffolk County Legal Aid Society  
Walter Dunn, Commissioner, Blue Point Fire District  
Jay L. Gardiner, Gardiner Plastics, Inc.  
Jeffrey A. Friedman, Executive Director, The Retreat  
Lisa Ann Broughton, SC Dept. Of Economic Development and Workforce Housing

**VERBATIM TRANSCRIPT TAKEN BY:**

Lucia Braaten, Court Reporter, and Kimberly Castiglione, Legislative Secretary.

*(\*The Meeting Was Called to Order at 9:37 a.m. \*)*

**CHAIRMAN EDDINGTON:**

I'd like everybody to stand for the Pledge of Allegiance, which would be led by Legislator Gregory.

*(\*Salutation\*)*

If you could remain standing for a moment of silence and reflection for those that are defending our country overseas, and for all the good people here today that defend and protect Suffolk County.

*(\*Moment of Silence\*)*

Thank you very much. Okay. We're going to start with the public portion, and I have Jay Gardiner.

**MR. GARDINER:**

Good morning, Ladies and Gentlemen. My name is Jay Gardiner and I am here as the Vice Chair of the Regional Emergency Services Council, REMSCO, of Suffolk County. REMSCO is a State Legislative Council which is charged under Section 30, Section 3003 of the Public Health Law with oversight of the Emergency Medical Services in our county. We represent the doctors, nurses, PAs, paramedics, EMT, American Heart, the hospitals, as well as the public good and each and every one of the 125 fire department, EMS and volunteer ambulance agencies, as well as the proprietary services in our County.

If you remember several years ago, in the wake of Newsday reporting on the length and response times for ambulances, it was this group, REMSCO and REMAC, which are the physicians, that promulgated new protocols that appear at first blush to have had a major impact on reducing the response time, which can and will be directly correlated with patient outcome approvals.

We have previously sent to your office correspondence regarding the potentially disastrous effects of the proposed staff reductions in the Division of EMS. This seemingly small part of the budget contraction is going to play a major role in our ability to deliver ambulance service in Suffolk County in the years to come. As mentioned in our letter, we must begin by understanding the Division of EMS is not part of the Division of Fire, Rescue and Emergency Services; however, it is a division of the Department of Health. We do work arm in arm with FRES, but it is our group that's tasked with the critical responsibility for coordination and management of ambulance training and services in the County.

I personally have had the great fortune to be able to run a successful company in Suffolk County and volunteer for the last 20 years as an EMS responder and educator. I moved my family to Suffolk County from Manhattan, because, like many others, I guess we call ourselves "Baby Boomers," there was a perceived safety of living in Suffolk County with emergency services that were efficient and reliable. Unfortunately, this paradigm is about to dissolve in front of our eyes.

There's an interesting dichotomy at work here, the public good versus the business model. Most important is the public good. The reduction of the key staff in the Division of EMS, and these are educators primarily, will impact the original refresher and continuing medical education courses to the point where they'll cause a reduction in the numbers of trained EMTs and paramedics, and, thus, a reduction in the available response crews. Please remember, the majority of the responders in Suffolk are volunteers and these volunteers rely on the County for their initial and refresher training.

From the business side, the model points towards the effect of reduction in these key personnel as a reduction in revenue. Did you hear what I said? Revenue. These educators, due to State reimbursement and cost fees, actually serve as a positive income stream. On Monday, you learned, by the way, that these revenues were being kept in the budget, despite the fact that these educators were being axed. That does not make any sense from a business model either.

Indirectly, the fire departments and ambulance corps, and we're talking probably over 110 of them in this County, will be forced to hire additional paid personnel, and we're all going to hear about it, because the volunteers can no longer certify by normal means. They can't afford the alternative courses, and the geographic feasibility of going to the city or Upstate will make this impossible.

From whichever side you wish to view this proposed contraction, there is no positive or healthy outcome, and the risk is substantial to the health and well-being of our citizens. This is not a nice-to-do, but a sheer necessity. Ambulance response is critical to the infrastructure of any government, let alone a county that has a population greater than the majority of the cities in the United States. Our council stands ready to serve as a resource and enable you to better understand the issues at hand, as well as the forward strategies in this critical area. Thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you for your presentation. Jeffrey Friedman.

**MR. FRIEDMAN:**

Good morning. My name is Jeffrey Friedman, Executive Director of The Retreat. For over two decades The Retreat has been a community-based nonprofit agency that provides domestic violence services and support for victims of domestic violence.

With people losing their jobs and being foreclosed from their homes, family violence has been on the rise, and domestic violence service requests at The Retreat have increased by 66% in the last 18 months. Simultaneously, as demand for our services have been accelerated at record-breaking pace, organizationally, we've seen dramatic funding cuts from government and substantial drops in private donations.

In 2010, The Retreat received 800 more hotline calls than it did in 2009. This past week, in early Autumn 2011, The Retreat surpassed the total number of hotline calls received for all of 2010. As people continue to struggle because of our economy and tensions within our homes flare up, family violence continues to spike at unprecedented levels. The Retreat feels and acknowledges the impact of the nation's economic downturn and the tough choices that come with it. With funding cuts being proposed during a time of visible -- visibly increased demand for domestic violence services, I am extremely concerned that organizations like The Retreat will not be able to keep up with the demand. We can do better as a community. We can choose a more supportive path.

We understand that Suffolk County has been hit hard by this economic crisis, but these domestic violence services are vital to the welfare of our community and safety of our families. These services need to be sustained. As you are aware domestic violence is a matter of life and death for the women and children of Suffolk County. Without agencies like The Retreat, these victims have no place to turn and no safety net.

October is Domestic Violence Awareness Month and I urge all of our community leaders to continue to demonstrate their support. Thank you very much for your time, appreciate it.

**CHAIRMAN EDDINGTON:**

Thank you. Gail D'Ambrosio.

**MS. D'AMBROSIO:**

Good morning. My name is Gail D'Ambrosio and I am the President of the Suffolk County Probation Officers Association. I'd like reiterate the points I made last Tuesday regarding the County Executive's 2012 recommended budget.

Two years ago Suffolk County had 288 probation officers with just over 15,000 cases. Today we have 270 probation officers, 18 less with over 18,000 cases, which is 3,000 more. In addition to additional cases -- am I echoing too much?

**CHAIRMAN EDDINGTON:**

You're good.

**MS. D'AMBROSIO:**

I don't like that mic -- okay. As long as you can hear me. In addition to the additional cases, we have had three new State mandates during that time that have increased our responsibilities tremendously. I'd like to go through the process that a person sentenced to probation goes through and what those benefits are to the County.

Let's say a 19-year-old man gets arrested for possession of a controlled substance, say heroin. Given these facts and others collected by the probation officer, a recommendation is made to the court by the probation officer that this offender be sentenced to probation rather than incarceration. Considering it costs about \$3 a day to supervise this 19-year-old offender on probation, rather than \$250 a day to house him in jail, probation is cost effective for the County. Now, once assigned to a probation officer, this man must get into treatment, find housing, if he doesn't have it, get a job or into school, and, above all, not get rearrested. The probation officer exercises judgment while continually evaluating if this man is successful on probation or if he must go to jail. If the man can remain in the community, the man will bring revenue into the County by paying probation fees, restitution, if appropriate, income tax and sales tax. In addition to this, and most important in these difficult economic times, probation officers and the Probation Department generate revenue for the County. For 2011, we will bring in approximately 10 million dollars in probation fees, fines and State and Federal aid. This is recurring revenue.

There are currently 53 probation officer vacancies. The 2012 Suffolk County budget calls for the layoff of three probation officers. One position is a Senior probation officer in the Sex Offender Unit, one in the Intensive Narcotics Unit, and the one in the Probation Alcohol Treatment Unit, plus the abolishment of 16 unfilled Senior probation officer and Supervisor positions. These are critical positions. Supervisors help the probation officer prioritize and provide expert guidance based on their experience.

Almost every day there is an article in the paper about a drug or alcohol-related crash or offense, or an issue related to sex offenders. Doing more with less is taking over another officer's cases when that officer retires, leaves service or is out sick. Doing the impossible is being 53 probation officers short, having a minimum of five additional probation officers retiring by the end of this year, and being slated for three layoffs and the abolishment of 16 unfilled senior and supervisor positions. The job cannot be done. We are at the stage that there is a potential risk to public safety because we are not able to rehabilitate the offenders or provide the supervision that probation officers believe is adequate. Thank you for the opportunity to speak.

**CHAIRMAN EDDINGTON:**

Thank you very much. Laura Ahearn.

**MS. AHEARN:**

Good morning. My name is Laura Ahearn. I'm the Executive Director of Parents for Megan's Law

and the Crime Victims Center. I'm very well aware that you are in a very difficult position. You have to make tough decisions, tough fiscal decisions that are going to significantly affect not only government organizations or government agencies, but also not-for-profits. Unfortunately, not-for-profit agencies are the ones that government looks to first to cut. So since 2009, Parents for Megan's Law and the Crime Victims Center has been already cut significantly. Those cuts, of course, don't affect our responsibility. We still have the same responsibility that we have to the community. So in your packet you'll see we have many programs under the Parents for Megan's Law and Crime Victims Center umbrella.

From the Megan's Law perspective, all of you are very well aware, when there's a sex offender issue in the community, the community relies on us, on our Megan's Law help line. So, before you start cutting contract agencies, I would urge you to do one thing first. Look at measurable results. We work very hard and we have significant results to deliver to you. On our Megan's Law hotline alone, we process 13,000 calls a year. Those are calls from community members in your districts who are concerned if a sex offender has moved in, who need valuable information regarding prevention, or need to be educated about responsible use of information which ultimately prevents vigilantism.

Our Sex Offender Registration Tips Program is also a really important program. Calls that come in on the help line have helped to identify sex offenders that are in positions of trust. We identified one sex offender who was residing in a registered day care center in Suffolk County. I mean, we have residency restriction situations that are remedied through our very close relationship with law enforcement, with the Police, Probation and Parole. We've sent out 4,206,000 E-mail alerts, that's sex offender E-mail alerts, into communities here. We've also educated 64,000 children and adults in classroom settings, no -- usually no larger than 40, within the past five years, nearly 100,000 within the past ten years, and that's right here in school districts in Suffolk. Sixty Suffolk County school districts rely on our sex offender E-mail alert program, because we have level one sex offenders in every Police Department here in Suffolk County; gives us those notifications. You can't get them anywhere else online except through our organization's website.

More importantly, if you turn the page to the Crime Victims Center, the bottom line is this: There are protocols in place in the Police Department that require that law enforcement send us direct victim referrals for violent crime victims, for victims of property crime, for minors, elderly and disabled victims, and victims of hate crime. In 2010 alone, our organization ranked number one in New York State for the most amount of money brought back to crime victims throughout the entire state. That's to a tune of nearly one million dollars. So our Crime Victims Center Program not only covers the cost for the Crime Victims Center program, but also covers the cost for the Megan's Law program. So, in reducing our funding, what you're actually doing is taking money out of Suffolk County residents' pockets, because the money that's brought back to crime victims, that money is not -- in other words, when you're a victim of a violent crime, if your insurance doesn't cover or if you don't have insurance to cover the expenses related to that crime, Medicaid is going to pay it. So we, as taxpayers, are going to have to pay that. Instead, our advocates work to get that money reimbursed directly to the crime victim from a State fund, which is funded through levies in court against offenders, and also Federal restitution on White Collar crimes.

So, if you look at our last page and see where we are financially, we're actually \$100,000 short this year, and you have consideration for cutting us. So, if you look again, the bottom line is in 2010, just alone, we brought back a million dollars for crime victims, and our budget isn't even half of that. So we are an agency that stands on our statistics. We have measurable results.

If you're going to consider cutting any contract agencies, demand that they provide you measurable results, like we have here today. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much, Laura. John Keary.

**MR. KEARY:**

Good morning. My name is John Keary. I'm the President of the Suffolk County Detective Investigators PBA. I'd like to thank the members of the committee for allowing me to speak this morning.

The County Executive's budget calls for the elimination of six detective investigator positions. The elimination of those six positions amounts to a 19% cut in DI manpower. These cuts will have a negative impact on public safety. Detective investigators are highly experienced detectives who come from a variety of major law enforcement agencies. They average 30 years of police experience and nine years of supervisory police experience. Detective investigators are tasked with the primary investigation of serious White Collar crimes, crimes involving elder abuse, CODIS hits. Those are cases where DNA has been analyzed anywhere in the nation and has been found to be related to cases in Suffolk County where the defendant is identified or unidentified, but committed other significant crimes with matching DNA. Insurance and mortgage fraud, welfare fraud, government corruption, labor laws, criminal appeals cases, implementation of wiretaps, pen registers, and other surreptitious electronic surveillance methods used by law enforcement throughout the Suffolk County. No other state, county or local investigative agencies are responsible in these particular areas.

Currently, detective investigators are assigned the significant components of the East End drug Task Force, Heroin Task Force, DEA Task Force, and the Revenue Crimes Unit. I know that you all can understand that these units are responsible for the seizure and conversion of significant amounts of cash and assets which are applied to County priorities.

One of the goals of the office -- one of the primary goals of the office is the prosecution of defendants charged with all crimes in Suffolk County, from basic violations of theft, assault or DWI to the most complex serial rapes, patterned armed robberies, gang activities and child sexual predators. The failure in just one of these prosecutions to convict the guilty defendant would have a profound affect on the citizenship of the County.

Detective investigators are an irreplaceable part of the prosecutorial team that works on these cases. DIs are tasked with locating additional physical evidence and witnesses, ensuring that evidence already collected has been properly and entirely analyzed, locating and ensuring the appearance of witnesses, both willing and hostile. Many cases require numerous additional investigative steps be performed in order to polish them enough for trial. Evidentiary rules, time constraints and increasing reductions in the Suffolk P.D. Detective and Suffolk County Lab staffing have put an even greater burden on DIs.

The failure of our office to perform quickly and efficiently results in the defendant's release or acquittal and the waste of police and prosecutorial resources of the County. In all probability, these subjects will continue to victimize the public, eventually presenting themselves again to the system at additional costs.

The detective investigators will continue to conduct investigations to the best of their abilities regardless of how many are employed in the office. Just keep in mind that for each eliminated DI position, there will be one less highly seasoned detective investigator around to do case work. We know the big cases will always get done. However, there will be cases that will get less polish, there will be cases which will take longer to complete. Some cases will fall through the cracks and that they might not get done at all. In the end, crime victims and the public are the ones who will suffer.

I'd like you to take into consideration all I've said when you're going through this process. Elimination of detective investigator positions is not an answer to resolving these budget issues. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Okay. Robert Mitchell, Louis Mazzola.

**MR. MITCHELL:**

Good morning, Mr. Chairman and Committee. My name is Bob Mitchell. I'm the attorney in charge of the Suffolk County Legal Aid Society, and this is Lou Mazzola, my associate or second in command. I think I've spoken to everybody individually in regards to the problems of our -- that face us in the coming year, but I'll just go briefly and then have Louie pick up after that. We were cut \$600,000.

By the way, we got glowing reports from Mr. Levy and from you or Budget Review, saying we did a great job and we saved a lot of money. And the County Attorney was here yesterday and testified to the fact that Judge Freundlich said that we helped him out this year. We had two attorneys that were supposed to go into the District Court, but because Mr. Levy did not appoint the judges, we were able to help them in the Family Court to the tune of over 500 cases. We're going to have to pull those attorneys out in January, put them back in the District Court. According to Ms. Malafi, that will cost the County -- those 500 positions will have to go to 18-B. She said it costs about \$2500 a case. It's about ten-to-one versus what we charge. It will be another two million dollars. So you're faced with that. You know, you take the money away from us and you're going to wind up paying three times or four times more than that. If we get 350,000 back of the 600, we can survive. If we don't get that back, then they've got to pull everybody out. Not only do we have to pull them out of the Family Court, we have a situation with the Sheriff's Office where we have accommodated them over the last year with these video conferencing. Okay? They asked us to help, we said okay.

There are just too many clients to have the attorneys line up and speak to these individual people every day, so we designated one attorney to speak to everybody every day. Now he's interviewed fourteen hundred and eight people in a six-month period. Now, if we have to stop that, which we have to if we don't get the money, the Sheriff is going to have to transport anywhere from 1500 to 3,000 prisoners to court every other -- or whatever their situation is. How much that's going to cost, I have no idea. I have no idea what the savings -- what we're saving there for them.

The other thing is -- that I want to mention is that the individual departments, when they're cut, which, you know, three point, five points, ours is six points, when they cut us, they also cut our benefits, because the -- the exempts, whether they're DAs or County Attorney's, their pension in their medical is not included in the budget, where ours is. So when they cut us 6%, they're cutting another 6% of our benefits. So the more money we save for the County, it appears the more money they take away from us. So, with that, I'll turn it over to Louie.

**MR. MAZZOLA:**

Yes, thank you, and thank you, Members of the Committee. I think Bob's covered most of it, but I just wanted to flesh out a couple of the things he said, and, first off, by establishing our fiscal credentials, because it's not just this year that we've been cognizant of what it costs the County to do all of this, but we've -- I'd go back to probably 2007 and earlier. But in 2007-2008, we had extensive meetings with experts and people, advisors like actuaries and whatnot, to discuss our pension plan, which was a very expensive pension plan. I know the State has the same problem, the County has the same problem, and you're negotiating with your unions to cut down on those benefits. Well, we actually took that step back in 2009 by freezing our pension plan back then.

However, you know, just like most pension plans, the State's pension plan, ours is underfunded. And one of the items that we need to do is we need to continue to make that plan viable for the employees that participated under the plan until that time. Those savings will eventually increase over the years, but we've made some savings already based on that.

In addition -- and again, I'm going to come back to some of the things that you already are trying to do in government to save costs. Our employees already pay 20% of their medical expenses, and this year we were able to, by a lot of effort, by the way, and a lot of people in our organization and some help from the Legislature here as well, we were able to get ourselves into the New York State Health Insurance Plan and saved considerable amount of money there. And that's one of the reasons why I think, even though the County Executive cut us by \$630,000 less than we're operating with this year, we can still -- we can still, you know, use those savings into next year. However, what Mr. Mitchell is talking about here is the fact that, for instance, and I'd like to, you know -- I don't want to bounce around here, but we sort of interplay with the 18-B Assigned Counsel Program. And I know this Legislature dealt with that issue earlier several weeks ago where you had to appropriate \$500,000 additional because they were short in their budget. I think last year's budget appropriated 3.6 million dollars. You had to add another 500,000. And I understand that the County Attorney says that she's still going to be short some \$500,000. So 4.6 million dollars is what you're spending on 18-B this year, and the likelihood is you might spend more on it next year.

Now, when you put a number in the budget for 18-B, that's not the final number, that's a guess. When you put a number in the budget for us, that's the number we have to live with. If we get 1,000 more cases, we have to -- we have to handle those thousand cases. And over the years we've done that. Now, the only reason why the -- the only reason why the 18-B budget tends to go beyond is that we're not available in certain courts to take cases. One of those courts is the Family Court where there are potentially 24 parts to be covered. We only have eight attorneys to cover those parts, so the judges in those parts, when they need attorneys, and one of our attorneys is not available, they'll assign 18-B. So what we did this past year is we took two attorneys from our District Court Bureau and assigned them to the Family Court to handle cases in Family Court.

And this is the letter that we gave you from Judge Freundlich where we picked up an additional 250 cases, and the projection is that we'll pick up 500 cases for the year. Those 500 cases, had they gone to 18-B -- and again, I don't know what the number of cases 18-B handles, but I understand it's somewhere between 1700 and 2,000, we handled 30,000 cases last year. So you can do the math on our budget and figure out what the difference in the cost is. We do it cheaply because we have our attorneys in the courtroom. They're not being paid by the hour, they're salaried. So, if they handle one case, two cases or ten cases, it's all the same, to a point, because caseload issues are certainly something that we have to look at and we do look at.

But these are the points I wanted to make, that we've done everything we can to be cost effective, and, at the same time, provide effective assistance to our clients. After all, that's what we're there for. We're there to provide quality representation for our clients, and I think we do it at a cost-effective and quality-effective basis. And I think that, again, we'll -- you know, when you give us a number, it's basically make it work. I listened to the people come up here from various departments and they say you cut this position or that position. Well, you don't do that with us, you give us "X" dollars and say, "Make it work," and we'll make it work. But, you know, there gets a point -- it gets to a point where if you can't -- if you don't have bodies to put someplace, it's not going to work, and those cases are going to go to 18-B, so -- and they're going to go to 18-B at much greater cost than they would be handled by us.

So if you can -- again, in the long run, I know what your problems are. I wouldn't want to be sitting in your place, but you've got to allocate the dollars in the best way that they can be spent. And I think they can be spent more effectively by our organization than they can anywhere else.

We're a mandated service. We don't -- we don't increase or decrease our caseload. You know, the courts assign us, we take the cases. So we're not the -- we're not the door-keeper. We're assigned -- so we were assigned 30,000 cases last year, it may be 31 or 32 next year, we don't know. But again, we will continue to do the job that we -- that you've contracted us to do and in the best way that we can, but we can't put bodies in places where we don't have bodies to put them. So thank you very much. If you have any questions, I'd be happy to answer them.

**CHAIRMAN EDDINGTON:**

Yes. Legislator Cilmi has a question.

**LEG. CILMI:**

Yes. Thanks, Mr. Chairman. Thanks for your testimony, guys. I have a number of questions, actually. Could you speak, first of all, to the effectiveness of representation of your attorneys versus the 18-B attorneys? And I'm not asking you to throw the 18-B attorneys under the bus, I'm just -- you know, is it at -- is your representation at least as effective, particularly given the number of cases that you're dealing with?

**MR. MAZZOLA:**

Well, you know, there are all kinds of private attorneys and there are all kinds of attorneys that work for us. I would say for the most part, since our people are only doing this kind of work and they're in the courtroom all day long, they're not doing other things. You know, they're not doing wills, they're not doing any other kind of litigation, they're in the courtroom all day long. So, I mean, after a short period of time -- and again, you know, there's a learning curve when we hire new people, but we certainly -- and again, in our budget, we account for things like training. So training is a big -- a big item for us, and we try to get our attorneys trained as much as we can. In fact, we sometimes have been able to do it in-house, and that's very cost-effective. But again, it's personnel. You know, even our supervisors, most of our supervisors handle caseloads. So, you know, when they have the time -- and we're certified to give CLE continuing legal education programs, but it's all -- it's all about time. You know, you can only do so much in a day. So I don't want to -- I don't want to disparage the private attorneys. They --

**LEG. CILMI:**

Okay.

**MR. MAZZOLA:**

Many of them do an excellent job.

**MR. MITCHELL:**

Excuse me. Most of the judges would rather have us in the part.

**LEG. CILMI:**

Okay. So aside from staffing issues on your end, you said there's -- you're guessing that 18-B handles, roughly, maybe 2,000 cases annually, and you're handling tens of thousands annually. So, if we put aside staffing issues for a moment, what percentage of those 2,000 cases that 18-B handles do you think you are capable of handling and allowed to handle based on the restrictions that you're given?

**MR. MAZZOLA:**

That's a tough question to answer because we don't know why we're not assigned certain cases, it's only anecdotal, you know, information, and that is that -- you know, the judges have their own agenda, too. You know, they like to move their calendars along, they don't want to wait. You know, if they have a litigant in front of them and a litigant doesn't have an attorney, they'd like to have somebody in there to assign, because they don't want to have to adjourn that case over and

over again. Every time they do that, their later calendars start to build up their caseload builds up. So their agenda is to dispose of cases and that's what they're there for.

So, if our attorneys are in the part, more than likely we'll be assigned. And in most of the criminal parts, we have a presence. And so I don't think we're losing out on many cases that can be assigned to us in the criminal parts. In the Family Court, though, where we have a smaller staff, we don't have the ability to staff all those parts. So our attorneys may be engaged in other parts and a judge has somebody in front of them and they think it's a case they can dispose of, they're going to assign 18-B. I don't know how many.

I mean, one of the suggestions we had passed on to somebody is that when a judge assigns other than a Legal Aid attorney, maybe on the voucher they should indicate that the reason was there was a conflict. Either we represented one of the other parties, or we weren't available, or whatever reason. You know, so it's pretty hard to answer those questions without having firm data on why something happens.

**LEG. CILMI:**

Well, maybe at some point the Chairman will entertain having Mr. {Bessen}, I think it is. Right, is that the -- did I say the name -- Besso? Besso, who is the Administrator, come in and talk to us about those things. You said that the County Executive is proposing to cut your budget \$630,000 from last year's -- or from this year's, rather, budget.

**MR. MAZZOLA:**

From this year's amount.

**LEG. CILMI:**

Right.

**MR. MAZZOLA:**

That's correct.

**LEG. CILMI:**

From this year's amount. And you said that if you had 350,000, at least, back, that you could effectively perform the same services that you're currently performing and that we wouldn't have to lose those 500 or so cases to the 18-B part. So just taking that to the next -- to the next step, it sounds to me like what you're saying is that a loss of \$300,000 or so in funding to your agency means that it's going to cost the County something like two million dollars or so of extra cost in 18-B part. I think that's the number that Bob -- Bob, you said that it's about two million dollars, maybe, that 500 cases represents.

**MR. MITCHELL:**

That's the number that Christine Malafi came up with. She said it was twenty-five hundred dollars a case and that it's five hundred case, etcetera. Plus, you got the Sheriff. I don't know what the Sheriff --

**LEG. CILMI:**

Right.

**MR. MITCHELL:**

-- impact on the Sheriff's going to be.

**LEG. CILMI:**

So my question is this: If we're spending something more than four million dollars a year on 18B

attorneys, and if, as it sounds, you're able to do the work with equal quality much more cost effectively, would it be prudent for us to augment your budget, not just restore the \$630,000 that the County Executive cut, but give you additional funding? Because it seems to me like we could get a much bigger bang for our buck using Legal Aid than we are using 18-B, and we could actually end up saving ourselves a couple of million dollars in 2012 by doing that; is that a reasonable assertion?

**MR. MAZZOLA:**

You know, budgeting is a funny thing. It's a good guess. Yes. But, you know, when we budget anything, we base it on the hard data that we have. We have very little hard data from 18-B. We know what we do, but, again, I don't know how many of those cases that go to 18-B are because of pure conflicts or that we're not available. Anecdotally, I know that many of them do go there because we don't have an attorney in the part, especially in Family Court, to represent them.

**LEG. CILMI:**

Well, I mean, I think, you know, we're at a point where we need to try anything, so --

**MR. MAZZOLA:**

I agree with that.

**LEG. CILMI:**

-- to me, based on what you're saying today, it sounds reasonable that this is an idea that we should explore a little further. I thank you guys for your testimony.

**MR. MITCHELL:**

Absolutely, absolutely.

**MR. MAZZOLA:**

Yes.

**CHAIRMAN EDDINGTON:**

Thank you very much.

**MR. MITCHELL:**

Thank you, gentlemen. Thank you.

**CHAIRMAN EDDINGTON:**

Is there anybody else that wanted to address the committee before I have the Commissioners come up? Yes, come forward. Just state your name and --

**MR. DUNN:**

Good morning. My name is Walter Dunn. I'm a resident of Blue Point. I am a past Chief, current Commissioner of Blue Point Fire District. I also work for the Town of Brookhaven in the Fire Marshal's Office. I'm the President of the Fire Marshall's Benevolent Association there. I've been sitting in the back listening to the comments that have been made and --

**CHAIRMAN EDDINGTON:**

Could you just give her your card, please.

**MR. DUNNE:**

I don't have one.

**CHAIRMAN EDDINGTON:**

Oh, I'm sorry. He'll fill out one. Get him a card so he could fill it out, please.

**MR. DUNNE:**

I've been listening to the comments that have been made by the various representatives of the different organizations, and my comments are general. Everybody knows that we're in a tough time right now. We're in a tough time at every level of government. We're at a tough time in Brookhaven, certainly, and certainly here in Suffolk County. And it seems to me that politics is rearing its ugly head more and more each day when it comes to misrepresenting facts and spin, and I'm not saying it's anybody's fault sitting around this horseshoe. I think it's a wave that has grown, started somewhere and is moving across this country, and it's certainly hurting places like Suffolk County and the Town of Brookhaven, and that is that the notion of taxation is a bad thing, the notion that paying to get something is a bad thing. The fact of the matter is you get what you pay for. And as my parents and grandparents before them have told me, if it's worth having, it's worth paying for, either with money or with labor and effort.

Now, I have my tax bill in front of me here and I would just like to point out, since the word "percent" has been thrown around this argument for a number of years now, that percent only means something when you know what it's a percent of. That needs to be considered. So when people say your taxes are going to go up by "X" percent, "X" percent of what?

We're in the silly season right now, and for those that are running for office, I think you know in your own hearts that something needs to be done here. However, making those tough decisions could result in a backlash, because the other side is going to use it against you if you do what you know needs to be done and you do what you know is right. Now, my tax bill in front of me here says that my County tax, police and county general, amounts to \$900 a year. Two percent of that is 18 bucks, \$18.

It seems to me that an awful lot of time is being spent here arguing about really small change. Now, would I like to have that \$18 and take my family to McDonald's? Sure. I'd have to come up with another six bucks to do it, but sure. Would it be nice? Absolutely. But would I like to be able to go to the Suffolk County Fire Academy and continue to get trained, some of the best training that can be provided in this country? Absolutely. Would I like to be able to call 911 and know that the police are going to respond in a timely manner and do a professional job because they're staffed to do it? Absolutely. Would I like to call an ambulance and know that a trained EMT or paramedic is going to come in a timely fashion and is going to provide the care that's necessary? Absolutely. Would I like to know that people who are in need of social services are getting the help that they need, that they're not beating their wives, or raping their children, or recommitting crimes? You're damn right I would like to do that. So I would just implore everyone sitting at this horseshoe and everyone who's not at this horseshoe to take a look at the numbers. Look at the numbers.

You know, when I was a kid I didn't like to eat my vegetables, and I had an uncle that if I went to his house he didn't make me eat my vegetables. I liked to go to his house.

*(\*Laughter\*)*

But I'll tell you what, my parents made me eat my vegetables and I grew up healthy and strong. So while the electorate at large, many of whom depend on 15-second sound bites at election season, or print ads that come in the mailbox to make what they believe are informed decisions about their taxes and decisions that need to be made, I would ask that everybody here think about the dollars, not the percentages. This County Executive, in trying to be fiscally responsible, has been just the opposite, fiscally irresponsible. There's conservative, there's fiduciary responsibility, and then there's recklessness, and I believe that line has been crossed. And everyone here has the

ability to vote on that budget and to make the tough decisions, and I would ask everyone here to, please, make us eat our vegetables. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Just before you go, I just wanted to thank you for coming with what appears to be a sane discussion. And I'm going to ask -- I'm going to leave you with a task. Because you obviously live in my district and you've heard what I've said, please -- people that have your perspective, please ask them to continue to be involved like you are, to write letters and say what you say, because that's the only way we're going to change. It's too late for me because I'm moving on, but I think we can make a change. I'll be one of those people standing with you and we have to continue to do that.

**MR. DUNNE:**

Well, I would hope so, but each time I see a debate on News 12 among candidates for office, the popular thing to say these days is, "I'm going to cut or hold the line on your taxes." Everything else is going up, things that we have no control over; my insurance premiums, my gasoline costs. My home heating oil is supposed to be astronomical this year, I don't know what I'm going to do. Everything else is going up. We all have to pay for that as taxpayers for the public buildings that we own collectively, that we have to heat, that we have to insure, the staff that we have to put in them. Nothing is for nothing. And even grant money, whether it's from the State or the Federal Government, is still coming out of our pockets. Well, actually, it's coming out of the Chinese pockets.

*(\*Laughter\*)*

But the fact is we still have to pay for it. We've all been brain-washed into thinking we can get everything for nothing, and, unfortunately, it's going to take a tragedy on the public safety side, which is why I'm here, it's going to take a tragedy to refocus attention on that. And there's going to be a lot of finger-pointing when people get killed and people are up in arms, and Newsday, who everybody seems to want to make happy, runs full-page stories for a week about how could this happen. It can happen because we're being told that we can have everything for nothing and it doesn't work that way, that's not the real world. Thank you very much for the opportunity to speak.

**CHAIRMAN EDDINGTON:**

One more second. Legislator Gregory has a question for you. Just hang on. Legislator Gregory wanted to ask --

**LEG. GREGORY:**

Sir.

**MR. DUNNE:**

Yes, Legislator.

**LEG. GREGORY:**

Hi. I just wanted to thank you for your comments. And I don't think anyone here misunderstands the -- you know, for one, our obligation, but two, and more importantly, the circumstances that we face today. I mean, receiving this budget to me is akin to coming to a car wreck where there's complete carnage and we only have the ability to save one life. And, I mean, this budget is ridden with holes and things all through it that, you know, we're not going to be able to fix because of the economy, because of revenues coming in. And with the State, you know, imposing a 2% cap on us, that really, you know, limits our ability even more to fix this problem.

You know, as a taxpayer, you know, who has seen a County Executive promote his quote, unquote, legacy of taxpayer relief, which is a fallacy in my opinion, but let's follow that argument. This person has been in office for eight years, or whoever the person may be who claims they haven't raised my taxes, my first question is, is the level of service the same, better or worse on the first day of office as it is today and I would say that it's worse.

We had people come before here and say they call 911 and being put on hold. There are other instances where the level of service is not what it is, but I'm paying the same. So I'm paying the same for less, and you're asking the taxpayers, saying, "Well, we need to pay more for more," or to at least maintain, and I think that's a difficult argument to make sometimes when you're not getting the response. We've advocated for more police on our streets. I have gang issues in my community, people -- you know, they're just spread out. We're shifting officers from Huntington to Brentwood to Wyandanch. It's ridiculous, because we don't have the proper level of staffing. I would argue, to prevent some of the things that have happened, we're more of a reactive force than a preventive force. And you can come up with examples across the board.

But it's refreshing to hear your comments, because the average taxpayer says, "I don't believe in government," "I don't want to give more" -- you know, some civil servant more money to sit behind a desk and work six hours a day, you know, I'd rather keep that in my pocket. So it's refreshing to hear someone say that they believe in government and they understand the service and the importance of that service that we provide to the public. So thank you for coming here today.

**MR. DUNNE:**

You're welcome. And I agree, that it's not something that's going to be fixed in this budget cycle, and probably not the next budget cycle or the one after that, but it needs to be started at some point. And I think that's the issue that everybody needs to face head on, is that you got to start somewhere. And as unpopular as some may make it out to be, it's the responsible thing to do, otherwise, we're on the Titanic. I mean, we're taking on water and we've been taking on water for a while. In the Town of Brookhaven, it's been almost 30 years since the Town general tax rate has changed, almost three decades, because mortgage tax revenues and landfill revenues were always so high. Well, with the recession, those two revenue streams have dried up considerably. So now your counterparts in the Town of Brookhaven on the Town Board are looking at how are we going to sustain what we have, and they're looking to cut, cut, cut, and they have cut, cut, cut for the last three years. And either we had a lot more than we needed eight, ten years ago and we were high on the hog and, you know, spending fancy free, or we had what we needed and we were able to pay for it. Now we're having a hard time paying for it. So the decision to say we don't need it anymore I find troubling. We don't need it anymore until something terrible happens, and then the fingers start getting pointed around. Let's be proactive, proactive not reactive. Thank you very much.

**CHAIRMAN EDDINGTON:**

All righty. Thank you very much for your comments. You mentioned, like the ship of State taking on water. Last week, the County Executive wrote in my local paper that "Eddington continues to say the sky is falling." I'm unhappy to say that as I look around in the last week, I've heard the Legislative Budget Review Office say basically the sky is falling. All the Suffolk County unions have continued to say the sky is falling. The Health Commissioner basically said our health is falling. The Medical Examiner said bodies could be falling. We've got the Commissioner of DPW saying the roads are falling apart. We've got REMSCO here saying that training is going to fall apart. Contract agencies say that they can't do with no money, so they're going to fall -- they're literally going to fall apart. The County Attorney is worried, which is a good thing. And Legal Aid is basically falling apart. So we're going to now go to our public safety organizations and commissioners and find out what the state of public safety, the projection for next year is and maybe we'll have a smile. I doubt it, but I'm always looking at the glass half full.

**P.O. LINDSAY:**

Did the District Attorney testify yet?

**LEG. BROWNING:**

Not yet.

**P.O. LINDSAY:**

Why don't you call and get --

**CHAIRMAN EDDINGTON:**

Well, actually I spoke to him. Tom -- Joe Williams asked to be first. I've got calls and the list. So, Commissioner, if you could come up.

**COMMISSIONER WILLIAMS:**

Good morning. I appreciate the opportunity to speak about the FRES budget. This morning I have with me is my Deputy Commissioner, John Searing. I have Dick Stockinger from -- the Executive Director of the Fire Academy, and Robert Holley, the Assistant Director of the Fire Academy.

You know, certainly, that my staff and I recognize that the County in the region are in a financial crisis. We further understand that all departments must submit the budget cuts. The Department of Fire Rescue and Emergency Service has a duty to public safety. We field about a half a million emergency calls a year into our communication center, resulting in about 165,000 emergency calls in the field for the 109 fire departments and 27 ambulance companies. Fire marshals inspect all County facilities, respond to HazMat incidences and perform fire investigations. Emergency Management personnel prepare this County and its citizens for disasters. This department may not be able to operate as effectively as desired with the proposed cut, but the dedicated personnel at FRES will continue to assure that public safety is maintained.

There has been three positions in my department which will be eliminated in the reductions. The number one position is a senior account typist. This position is the only position that administers our payroll, personnel programs for staff, bi-weekly submissions, processing of daily overtime slips, and numerous other tasks associated with payroll. At this present time I have no other staff member, due to their workload, that can take over that payroll or personnel duties of the department, and the duties are obviously required to run the department.

The second position that's set to be eliminated is our GIS Technician III. The County has made some significant strides over the past several years to move forward to an automated dispatch system which features state of the art Computer Aided Dispatch system. Both the systems are shared now by FRES and the Suffolk County P.D. This requires specialized expertise in the form of the GIS technician to administer the GIS mapping changes associated with the Computer Aided Dispatch system, both for FRES and the Suffolk County P.D. In accordance with their duties, this person draws up map changes, including additions in new streets, complexes into the CAD system, processing of field changes from Fire, Police, EMS, dispatch personnel, and prepares maps for the use of our Emergency Management Office.

It should be noted that while the actual maps are implemented during standard GIS software. The CAD mapping changes are done via proprietary software, which the incumbent has received extensive training on. The CAD system takes numerous hours on a daily basis to accomplish. The map is constantly being based -- updated based on information received by FRES and Suffolk County P.D. personnel. On an average, there are 15 map updates received per day that require media processing, as well as many other minor fixes that are carried out at the end of a quarter. If addresses come up in the CAD system as an invalid address and we don't have this person, a manual search must be performed as to where the location of the emergency in order to dispatch

the correct sector car, fire department, and all ambulance companies.

The last position is a volunteer program coordinator. This position is a 100% grant-funded position. Eliminating it would have no cost savings to the County. This position is Federally funded through 2004 by a FEMA 2009 SAFER grant. The position administers the program for the County's volunteer Firefighters and EMS agencies for a 100% scholarship program at Suffolk County Community. Not only does the position administer the scholarship portion of the program, it is also very involved in recruiting members on the mass media consultant and manning recruitment tables at various events.

In addition, recruitment referrals are received via dedicated E-mail or phone line, which this position staffs and takes up to 12 hours weekly to process. I feel it is also noted that our grant is also very much tied into Nassau's grant, as we've been the administering contract for this position.

Abolishing this position would have two consequences, in particular and foremost. It jeopardizes a 4.2 million dollar regional grant. As noted, Suffolk County administers the grant for both counties. Eliminating this would not be looked in a positive light in terms of your all-grant system. We could forfeit the grant and deprive our volunteers of the opportunity to gain in education at Suffolk County Community College.

Secondly, eliminating the position and moving that somewhere else in the grant, we would not be able to do this because the Federal Government would be considering that supplementing. What is happening is that we cannot move someone else into that position at FRES.

Overtime funding: Our department is driven by public safety needs. The bulk of our overtime comes from our communication system because it's a 24/7 operation that has a minimum staffing requirement. The overtime expenses remain constant, if not increased to minimum staffing and mandatory holds. The recommended budget decreased the overtime budget line. This will only -- this will only cause us to overspend the account. While we're in the process of hiring two dispatchers, we will still not see any presence of at least six months in the reduction of overtime due to training requirements.

Communications equipment and infrastructure: There is a request to restore \$13,000 in funds. On the surface, this may seem like it's small, but essential. The account we are requesting restoration for this support of our communications equipment, as you're aware, is a part of our department. Last year the Department had to begin funding our CAD maintenance contract from the Operating Budget. It is anticipated that each year that cost will increase. So while the funding in this account may look like it's increased over the past year or so, in essence, it hasn't, because the large additional expense never existed before.

Note, with the advent of Suffolk County P.D. using CAD, which is overall a good thing, this moved the County into a different category, medium versus a small user, which increases our licensing and maintenance cost. We are now also charged with the upkeep of a very needed backup communication center in Coram in addition to our primary communication center in Yaphank. All these factors warrant this account to be funded at the requested -- at a bare minimum. To reiterate, this budget greatly affects the department. Our members will constantly have public safety in mind. The phone calls and the emergency calls coming in will be answered.

It also needs to remind that there are repair costs both at FRES and the Fire Academy which we are responsible for and continue to grow. My only assumption would be that you can expect that FRES, if this budget is approved in its current state, we would have to be coming back to the table looking for offsets during the year of 2012 to repair any systems that do fail. I ask you to give this consideration during your restoration of the items that we had discussed and I will be prepared to

answer any questions you have.

**CHAIRMAN EDDINGTON:**

Joe, let me ask you one question that jumps out at me, that we -- you're asking to restore 100% funded position. What's the -- I can't get the reasoning, from where I'm sitting, of why you would do away with 100% funded position, unless there's no desk space or something. What's behind that?

**COMMISSIONER WILLIAMS:**

I don't know why we were not asked about that question. But again, it is a 100% -- it is a 100% position, both benefits and salary, guaranteed through 2014.

**CHAIRMAN EDDINGTON:**

You weren't consulted on any of these cuts or anything?

**COMMISSIONER WILLIAMS:**

No, I was not.

**CHAIRMAN EDDINGTON:**

We have a lot of expertise sitting here. Okay.

**LEG. BROWNING:**

He's not alone.

**CHAIRMAN EDDINGTON:**

Okay. So far, the County Executive's been consistent. He hasn't asked anybody for anything, so -- at least none of our commissioners. Anybody have any questions? Yes, Legislator Cilmi.

**LEG. CILMI:**

Just a quick question. I'm not sure if, Commissioner, you're equipped to answer this or if Budget Review is better equipped, but in order to restore the funding to the extent that you are suggesting that you need, what are we talking about in terms of total dollars?

**COMMISSIONER WILLIAMS:**

The Deputy Commissioner has an answer to that.

**DEPUTY COMMISSIONER SEARING:**

For the three positions and the 13,000 for the CAD System, it's roughly, based on what the budget numbers we saw in both reports, about 290,000 or so.

**LEG. CILMI:**

And you mentioned something about overtime.

**DEPUTY COMMISSIONER SEARING:**

I can't answer that one, I'm sorry.

**COMMISSIONER WILLIAMS:**

The overtime is mostly driven by emergency events that happen, and also, too, is the radio room. Our radio room is the -- has the biggest overtime, and that's controlled by some vacancies we have, and also, too, by vacation leaves, sick leaves. It's kind of -- it's kind of hard to predict how much more we would need in that budget line.

**LEG. CILMI:**

Well, how much was cut? I mean, is it a significant number? Is it hundreds of thousands of dollars, is it tens of thousands of dollars?

**COMMISSIONER WILLIAMS:**

My best guess is it was cut approximately 100,000, and we are over that figure already from this year's established overtime budget.

**LEG. CILMI:**

Okay. And I'm sorry. John, the number that you cited a minute ago, irrespective of overtime, was?

**DEPUTY COMMISSIONER SEARING:**

Approximately 290,000.

**LEG. CILMI:**

Okay. So we're talking about a total of roughly \$400,000 between overtime and the other issues.

**COMMISSIONER WILLIAMS:**

Approximately, yes. And again, it's driven by -- this year we have had the hurricane, we had the gas leak, very unpredictable --

**LEG. CILMI:**

Sure.

**COMMISSIONER WILLIAMS:**

-- type of expenses.

**LEG. CILMI:**

Okay. Thanks very much.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

You talked about the radio room and the overtime, and I know that that's been a problem because I believe you were actually running out of overtime, should I say running out on your budget for overtime. Of the vacant positions to reduce the need to create so much overtime, how many positions would you need filled?

**COMMISSIONER WILLIAMS:**

We would need four to five more positions to be filled. And I think it's important to note, too, is that when we do -- when the County can afford to do that, we're still looking at six months of understaffing due to the training. These people could not assume positions until they're completely certified.

**LEG. BROWNING:**

And these would be new entry positions, or would they -- would some of them be like supervisory? How many supervisory positions would that be?

**COMMISSIONER WILLIAMS:**

We would have to promote at least one to two more people in that supervisory position, just the natural movement. We have people that have been out on long-term medical leave. In the natural

course of business, we would move some people up and then bring in newer members at the bottom.

**LEG. BROWNING:**

Okay. And if BRO could provide us with the dollar amount on those positions, I'd appreciate it. If you don't -- go ahead.

**MS. DONO:**

There is a problem with filling any vacancies in the Department next year. Their turnover savings was increased by more than half a million dollars. So funding would need to be restored to fill those vacant emergency dispatch positions, whether they're entry level or higher than that.

And just as a post note on their overtime, they have already expended upwards of \$710,000 in overtime this year. The County Executive reduced their request by 115,000. We recommended restoring it at least by 100,000 with the hopes that some of their extended sick leaves would return to work and that mother nature may be better to us next year.

**COMMISSIONER WILLIAMS:**

If I may, Mr. Chairman, turn over the mic over to Executive Director Richard Stockinger to talk about the Fire Academy.

**CHAIRMAN EDDINGTON:**

Certainly.

**P.O. LINDSAY:**

Before we get off that, can I ask a question?

**CHAIRMAN EDDINGTON:**

Sure. Legislator Lindsay.

**P.O. LINDSAY:**

Forgive me, guys. I was trying to read a document here and I'm listening with one ear. So the overtime is driven by staffing shortages or by emergencies?

**COMMISSIONER WILLIAMS:**

The major part of the overtime is driven by our radio room, which is staffing shortages.

**P.O. LINDSAY:**

Okay.

**COMMISSIONER WILLIAMS:**

And with the minimum manning requirement. The other part of the overtime, which is a percentage of it, is driven by emergencies like any -- with call-outs and anything like that.

**P.O. LINDSAY:**

Okay.

**MR. STOCKINGER:**

Thank you, Commissioner, and good morning. Things at the Fire Academy, like every other agency that was up here today or will be up here today, is the same. The reductions that we're seeing are compounded due to the decreases that we've seen with our State Aid that we also receive. So just those two items alone, what we're looking at next year is a reduction in our budget of approximately \$300,000. Obviously, we can't provide the same service that we provide with that much of a loss.

We're also -- one of the -- several of the things that we've had to do was we're eliminating three positions. We're eliminating the -- actually the number three position at the Fire Academy, the Assistant Deputy Director, which is one of our growth positions, has to be eliminated. We're losing a clerk typist and also a part-time summer intern. We'll still be able to function without those positions, but, obviously, it's going to be a lot more workload on everybody else that's left.

In addition, we are going to have to reduce the overall amount of training that we do. We estimate that it will be somewhere between 12 to 15% reduction. With all of that dark cloud looming over us, there is a light with us that. We've anticipated these shortages over the last several years and we've been working on a program to try and still reach the same amount of students that we contact every year, but doing it with less dollars. So we're doing less training, but still trying to reach those students.

We train approximately -- and I've given you this report before, where we do things by student contact. Every time a student takes a class at the Fire Academy or in the firehouse, we count that as one student contact, and we're still holding the line somewhere around 46,000 student contacts a year that we do. You know, with 107 fire departments -- 109 fire departments, and the 27 agencies, ambulance agencies that we train, that's fairly significant for the amount of training that we do. But this new program that we're working on is -- and we've received a lot of support from the fire service. They understand the position that we're in and they're working very closely with us. We're trying to do the training geographically where we can hold a certain amount of classes within a township and still reach the necessary amount of students that have to take that training.

One of the things we are looking to cut back on is the more specialized training that we do, for instance, the hazardous materials technician training. That's a very expensive program for us to run. It costs us about \$10,000 to put one of those programs on. They always fill the program because we only offer it once or twice a year because of the expense. And we do train other agencies, just not just fire departments. You know, the Police Department always sends several people into that class and the other agencies out there. We also have a new class from the Sheriff's Office that we'll be training the new corrections officers. You know, these are other responsibilities that we have besides the fire service, so, obviously, some of those would have to be cut back.

The technical rescue training that we do for all of the technical rescue teams and also the new County USAR Team, that's going to be affected. But we have looked at other sources on that. We do have a close working relationship with the Office of Fire Prevention Control in New York State and they're willing to assist us with some of that training at no cost to the County. So that will supplement, offset some of the losses that we can still do the primary training necessary for the fire service.

But one of the things we would like to challenge you with, and rather than saying, "Well, we'll put money back in your budget to be able to conduct that training," because we know that's going to happen year after year until the economy stabilizes, but we've been looking at other sources. We're going through right now redeveloping our website to be able to start hosting online training. Now this is no new advent, this is not new technology. Many colleges out there today are offering Bachelor programs online, and there are fire training programs that are available online, and we think that that's the future for the Fire Academy and we want to develop that technology. Unfortunately, with the loss that we're going to have in revenue for next year, between the County cutbacks and also the State -- and, by the way, the State, the State has reduced our State Aid, and this was done, again, a little bit behind our back. It was where the Governor introduced in his budget to change the way State aid is paid to the Vocational Board. It's reduced by about 47%. This year we received \$366,000; next year we're getting \$185,000.

And just as a side-bar, they're not giving us our last payment for this year. They decided not to give us that because they don't have the money, so we're losing another \$130,000 this year in State aid. So, obviously, things are very tight, but we would like your assistance. If you can help us in any way, it would be to help us develop this new technology. The online training, I think that will have long-term payback for the next several years at least. But we'll do what we can to work within the budget that you give us.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

Have you guys been coordinating with the I.T. Department as far as developing that online training?

**MR. STOCKINGER:**

Not at this point, Legislator. We've just started working on this program. You know, like I said, we're developing the website to be able -- to be able to do the online training. We've had a website all along, but it's not capable of doing what we want to do. But that was one of the plans that we do have is to start communicating with them.

**P.O. LINDSAY:**

Yeah. And if you need my office to coordinate that between the very -- the two departments, I'd be most happy to help before we go out to outside consultants. Our I.T. Department has been very, very active and helpful in a whole bunch of areas within the County and I'd just like to chat with them first before we spend any money on it, you know.

**MR. STOCKINGER:**

Absolutely, and I thank you for that offer.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Yeah. Just along those same lines, the -- what is it that needs to be done? Is it software intensive? Is it labor intensive in terms of putting stuff up on the web, videos, what have you? I mean, what's involved in the actual program?

**MR. STOCKINGER:**

Well, there'll be the actual development of the programs. Most of the software that is available is free software, you know, the portal that we have to use to administer that. It's actually the development. There are some canned programs that are out there or stock programs, and they're run through -- the publications that we use for the Firefighters actually have some of these available, but there's a fee to did that. Every time a student signs up for that program, we would have to pay a fee to that publishing company. And New York State has tried it and they have since dropped the program because of the expense.

But one of the things that's unique about the training that we offer is it's regionalized, you know, because a fire is a fire whether it's in New York or it's in Los Angeles, obviously, but there's different techniques that are used to fight the fires. And, obviously, we do things a little bit different in Suffolk County than they do in Los Angeles or in Denver or anywhere else, so we have to customize our programs based on the way we fight fires here in Suffolk County. But it would be the actual development. You know, we have a lot of the materials. Currently, the PowerPoints that we're using can be turned into some type of an online presentation, but there's also the documentations that has to go along with that. You know, we have to know that a student is signing on, and

that's -- those are the things that have to be customized, so there are customization of software.

**LEG. CILMI:**

So it's firematic in nature. And my -- the question really was, is it something that would be paid for out of capital expense or out of operating, and it sounds like it would be operating expense.

**MR. STOCKINGER:**

Yeah. The initial investment probably would really fit under a capital project, but I know we've already done our capital projects out to 2014, and we're not getting anything. You know, we put in for many programs and, obviously, everything has been turned away. But it would make sense doing it in the Operating Budget right now, because there would be an immediate payback from that, rather than waiting for a Capital Budget cycle.

**LEG. CILMI:**

Okay. Thanks.

**CHAIRMAN EDDINGTON:**

Okay. Last thing, that I just wanted to ask that -- what I'm hearing is that services will be reduced and there could be a negative impact on efficiency and effectiveness, not due to your agency, but due to the lack of funding and personnel.

**MR. STOCKINGER:**

That's correct. I'll just leave you with one comment. An educated firefighter is a safe firefighter. An uneducated firefighter, things happen.

**CHAIRMAN EDDINGTON:**

Thank you very much. Okay. All right. If I could have -- I think the District Attorney had to leave, but if we could have a representative from the D.A.'s Office.

**MR. HEILIG:**

Good morning. My name is Ed Heilig. I'm a Division Chief within the District Attorney's Office, and with me is Craig Pavlick. He's the head of our Department of Administration and Finance. I do apologize on behalf of Mr. Spota. He was here all morning. Unfortunately, he had to leave, he had an appointment that he had to get to. He did, however, make prepared statements that he delivered before on Monday before the Ways and Means and the Budget and Finance Committee. I'm prepared to basically reiterate those comments before you today. He did feel it was very important to appear before both committees to explain to you how important it is not to lose the positions within our office.

I would like to start, however, by thanking Ms. Vizzini, Gail Vizzini and her Budget Review Office, especially Mr. Ortiz, who is to my left here, for the help that they've given us in trying to go through this budget process. Tom had wanted me to explain that he understands how difficult it is right now, how difficult the financial times are that we live in. He wanted to make sure that he can assure you as Legislators and the County at large that he's doing his part to keep expenses down in this County. He wanted to thank the Budget Review Office for their finding that the amount included in the County Executive's recommended budget for permanent salaries in 2012 is insufficient to fund the positions that they wanted us to have for 2012 in the amount of 1.5 million dollars, and we appreciate their recommendation to add that 1.5 million back to the budget.

We're prepared to meet as an office, as the District Attorney's Office, to meet the recommendations on cutting our budget for 2012 for equipment, for cars, for other non-personnel budget items. We can do that, we can live about that. We cannot, however, live with the recommendations to abolish positions within the District Attorney's Office. To do so, in my opinion, and in the opinion of the

District Attorney, more importantly, would negatively impact on public safety and his ability to investigate and prosecute crime in Suffolk County. Now, as an office, you know, Tom understands that we all have to do our part to help out. We've worked hard in the past year to produce turnover savings to this County in our personnel budget. We've been quite successful. In fact, this year we've almost tripled the amount of turnover savings from the previous year. In 2010, our turnover savings was \$443,000; this year, they're expected to be 1.24 million dollars. And since 2012 -- 2002, rather, we've had turnover savings almost 5 million dollars. And Tom wanted to make sure that we express to you that we pledge to do it again next year in 2012. And how are we going to do it? We do it the same way we've been doing it all the time, we keep positions vacant. We don't immediately fill Assistant District Attorney positions when they become vacant.

As many of you know, we hold those positions until we hire a class in August. For example, if an ADA resigns today, that position is not filled immediately. We wait to fill that position until the following year, and that creates a tremendous amount of turnover savings. We earmark higher paying positions to lower paid positions and try to get the work out of them that somebody would be doing at that higher paid position. And in non-personnel areas, we do it by limiting our supply and equipment purchases from the budgeted funds that we get.

Tom feels strongly that we should not be penalized by having critical positions abolished when we work so hard every year to produce savings, like the other elected County officials do with their budgets. He has shown the taxpayers of this county that he can manage the budget effectively and still produce savings, but he can't deliver justice to the citizens of this County when one arm is tied behind his back, and that's exactly what abolishing the support and investigative positions will do to him.

The Executive budget recommends abolishing 27 total positions, 15 of which are filled. I appreciate the Budget Review Office's recommendation to return seven of those positions to the budget. However, that still leaves eight hardworking people who would leave their jobs should this budget go through. You know, Tom had -- the District Attorney had wanted me to guarantee to you to deliver the turnover savings again next year and he'll seek additional grant items and other ways to help reduce spending in the District Attorney's Office.

It's very important to understand, as in any -- everybody's office. Each one of you have an office everywhere else in the County. The support personnel is the backbone of the office and it's the same in our office. We take in over 55,000 cases a year. Each of these cases produces an enormous amount of paperwork, and it's not paperwork that we're creating because we want to create the paperwork, it's paperwork that's mandated. It's mandated by State statute, it's mandated by court rule, it's mandated by Federal rule. These are things that we have to do as support personnel to fill out to meet our mandates. You can't cut positions and expect to have the same work continue. We'll be criticized by the government.

The proposed layoff of clerk typist, crime victims advocates, Grand Jury stenographers, paralegals, guards, account clerks and research technicians would have a serious debilitating effect on the ability of the District Attorney to provide the citizens of this County with a safe environment to live in. Rather than go through each of the positions and how valuable they are to this office, what Tom has directed me to do is to prepare a memo for each of the Legislators, which I'm almost done with, I expect to have it by tomorrow, which will be a personnel justifications memo as to each of the positions. And I'll make sure I provide that to you and that you have it when you're going through the Budget Review process to see how important each of these positions are to our office and the mandated work that they're required to do.

In our original budget submission to the County Executive, Tom had asked for three new Assistant District Attorneys, and that request was based on the fact of the increasing number of outlying

village courts that we have to cover in this County. There are 17 outlying village courts that have both day and night sessions that we have to send ADAs to to cover their calendars, and the ADAs go to those village justice courts, you know, with no extra pay. They cover them at night and, you know, as you all know, ADAs do not get overtime, but they go on their own time and they go and handle those calendars. Our East End Bureau has 11 different town and local village courts that we cover that service 12 different police agencies. We have to cover all of those courts as well. And it seems every year there's a new court. For instance, the recent incorporation of the Village of Mastic Beach created their own Justice Court and we now have to send an ADA to that part. However, the County Executive did not put those positions in the budget. We can live with that. We'll juggle our schedule of our ADAs to cover the outlying village courts without having to add new District Attorneys. He said he wanted me to make sure that I stated that so you'd know that, that we will be able to absorb that and handle those calendars as best we can.

The proposed cuts to personnel will affect our ability to respond to areas of concern identified by both State and Federal authorities, for example, and Tom was very clear on this when he spoke before the committees on Monday. The County Executive's recommended budget recommends abolishing a 100% grant-funded crime victims advocate Spanish-speaking. This is in light of the fact that this County has been criticized by Federal authorities and other people by the way -- you know, as to the way that we handle Spanish-speaking crime victims. You know, to abolish a 100% granted -- fund-granted position where these crime victim advocates help these victims out through the process and through everything is ludicrous. And I do appreciate the Budget Review Office looked over that and they recommended putting the two crime victim advocates back in the budget, and I support that recommendation and I'm sure the District Attorney supports it as well.

You know, it seems that every time in the District Attorney's Office that Tom makes an effort to hold down costs, you know, he's answered with a rebuke from the County Executive. We earmark higher paying senior or principal clerk typists to lower paid clerk typists to save money, and what do we get? We get a recommendation to lay off and abolish clerk typists. We earmark higher paying detective investigator positions to lower paid DA Investigator positions to save money, and what do we get? A recommendation to abolish Investigator positions. We create paralegal positions to avoid having to hire the higher paid Assistant District Attorneys, and what do we get? We get a recommendation to eliminate and lay off the paralegal positions. You know, it seems that every step that we take to produce savings, you know, turns around and, you know, bites us.

The other thing, the six detective investigator positions sought to be abolished are all vacant positions. However, we've been trying to get those positions filled and we've been having difficulty doing that. These -- we cannot afford to lose these positions. We can earmark some of them to the lower paid DAI positions, although it's not the right way to go, but the bottom line is that the District Attorney needs more, not less Investigators. You know, with respect to these Investigator positions, we're down. We're down from our number that we were -- our higher number that we were at years ago. The increase in economic crime cases will go unchecked. We're now left no choice but to turn away some complaints because we just cannot handle the volume of complaints coming into our office on economic crimes, on embezzlements, on mortgage fraud. We're about to announce a major mortgage fraud initiative that we just did that resulted in over 50 arrests.

Detective investigators also investigate government officials and law enforcement cases involving police misconduct. Typically, it's done by our office because of the -- we don't want to be having Police Officers -- you know, we want to be immune from the political or government influence that the Police Department would have in those investigations, so we, as the District Attorney's Office, will conduct those investigations.

The detective investigators also spearhead and supervise multi-agency task forces. For example, the East End Drug Task Force and, more importantly, the new Heroin Drug Task Force. Heroin is a

scourge that's affecting every community in this County. We created a task force to fight it, but cutting detective investigator positions is going to affect our ability to investigate and prosecute those crimes.

Our Technical Service Unit is made up completely of detective investigators. That is an important unit that serves County agencies throughout this County regarding doing wiretap investigations, covert surveillance, GPS surveillance, undercover wires, and as I said, they support all of the law enforcement agencies in this County.

Also, as Mr. Keary mentioned when he was before you, you know, we're also responsible for investigating all the CODIS hits, which are the DNA hits that are done by the State and Federal Government. They advise us that, you know, they have a hit on a certain crime. We go out and investigate that DNA CODIS hit. We've lost six detective investigators last year to the early retirement incentive and other retirements, and we have not replaced those positions. However, we have hired a couple of District Attorney investigators, but those, again, were 100% grant-funded.

It will also -- you know, the loss of detective investigators is going to lead to increased overtime in both the Police Department and the District Attorney's Office because that work is going to have to be done by the Police personnel that are assigned to our office, as well as the other detective investigators that remain. The Suffolk County Police Department does assign us a contingent of detectives, but that contingent is down as well. They -- I believe we had about 55 back in 2002, we're down to 44, and I believe there are going to be three retirements next year of detectives and one detective sergeant. When they retire, the Police Department has not been replacing them over the years lately because of this situation they're in.

The proposed cuts -- and the District Attorney wanted me to be clear in making these comments. The proposed cuts to both the Probation Department and the Medical Examiner's Office will also have a serious impact on public safety and the ability of the District Attorney's Office to get the job done. Autopsies, drug analysis, you know, major narcotics traffickers can be released if we don't meet the mandate to have the lab tests done and have that defendant prosecuted or, rather, indicted within a certain amount of time. If you take lab analysts out of the Medical Examiner's Office, that's going to affect our ability to keep these people behind bars where they belong.

We work very closely with the Probation Department and their officers in investigations, as well as in the prosecution of violations of probation. Increasingly, the courts are sentencing defendants to probation conditions, ranging from the new DWI interlock to monitoring sex offenders, all of which needs to be supervised by the Probation Department. A further cut in the number of probation officers will further deteriorate public safety in Suffolk County.

Another thing that we should point out is that in our Tax Crimes Unit, again, which is staffed by detective investigators, we return -- this year we expect to return over one million dollars in sales tax restitution to the County of Suffolk. Since 2006, when the Tax Crimes Unit was started, I anticipate by the end of this year that number being close to 4.8 million dollars returned to the County in sales tax revenue. There's no incentive to continue to do these sales tax cases in our Tax Crimes Unit if the County Executive is recommending abolishing detective investigator positions. There are other cases we do that we return revenue to New York State, but we like doing the sales tax cases because that returns revenue right here to the -- into the pockets of the people of Suffolk County. And I anticipate at least reaching at a million dollars next year in 2012. We're going to try to get that almost doubled to two million dollars for 2012.

The District Attorney will always be looking for ways to create savings where feasible. For example, as you may know, is one of the -- my colleague, another Division Chief, the Chief Trial Prosecutor, Mr. John Collins, is running for Supreme Court Judge this year. Should he be elected in November

and take office in January, Tom has pledged to leave that position vacant for 2012. That would produce enough savings to keep at least four clerk typists, paralegals and the like in the budget for 2012. That position, he'd like to fill it, but he has pledged, and as he stated on Monday, he will keep that position vacant. We'll do other things. We will, if the Assistant District Attorneys of a higher level, a Principal Assistant District Attorney, for example, leaves and resigns the office, we will leave that position vacant and not fill it to that higher level and leave that position vacant until we hire the new lower paid ADAs in August.

In concluding, there are many other things that can be done short of abolishing positions and having people lose their jobs is not one of them. No one in the District Attorney's Office is sitting around with nothing to do. The hardworking staff is trying to meet all of these mandates placed upon us by statute, by rule, whatever else it may be, by the courts, you know, and we meet -- you know, we try every day to meet those rules. I have Bureau Chiefs calling me on a daily basis complaining about the lack of clerk typist staff that we have now, and to propose abolishing seven or eight more positions in the clerk typist staff will just debilitate our ability to get the job done. This is on top of losing our experienced staff last year to the budget -- rather, the retirement incentive. The early retirement incentive, we lost -- between that and the proposed positions to be abolished in this budget will lead to a almost 20% reduction in our secretarial staff, which is -- which is really a hurt in our office. You know, had we known that the clerk typist positions were going to be abolished in this year's budget, perhaps the District Attorney would not have allowed the clerk typists to take advantage of that early retirement incentive. That would have been sad, but had he known, maybe he would have not let those people go and it would have been -- we would not have the dire situation we're in now with the clerk typist staff.

I want to thank you, and I have any other -- any questions you may have, I'm prepared to answer at this time.

**CHAIRMAN EDDINGTON:**

Yeah, thank you. Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chairman. Thanks, Ed. It's good to see you. I do have some questions. You mentioned -- well, John Keary mentioned the six detective investigator positions you reiterated. You also mentioned 1.5 million in personnel cuts. Does that 1.5 million include those detective investigators?

**MR. HEILIG:**

Not the abolished positions. I believe it does not include -- does not include the abolished -- the six positions that are seeking to be abolished that -- my understanding is that 1.5 is just to fund the positions that the County Executive left in the budget for 2012.

**LEG. CILMI:**

Okay. So, Budget Review, or to you, what's the cost of those six detective investigator positions?

**MR. ORTIZ:**

There's really no cost because they're vacant. The 1.5 million is for --

**LEG. CILMI:**

To fill them, what would the cost be?

**MR. ORTIZ:**

I don't have that number off the top of my head.

**LEG. CILMI:**

Roughly. What do they make, six --

**MR. ORTIZ:**

They make about \$100,000 each.

**LEG. CILMI:**

Okay. So --

**MR. ORTIZ:**

So 600,000, without benefits.

**LEG. CILMI:**

Plus bennies. So you're talking about, about a million bucks, something like that?

**MR. ORTIZ:**

Seven-fifty, 800,000.

**MR. HEILIG:**

And to be -- just to be clear, I do not believe the District Attorney is looking to fill all of those positions in 2012. You know, I know he wants to fill some of them, but I don't believe he's looking to fill -- to get to 100% of what the vacant positions are now. You know, there's something that can come up to -- that may make him want to do that, but I believe right now we're looking to fill several of them, but not the full complement of six.

**LEG. CILMI:**

Okay. Does your office charge -- are there any fees associated with prosecution? You know, if we convict, is there any way to -- this may be -- I don't know. Is there any way to charge back criminals?

**MR. HEILIG:**

No. I mean, the court places fees sometimes on them. We do collect at times fees based -- there are times that we request and get cost of investigations back from certain defendants in certain investigations. When we do get those funds back, we remit them back to the County. We've done it in the past to lower overtime costs, and whatever else the case might be. But we have gone through times when we've had -- and it can only be done in certain cases where we know the defendants have the ability to pay the cost of investigation, or where there is an intensive cost of investigation case, for example, a wiretap investigation, something of that nature. But there are no fees that we charge on a daily basis. You know, the main thing that we return to the County is the revenue from the sales tax restitution and the criminal tax cases that we investigate and prosecute.

**LEG. CILMI:**

Okay. And this is sort of -- this is not really a budgetary question, it's more of a, I guess, quality of service question. Could you speak for a moment about the effectiveness of your office, and maybe I really mean aggressiveness of your office in terms of keeping criminals locked up? Is that something that -- is that something that your office directly impacts, or is that more a function of the judiciary?

**MR. HEILIG:**

Oh, no, it's something that we impact. I mean, we make our arguments to the court to keep people in custody. As I stated before, if there's a violent felony offender, a sexual offender, a major narcotics trafficker, we have a certain amount of time under Section 180.80 of the C.P.L. to -- in which to indict that defendant, or else the defendant gets released. It doesn't matter if there's 10

million dollars bail on the defendant. If we don't indict on the felony he's charged with within five, six days, that defendant is automatically released. So that five or six days is a very investigative intensive period, it's a very paperwork-driven period. It involves, as I said, the Crime Lab, Probation, the Police Department. There's a lot of people involved in the criminal justice system that impacts.

**LEG. CILMI:**

The context in which I asked the question is, is we all probably heard in our districts stories of how the police have locked up or, you know, you've prosecuted people for drug, you know, dealing or for burglaries, and, you know, they seem to -- there seems to be this revolving door where they're right back out on the street again and I'm wondering what that's a function of.

**MR. HEILIG:**

That's more of a function of what happens once the case gets to the Judiciary and gets to the Penal -- you know, the prison system. You know, everyone's facing cost reductions. You know, it's expensive to keep somebody in jail, it's expensive to keep them in the Suffolk County Jail, it's expensive to keep them in State prison. So that revolving door you're talking about is more of a function of, you know, alternative programs to sentencing. It's -- and people, unfortunately, in my opinion, get released before they should or get sentenced to a program when they should be serving time in a State prison.

**LEG. CILMI:**

Well, given the incidents of recidivism, you know, you prosecute somebody once, you put them in jail and you leave them there, there's one cost associated with that, and there's an ongoing cost, certainly, as far as the incarceration. But if you incarcerate them once and then let them out and have to prosecute them or, you know, fine them with police, which costs money, and prosecute them with D.A.'s that cost money and then put them in jail again, it seems like we're -- you know, we're adding cost to that. And, you know, I'm wondering how we, if at all, can help sort of bring some common sense into that whole process.

**MR. HEILIG:**

And part of that, I think, is -- falls on the Probation Department. I mean, their lack of personnel, you know, supervising the people who are at least on probation, you know, causes these people -- you know, when they know they're not being looked at that closely, they fall back and, you know, they're recidivists.

**LEG. CILMI:**

Right, that certainly affects the recidivism rate. But do the -- is it arbitrary, I mean, are the decisions to -- that end up with these guys back out on the street, are they arbitrary, are they decisions that, you know, our Corrections Department can make, you know, on their own because of cost issues? Are they decisions that the judges make as a result of cost issues? How do they make those determinations?

**MR. HEILIG:**

I don't believe they're arbitrary, I think they're policy decisions. It's policy decisions both at the jail level, the judiciary level, prison level. You know, at our level, you know, it's not really our policy. I mean, there are -- sometimes there's deficiency in evidence with some criminal cases that may lead to somebody being released that we don't want to see released, but there's nothing we can do about that if we don't have the evidence to go forward. But other than that, it's more policy. I don't think it's an arbitrary decision being made on a case-by-case basis.

**LEG. CILMI:**

Okay. Thanks, Ed.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

Good morning. So my guess is, is that there was no discussion with the District Attorney or any kind of compromise to work with you to fill the positions or to give you what you need in your budget, right?

**MR. HEILIG:**

No.

**LEG. BROWNING:**

Like everybody else. What I'm trying to figure out is the detective investigators, when you talk about sales tax revenue, and you're projecting that you could probably bring in two million dollars next year, and then I hear about the positions that are being abolished, it seems to me they're paying for themselves.

**MR. HEILIG:**

Yes, it was. And again, don't hold me to that two million. I'm going to try, but if it's -- you know, a million this year is guaranteed, but next year we're going to try -- we have some new plans we're going to do in the Tax Crimes unit. We hope to get revenues up as high as we can. But, yes, it's penny wise and pound foolish.

**LEG. BROWNING:**

If you don't have the bodies you can't do the work.

**MR. HEILIG:**

Correct, I agree with you.

**LEG. BROWNING:**

Okay. Thank you.

**CHAIRMAN EDDINGTON:**

All right. So I guess what I'm hearing is FRES said, and you're saying the same thing, that services will be reduced, there'll be a negative impact on the efficiency and effectiveness of your office. And you've added a very significant piece, and the safety of our citizens could be impacted in a negative way.

**MR. HEILIG:**

Oh, absolutely, if -- you know, and it really goes down to every single position we're talking about here, whether it's a paralegal, a clerk typist. They're all involved in our system. For example, if I don't have a clerk typist available to do the search warrant that the Police Department comes to me to want to do to hit a house of drug dealers in any area in the County, you know, that warrant doesn't get done. If I don't have a clerk typist to prepare the paperwork that's mandated by the Federal Government to do a wiretap, which is the best way to get drug traffickers or gang members in this County, that doesn't get done, and what happens is these people are left on the street instead of being behind bars where they belong, and then people suffer, the public safety suffers in this County.

**CHAIRMAN EDDINGTON:**

And it concerns me. And, of course, you know, we're going to have a couple of more officers come by and talk to us. I sat in the Health Committee and we had the leading people from our Health

Department say that the public health of Suffolk County is going to be compromised and is in severe danger. And I don't know how we get the word out, because that was like a two-inch-by-three-inch article in the paper. To me that's headlines. I don't know how we can get what you're saying out there, but we have to in the next week or two bang the drum so that people are hearing what you're saying, because we are. But, you know, when you talk to our esteemed leader, he says very clearly, "There's no money." So you know what I mean? I think we have to -- I don't know if we take news, you now, articles out in the paper, but we've got to let people know that there is a crisis. We know about Nassau County. I don't think -- I think everybody's saying, "Oh, it's so great here, Nassau's in trouble." I think we need to get the word out. It's not that the sky is falling, but we've got to start looking up.

**MR. HEILIG:**

I agree with you, and I hope that the word doesn't get out too late after something happens to somebody in this County that shouldn't happen because we've cut positions that are crucial to their safety.

**CHAIRMAN EDDINGTON:**

Well, you know, I mean, Mr. Dunn made a very clear statement, that, you know, we need -- I mean, I know I've said this a few times -- proactive policing, not reactive policing, which is what we've had for the last six years, at least six years that I know of. I hope from your lips, I would say to God's ears, but maybe 12th floors ears. So thank you for your coming before us today, Craig and Ed.

**MR. HEILIG:**

Thank you. And on behalf of the District Attorney, I appreciate you giving us the opportunity. And as I said, I will go get those personal justification memos to each of you. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Okay. If we could have the Sheriff's Office. I appreciate that Sheriff Vincent DeMarco was here and I'm sure he had to leave, but I appreciate him being here, and I wanted to make sure I put that on the record.

**CHIEF SHARKEY:**

Good morning. Yes, the Sheriff did have to leave. We have the Commission out at the facility in Riverhead today, which, as we make our presentation, we'll become aware of why it's important that he be there. On his behalf, he would like to extend his thanks to this Legislature for giving us the opportunity to speak to you about our budget this morning. And also, thank you to the Budget Review Office for their detailed analysis of our budget. I'd personally like to thank my colleague, Deputy Warden Rubacka, who is with me today, and the rest of my staff for their work in preparing our Operating Budget submission.

Sheriff's Office 2012 Operating Budget request is 145.3 million, while the County Executive's recommended budget is 136.5 million, a reduction of almost 8.9 million. Moreover, the 2012 recommended budget is 2.3 million less than the County's 2011 year-end estimate, which we believe is actually understated. The affects of staff shortages are already being acutely felt by the Sheriff's Office. Indeed, shortage of staff has been well documented over past Operating Budget presentations. Today the current staffing level in the Sheriff's Office is already far below that required to keep pace with our workload.

It's an unfortunate fact that when our economy is poor, our Civil Bureau is extremely busy. The civilian staff has been decimated over the last few years and has now reached the point where the Civil Bureau, a significant source of revenue to the County, has a two-month backlog in certain areas. Civilian understaffing at the Civil Bureau has reached a crisis level, whereby correction officers on limited duty must now be reassigned to the Civil Bureau, not to catch up, but, rather, to

make sure we do not fall further behind.

As an example of the increased workload, there has been a great influx due to a change in the Civil Practice Law and Rules of Income Executions, which is office staff labor intensive. Each case is require to be tracked for months, if not years. The number of active income executions we have in the office has doubled this year as a result of that.

The 2012 Operating -- recommended Operating Budget, a total of 18 positions are slated to be abolished, six vacant positions and 12 filled positions. The positions that are slated for abolishment, the filled positions, include Deputy Sheriff Supervisors, two auto mechanics, a jail cook, and various clerical positions. Each and every one of these 12 filled positions is crucial to the daily function of this office. The Sheriff's Office is far below our requisite staffing levels, and while we're counting on vacancies being filled next year, we also understand the reality of the current fiscal situation. However, if this Legislature must abolish positions, only vacant positions should be considered. If the Legislature is compelled, due to our current fiscal situation, to abolish filled positions, I'd like you to consider the fact that we were not consulted at all during the preparation of the Executive's recommended budget as to the positions which should be considered. The 12 positions that are due to be abolished, the filled positions, would significantly impact our operations. The Sheriff has had communications with the Working Group, I believe, and if, in fact, we're in a position where layoffs cannot be avoided, there would be other positions that would be less impactful to our operations.

Staffing component of our 2012 Operating Budget sets the groundwork for opening the new Yaphank Correctional Facility in the first quarter of 2012. Without this additional staff, the new Yaphank Correctional Facility will simply be unable to open. As a direct result of this, the County Executive's narrative states that funding is provided this year for one class of 50 Correction Officers in November, and one class of 50 Correction Officers in June of next year. While we agree that these two Correction Officer recruit classes are absolutely required, we're deeply concerned about the extremely high turnover savings figures in the 2012 recommended budget. As you know, turnover savings are expected by not filling vacant positions. In order for these two classes to be hired, 45 promotions must first be made. Moreover, that means promotions in the Sheriff's Office must be made incrementally over the course of the next eight months. Since these actions would virtually fill every Correction Officer vacancy we have, we are hard-pressed to understand how the 2012 recommended budget would also show a significant turnover savings in the Corrections appropriations.

In the final analysis, it must be understood that any vacant correction officer positions that occur next year must also be filled in a timely manner. We have a total of 983 correction officer positions in all ranks. Currently, 100 of these positions remain vacant. The New York State Commissioner of Corrections has determined in their staffing analysis that when the new Yaphank Correctional Facility becomes operational, a total of 1,064 Correction Officers will be required for the entire system. However, because they realize the high cost of fringe benefits, they will allow 10% of these positions to be filled on overtime. Consequently, the 983 positions that we have in our budget is the minimum staffing allowed, which means any and all vacancies must be filled in a timely manner. Therefore, we feel that the permanent salaries in the Corrections appropriations are underfunded in the recommended budget by approximately one million dollars due to a high estimate of turnover savings.

We'll now discuss overtime. The County Executive's recommended budget always provides overtime funding at or near the level we requested. However, the recommended budget then either eliminates or delays the hiring schedules as proposed. Since these hiring schedules serve as the very basis for determining our overtime figures, once they are changed, our original overtime figures are no longer valid. Therefore, when the recommended budget eliminates or delays hiring, it must also increase the corresponding overtime accounts to compensate for the loss in manpower. To be

specific, our original overtime projection was contingent on receiving a recruit class of 50 correction officers on January 3rd of next year. The recommended budget has this class scheduled for June instead. As it turns out, we have depleted the old Correction Officer's Civil Service list and must wait for the results of the new exam. Therefore, we cannot hire until June. That having been said, a June hiring is still 148 days later than we based our original overtime projections. Not having 50 correction officers in the workforce for 148 days equates to almost 1.6 million dollars in overtime.

**P.O. LINDSAY:**

It just keeps getting worse.

**CHIEF SHARKEY:**

What must also be emphasized is we now have only eight months to fill both new and existing correction officer vacancies. With such a condensed time frame to work with, very specific promotion and hiring dates must be met if we are to ensure an orderly and smooth transition into the new Yaphank Correctional Facility. Promotions are a great concern that we need to promote five captains, eight lieutenants and 45 Sergeants in the Corrections titles. While promotions of this magnitude cannot be made all at once, they must be made between now and April of next year so we can backfill these positions and obtain the required amount of correction officers for the June class. Phasing in the promotions will also allow the new ranks to gain actual supervisory experience prior to opening the new correctional facility. We, therefore, plan on making the promotions every two months, October December, February and April.

Now, I'll briefly discuss our equipment accounts. We provided you with a chart that shows that over the last six years, our equipment accounts have taken giant steps backwards. In fact, over the last six years, our equipment accounts have been reduced 56%, going from almost \$600,000 in 2007 to \$264,500 in the 2012 recommended Operating Budget, a reduction of \$335,000.

The second chart that we provided you with is referenced to the jail population. We'll now discuss substitute jail housing. We regret to inform you that on October 13th, the New York State Commission of Corrections revoked one of our variances and modified another, resulting in the loss of 128 beds. The Commission stated this action was taken in order to vacate and hold available sufficient habitable variance space for emergency evacuation from housing areas vulnerable to natural or civil emergencies. Given the County's fiscal problems and the fact that the inmate population is at an all-time high, this could not come at a worse time. Given the loss of these 128 variance beds and the current inmate population, the new Yaphank Correctional Facility could not open soon enough.

Since June, our inmate population is 6% higher than it was last year. This translates into an average of 101 more inmates on a daily basis. Last month, on September 26th, we hit a high of nine -- excuse me, 1,912 inmates. Now, whenever our inmate population goes above sixteen hundred, we must house out the additional inmates at Nassau and Rikers at a cost of \$125 per day per inmate. This year's adopted budget provided 1.75 million for this purpose. Payments to Nassau County, up to and including August, and payments to Rikers, up to an including June, have already exceeded 2.8 million. Our year-end estimate is almost 4.9 million. However, the 2012 recommended budget shows a 2011 year-end estimate of only 1.85 million, a figure we have already exceeded in the first eight months of the year. More importantly, we requested 1.5 million next year and the recommended figure is only one million. We based our figure on having to house out prisoners until April of next year, anticipating the opening of the new Yaphank Correctional Facility at that time. Given the fact that the recommended funding is already \$500,000 less than we requested, if the opening of this facility is delayed beyond the April date, for whatever reason, coupled with the loss of variance beds, there's no doubt this appropriation will be overspent.

Our last point is the discussion of our aging fleet of vehicles. We requested -- excuse me. We

requested a total of 56 replacement vehicles, at a cost of 1.5 million dollars. However, the County-wide DPW request was a total of 8.2 million for replacement vehicles. Coincidentally, the recommended budget includes only 1.5 million dollars for vehicles. And while we would like to think that all of this 1.5 million is just replacing our vehicles, we know that in reality our vehicle request is going to be drastically reduced. We, therefore, request that our auto supply account be restored to the requested amount of \$236,000. The recommended budget reduces this account by \$86,000. At a time when repair costs will only increase as we try to keep our aging fleet safe and on the road, we currently have 100 -- excuse me. We currently have 100 vehicles with over 100,000 miles. Under normal circumstances, 56 of these vehicles would have been decommissioned next year.

In summary, we ask that the Legislature consider the following Budget Review Office recommendations in adopting -- in the adopting resolution: Increase the 2012 overtime funding by 1.3 million to make up for the difference between delaying and hiring a class of 50 correction officers, which we originally scheduled for January, but could not occur until June. Substitute jail housing should be increased by one million. The equipment accounts should be increased by 127,000, although I would have to reinforce that our positions, our filled positions are our first priority, and should there become a choice between saving several people's jobs or an increase in the equipment lines, we'll find a way to get through. We also agree with BRO's revenue adjustments.

Lastly, we request that our auto supply account be increased by 86,000 to cover the expenses that would be incurred in order to keep an aging fleet safe and on the road.

That's the end of our formal presentation. I'll be glad to take any questions.

**CHAIRMAN EDDINGTON:**

All right. Could you just let me know how many -- how many Deputy Sheriffs do you have on the highway?

**CHIEF SHARKEY:**

Assigned to that command, I believe it's somewhere in the neighborhood of 25, give or take one or two.

**CHAIRMAN EDDINGTON:**

And how much of the overtime was assigned to the highway?

**CHIEF SHARKEY:**

I don't have a breakout for that figure.

**CHAIRMAN EDDINGTON:**

Okay, because I have been trying to get that for a number of months. You know what, as we're sitting here, it just came -- just a thought came to me randomly, that since the policy of the County Executive has to put -- to put cheaper labor on the highway, which is what he did when he took the -- you know, the Police off, put the Sheriffs on, I'm wondering if we could get more Park Police, because they're obviously the cheapest paid police in Suffolk County, underpaid as I would believe it, but maybe we could hire more of them. You could take the 25 Sheriff's Office the highway and be able to fill your ranks. Actually, you'd have a couple of extras, and we would save some money. I don't know if the Working Group has considered that, but it seems like that might be a way to go. I mean, that would solve your manpower question, right?

**CHIEF SHARKEY:**

I really think it's a negligible difference in the salary between a Deputy Sheriff and a Park Police Officer.

**CHAIRMAN EDDINGTON:**

Well, I wonder if BRO could --

**MR. ORTIZ:**

Park Police start at actually a higher salary than Deputy Sheriffs, but after three years, Deputy Sheriffs makes more. Their top salary for Park Police Officers is eighty-one-o-sixty-seven, while Deputy Sheriff tops out at 112,000. But on average, the Deputy Sheriffs make more in base salary and overtime.

**CHAIRMAN EDDINGTON:**

Okay. I mean, I think I've heard that -- I heard that argument a few years ago, and so it might be something to look into, because it certainly would save money and redeploy some people into an area. So I'm going to recommend the Working Group look at that.

**P.O. LINDSAY:**

We are. Mr. Chairman, we are looking at it. Budget Review is doing an analysis of whether there's any savings at all.

**CHAIRMAN EDDINGTON:**

Yeah, because the Park Police, I mean, they have to travel all over the roads.

**P.O. LINDSAY:**

But wait until you get the analysis from Budget Review.

**CHAIRMAN EDDINGTON:**

Okay, great. Thank you very much.

**LEG. CILMI:**

I have a question.

**CHAIRMAN EDDINGTON:**

Question, Legislator Cilmi.

**LEG. CILMI:**

Thank you again. Chief, thanks for being here. Could you just reiterate for us the paragraph or two that talked specifically about the variance beds and the costs associated with housing our prisoners in other places? And just suffer me an interruption or two as you're reading that so that I can ask questions.

**CHIEF SHARKEY:**

Well, do you want me to actually reread it or just comment on it. There's a loss as a result of the Commission's decision of 128 beds.

**LEG. CILMI:**

All right.

**CHIEF SHARKEY:**

To cut to the chase, you know, 128 inmates housed out at the -- it's \$125 a day. It comes out to roughly an additional cost of \$450,000 a month.

**LEG. CILMI:**

Okay. Maybe just reread the paragraph for me, because you were talking in the terms of millions.

And I think I heard, and correct me if I'm wrong, but I think you heard something like our current budget for this line is 1.8 million, or something like that, but it looks like you're going to hit 2.8 million as a result of this and some other things. And next year's, based on these facts, based -- next year's, you're expecting the true cost to be something in the neighborhood of four million, and we've, again, only budgeted 1.8 million. I just -- I just want you to kind of reiterate.

**CHIEF SHARKEY:**

Sure. Let me just review those dollar figures. This year's adopted budget provided 1.75 million for this purpose. That was less than our request last year. Payments to Rikers and Nassau County through the first eight months of the year have already exceeded 2.8 million dollars. Our year-end estimate is almost 4.9 million.

**LEG. CILMI:**

Okay. Just hold up for a second. So 2.8 million already going to Rikers and Nassau.

**CHIEF SHARKEY:**

That money is spent.

**LEG. CILMI:**

Spent. So we've already exceeded the adopted budget by a million dollars.

**CHIEF SHARKEY:**

Exceeded the adopted, not what we requested last year.

**LEG. CILMI:**

Right, right. I'm not concerned at the moment as to what was requested. So 1.7 million -- 1.75 million adopted, 2.8 million already spent, and you're expecting to spend by the end of the year how much?

**CHIEF SHARKEY:**

Our year-end estimate is 4.9 million. The 2012 recommended Operating Budget shows a 2011 year-end estimate of 1.85 million.

**LEG. CILMI:**

Okay. So we're expected to spend close to 5 million dollars this year, and our budget for next year, our proposed budget for next year is 1.8 million. And that was done -- right? Correct me if I'm wrong.

**CHIEF SHARKEY:**

No. We're talking -- that 1.8 is the Executive's recommended budget's estimate year-end spending for this year.

**LEG. CILMI:**

Okay. What about next year?

**CHIEF SHARKEY:**

We asked for a million-and-a-half to cover us through April, and the recommended is one million.

**LEG. CILMI:**

Okay. So your assumption is that if we get the new jail up and running by April, that a million-and-a-half will cover us for next year's costs.

**CHIEF SHARKEY:**

That was our estimation.

**LEG. CILMI:**

And the County Executive reduced that to a million.

**CHIEF SHARKEY:**

Now we have the additional concern that the Sheriff is having discussions with the Commission over the loss of these most recent variances.

**LEG. CILMI:**

Right. Now --

**CHIEF SHARKEY:**

And that's a wild card here.

**LEG. CILMI:**

Okay. So is it your -- just, again, to reiterate, and I apologize again for this, but if we open the new jail in April, I mean, theoretically, we get rid of the need for almost all of the variances, correct, from that point forward?

**CHIEF SHARKEY:**

Not for the variances.

**LEG. CILMI:**

Not for the variances.

**CHIEF SHARKEY:**

We get rid of the need for the alternate housing.

**LEG. CILMI:**

Okay. Why do we not get rid of the need for the variances? Can't we use that capacity and, therefore, not need the variances?

**CHIEF SHARKEY:**

We anticipated when the new facility opened that we would lose some of our variances. But if the Commission were to take all of our variances, we have over 500 variances that would outstrip the gain that we get from the new facility.

**LEG. CILMI:**

Okay. So while we would still have variances next year, we wouldn't be looking to send prisoners to other jails, right?

**CHIEF SHARKEY:**

That's --

**LEG. CILMI:**

As long as we open in April.

**CHIEF SHARKEY:**

That's the end goal here --

**LEG. CILMI:**

Right.

**CHIEF SHARKEY:**

Is to accommodate all of our own prisoners.

**LEG. CILMI:**

So now, given what the County Executive has proposed in terms of the budget, in terms of COs, etcetera, do we still expect the jail to be able to open in April?

**CHIEF SHARKEY:**

That is still our plan. We are in constant communication with the Commission. Obviously, Commission drives the decision as to whether or not the facility can be opened based on staffing, etcetera. The additional issue that we ran into was when preparing for the class for this month and January, we began with just under 400 candidates to investigate for the rest of the Civil Service list, and through the natural process of going through the investigations, and the physical, and the agility and the psychological, etcetera, we wound up with only enough candidates to fill this October class. So we'll be closely working with Civil Service to have access to the new list as soon as possible. That test is being given in November and then we'll have to investigate candidates from that list. So we'll be working as diligently as we can to get that class in as soon as possible.

**LEG. CILMI:**

Do you have a feel for -- if the jail doesn't open as planned in April, do you have a feel for what the additional cost is to us -- and I think you may have given us this number -- on a monthly basis for every month that we can't house those prisoners, what the additional cost is to us in terms of either variance beds and/or sending prisoners to other places?

**CHIEF SHARKEY:**

With all of our variances in place, it would be about a half million a month. If, in fact, the Commission does not reconsider its position on these 128 variances, it could be as high as a million dollars a month.

**LEG. CILMI:**

Okay. Thank you, Chief.

**CHAIRMAN EDDINGTON:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Chief for coming here today. I'm just trying to be clear. Let me ask first. It's my understanding that there is a grant before the Legislature for a boat or two boats, or can you explain that? And if so, is it -- has it been incorporated in your budget presentation to the County Executive, or was that separate and apart from that?

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

**CHIEF SHARKEY:**

That is a grant that has previously come before this Legislature and was voted on and approved. It is a grant to be managed by the Sheriff's Office for activities with the East End Marine Task Force, which is a multi-agency task force that operates on the East End of Long Island, approximately 18 partners, including all the East End Police Departments.

**LEG. GREGORY:**

Okay. So it's a federal grant, I assume. And what does the grant cover?

**CHIEF SHARKEY:**

The grant covers the purchase of a vessel, it covers training and it covers training operations with the group.

**LEG. GREGORY:**

Okay. So it covers the vessel, training, training operations, but it doesn't cover, I guess, apparently, the personnel. Where would that come from?

**CHIEF SHARKEY:**

The training operations personnel costs are included in the grant.

**LEG. GREGORY:**

The training of the personnel, but how about the salaries of the personnel?

**CHIEF SHARKEY:**

The salaries to conduct operations are included in the grant. I'm trying to separate it into three categories; the vessel, training and then operations. So there's overtime included in the grant for training and operations.

**LEG. GREGORY:**

Okay. So we won't need anymore personnel, you'll take existing personnel that you have, Deputy Sheriff, and there'll be trained to provide this function.

**CHIEF SHARKEY:**

Just again, to clarify. This is not operated solely by the Sheriff's Office. This is a joint operation with the East End Marine Task Force. So this vessel will be operated cooperatively with all the partners in the East End Marine Task Force that work on the east end of Long Island. As I said, it includes all East End Police Departments, Bay Constables, the Coast Guard, etcetera.

**LEG. GREGORY:**

So you are saying that no Sheriff or Deputy Sheriff or Sheriff personnel will be --

**CHIEF SHARKEY:**

Yes, they will.

**LEG. GREGORY:**

Oh.

**CHIEF SHARKEY:**

It's a cooperative --

**LEG. GREGORY:**

Right.

**CHIEF SHARKEY:**

I'm saying this is spread out over 18 different agencies, so the burden, if you will, is not being borne by the Sheriff's Office.

**LEG. GREGORY:**

Right. No, I understand that. I'm just trying to get an idea how many persons, is it one, two or

three? How many personnel from your department will be in this new function, because it is a new function, or be utilized for this grant.

**CHIEF SHARKEY:**

First, I will say that I'm not really prepared to fully discuss this today. We're coming to discuss our Operating Budget. However, this is a Homeland Security asset. The cost of operations are covered in the grant. This is not a -- something that's going to be manned on a daily basis. This is a response type vessel. This is not a daily patrol type vessel. It is to be utilized to protect the waters of the East End of the Island.

**LEG. GREGORY:**

Okay, I appreciate that. And the only reason I bring it up, it was a topic of discussion yesterday at one of our Budget meetings, our Working Group meetings. And just listening to your presentation today, and reflecting back to, I believe, it was your last appearance here before the Public Safety meeting, committee, as it relates to the Mastic Beach area. You had stated that you had people doing, you know, evictions or in their normal course of duties there was some discussion about a request from the Mayor from the new village to seeking assistance from you guys. And if I recall, and I certainly don't mean to speak for you, but my recollection is that your duties were being performed, there isn't any stress on their carrying out their workload, they had the ability to enforce traffic infractions. You certainly, and your personnel were certainly willing to do that. And there was some great concern from this body that your kind of moving into maybe a different aspect of -- or maybe infringing upon the PD's role. Not being a labor lawyer I will leave that question to them.

But fast forwarding to today when you address some of the staffing shortages that you mention that you have, so I'm kind of confused and you may think I'm easily confused or not, but I think it's -- I think you kind of said two different things. That just not even a month ago we have enough staff to do our functions or even bring on new functions, and yet today you're saying well you're transferring or at least having people from different areas or bureaus within your department carry out functions because there's backlogs and things. I'm just trying to get a clear picture of what the staffing levels are, what your real needs are, are there any additional functions that have been taken on that may be impeding what your, I guess I would label as your core mission, and how that can be addressed. As we go through this difficult time of just trying to piece this thing back together as much as we can, we're trying to figure out what it is that you really need to carry out your core mission.

**CHIEF SHARKEY:**

I apologize. I'm trying to follow -- that was kind of a long question.

**LEG. GREGORY:**

Yeah.

**CHIEF SHARKEY:**

We did not request any additional staffing in the Deputy Sheriff ranks. We merely asked to maintain our current levels. In regard to what you were referring to as additional duties, I thought I made it clear at the last committee meeting that the activities that were taking place in Mastic, number one, were limited in scope. And number two, the Deputies that were sent there were sent there to do work that already existed, and while they were there were told to pay attention to quality of life issues in the area.

As far as the grant that you're asking about, any operations on the grant the salaries are covered by the grant, and there is not an additional function, if you will, because it is not a boat that is intended for daily patrol. It is a Homeland Security type asset that is intended to be available for use on the East End by multiple agencies.

**LEG. GREGORY:**

Right. And just to address your last concern, you represented to us that there's -- I won't use the word "shortage," but certainly staffing concerns, because you're moving people from different bureaus to cover different functions. This grant presents to me, I'm a layman, this grant presents an opportunity to take personnel from a department that's already stressed to do another function that perhaps another agency does or does not do, but certainly to do something different than what you're doing now when you're saying that, you know, we have some concerns about meeting our obligations, we have certain backlogs and things like that. How do you marry that? How do you say we don't have enough people to do our core function, but, yet, we have this free money, or whatever, not free money, but this grant money.

**CHIEF SHARKEY:**

I have to defer with you. I did not say we don't have enough people in the Deputy Sheriff division to do our core function. I merely asked that we maintain our existing staff. The -- possibly the part of my presentation you're referring to was about the Civil Bureau, and I was specifically referring to civilian staff in that section of my presentation.

**LEG. GREGORY:**

So you're taking civilians from other departments to go --

**CHIEF SHARKEY:**

The section I think you are referring to, if you are talking about something I said today, was I was discussing the Civil Bureau and the increased workload in the Civil Bureau. That is office work intensive, which is putting additional stress on our clerical staff at a time when some of the positions that were pointed out for abolishment are civilians, clerical positions. And what I had pointed out specifically in that section is it has come to the point where we're actually utilizing now correction officers that are on light duty, that can't do their normal function, we have sent them there to assist.

**LEG. GREGORY:**

Okay. I had thought -- just looking at my notes, I thought you had said something about evictions as well. That's not civilians.

**CHIEF SHARKEY:**

I don't recall. I can reread the section if you like, but I don't believe I mentioned evictions.

**LEG. GREGORY:**

Okay. So just that I'm -- you're not requesting more staff. You are saying that you don't need more staff for this grant.

**CHIEF SHARKEY:**

No, no.

**LEG. GREGORY:**

Which is important.

**CHIEF SHARKEY:**

No additional -- we're not requesting any additional staff. What we are requesting is that we retain our existing staff, whether it be Deputy Sheriffs, correction officers, although none of them are slated for abolishment, and civilian staff. That was our number one concern in our budget for next year, is that we retain our existing staff.

**LEG. GREGORY:**

Okay. Right. Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

Good morning, I think still. When is the class starting for Corrections?

**CHIEF SHARKEY:**

We submitted the SCIN forms and our requested date to start was on October 31st.

**LEG. BROWNING:**

Okay. For some reason I kept thinking November. But now, because you're slated for 50, but you don't have 50; am I correct? How many?

**CHIEF SHARKEY:**

We have about 45 candidates ready to go.

**LEG. BROWNING:**

Okay. And I know that the questions were asked and I know that the Sheriff's Department's been very helpful in my district with evictions, but just curiosity. Are you -- do you have a backlog on the evictions as far as getting them out and getting them done?

**CHIEF SHARKEY:**

Unfortunately, I wasn't prepared to discuss that today. I can certainly find out for you.

**LEG. BROWNING:**

Okay, yeah. And also, your civil enforcement, you have a Domestic Violence Unit, you have warrants, you have evictions; am I right? I don't know all of your functions, but do they interchange? I mean, your domestic violence and your warrants, do they basically just cover -- do they cover everything or are they specific to each unit?

**CHIEF SHARKEY:**

The units that you mentioned, you mentioned Domestic Violence, is an established unit. Overall, the Sheriff tries to maintain a policy of utilizing staff as interchangeable as possible to address shortages when necessary, but by and large, that is a separate unit.

**LEG. BROWNING:**

And do you have shortages right now in each of those units? I mean, what kind of shortages do you have, if any?

**CHIEF SHARKEY:**

The Sheriff is confident that we can accomplish our mission as long as our staff is not reduced.

**LEG. BROWNING:**

Okay. And also going to the SLAP Program. I know that the SLAP -- now, that's the correction officers, right, that oversee that?

**CHIEF SHARKEY:**

There are two different programs. The problem that you probably interact with more is the Deputy Sheriff's cleaning up in your area, but there is other rehab programs that involve inmates and correction officers also do, what you might consider to be that type of work as well.

**LEG. BROWNING:**

Okay. Because, you know, I know that in a recent conversation, I guess, that's been reduced too because of overtime issues and having to pay the overtime for the officers. I'd like to find out some more, because I know that there was funding again. I put in a resolution quite some time ago about providing percentage of the money from the auctions to go to the SLAP Program for supplies, and I don't know up 'til now if you've ever received anything.

**CHIEF SHARKEY:**

I know we have discussed this individually on one or two occasions, and as of this date we still have never received any transfer of funds for equipment to support that unit.

**LEG. BROWNING:**

Okay. I guess we'll have to keep following up on that and find out where it is. Legal Aid Society was here and they talked about the videoconference and how much it saves the Sheriff's Department. If you didn't have the videoconferencing, do you know what that cost would be to you for the transportation of prisoners?

**CHIEF SHARKEY:**

I can't put a particular dollar figure on it from day-to-day, but if you are talking about -- and we looked at the numbers ourselves when they were speaking, and that represents probably somewhere in the neighborhood of 45% of our videoconferencing, and if we have to move an additional over a thousand inmates in the course of a year, there obviously will be an impact. Now, I can't tell you from day-to-day, because if on a particular day, you know, we're moving 30 inmates and we can fit eight more on the bus, then there wouldn't be an additional cost on that day, but if we wanted to have them put on an additional vehicle and additional deputies because of an overrun, then there would be a cost. I can't put a specific dollar figure on it.

**LEG. BROWNING:**

Okay. And just curious. I mean, do you consider your retirements as a reduction of personnel since there is no funding to hire?

**CHIEF SHARKEY:**

Could you be more specific?

**LEG. BROWNING:**

Well, if you have officers retiring, is that what you're considering a reduction of personnel?

**CHIEF SHARKEY:**

We would -- as I said, we would like to maintain all of our current filled positions. If someone were to retire between now and the end of the year, we certainly would be counting that as part of our current contingent, yes.

**LEG. BROWNING:**

Okay. Thank you. But I still would like to, obviously we'll talk more about the SLAP Program because it's been very effective and it bothers me to see that, you know, because of overtime issues that you're not able to do what you had been doing in the past.

**CHAIRMAN EDDINGTON:**

Okay. Thank you. Legislator Lindsay.

**P.O. LINDSAY:**

I'm sorry. Chief Sharkey, I was looking at a document here. Are we going to be able to fill the 50

slots off of the current list for Corrections?

**CHIEF SHARKEY:**

We had started out with nearly 400 candidates to investigate and when we have exhausted the list, we have only approximately 45 qualified candidates that we were able to get from that 400.

**P.O. LINDSAY:**

Okay. This class would only be 45?

**CHIEF SHARKEY:**

Yes, give or take one.

**P.O. LINDSAY:**

And we won't be able to start the other class until we get a new test and prequalify them.

**CHIEF SHARKEY:**

The new test is already scheduled. I believe it's, I want to say January 9th -- I'm sorry, November 9th, it's early November. And we've already had conversations with Civil Service to please expedite the establishment of the new list so we can get the names and start working with them immediately.

**P.O. LINDSAY:**

Okay, and including training and refining that list, what kind of lead time are we looking at, five months, six months?

**CHIEF SHARKEY:**

Normally time from start to finish when we get a new list to the time we are going to have candidates ready is somewhere in the neighborhood of five months.

**P.O. LINDSAY:**

Okay. You mentioned waivers and I have -- the Sheriff was kind enough to copy me on a letter that he sent to the Commission that's, in my opinion, very compelling about the reduction in our waivers. Is this in effect? Are they taking this into consideration? Are they going to rule or is it a done deal?

**CHIEF SHARKEY:**

They made their determination really without any significant input from the Sheriff's Office, and that has been in effect since, I believe, October 13th.

**P.O. LINDSAY:**

So we had to move 125 prisoners.

**CHIEF SHARKEY:**

Approximately that number. And as I said, you have seen yourself the Sheriff is in communications with the Commission because he doesn't feel that it was given adequate consideration.

**P.O. LINDSAY:**

Well, in my opinion, I think the Sheriff makes a very compelling argument that, again, big brother in Albany is just killing this County. It's just absolutely killing this County. I mean, they wanted a state-of-the-art jail. We're spending money on the largest capital project in the history of this County and we see the end of the line. For them to pull waivers at this point in the process I think is unconscionable. I just think it's unconscionable and it just adds cost to us. We don't have the money. I mean, I keep saying that to my colleagues almost every meeting, we don't have the

money. You know, I don't know where to get another \$500,000 a month to house out-of-County inmates. And, I mean, this is at a time when I know Legislator Cilmi was talking before with the DA people about, you know, about incarcerating people. I don't have the solutions. I just don't have the solutions. I am just absolutely bewildered by this move by State Corrections.

**CHIEF SHARKEY:**

I would have to join you in your bewilderment.

**P.O. LINDSAY:**

All right. Let me -- you had a scrambling here with this discussion on the boat. I was trying -- I had my staff pull up the reso. It was \$1.2 million in a grant that we accepted. Is this a service we provided before or is this a new service?

**CHIEF SHARKEY:**

It is a new tool for services that were provided.

**P.O. LINDSAY:**

How does it work with this East End Task Force.

**CHIEF SHARKEY:**

Again, I'm going to apologize because I didn't come here fully prepared to discuss this. I will do the best I can for you.

**P.O. LINDSAY:**

I understand, and I wasn't prepared either. That's why we're scrambling a little bit here and why I didn't listen to some of your other testimony when this came up. I mean, does different forces use this boat, other police forces on the East End? Are they all getting a boat? How is this or does this grant help with some of the East End towns, police forces purchase stuff or is it just all exclusive to this boat and this Sheriff?

**CHIEF SHARKEY:**

This particular grant centers around obtaining a new piece of equipment for use by all of the agencies in the East End Marine Task Force, which is approximately 18 agencies. It includes the Sheriff's Office, it includes each of the East End Police Departments, bay constables. Again, I apologize, I don't have everything here to discuss this.

**P.O. LINDSAY:**

Okay. But the boat would be exclusively operated by Sheriffs, Deputy Sheriffs.

**CHIEF SHARKEY:**

It would not be operate exclusively by Deputy Sheriffs. It would be operated jointly with these other agencies.

**P.O. LINDSAY:**

Oh, so it would be available for some of the East End police forces to use as well.

**CHIEF SHARKEY:**

It's intended to be a joint asset.

**P.O. LINDSAY:**

Okay. And I know we approved the grant unanimously so we thought it was a good idea. It's just that the whole world is changing and we don't know where we're getting the money to provide the services we're providing now without expanding services. I think that was the whole point, you

know.

**CHIEF SHARKEY:**

Well, as I said, the East End Marine Task Force pre-exists this grant and it is a cooperative group of all of these law enforcement entities. This is just adding another tool. So there's no additional task, if you will, beyond the training and operations to learn this vehicle, this vessel, which is covered in the grant.

**P.O. LINDSAY:**

Okay. But is this vessel replacing an existing -- I mean if there was an East End Marine Task Force, we must have had vessels.

**CHIEF SHARKEY:**

Every agency in the Task Force has a vessel.

**P.O. LINDSAY:**

Okay. Is this replacing a vessel, an existing vessel?

**CHIEF SHARKEY:**

This is an additional vessel available to the members of the Task Force.

**P.O. LINDSAY:**

That's where it's troubling to us, because we see it as another staffing requirement.

**CHIEF SHARKEY:**

But just to clarify it. All of these vessels, because they exist, are not all on the water. It's not -- beyond the training it is not a mandate that every vehicle in the East End Marine Task Force's control is out on patrol every day. I'm saying this is another asset added to those that are available to the Task Force now.

**P.O. LINDSAY:**

Okay. Let me just -- I think maybe clarify what I think is on everybody's mind right here. We have a budget before us where the County Executive is proposing laying off Deputy Sheriffs. I don't know -- I don't know whether this Legislature is going to be able to fix any of the County Executive's budget. This very well might be a year that the County Executive's budget prevails, because we don't have the solutions. If we do come up with solutions, I don't think we have the ability or the financing to fix every problem within this budget, and I think the concern here, if we go along with the County Executive's budget and layoff some deputies and we have a new asset, how are we going to staff it? You know, I think that's what's on everybody's mind.

**CHIEF SHARKEY:**

I'm trying to be as clear as I can that this is not something that has to be staffed on a daily basis. It is not --

**P.O. LINDSAY:**

No, I know that.

**CHIEF SHARKEY:**

Anything that's required under the grant is paid for by the grant, including the operation of the vehicle -- I'm sorry, the vessel.

**P.O. LINDSAY:**

But if you have less Deputy Sheriffs, how are you going to do it?

**CHIEF SHARKEY:**

The grant allows for overtime for the operations.

**P.O. LINDSAY:**

Okay. So you're going to staff it with overtime.

**CHIEF SHARKEY:**

That's how the grant is written. It's not just for -- it's not just overtime for Deputy Sheriff's. There's overtime allowed for the outlying agencies as well.

**P.O. LINDSAY:**

Okay. Because the other factor with the removal of the waivers, of course, is besides paying other jurisdictions for housing, when we move prisoners to another jurisdiction, it takes deputies to do that.

**CHIEF SHARKEY:**

It does. And as I said, we are asking to retain our existing staff, which --

*(\*The Following Was Taken and Transcribe by  
Lucia Braaten - Court Reporter\*)*

**P.O. LINDSAY:**

I hear you.

**CHIEF SHARKEY:**

And as well, as I said, we were not consulted as to who -- what positions would impact us more or less, whether it was the Deputy Sheriff titles or the mechanic titles, or the clerical titles or the jail cook for that matter, and I know that the Sheriff has been in communication with the Work Group --

**P.O. LINDSAY:**

Yes, he is.

**CHIEF SHARKEY:**

Saying we would much rather offer you this savings as opposed to that savings. So we are not asking for additional funding to cover our abolishments. We're saying if you are absolutely compelled to do so, please consider this position versus that portion.

**P.O. LINDSAY:**

I hear you. And I've had a very productive, with the Working Group, had a very productive conversation with the deputy -- with the Sheriff, as well as many other department heads in our County, on us trying to figure out this puzzle. It's trying to figure out a puzzle without enough pieces, as an analogy, and all I'm saying to you is I don't know whether we can do it. And if we can't do it and the Executive's budget prevails, you're going to have less deputies to work with. All right? And with the additional assignments of, again, these waivers being placed on us again of moving prisoners and a new piece of equipment, I think it's going to be very, very challenging.

**CHIEF SHARKEY:**

I agree with you that if, in fact, we lose positions it will, in fact, be challenging. Obviously we have no choice but to get the job done that's before us and we will. However, I still have to disagree with you on the operation of the vessel. I mean, it's tantamount to what we were discussing earlier. Another department was discussing the fact that the Executive Branch recommended

abolishing a grant funded position. This is no different. This is -- the work that's being addressed under that grant is grant funded. There's no operating budget money that is going towards utilizing that vessel.

**P.O. LINDSAY:**

Well, just a general rule of thumb that the operating -- the Budget Working Group is working under. No new positions, no new programs. It's a time to try and salvage what we have and circle the wagon so we can exist and provide core services to our citizens. And they're -- at the end of the day if we do figure this out, we're not going to provide a lot of the services we used to provide because we don't know how to do it. We just don't know how to do it with the money available.

You know, I'm not -- I'm not blaming -- I'm not blaming anybody. I mean, we've got a deck of cards that's just impossible. Our mandated costs, which some of what we're talking about with corrections, the pension cost, the safety net refunding, the tuition reimbursement problem that's passed on to us, Social Services costs that's passed on to us by the State. It's almost insurmountable, it's almost insurmountable, besides the whole problem of the State not paying us in a timely manner for what they owe us. I'm just saying this might be the year that this Legislature can't figure this out and it's general rule of thumb. We're not adding any new programs at all. That's all I'm saying. Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Okay. On to just a very hopefully very quick, painless light question. There seems to be some confusion, and certainly for my edification, I don't -- maybe I don't understand what the Civil Bureau in the Sheriff's Department exactly does. So maybe if you could just very quickly enlighten at least me.

**CHIEF SHARKEY:**

I'll try to be quick and light. However, it's a pretty complicated section.

*(\*Laughter\*)*

I'll give you a short answer, and if that covers you, then --

**LEG. CILMI:**

I'll talk to you privately if it's not good enough.

**CHIEF SHARKEY:**

The Civil Bureau is made up of Deputy Sheriffs and civilian staff that are charged with processing all of the civil process that comes from the courts in the County, or anybody that has a civil process that began outside of the County but assets are located inside the County, to include things like property executions, where there's money judgments underlying, income executions, also money judgment underlying. Evictions, orders of seizure. I mean, it can go on and on. But the short answer is it a combined command of civilians and Deputy Sheriffs that are charged with enforcing all the civil actions in the County.

**LEG. CILMI:**

So -- all right. You were good until you confused me by saying evictions, because I thought that Legislator -- I thought that Legislator Browning mentioned evictions and you said well, no, that's not really the Civil Bureau. Is it just the processing of evictions that's the Civil Bureau or did I hear it wrong.

**CHIEF SHARKEY:**

I think perhaps you heard wrong. It's part of the Civil Bureau.

**LEG. CILMI:**

Okay. Thank you.

**CHAIRMAN EDDINGTON:**

Okay. Gentlemen, thank you very much for your presentation. If we could have Gerry Cook from Probation come forward.

**DIRECTOR COOK:**

Good morning. Oh, it's not morning, anymore, but hello. I regret not having been here for Gail D'Ambrosio's presentation. She's a fine President of the probation officers Association and I'm sure she well articulated our functioning and what it is that our probation officers do and the need to not cut and, in fact, probably to increase if possible our staffing. And I would echo anything that Gail said.

Having come here from a position in Nassau County, I can certainly say, and I have before this body, that I'm very, very pleased to be part of an agency like the Suffolk County Probation Department, which has so many dedicated, committed, intelligent individuals. It's for me personally a pleasure to be the Director of this department.

So having said that, my chief concern at this point, obviously, in the recommended Operating Budget are the proposed cuts to staffing. The proposal is to cut 31 positions. Twenty are unfulfilled -- unfilled, not of immediate concern, but the eight filled positions -- the 11 filled positions, eight civilian and three sworn officers, obviously are of immediate concern. I'm presuming that everybody understands that to target specific positions such as say a Senior probation officer in our Stop DWI Unit, that doesn't necessarily mean because of Civil Service regulations that if we cut the department by that particular -- if the recommendation is to cut that officer, that is not going to be the reality. Because of the -- I'm presuming everybody here understands the bump and retreat Civil Service system, and that any cuts, really regardless of whatever appears to be targeted in the recommended budget, any cuts would not be those particular positions, they would essentially be the last people hired in that particular job title. So that to discuss specifics of the positions being targeted is -- would not be productive because it doesn't really work out that way.

What -- if -- so I would certainly request and recommend that this committee consider the recommendations of the Legislative Budget Review. However, if that's not possible, please understand that what we are doing is we're doing -- we're studying several reconfigurations and cost-cutting measures that could minimize the impact of any cuts that we might endure, and without any loss or impact to public safety. And one of those I discussed when I was before this body the last time about what I would like to do with the GPS Unit. Legislator Browning, you had some questions for me last time and you requested that I contact other probation departments to see if anything resembling the proposal that I'm making as far as reconfiguring that unit, if that has been effective elsewhere. And, as I said I think the last time, that I did employ a similar system to what I was talking about last time in Nassau County for a brief period of time before I left that. That's no longer in effect there.

The only system that I know that's similar to being -- to what I'm proposing doing, which is having the vendor monitor the overnight and off hours GPS, that's being employed in Monroe County at the present time. I spoke to the Director, who I've known for a number of years in Monroe County, and he assures me that system that I'm proposing going to in Suffolk County they've had in Monroe

County for ten years, and there has been no impact whatsoever in Public Safety. That it's, in fact, a better system than they've had.

**LEG. BROWNING:**

So you're telling me Nassau County, you proposed it in Nassau County, you were doing it when you were there, but they're not doing it anymore?

**DIRECTOR COOK:**

Yes, yes. What they do now is they do no direct overnight monitoring. They observe a printout when they get to work in the morning about what happened in the overnight hours and on weekends. And as I said last time, Westchester and New York City don't do any GPS monitoring at all, and several counties throughout the State also don't do any GPS monitoring. And as I said, the only one similar to what we would be doing is in Monroe County. So Monroe County and Suffolk County would actually be, even under the system I'm talking about going to, would be the leaders in New York State as far as GPS monitoring.

**LEG. BROWNING:**

I'm very concerned that Nassau is now waiting for printouts, especially when you're talking about sex offenders hanging out in parks and wherever else.

**DIRECTOR COOK:**

Well, I believe it's already been mentioned here the dire situation Nassau County is in, and I'm certainly familiar with that having been there a few years under that situation.

**LEG. BROWNING:**

Public safety. You can't put a price on it. How many sex offender probation officers do we have?

**DIRECTOR COOK:**

Ten. And an additional at present ten also monitoring the GPS.

**LEG. BROWNING:**

Okay. And what's their caseload? I mean, how many sex offenders do they oversee?

**DIRECTOR COOK:**

I believe it's 380-ish, so that would be about 38 per.

**LEG. BROWNING:**

Okay. And I think that's it for now. Thank you.

**P.O. LINDSAY:**

Jack.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

Yeah, Director Cook, just to follow-up on Legislator Browning's. So what you're proposing is that we use a vendor to monitor the overnight GPS system.

**DIRECTOR COOK:**

Yes, and to set up a system -- see, what usually happens overnight, the only alerts that are brought to bear in the system are usually technical glitches, where the person having the GPS monitoring say went into the basement behind the boiler or something, they temporarily lost signal, or he didn't

adequately charge the unit and it ran out of electricity and that was a break in the signal. What happens is that someone needs to call that particular house and make sure that that was just a technical glitch, and now we have high -- I shouldn't say high salary, but we have full salary probation officers doing that in the off hours. What I'm proposing is having the vendor do that.

**P.O. LINDSAY:**

How much money would that save us?

**DIRECTOR COOK:**

Well, last year that unit earned \$187,000 in overtime. It would save that right off of the bat. Then I would be able to deploy, to take four officers out of that unit and deploy them in other functions, and presumably saving overtime costs in those functions as well.

**P.O. LINDSAY:**

Okay. But what is the cost to the vendor? Wouldn't you have to deduct that from the hundred and --

**DIRECTOR COOK:**

The cost to the vendor is two dollars a day per offender.

**P.O. LINDSAY:**

Okay. But what is that on an annual basis. You said you're saving 187,000 and what is the vendor's cost?

**DIRECTOR COOK:**

All right. On an annual basis if you're figuring -- I'm going to do the math in my head here.

**P.O. LINDSAY:**

Okay. I could have done that, too, but I thought you might have had the numbers.

**DIRECTOR COOK:**

No, no, no, not written in front of me, but I could still do the math in my head. If we have 50 people on GPS and that's two dollars -- two dollars each a day times 30 days, that would be 1500 a month. So projected over a year.

**P.O. LINDSAY:**

If you could quantify that for us and give us a memo on that it would be greatly appreciated by the Working Group.

**DIRECTOR COOK:**

Okay. Will do, sir.

**P.O. LINDSAY:**

And how -- have you talked to Gail about this, D'Ambrosio.

**DIRECTOR COOK:**

I've talked to Gail several times about this. The union obviously has some concerns because people in the unit --

**P.O. LINDSAY:**

But it doesn't violate their contract or anything like that.

**DIRECTOR COOK:**

I don't believe it does.

**P.O. LINDSAY:**

Okay.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Yes, thanks. Could you talk to us about, are there any studies that would give us empirical data as to the difference in cost associated with having probation officers versus not having probation officers, the cost of the public safety system in terms of, you know, policing and prosecution and incarceration and --

**DIRECTOR COOK:**

I don't know of -- you're talking about the impact to the criminal justice system if Probation disappeared completely?

**LEG. CILMI:**

Well --

**DIRECTOR COOK:**

I mean, the studies that I've seen certainly compare the cost of incarceration as opposed to probation.

**LEG. CILMI:**

And I would imagine they support having more probation officers.

**DIRECTOR COOK:**

Oh certainly, certainly. I mean, it's been demonstrated over and over again that Probation and community corrections is the most -- by far the most cost effective way to go.

**LEG. CILMI:**

Okay. So you said that there are 31 proposed cuts, of which 11 are filled, right?

**DIRECTOR COOK:**

Correct.

**LEG. CILMI:**

What is the -- what is the cost of those 11, let's say. What are we talking about in terms of dollars?

**DIRECTOR COOK:**

Well, perhaps it's in the review that I have before me and I can look it up. Off the top of my head I don't know what that would be.

**MS. MOSS:**

For all 11 it's approximately 800,000. The review has it broken down.

**LEG. CILMI:**

And are you -- are you comfortable with the -- all the 31 proposed cuts, are you comfortable at this time with filling the -- with, you know, replacing the 11 that are cut out?

**DIRECTOR COOK:**

I would probably -- as a blanket statement can say that I would never be comfortable with cutting any probation officer positions.

**LEG. CILMI:**

Okay, but --

**DIRECTOR COOK:**

However, as I said --

**LEG. CILMI:**

In terms of the level of services you're currently providing, if you had those 11 positions restored you could continue that level of service.

**DIRECTOR COOK:**

Certainly.

**LEG. CILMI:**

Certainly if you had more probation officers.

**DIRECTOR COOK:**

Absolutely, sir. I would always advocate for more probation officers. As you correctly point out, as we've been discussing, it's the most cost effective means for providing for public safety. There's no question about it. As I've tried to indicate, though, we are studying different methods of reconfiguration and the GPS Unit is one of them, that if need be, because of the obvious financial constraints on the County, if not the world, if we need to cut back we are studying and, again, the GPS Unit is one measure that we would employ. We're studying methods to continue to do business the way we do business without impacting public safety.

**LEG. CILMI:**

Okay. Thank you.

**DIRECTOR COOK:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay. So it's obvious that Probation has been doing more with less and now you're going to be asked to do less with less. The D.A.'s Office has been a strong proponent advocate for your department, so has Laura Ahearn, from her agency working very closely with you. So that obviously there's going to be reduced services, and it seems like this is going to negatively impact your effectiveness and possibly impact the public safety. Is that a correct statement?

**DIRECTOR COOK:**

I hope it's not a correct statement. I hope that we will be able to find alternative measures without impacting public safety whatsoever, should there be cuts.

**CHAIRMAN EDDINGTON:**

Please let us know those strategies because we are going to need to share them with a lot of --

**DIRECTOR COOK:**

I let you know one of them that I'm hoping to be able to employ.

**CHAIRMAN EDDINGTON:**

Great.

**DIRECTOR COOK:**

As others evolve, I will let you know that as well.

**CHAIRMAN EDDINGTON:**

Okay. Thank you very much.

**DIRECTOR COOK:**

Thank you.

**CHAIRMAN EDDINGTON:**

All right. If I could get -- I don't see Commissioner Dormer here, unless he's hiding over here. Representatives of the Police Department I see -- is it two Chiefs and an Inspector? Does that equal a Commissioner? I am saddened by the absence of Commissioner Dormer, because I was looking forward to his sixth presentation on how he's going to do with what he's given. And I was really looking forward to hearing that. So, Chief Moore, dazzle me.

**CHIEF MOORE:**

Good morning, Mr. Chair. I am Robert Anthony Moore. I am the Chief of Department for the Suffolk County Police Department, and with me today is Chief of Support Services, Ed Webber. The Police Commissioner has no prepared statement to make to this body, but he directed us to make ourselves available for any questions you may have.

**CHAIRMAN EDDINGTON:**

You have -- did you want to make the statement or no?

**CHIEF MOORE:**

No, sir.

**CHAIRMAN EDDINGTON:**

Oh, okay. So, all right. So you just want to answer questions?

**CHIEF MOORE:**

Yes.

**CHAIRMAN EDDINGTON:**

Wow, I mean, I don't even know how to do this. You know, Rich always goes on and on and on and I got to kind of have to ask him to censure himself. Wow, you got us, you got us. I was totally unprepared for that. Legislator Browning.

**LEG. BROWNING:**

Well, I guess the question that Jack has asked often of all of the Commissioners, and I think we've received the same answer, just curious if we get the same one here, has there been a discussion with the Police Department and the County Executive's Office as far as any cuts or changes within the Police Department?

**CHIEF MOORE:**

The Police Commissioner speaks with the County Executive on a daily basis. Unfortunately, I'm not privy to those conversations, but I can tell you from experience that any conversation with the County Executive generally revolves around money. So I would imagine that their discussions did touch on the budget for 2012, but I can't say for sure.

**LEG. BROWNING:**

Okay. So the Commissioner spoke with the County Executive, however, you're not privy, and I think you're probably what, second, third in command? And, you know, who else shared this information with the Commissioner and the County Executive? I mean, who was there besides the Commissioner with the County Executive?

**CHIEF MOORE:**

Again, ma'am, I really don't know who was present at those conversations.

**CHAIRMAN EDDINGTON:**

You know, I think you initially made probably the most significant statement, that any discussion between the County Executive and the Police Commissioner revolves around finances. Somehow in my head it should be public safety, but you really nailed it. That exactly has been the problem for the last probably eight years. That's exactly the problem, that that's what everything revolves around.

Are you going to be able to function your department with what you've been given right now? My understanding is you're down 350 people. I looked at the statistics and it says -- you know, I do stop and talk to police officers in the neighborhood, even Crossing guards, anybody that's in public safety, and the morale, as you might have noticed, is not high. When you say that you're going to eliminate 20 lieutenant positions, I think you might as well just take the guns away from the people, because I'm worried about the morale. You study, you have to wait to get -- to be appointed to a lieutenant, and now you're actually going to talk about doing away with eight or ten or whatever those positions are? And are you telling me that a lieutenant would become a sergeant, and a sergeant could become a patrol officer? Is that a possibility?

**CHIEF MOORE:**

Under the current recommended budget, yes. That number has been reduced to 18, because of the recent retirement of a lieutenant and the death of a sergeant subsequent to the preparation of this document. So, yes, there -- as it stands right now, as our friends from Probation mentioned, this notion of bump and retreat where lieutenants would be reduced in rank to sergeants and sergeants to police officers. So, ultimately, should there be layoffs, those layoffs would be of police officers, and the last officers in would be the officers who would be laid off.

**CHAIRMAN EDDINGTON:**

But the lieutenant would no longer be a lieutenant.

**CHIEF MOORE:**

That is correct, yes.

**CHAIRMAN EDDINGTON:**

I mean, I can't even -- you're a uniformed officer, you know, you've been a Police Officer. I don't know how -- and the Commissioner has been. I don't know how that could even get -- well, let me ask you. Obviously there was no real input, then, from the Police Commissioner on this budget. He may have been informed and the discussion might have been about finances, but it couldn't have been around public safety and morale. I guess I'm not asking you a question, I'm just making an observation. It just saddens me. Question by Legislator Gregory.

**LEG. GREGORY:**

Thank you, Chief. So as the highest -- highest ranking uniform personnel in the Police Department, you were not asked your professional opinion as to -- or input, I guess, in relation to this budget?

**CHIEF MOORE:**

No, sir.

**LEG. GREGORY:**

Okay. How much does it cost to train an individual recruit?

**CHIEF MOORE:**

It's not quantifiable for any given recruit, but I think in the past, and your staff can help us with this, the general rule of thumb is five million per hundred recruits. And that's all costs.

**LEG. GREGORY:**

All costs, the trainers --

**CHIEF MOORE:**

Yeah.

**LEG. GREGORY:**

The use of the facilities and the -- okay. So all this money that we've spent to train these recruits, not even a year later, there's a strong possibility -- or at least a possibility that 20 of them will be laid off.

**CHIEF MOORE:**

I'm sorry. We were just -- just let me correct that five million. That's the cost of those hundred individuals for the entire year, not just for the training. Training is about six months of that period. Now, I'm sorry, could you repeat the last question.

**LEG. GREGORY:**

My concern is or my statement was regarding the monies that were expended, taxpayer monies, because the taxes were raised in the Police District to support a police class. Taxpayers expected increased staffing levels, and that was the impetus behind putting forward more recruits to address some of the shortage or the lessening of personnel, and to address the increase in the surge of gang violence and gun violence throughout our County. And not even a year later, some of those personnel are threatened to losing their jobs. And the taxpayers have paid for this service, they expect this service and we're going backwards instead of forwards, and it disheartens me that as the highest ranking uniform official, a professional, 30 years, 20 plus years, you weren't -- 40 years? Oh, plus, plus years, that you weren't given the opportunity to express your professional opinion as to how this budget would impact the provision of those services to our -- to our constituents.

**CHIEF MOORE:**

In an organization like the Police Department, sir, that's not unusual. My role would be akin to the Chief Operating Officer. My challenge is to figure out how to do with what you're able to give us. Now, I think that anyone, including the Police Commissioner, and even the County Executive, would like more police officers, more vehicles, more time for overtime, because we could provide a great many more resources, not necessarily having to do with public safety. But one of the things that we've always tried to do is take into consideration the tolerance of the Suffolk County taxpayer and the challenges facing the Legislature. And, yeah, these are extraordinarily hard decisions, and we've been making these very difficult decisions for eight years and we know they have impacts on our officers. We know they have impacts on our civilian staff. They have impacts on you, they have impacts on the taxpayers.

We wish people would start going out and buying new cars, but that doesn't look likely to happen. And the reality is that -- and as Mr. Lindsay has said a number of times, there's just no money, sir. And if -- we're going to hire 60 human beings on December 26th, we're going to ask them to quit

their jobs and uproot their families and I could assure you that we're not laying off 20 police officers. A new administration -- well, I won't. A new administration is going to select a new Police Commissioner, and that new Police Commissioner is going to want his or her own command staff, and the bump and retreat may move in two directions beginning January 1st. So I think that our young people whose dream it is to become a Police Officer will have that dream met, and at the same time will be able to provide for the safety of the people of Suffolk County.

**LEG. GREGORY:**

But as it stands right now, 20 officers, with the bump and retreat system, can lose their jobs. And, you know, as a, you know, coming from a military background the Police Department is paramilitary force, you know, as a -- and I was an officer myself, and understanding that the XO was probably one of the most powerful positions within the chain of command for the purpose that that's the person who has the pulse, other than the command sergeant major or the first sergeant, to use the military vernacular, the XO is -- as the operations officer you have a pulse on staffing levels, you know what's going on.

The commander doesn't necessary have that feel, the commander being the Commissioner in this instance. The commander or Commissioner would come to you, where are staffing levels in each department, what can we do to function, to get by, ensure that we provide our core mission, and that's you. You're the point person. And the because of your years of experience, you know, it's suitable to have someone with your years of experience to do that because you understand the whole structure of the Police Department. So, therefore, you're the greatest asset, in my opinion. I mean, you know, commissioners come a dime a dozen, but we need a good XO and someone in your capacity to ensure that all the needs of the department are being met. And that's why I would think any Commissioner worth his salt would rely on your guidance, you know, not an elected official, the County Executive, or even a Legislator who has no law enforcement background. You, you know, you're that guy, you know, or that person. And so it's -- again, I think it's disheartening that decisions like this have been made without your input, and it's no reflection on you. We all understand the makeup of this situation. But I just -- I think it's important to express it on the record, that you're certainly not being utilized to your full capacity, and again, it's not your fault.

But, as a taxpayer, I would be concerned or I would be frustrated that I paid taxes to increase a police force so that my community and others throughout the Police District get more, at least more of a presence, so which would bring about more sense of security, and that's now being jeopardized, not for necessarily budgetary reasons, those police officers were paid for, this is a political decision. These cuts were made to -- in an attempt to bring about concessions with the union, and that's a situation that's different than any other department in this budget because you're a separate taxing entity, the people of Suffolk County or the Police District that paid for this, and they expect, would I imagine, this level of service.

Now, to, you know -- you know, in my -- you know, I would say that's -- you know, we've wasted, in a sense, or thrown away the investment that the people have made, or looking to throw away an investment that people have made, for -- you know, to strong-arm a union to come into concessions. That wasn't the pitch that we made to our constituents. "We're going to raise your taxes 2.1% so we can get more police officers to secure your communities. Oh, but, keep in mind, down the road we may fire these people so we can get concessions from the union." That wasn't the argument, and I'm sure that the people wouldn't have bought that argument, but that's the argument being presented today and I think it's an unfair argument. The County Executive has every right to want to get concessions from any union, but I think in this particular instance it's the wrong way to go. And his strong-arm approach is certainly out of bounds, in my opinion.

**CHIEF MOORE:**

Well, in terms of public safety, which is what our mandate is, "we" being the Commissioner's staff,

the Commissioner, the Police Department has increased the number of sectors over the past eight years. There were five sectors that didn't exist prior to 2004. There are more officers in -- patrolling in sector cars than there had been in 2004 or January 1st of 2004. There are commands that are devoted to hot spot enforcement, the gun team, you know, PSAT, you know, those kinds of units that didn't exist before, I think it was, 2006. So when it comes to providing for the safety of the people of Suffolk County, the police have managed extraordinarily well. Our officers, our individual officers have done phenomenal work in the field. I know of no Legislator in Suffolk County who has a negative word to say about my officers in the manner in which they do their jobs, and those are the things that we're very proud of. The other -- other than providing for the safety of the public, I really don't know how to respond to that.

**LEG. GREGORY:**

And just one -- I don't mean to -- just one last comment, Mr. Chair. Just my recollection is just -- it's humorous. I have heard on several occasions where the County Executive has touted his record, "Suffolk County is not Nassau County, we're not other counties." I think he made reference to New Jersey, "New Jersey is laying off police officers, California is laying off police officers," and here we are some months later, a year later, whatever, here we are with a budget that lays off or projected to lay off police officers. I think it's a little hypocritical. Thank you.

**CHAIRMAN EDDINGTON:**

Yeah. I just want to just respond to one thing, because I'm just tired of hearing the same thing over and over again. The County Executive showed me statistics. I told him what to do with the statistics. I hear there are more officers on patrol now than 2004. And, you know, it's the half-truths that have killed me in this job. That might be true, but they've devastated COPE, our school resource officer, Crime Section. And if I put you on the spot, which I'm not going to do, and said, "Where did they take all these people to put them out there" -- so when I hear that, you know, we haven't jeopardized the safety of our citizens, look, we've reallocated our resources to the best that the County Executive and, I guess, you could do with moving that shell all around. But I don't want to hear the statistics again because it fools people, you know. And I think that's been the worst part of this whole thing with the Police Department. When they make statements like that, everybody goes, "Oh, wow," but there's vacuums everywhere else.

When, you know like, oh, we put -- first we get beat up for raising taxes by the County Executive, and we put in a hundred recruits. Then he only puts in 77 and takes credit for it, and then we have 130 retire. We don't have more cops on the -- you know, more police in the department. It's those false things that have been driving me crazy. I believe that if we told the public the truth, like the young man, William Dunn that was here, tell them the truth and we'll make decisions and hold us responsible, because that's what we're supposed to do. But when we give them half-truths and lies, nobody knows who to trust. I mean, look what's happening all over our country with this Wall Street thing. Nobody knows who to trust and -- you know, and when you get the same people being told to say the same thing, you know what I mean, it's just -- it's not necessarily the truth. We need more police officers, not less, and it's hard to put a value on somebody like you that wears a bulletproof vest and carries a gun. So I just had to respond to that. I'm sorry. Legislator Browning.

**LEG. BROWNING:**

You know, it does surprise me, though, that you say that the Commissioner had a conversation with the County Executive on this budget, because I don't think there's any other Commissioner or Director has been -- has had an opportunity to have a conversation. And again, in this budget, to make financial decisions, it just seems to make sense that someone else in the Police Department besides the Commissioner would have been involved, say like yourself, when it comes to making the right decisions and saying, "Okay, we have a financial problem, and what can we cut and what can we do"? And I think that it's really a shame. And the fact that you were not privy and no one

else was privy to any conversations with the County Executive about this budget, then the Commissioner should be here today, since he's the only one that knows what that conversation was.

**CHIEF MOORE:**

Well, the County Executive's Budget Office and our Budget Office speak hundreds of times, hundreds of times a day, and Chief Webber, as well as with your BRO. So I don't mean to imply that the Police Department is operating in a vacuum. I can tell you that the Police Commissioner does have conversations with the County Executive. More than one a day is the norm rather than the exception. I know that the County Executive probably relays his thoughts and policy decisions to his budget people. The Police Commissioner relays his to his staff, and then they leave it to the staffs to work out the details. So the fact that the Commissioner and the County Executive have private and privileged conversations is not particularly surprising to me.

To address some of the comments by Mr. Eddington, the unfortunate -- the reality is that police work is extraordinarily fluid. We can make educated guesses. For example, we know that this summer is much busier than the winter, so do we have a compliment of officers that is prepared to do all that needs to be done in the summer and have them possibly idle in the winter, or do we have a compliment that is enough to get by in the winter and hope that nothing terrible happens in the summer, or do we make some sort of decisions that strikes a reasonable balance? Well, I can assure you, we strike a reasonable balance.

We've had some civilianization in the Police Department, and that's allowed us to redeploy officers. We've had officers who have left positions for which the Police Commissioner had determined. It doesn't really require a sworn officer and there was no replacement. We've had vast improvements in technology that has reduced the need for sworn and civilian staff. We've done things with our programs. For example, when Suffolk County Police Department was a part of the DARE program, we had 25 police officers assigned at its height. As a matter of fact, the DARE Program is one of the largest DARE programs certainly in New York, and perhaps in the country. That was changed and now we have police officers assigned to what we believe is a more comprehensive program, and that is the Police Smart Program, which is a component of a larger department program. But there are 10 police officers, not 25, so there have been reductions in staff.

**CHAIRMAN EDDINGTON:**

Let me just stop you there for a minute, because I was directly involved in that. But the Police Commissioner and the County Executive came to me and said, "We want to do away with DARE." It was when I said, with my background with drug education, that I would fight that tooth and nail, that they then considered doing this -- you know, the Smart -- where it was Police Smart and incorporate it. And I thought, and, of course, the unions weren't happy, but it was the right thing to do based on the research and the success. That's an example of when the County Executive's Office, the Police Department and the Legislative Branch got together and worked together. That's the last time I remember that. That was five years ago, and you're right, it worked. None of the other initiatives were ever discussed with this committee at all. And basically, what I'm finding out is probably not really with you. You were told, "This is what we're going to do and make it work." So that, you know, I hear what you're saying, but it's not really the way it was supposed to be. It was supposed to be an interaction.

**LEG. BROWNING:**

I'm not done.

**CHAIRMAN EDDINGTON:**

Oh, I'm sorry, go ahead.

**LEG. BROWNING:**

And again, going back to what you said, I mean, Sheriff DeMarco was here, the District Attorney was here, and they had people that, because of their busy schedules, had to leave, and that's understandable, but they had people who were -- they're next in command, who were quite capable of getting up here and sharing the information with us. And again, it's not directed against you, it's the fact that you are not being privy to anything that's going on, and that's a shame. But I know that the last meeting we had we talked about Mastic Beach Village and the need -- the request for additional police presence. Have we had a reach-out to them?

**CHIEF MOORE:**

Yes, and in particular -- well, we've been dealing with the Mayor and we've been dealing with the Deputy Mayor as well. And if you'd like to discuss that at some time, we'd be happy to discuss that with you.

**LEG. BROWNING:**

Okay. Because I was at an event last night and, obviously, it was an issue last night. And getting back, I believe we're somewhere around 62 detectives short; is that correct?

**CHIEF MOORE:**

It may be closer to 70.

**LEG. BROWNING:**

Oh, that's even worse. Because that goes up to my next conversation, is -- question is, you know there was a murder in my district, and I know we had -- it was quite some time ago, near the Shirley Bowling Alley. It was a Hispanic man who was, I believe, murdered. And I believe there was another incident. I don't know if that person survived or is dead. But my question is, is there has been -- we read about it in the paper, and I think it maybe took maybe one or two days, we heard it in the paper, and I have yet to hear the results. Was anybody arrested? And when I hear there's close to 70 detectives short, then who's doing the work? And, you know, I mentioned it to the District Attorney when he was here and he just, you know, couldn't give me an answer either, that where is our Homicide detectives? Who's doing the work? And I'd like to know, did they ever catch somebody, and what the results was of that murder investigation.

**CHIEF MOORE:**

We'll be certainly happy to get back to you on that with whatever information we can provide.

**LEG. BROWNING:**

Because it's my assumption nothing has -- nobody's been arrested, because I would assume we would have heard about it in the paper. And so I'm very concerned when I hear that there's 70 detectives gone, and so who's doing their job if they're not around?

**LEG. CILMI:**

Question, just a quick question.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Just a quick question. Thank you. So we have a class of 60 that's planned for December 26th, yeah?

**CHIEF MOORE:**

Yes, sir.

**LEG. CILMI:**

And the next class is planned for some time next year?

**CHIEF MOORE:**

No. The 2012 budget does not provide for hiring.

**LEG. CILMI:**

And you said it was about 5 million dollars for 100 -- for a year for 100 police officers, basically, roughly?

**CHIEF MOORE:**

Yes, sir, 100 recruits in a year's time. The rule of thumb is 5 million dollars, yes.

**LEG. CILMI:**

Budget Review, do you concur with that?

**MR. ORTIZ:**

A little bit more refined number. With retirement costs, it's about 4.4 for the full year.

**LEG. CILMI:**

Okay, 4.4.

**LEG. CILMI:**

Okay. Thank you very much.

**CHAIRMAN EDDINGTON:**

I'm wondering, either you or Budget Review, are there a number of expected retirements in the Police Department?

**CHIEF MOORE:**

So far in 2011, there have been 79 retirements, that's of all ranks. Our projection for 2012 is 87 of all ranks, and we've been -- we've been pretty close to that on a year-by-year basis.

**CHAIRMAN EDDINGTON:**

So we're hiring 60, we're going to lose 150, but we have the same -- we have more people on patrol than ever.

**LEG. CILMI:**

There were a couple of other questions, sorry.

**CHAIRMAN EDDINGTON:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Yeah, thanks. Just a couple of other questions. We talked about being 70 detectives short; short relative to what exactly?

**CHIEF MOORE:**

Those are --

**LEG. CILMI:**

Relative to a previous year, or where you think we should be as a department, or --

**CHIEF MOORE:**

That's the difference between the actual employees and the authorized number of employees.

**LEG. CILMI:**

Okay. So the positions are there in the -- 70 detective's positions are in the budget, but they're not filled is basically what you're saying, right?

**CHIEF MOORE:**

They're not filled, and correct me if I'm wrong, Mr. Ortiz, they're also not funded.

**LEG. CILMI:**

Okay. In the upcoming or in this year's budget?

**CHIEF MOORE:**

Vacant positions, my understanding, are never funded positions.

**LEG. CILMI:**

Okay. The -- I know we gave a police test. How many people did we have take that test, roughly?

**CHIEF MOORE:**

About 35,000.

**LEG. CILMI:**

Thirty-five thousand. At what price per test?

**LEG. BROWNING:**

A hundred dollars.

**LEG. CILMI:**

A hundred dollars? Is that set for us by Civil Service, or do we set that price?

**LEG. BROWNING:**

We set that.

**LEG. CILMI:**

We set that price. Okay. So, I don't know, supply and demand. We have 35,000 people taking a test that we charge a hundred dollars for. What is that, is that 3.5 million dollars? Right? Is that -- am I doing that math right?

**MR. ORTIZ:**

(Nodded yes).

**CHIEF MOORE:**

Not everyone pays, sir.

**LEG. CILMI:**

Right, yeah, I know we exempt some. So, if we doubled -- we give the test every what, three years?

**CHIEF MOORE:**

Four.

**LEG. CILMI:**

Every four years? It's sort of the cats out of the -- the horse is out of the barn, is really metaphor for now. But, at some point, when we give the next test, I think we should probably consider raising that fee. I mean, if we have 30,000 people taking a test, that's 60 -- that we're filling, you know, maybe over the course of four years, hopefully, we're filling, you know, three to 400 positions out of, it seems to me like we're missing an opportunity there, but we can talk about that in four years, hopefully.

**CHAIRMAN EDDINGTON:**

Of course, we don't want anybody taking a loan out to take the test either.

**LEG. CILMI:**

Well, I'm not suggesting that we make it hundreds of thousands of dollars, I'm just saying. Thank you.

**CHAIRMAN EDDINGTON:**

All right. Thank you very much for being here. We'll tell the Commissioner what a great job you did. Thank you.

*(\*Laughter\*)*

I do see Dr. Milewski here. Maybe you could come forward. I know we have at least one question for you, and I appreciate you hanging out. I have to admit, I was never really aware of your role in public safety, but it's become more and more aware that you are -- listening to the D.A. and stuff, that you do play a very important role. And I think -- and unless you wanted to make a statement, you can, and I think Legislator Cilmi had a question for you.

**DR. MILEWSKI:**

Yeah. Let me respond to that quickly. In Suffolk County, we are very fortunate to have all the forensic scientific and forensic medical expertise and a civilian staff under one agency, and that's called the Medical Examiner's Office. So that's not the situation with every jurisdiction in the state, as we know, and it's caused its problems in other jurisdictions, as we know. So I would just quickly say that every time there's an increase in any particular public safety program, it potentially -- and it does cause extra work for my laboratories, but it has not been the experience that that extra need has gotten a concomitant amount of attention, for the reason you stated.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Thanks, Doctor, for being here. I had the opportunity very recently of touring your facility with some wonderful tour guides, and I found the tour to be remarkable and very educational. And certainly, everything that you do in your office, very, very important from a number of different respects. But I was hoping you could share with us your point of view as to the impact on public safety that the proposed budget cuts to your office will have.

**DR. MILEWSKI:**

Well, I'll focus my comments on the impact within the laboratory, since there's a direct impact with what the folks in the laboratories do with -- in terms of the results of their examinations and public safety.

I mentioned before that within the crime lab, the two positions that are identified for the staffing change are within the Drug Chemistry Department. And this section within the Crime Laboratory is

tasked with the analysis of and the examination of drug evidence that's brought into the department by law enforcement agencies from all over the County. They are tasked with analyzing the composition of the drugs, reporting on that, measuring the amount of each constituent part, because there are specific criminal charges, of course, associated with what's identified. And the volume of evidence that comes into the laboratory is quite large, so the laboratory, in tackling that amount of responsibility, responds to requests that are made for either D.A.'s Office and law enforcement to provide specific evidence, depending on whether there'll be an arrest or someone on arrest for a specific charge. When that happens, 180-80 kicks in. And we've heard this term, 180-80, before. It puts a limit on the number of days that the laboratories are given to produce -- well, to do the analysis and then produce the written reports in the form of evidence to be presented at the Grand Jury. If that is not done on a timely basis, the defendant must be released from custody and the prosecution does not occur.

A specific comment about the crime lab because of the interest next door. In order to maintain accreditation, which gets harder and harder to do every year, the chemists have to perform QA protocol practices. So while they're doing their analysis and making the reports, they have an elaborate QA protocol in place that they must do, and this is required by accreditation. So, if there aren't enough people to do all that work, the QA protocol is at risk, which, of course, puts our accreditation at risk, which, of course, puts the existence of that function in the within our crime lab at risk. So, it's not just an issue of workload, which, of course, continues to go up, but it's an issue of being able to have enough people to maintain accreditation, and you see what happens when that isn't in place by various examples in other jurisdictions.

**LEG. CILMI:**

So, I mean, there's a significant impact that your office has on public safety, because your -- proper staffing and, you know, equipment and such in your facility basically enables our Police Department and our District Attorney's Office to do their jobs effectively and efficiently. And without the proper staffing or equipment in your facility, if they can't do their jobs effective and efficiently, then criminals go free and crime increases, right?

**DR. MILEWSKI:**

That is true, that, you know, in order to do the work, you need the people. And the workload in our agency has increased in every section. But that line of reasoning, Legislator, can be used to address the loss of at least three other positions, because we also have an accredited toxicology laboratory. The toxicology laboratory has a very tight staffing approach. In other words, there are individuals who cover a few masters in that laboratory. The laboratory, in addition to doing post-mortem testing, is the laboratory that does the drug testing on blood and urine from individuals who are arrested for DWI, so subject to the same 180 constraints. They also provide testing for the methadone clinics in this County, as opposed to a clinical laboratory. And they also do urine testing for probation, because with the setup already in place many years ago, I've been told, well before I got here, it made sense to use the County resource to do that testing, because it was -- it was less expensive and inefficient; the experts were in place.

So I have a group of 15 to 20 folks in the toxicology laboratory, and they're not sort of directly placed in specific disciplines like in the crime lab, but they do cover all those functions. So, at the moment, the two individuals who have been identified for the staffing change spend their time not only with Probation urines, but with DWI testing and post-mortem testing. So the loss of those two individuals will have a domino effect on every function in the laboratory, including the functions that are subject to 180-80 constraints, and other functions that provide services for other County units.

**LEG. CILMI:**

Do you do any work for our Corrections or Sheriff's Department?

**DR. MILEWSKI:**

Well, probation is in that department, isn't it?

**LEG. CILMI:**

No.

**DR. MILEWSKI:**

No, it's not? Well, as far as I know, it's Probation urines and DWI testing and methadone testing. And also, we do test on fluids from -- for tox for -- from victims of sexual assault, too.

**LEG. CILMI:**

Can you sort of talk to us about what's happened in the past, I guess it's the past year, the past six months, maybe, in Nassau County, and certainly, to the extent that you can without jeopardizing anything in Nassau County, and sort of compare what's happening there with what we have going on here in Suffolk? And, you know, do so in the context of the proposed cuts that are proposed in the budget.

**DR. MILEWSKI:**

I'm going to first say that I certainly don't have all the information regarding the situation next door in Nassau, but I can only make some general comments.

I understand that some of the problems with maintaining accreditation in Nassau were with the drug chemistry section of the crime lab there. And I can also say that -- again, to emphasize the fact that some of their problems, and again not having all the information, is with the fact that they are a non-civilian crime laboratory. And I don't want to besmirch that concept, because that is a situation that is present throughout all of New York State. So, obviously, there are very many fine police crime laboratories. But I can only say that I know that some of the problems had to do with the drug chemistry section in that laboratory. And I can only say that if you're not able to maintain accreditation, then the same thing would happen here, the lab would have to shut down.

**LEG. CILMI:**

You talked about two positions in drug chemistry, and then I think you said something about another three positions in the toxicology lab; is that correct, or did I misunderstand?

**DR. MILEWSKI:**

I apologize, that was a confusing comment. There were two positions in the toxicology lab, and the other position I wanted to mention is in our medical unit. As has been the case in Suffolk County for many years, since I believe 1995, the individuals in Suffolk County who respond to law enforcement and D.A. requests to draw blood on DWI suspects are the medical forensic investigators who work for the Medical Examiner's Office. They are physicians assistants, so that by law, they are able to draw blood from these individuals on request. This is a very time-sensitive request. As you can imagine, you only have two hours to respond and draw the blood. If an arrest is going on and there's a delay in reaching out, which there almost always is, the results that come back with a delayed blood draw are potentially problematic in the prosecution. Having said that, you know, my investigators do tend to, if they can, drop everything that they're doing in terms of their full-time jobs at the M.E.'s office to respond to these requests, because we take this very seriously. But the number of requests for DWI blood draws has escalated dramatically. And I only was able -- I argued to get two more positions two years ago, because the caseload requests have at least doubled at that time, and now they're quickly approaching tripling since the beginning of the program with only one additional investigator.

I'd like to point out two things. One is that, so two other positions in the proposed budget that are identified are two medical forensic investigators at a time when my investigators can -- are

struggling to make this request work. I mean, if you can imagine, during the course of their regular duties, for instance, they might be in a house with, you know, God forbid, a dead child and all of a sudden a request comes in that they have to run to Riverhead to make a blood draw, which happens quite often. It puts them in a very difficult situation. So they're really stressed to answer to the man now, but to lose two would mean that I would have to say to the District Attorney, "I'm sorry, I don't see how we can respond at all. You're going to have to find someone else to do this task."

That brings up the second subject, which is there has been new legislation in New York State to permit AEMTs to do the same task. This is relatively new legislation. Some of us have discussed it amongst ourselves, but it is the strong preference of the District Attorney and law enforcement to continue using my medical forensic investigators to do this task for a number of very good reasons. If Mr. Spota was here, he could elaborate more. And it is considered a, you know, superior way to provide that personnel, but I can barely do it with the people I have, so losing those two is a problem. And then, you know, of course, to lose three out of five physicians, when I have to be able to maintain autopsy operations to examine homicide victims, is potentially problematic as well.

**LEG. CILMI:**

So I'm just trying to get an idea. We talked about two positions in drug chemistry, you just mentioned two medical forensic investigators, and then there was one person from your medical unit; correct, or is that person part of those --

**DR. MILEWSKI:**

The proposed budget eliminates three out of five Medical Examiner physicians.

**LEG. CILMI:**

Okay.

**DR. MILEWSKI:**

And two --

**LEG. CILMI:**

Those three, the three that are eliminated, are they part of any of these other sub-groups that I just talked about, or was that -- is it three out of -- total of three positions you're losing?

**DR. MILEWSKI:**

Yeah. The Medical Examiner's Office currently employs five physicians who are specialized in forensic medicine.

**LEG. CILMI:**

Okay.

**DR. MILEWSKI:**

So the current proposed budget eliminates three of those positions that have people in them and leaving me with only two to undertake a thousand examinations, and the number grows every year.

**LEG. CILMI:**

As we know, the -- some of your funding came from New York State, because we -- you are associated with the health -- with our Health Department, some of it came from Article 6 funding, I believe, the -- but now New York State has ceased to fund us for that, for your office. So my question is, are there any efficiencies to be gained by detaching your office from the Health Department?

**DR. MILEWSKI:**

I have to say that when I first came here, I was very impressed with the ability of -- I guess it's the Health Department, but Suffolk County to maximize as much Article 6 reimbursement for us as they did. I mean, consistently, every year we got the full benefit, 33%, and certainly not the case for a number of medical examiners around the state, so they did a bang-up job with that. But, of course, with that comes the devastating loss when the program is pulled. So, you know, this year I'm out 3.4 million, every year going forward, you know, and expected to provide the same level of service, mandated service.

You bring up the issue of my relationship with the Health Department administratively, and one of the things that was required by Article 6 was in order to receive it, I had to exist within the administrative structure of the Health Department, which maximized the reimbursement, and that was a good thing. It's my opinion that, you know, if I were administratively independent, I would be in the best position to advocate for my needs and represent our problems to those people who have direct responsibility and oversight for us, and by that, I mean the Executive Branch and the Legislature. But I also recognize that there is a certain cost that comes with administrative independence. And because I don't have the expertise in this area, and I certainly could not even discuss what other options there could be to provide the administrative core services that I don't have right now, I mean, all my administrative core services are housed in the Health Department admin area. I don't see a way for it to become cheaper, and at a time like this, I'm loathe to propose something that will cost the citizens more money, unless there's some creative options out there by experts that I'm not aware of.

**LEG. CILMI:**

So you've lost 3.4 million, or we've lost 3.4 million from New York State. Have they -- are there mandates that they require of you that continue to be more costly at the same time?

**DR. MILEWSKI:**

Well, you know, the -- what's interesting is, is that it was a State Department of Health mandate. So, in order to maximize our reimbursement, we had to really push our public health responsibilities. And during those efforts, we, you know, favored representing ourselves as public health entities. The reimbursement is over, so I'm here to say that, you know, public health is certainly one of the masters we serve. We certainly serve public safety, we serve other areas. And I can only say that the State imposes some mandates on us only through the laboratories, because they're required to maintain their accreditation and the Forensic Science Commission is quite strict in its oversight.

**LEG. CILMI:**

Okay. Thanks, Mr. Chairman. I appreciate everything you do. Thanks, Doctor.

**CHAIRMAN EDDINGTON:**

Well, thank you for your insights and your information, and, hopefully, everything will be better.

**DR. MILEWSKI:**

Thank you for giving me the chance to answer your questions.

**LEG. CILMI:**

Budget Review, if I could through the Chair, what's the cost of reinstating the three positions that the office lost?

**MR. FREAS:**

It's about 1.4 million dollars.

**LEG. CILMI:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay. Thank you very much.

**MR. FREAS:**

I'm sorry. Our recommendation was to replace all of the funding that the Medical Examiner's Division -- the Division of Medical Legal Forensic Sciences lost. Most of that 1.4 million is positions, but there's some other issues in there as well.

**LEG. CILMI:**

Okay. So, in other words, you're not -- you're not suggesting that we replace 3.4 million, you're suggesting that we replace 1.4 million, and in that 1.4 million dollars is positions and some other things; is that correct?

**MR. FREAS:**

Correct. The revenue loss was not fully -- the Division's budget was not fully reduced by the loss of the revenue. The reduction in the Division's budget compared to their request was 1.4 million. We thought the request was reasonable enough that it should be used as a basis for moving forward.

**LEG. CILMI:**

Great. Thanks.

**CHAIRMAN EDDINGTON:**

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

**(\*THE MEETING WAS ADJOURNED AT 1:28 P.M.\*)**

**{ } Indicates Spelled Phonetically**