

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, May 31, 2012 at 9:30 a.m.

MEMBERS PRESENT:

Legislator Kate Browning, Chairperson
Legislator Kara Hahn
Legislator John Kennedy
Legislator DuWayne Gregory
Legislator Lou D'Amaro
Legislator William Spencer

MEMBERS NOT PRESENT:

Legislator Robert Calarco, Vice-Chair

ALSO IN ATTENDANCE:

D.P.O. Wayne Horsley, Fourteenth Legislative District
George Nolan, Counsel to the Legislature
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature
John Ortiz, Budget Review Office
Terry Pearsall, Chief of Staff
Josh Slaughter, Aide to Legislator Browning
Bobby Knight, Aide to Presiding Officer Lindsay
Michael Pitcher, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Legislator Gregory
Lora Gellerstein, Aide to Legislator Spencer
Ali Nazir, Aide to Legislator Kennedy
Justin little, Aide to Legislator D'Amaro
Amy Keyes, Aide to Legislator Calarco
Joe Williams, Commissioner, FRES
Anthony LaFerrera, SC FRES Commission
Jay Egan, Suffolk County FRES Commission
Ed Webber, Acting Commissioner, Suffolk County Police Department
James Burke, Chief of Department, Suffolk County Police Department
Ted Nieves, Deputy Inspector, Suffolk County Police Department
Tracy Pollack, Suffolk County Police Department
Todd Guthy, Detective, Suffolk County Police
Stuart Cameron, Chief, Suffolk County Police Department
Jim Hickey, Detective Lieutenant, Suffolk County Police Department
Bob Donohue, Lieutenant, Suffolk County Police Department
Noel DiGerolamo, President of PBA
Tom Tatarian, 2nd Vice President, PBA
Louis Molinari, Treasurer of PBA

Fred Sales, Sergeant-at-Arms, Suffolk County PBA
Steve Bienemann, Trustee, PBA
Miguel Vias, Trustee, PBA
Anthony Prudenti, DSPBA
Bill Plant, President, Suffolk Detectives Association
Russ McCormick, Sergeant-at-Arms, Suffolk Detectives Association
Michael Sharkey, Chief of Staff, Suffolk County Sheriff's Office
Ron Barz, Board of Directors, Suffolk County Fire Academy
Vito Dagnello, Suffolk County Correction Officers Association
Tim Morris, President, Superior Officers Association
John Cowie, Second Vice President, Superior Officers Association
Richard Meyer, AME
Anthony Prudenti, DSPBA
Arthur Sanchez, DSPBA
Laura Ahearn, Parents for Megan's Law
Jim Barr, Long Island ABATE
Thomas Buttaro
Patrick Gallagher
Other Interested Parties

TAKEN AND TRANSCRIBED BY:
Lucia Braaten, Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:45 A.M. *)

CHAIRMAN BROWNING:

Good morning. We'll start the Public Safety meeting. We were supposed to be at 9:30, but I guess we're running fifteen minutes late. If we could all stand for the Pledge of Allegiance, led by Legislator D'Amaro.

(*Salutation*)

Please stand for a moment of silence for the people who have served for our country.

(*Moment of Silence*)

Thank you. I do have two cards. I know that one gentleman, I believe, would prefer to wait until after we do the red light camera presentation, but I have one, Jim Barr, so I'll -- is Jim here?

MR. BARR:

Yes.

CHAIRMAN BROWNING:

Okay. If you'd like to come up, Jim.

MR. BARR:

Okay. Yeah, my name is Jim Barr, President of Long Island ABATE, American Bikers Aimed Toward Education. We have 600 members locally. And we -- I'm here to speak in favor of I.R. 1485, making May as Motorcycle Safety Awareness Month. I don't presume there'd be any opposition to it, but I just wanted to come here and let you know that it does mean a lot to a lot of motorcyclists on the road. And if you accept that resolution, we would appreciate it.

And if I may also publicly, I'd like to thank the Suffolk County Police Department for their support and assistance in helping us advertise May as Motorcycle Safety Awareness Month and allowing us to put up signs, along with the Suffolk County Department of Public Works.

CHAIRPERSON BROWNING:

Thank you. And I did forget to mention, Legislator Calarco is excused today. Good news. His wife just had a baby girl, so congratulations to him.

With that, Commissioner Webber and Chief Burke, if you would like to come up and do your presentation. I hope the technical problems have been resolved.

ACTING COMMISSIONER WEBBER:

Good morning, everyone. We were here in February. Chief Burke put a very lengthy presentation on the new direction of the Police Department, including the implementation of the concept of Intelligence Led Policing. And what we thought today, we'd come out today and give you an update on exactly how effective this concept is, and to demonstrate the great work that our men and women, both sworn and civilian, are accomplishing under this new -- (malfunction with

microphone). Should I repeat?

CHAIRPERSON BROWNING:

Continue.

CHIEF BURKE:

Okay. Thank you very much, Commissioner, and thank you, Members of the Committee. As the Commissioner said, on February 3rd we laid out a vision for moving forward with the Suffolk Police Department, and we wanted today to report on the significant progress we've made, despite the County's dire fiscal condition, and the personnel and resource constraints that have been placed on not only the Police Department, but across the County workforce.

First and foremost, I would like to acknowledge the men and women of the Suffolk County Police Department. When I was here on February 3rd, I said it never ceased to amaze me how on day in, day out, tour after tour, the men and women of this department pull through. Well, this is what happened on the overnight, this past evening since I got off duty:

In Ronkonkoma, Unit COPE 49 was struck during -- effecting a traffic stop investigating a possible drug deal. The operator fled the scene. We've identified the vehicle, and the investigation is continuing as to identifying the operator of that vehicle.

In Centereach, a sharp uniform police officer effected an arrest for two subjects who committed a bank robbery at the Chase Manhattan Bank. Followup dogged Detective work resulted in solving a previous bank robbery perpetrated by the same two individuals that occurred on May 22nd in the Peoples United Bank in Centereach.

Last evening in Shirley, Seventh Precinct police officers responded to a disturbance stemming from an unreported incident at William Floyd High School. There was a riotous situation when the police arrived. Six people were arrested on 14 separate charges, including Criminal Mischief, Menacing, Criminal Possession of a Weapon, to wit, they possessed baseball bats. And additionally, a foot pursuit ensued in which Seventh Precinct police officers took into custody someone wanted for a burglary in the Shirley area.

At two o'clock this morning, there was a home invasion in Huntington Station. A homeowner was injured. The police embarked on a dogged search for the suspects, and at 0406 hours, Unit K-9-6 apprehended the perpetrator.

At about nine o'clock last night in Huntington, a cesspool worker fell while carrying a container full of sulfuric acid. He suffered serious burns to his upper body and his head. One of our MEDCAT police officers, an advanced life support police officer responded, provided first aid. We MedEvac'd the individual to the Stony Brook University Burn Center and he is alive today because of the efforts of the men and women of the Suffolk County Police Department.

That's one tour of what's been going on here in the Suffolk Police Department.

I also want to acknowledge the leadership of our labor unions who, without their assistance, this progress and these difficult times, we would not be able able to accomplish what we have accomplished. I'd like to acknowledge the District Attorney and his staff for providing us with prosecutorial resources and investigative resources to help us achieve these aims.

I particularly want to thank the men and women of the Public Safety Committee of the Legislature. Your commitment to public safety and supporting this department is not lost upon myself, the Commissioner or any member of this department.

And finally, I'd like to acknowledge the County Executive. He promised and has delivered on his promise to remove politics from the Suffolk County Police Department. He has restored transparency to the department's press operation. He has proven his unwavering support of the Police Department and its members, and he has enabled Commissioner Webber and I to return professionalism to policing in this county.

The following presentation contained some sensitive information. We're going to briefly gloss over some of the sensitive information, but it's realtime crime statistics, realtime crime data, realtime crime strategies that we think it's important that the committee members are aware of.

All right. The basis of our whole program moving forward is the pyramid of Intelligence Led Policing and Enhanced Community Service, and, of course, at the top of the pyramid is accountability. With accountability comes leadership. What we have done is we've empowered our local commanders and their subordinate supervisors to do what they have to do in order to effectively police their respective communities. We have conducted, and each day conduct, relentless followup on the outcome and results. If a Precinct Commander decides he needs 10 footmen, or if he needs 20 crime control men, or if he needs 15 gang patrol cops, it's up to the Precinct Commander to decide how he deploys his resources.

And finally, leadership involves Communicating Division, Communicating Division to all levels of the Department. To that end, the Commissioner and I personally addressed over 1800 cops during five separate sessions conducted at the Sagtikos Building over at the Suffolk Community College campus in the late winter and early spring. During that time, we told them what was expected of them and, in turn, what they can expect of us. And essentially, we laid out the basics of the police mission.

Our primary mission is, of course, the protection of life. It is the duty to protect the lives of the citizens from hostile individuals in emergency medical service situations. And ultimately, the men and women of this Department are committed, if necessary, to give their own lives for the protections of the citizens of this county.

Of course, a tremendous part of the police mission is responding to 911 calls of service and citizen complaints. To that end, we expect members of this Department, when they're responding to those complaints, to treat the citizens that they interact with as if they were members of their own family, because, as you're well aware, most of the people who work for this Department live in this county and so do their loved ones, and we would expect nothing less of our officers.

And finally, one of the basic missions of this Department is crime fighting. It's not crime reduction, it's not crime suppression, it is a constant effort to fight crime. To that end, we have instituted the following procedures, based upon the following priorities:

The top priorities, of course, in fighting crime are firearms related violence. If someone decides to possess and/or use a gun in this county, the only difference between a Reckless Endangerment I, that's firing a shot at somebody, and a Murder Second Degree is bad aim. It is a top priority of this administration. Robberies, which is the forcible taking of property from people; burglaries, which, of course, is unlawfully entering premises to commit a crime therein, and, of course, larcenies, which is the theft of property from individuals.

In addition to being concerned about those incidents, the Department is committed to the underlying causes that result in those incidents. Addiction-driven crime, be it prescription drugs, heroin, crack-cocaine, is a driving force in the commission of the previously mentioned incidents; gangs, of course, fueled by violence, firearms and drugs, and, of course, recidivists. As we know and as we've proven, there are apex criminals. The top 10% of criminals commit 90% of crimes. And we,

as a Department, are not only committed to identifying who our career criminals are, but we are also interested in finding out and stopping the root causes of recidivism. To that end, when we talk about apex criminals who commit most of the crimes, the key to going after those criminals is the identification of trends and patterns.

As I said in February, our Criminal Intelligence Section is our nerve center in our Police Department. They, among other things, are responsible for all of our crime analysis, pushing that analysis out to local commanders. All civilian crime analysts now report to Criminal Intelligence, though they may be deployed to particular precincts.

I'd like to just briefly describe to you the difference between a pattern and a trend. A pattern is a group of crimes that we believe may be particular -- may be committed by a particular individual or a group. A trend, on the other hand, is something that we notice either precinct-wide or countywide that's going on. It's a type of crime that is, for -- there's been an uptick in a particular type of crime, not necessarily connected to a particular group or individual. We identify both patterns and trends on both the precinct and the countywide levels, because, of course, they require different responses.

Another thing that I want to just bring to your attention about a pattern is despite the fact that we may identify and declare a pattern, we do not necessarily have to prove that a group or an individual has committed the entire pattern. The only thing we have to do is when we prove or charge crimes within a pattern, are prove those particular crimes that we ultimately charge in court. Essentially, when Criminal Intelligence uncovers a pattern, they present their findings to the command staff. The command staff then determines who the primary command is going -- that is going to be responsible for the investigation of that particular pattern.

In the case of a trend, it is the responsibility of the command staff to develop strategies to combat that particular trend. Once we have determined the command that is responsible for identifying -- for investigating the pattern, the District Attorney's Office assigns an ADA to that particular pattern. The patterns are updated and amended as required. As you can see here, thus far, we've identified thirteen countywide patterns, four countywide trends, and 11 precinct patterns. Ultimately, though, we've had about 60 updates and amendments to these patterns that I lay out before you. The key, after you identify a pattern or trend, is communication of the pattern and trend at all levels of the department. And to that end, this is the opening page of the Suffolk County Police Department's intranet that everyone is -- who works is required to log on to when they come on duty. And as you could see, on the front page is our Criminal Intelligence crime patterns. And every member of this department, from the 911 operator, to a dispatcher, to a police officer on the street, to a Detective in a squad, to the Sergeants, Lieutenants, Precinct Commanders, and ultimately the Chiefs and the Police Commissioner are responsible for being aware of these patterns. We want everyone in this organization thinking about crime and thinking about crime constantly.

It should be noted that even though a subject may not be assigned to street patrol, those people are still interested in these patterns and trends, because these patterns and trends we don't just shut off our -- thinking about crime when we get off duty, as evidenced by an off-duty Fourth Squad Detective who was aware of a crime pattern in the neighborhood that he lived in, who recognized that there was criminal activity going on, and ultimately we arrested several individuals from Nassau who were responsible for pattern burglaries in the Fourth Squad.

To date, we have made 11 arrests in connection with 13 of the countywide crime patterns. That means of the 13 patterns that we've identified, we've had significant progress in 11 of those patterns, everyone thinking about crime. We've made 10 arrests and we've identified 13 persons of interest in connection with four of our countywide crime trends. See, countywide crime trends tend

not to go away, they tend to stay around for while. For instance, one of our trends is the theft of manhole covers countywide. Okay? We are developing and we've made arrests in connection with the theft. As inexplicable as it may be, people go around and steal manhole covers, and we have developed strategies and made arrests with respect to that particular trend. And finally, we've made 10 separate arrests in connection with five of the precinct crime patterns.

Now, I have to tell you that when you solve a pattern, you solve a lot of crimes. Okay? So, though you may make 11 arrests in connection with 13 patterns, that translates to the solving of a lot of crime. And ultimately, here we have our master lists of patterns, countywide patterns, countywide trends and precinct patterns.

A little bit about our capabilities. Okay? And I want to talk to you about each one of the capabilities in our printed or our published intelligence products. The first is you see a -- it's Countywide Pattern 12-2 involving daytime residential burglaries. And essentially, the face sheet will do a daytime and location analysis, and it will also address the modus operandi of the particular criminals. In particular of importance is the proceeds, what was taken during those particular crimes. Another capability is our mapping capability. Essentially, it's very simple, put the cops where the dots are. A third capability is identifying persons of interest. It is the responsibility of the police officers, detectives and analysts to try to figure out who is committing these crimes so we can develop leads to mitigate these particular patterns. And those persons of interest -- you can keep this on. Those persons of interest are developed by looking at recidivists, parolees, probationers. Our Crime Stoppers tips, 911 calls that may occur in the area, our field encounters and our modus operandi files. We have bar graphing capabilities that help us in deploying with -- particularly when it comes to day of week and hour of day.

And then finally, among the things that we are putting out in our intelligence patterns is we realize that the police district is not walled in. We have five East End towns and we have a neighboring Nassau County, and quite often crime patterns and trends, as you would imagine, cross the police district lines. In this particular -- in this particular incident, what we have is we have a cell phone store burglary pattern, and what we realized was that Riverhead, our neighboring jurisdiction, had a break-in to a Radio Shack Store. A sharp Riverhead police officer interdicted it while it was in progress. What we had was a foot pursuit that was initiated by Riverhead P.D., and then there was a followup that was done by Riverhead P.D., and if you follow the map, up by A is where the actual -- is where the actual Radio Shack store was. Ultimately, the individual fitting the description was seen fleeing the scene at a -- at a nearby residential street. He subsequently was seen in the vicinity of a nearby deli.

Our Crime Analyst determined that someone who had previously been arrested in connection with this pattern, who was presently incarcerated, lived over in this particular area. Okay? And right now, in conjunction with Riverhead P.D., we're analyzing if there is a connection between this incident and the previous arrestee.

Okay. A couple of crime patterns that are clear that I'd like to talk to you about. This one is particularly satisfying in that it was the first one that we identified. It involved 14 daytime residential burglaries in the Second and Fourth Precinct in the area of Townline Road, straddling both precincts. Most of the burglaries involved front door kick-ins, all occurred in the Second and Fourth Precincts. In several cases the homeowner was home and either hid in the house while the burglars were in the house or scared the subjects away. And in the most egregious case, the subjects confronted an elderly homeowner, pushed her to the ground and stole the rings from her fingers while she was there. Clearly, a priority of this Police Department to solve those particular crimes.

Through good work and everybody thinking about crime, we had to solve these crimes. We developed that there was a gray sedan seen in the vicinity of one of those burglaries. In a

subsequent burglary, we were able to develop that the gray sedan, a gray Neon was seen in the vicinity of yet another burglary. How are we sure of that? Because the woman, the witness who I identified said that, "I know that that was a Neon. Why? Because my husband drives a Neon." We deployed Criminal Intelligence Detectives to assist the Fourth and Second Squads in obtaining video surveillance, cameras of -- we could pick up in a camera, is there a gray Nissan (sic) sedan pulling in for gas, blowing a red light camera, whatever it may be. And those Detectives, while attempting to recover video surveillance, observed a gray Neon in the area that ultimately was occupied by these people. The detectives continue their surveillance, interdict the burglary, catch the burglars with proceeds. And if you see, one of these individuals, we're talking about recidivism, all right, he was a parole violator. All right? He was charged with five of the total burglaries that were in the pattern. And look at this, prior convictions for Burglary Second Degree, Burglary Third Degree. And in criminal justice parlance, he is what's known as a prior violent felony offender. And thanks to the efforts of Mr. Spota's office, this guy is facing significant Upstate jail time, may never see the light of day again.

His accomplice, prior convictions of Criminal Possession of Stolen Property in the Fourth Degree, Criminal Possession of a Controlled Substance. He, too, prior felony offender. And finally, the female accomplice, prior conviction for Rape Second Degree, in that she had sex with a person that was less than 15 years old. She, too, a prior felony offender.

Now this underscores the underlying causes of crime. All of these people were addicted to drugs. All of them were recidivists. And though the gang piece is not in here, we see these are the factors that drive crime.

Our second crime pattern that I'd like to share with you, and probably the most heinous, certainly the most heinous since I've been the Chief of the Department, involved eight separate armed robberies in the First, Second and Third Precincts. Among the establishments that were targeted were jewelry store, check-cashing business, delis, a restaurant and a pharmacy. What was alarming was that in most of the instances, the perpetrators bound their victims, they tied them up. They were armed with firearms in each of the incidents. And as each incident progressed, they became more and more brazen.

The pattern started on December 27th of 2011, and quickly, Intelligence Detectives and General Service Squad Detectives put together certain commonalities about the crime. Significantly, on -- forgive me. On February 13th, they robbed an occupied restaurant in Brentwood, where at gunpoint they put all of the patrons on the floor. A passerby noticed that there was an open restaurant, passengers -- with the customers all laying on the floor, waved down a passing police car, and Unit 318 narrowly missed what no doubt would have been a gunfight by probably a time span of 30 seconds. That happened the night before that I addressed about 400 police officers at the Sagtikos Building in communicating the message, and I related this to them; that as we spoke on February 14th, that these individuals were actively out attempting to victimize citizens of this county. They were out on the prowl that evening. And one of our own narrowly missed an armed confrontation by 30 seconds. It should be noted that they fired shots inside that restaurant that night. So I would say this is about as serious as it gets.

We developed a lead on a particular vehicle, and on the evening of February 28th, they hit again. They robbed a pharmacy in the Brentwood area. A sharp young Third Precinct police officer -- everybody was looking for these guys, whether you were on duty, whether you weren't on duty, whether you were the Police Commissioner, whether you were a 911 operator. Everyone in this department knew about this, because any one of us, either working or our loved ones, could have been victimized by these individuals, and an arrest was made. We cleared seven of the eight patterns. They confessed. The Third Squad, with a dogged investigation that lasted about 24 hours after the arrest, search warrants, guns, proceeds. And it should be noted that causal factors

of crime, these individuals are either members of MS-13 or affiliated with the MS-13 street gang.

The final pattern that I want to share with you is a precinct crime pattern that we identified in the Third Precinct. Okay? It all involved a single, dark-skinned male. Significantly, he was perpetrating robberies in the corridor of the Fourth and the First Precinct. He was somewhat distinctive in his -- in the way he looked. And I don't know if you can make it out, his ears are very, very distinctive. We got the pattern out. Sharp Third Precinct police officers are handling an unrelated burglary. They view the film, the surveillance film, of the place that's being burglarized, and they notice the distinctive ears, and they also noticed the way that the individual was dressed. Well, while they were on patrol shortly thereafter, they recognized the individual. They bring the individual in and, after an outstanding investigation once again by the Third Squad, it was revealed that not only did this perpetrator commit these robberies, but he also committed a series of burglaries, which is odd in and of itself. Most of the time you're either a robber or a burglar. This was different in the fact that this guy committed both robberies and burglaries. This was -- this individual was arrested with a slew of charges. The media, he was dubbed a one-man crime wave in the media after District Attorney Spota's office rendered indictments in the case.

All right. Let's talk a little bit about outside of trends and patterns. We have ramped up our Crime Stoppers capabilities, despite the fact that we lost some personnel. When we receive a Crime Stoppers tip now, it's vetted through Criminal Intelligence Detectives so it can be pored before we send it out of -- to anything that's going on crime-wise in the County in terms of singular incidents or our trends and patterns. I would have liked to have showed you what some of the Crime Stoppers tips looked like, but they're confidential and I wasn't able to do that. So, essentially, two ways that our Crime Stoppers tips come in is we put crime alerts out and we seek the public's assistance, as in this case. And in other cases, what happens is tipsters will call in to Crime Stoppers and give us information without us soliciting that information. Again, I said in February the easiest way to figure out who the criminals are is to have somebody tell you who the criminals are, so Crime Stoppers has become a vital part of the Department's crime-fighting strategy.

In addition to patterns and trends, we track singular incidents in each precinct. Each precinct keeps a rolling list of shooting incidents, robberies and burglaries. Significantly, on this sheet you see what's broken out is commercial burglaries from residential burglaries. And if you see the color coding on the -- if you see the color coding on the right-hand side, what you're going to see is we break out the types of proceeds; cash, green, obviously. We have electronics, laptops, jewelry all broken out in different colors, because if you're a criminal and you steal things, you ultimately have to fence things. And when a criminal attempts to fence stolen merchandise, it provides a big opportunity for the Police Department to make an apprehension.

And then, finally, aside from tracking trends, patterns and individual incidents, we also track results. This involves enforcement activity in our ongoing Second Precinct, Huntington Station initiative. As everyone in the horseshoe here knows, we have an ongoing concentrated enforcement effort in the Huntington Station area, so we also monitor the results in terms of enforcement on what actions our officers are taking. Let's talk a little bit about recidivists. Remember, apex criminals. The ultimate goal of society, and certainly this Police Department, is to have a recidivist give up his life of crime. And it's a priority certainly of the County Executive, it's certainly a priority of the rest of the Criminal Justice System, and I'm sure it's a priority of the members of this committee.

A couple of programs that we have with respect to recidivists, parole re-entry. When someone is released for incarceration and they come back to re-enter the community here in Suffolk County, we, in the Suffolk Police Department, are made aware of it. We push out photographs, his address that he's returning to, and also what crimes he was incarcerated for, and, additionally, what, if any, conditions parole has placed on him. It is generally followed up by a visit by a police officer to welcome the individual back from incarceration, to let him know that we can be of assistance to him,

should he need it, and also to let him know that we are aware of his re-entry into the community.

When it comes to probation, Probation Director Cook has assigned a Probation Officer to the Criminal Intelligence Section. So we have our County Probation Department that's working with the central nervous system of the Police Department. And again, a probationer is someone who has offended in the past and is on some degree of supervision.

And finally, our Police Intelligence computer, called Orion, has a watch list capability built into it, where we are able to download parolee and probationer information into the Department's Intelligence computer. And what it does is it basically makes a notification if there is a parolee or a probationer who has had a police contact. For instance, someone on parole pawns an item of jewelry, someone on probation gets arrested for DWI, potentially, and someone gets into a domestic with his girlfriend, we're able to monitor any particular police contact that a recidivist that is under supervision may have with the Suffolk Police Department.

With recidivists, we have mapping capabilities. And I just stretched this out through the district to give you an idea of the scope of this. The round dots represent various degrees of burglary, mostly Burglary Third Degrees, which are generally commercial burglaries. The blue dots are Burglary Second Degrees, which are mostly residential burglaries. And the little humanoid person figures that you see are people who are presently on parole for burglary. Again, when you're putting cops on the dots, it pays to know who the recidivists are. All right. That's recidivism.

Let's talk a little bit about gangs and narcotics. One of the structural changes that we made is we put our Narcotics Section under the purview of the Organized Crime Bureau. What that enabled was an integration of narcotics and gang, both enforcement, but intelligence. Prior to Commissioner Webber and I taking over, inexplicably narcotics intelligence was warehoused separately from the rest of the Department's intelligence capabilities. Okay. We're in the process of that integration right now, and we anticipate it to be complete by the 1st of July. And, of course, when we marry narcotics intelligence into gang intelligence, because narcotics and gangs fuel crime, it enables us to do a better analysis, make quicker connections, and allow for enhanced enforcement.

I want to talk about drug houses. We're in the process of this implementation. And again, we anticipate that this will be fully operational by July 1. We realize that a suspected drug house or a drug location is a blight on the community and it cannot be tolerated by this government. Certainly, this Police Department is not going to tolerate it. Okay? In addition, a drug house is a potential site for a future home invasion, because other drug dealers know where the drug dealers live. And many of what is characterized as a home invasion are fueled by the underlying causes of profits and drugs. So we realized that we have to take swift and deliberate action when it comes to a suspected drug house or drug location.

There's going to be an immediate assessment as to whether the utilization of undercover Detectives or informants can be utilized to either, A, make a hand-to-hand transaction with an undercover, which is the gold standard, or to obtain a search warrant to ultimately get into the house and recover what, if any, drugs are there. When we identify a drug house, not only are we going to do that assessment, but we now have a Detective that is assigned to our Criminal Intelligence Section whose sole duty is, is to conduct and initiate an investigation on the tenants of that house and the property owners of that house, with a view towards looking to see what, if any, benefits these offenders may be receiving in terms of public benefits, Section 8 housing and the like, and if they have been obtained under false pretenses or illegally, or if the property owner has followed the law in terms of his, in conjunction with the D.A.'s Tax Unit, in conjunction with his reporting of his taxable income, and/or if he has obtained his mortgage legally. In addition, that Detective is also tasked with assessing and applying the appropriate abatement ordinances. As you well know, we have village abatement ordinances, town abatement ordinances, county abatement ordinances, and

in many cases they're vastly different, and sometimes the application of one is going to be much more effective than the application of another. So that's going to go on as we do the assessment as to what enforcement approach we can take in terms of the drug activity.

And ultimately, in very quick form, the days of months-long, years-long investigations into a suspected drug house are generally over. If we can't get you by those methods, it is going to be an overt confronting by law enforcement, knocking on your door and telling you that we know what you're up to, and placing a police car, if necessary, in front of the place on intermittent levels. And again, this is all based upon legal basis. We're not just going to do this -- you know, we're going to have a legal basis to take this. But if we can't get you, we're going to let you know that we know what you're up to and we're going to put a crimp in your business.

Enhanced Community Service: Again, this is where it's really important when it comes to our struggle with prescription drugs. As you may know, we have an ongoing training of pharmacists through this county. On June 12th, we will be conducting East End pharmacy training for those who own and operate pharmacies in the county to make their business establishments more safe for their customers, target-hardened with respect to the criminals. We have trained all of our Narcotics and Criminal Intelligence Detectives in the utilization of intelligence when it comes to the prescription drug crisis and tying together incidents that are fueled by the prescription drug crisis.

And finally, we're training -- in the process of training and almost complete with all of our patrol officers in the recognition of the potential illegal use of what is otherwise deemed a legal drug. We were all trained, we're very good when it comes to crack cocaine, heroin. When I went through the Police Academy 28 years ago, if you encountered an individual that had a prescription with their name on it, you never even thought to look for the second step. Sadly, things have changed in these last 28 years. And now, if you encounter someone who's involved in an incident and they are in possession of what in its face looks like a legal prescription drug, we have to take that look under the second layer to see if addiction may have been causal in that particular incident.

We're also educating our parents. Okay? We're having our drug recognition experts, the Highway Patrol DRE's, the guys who are on the roadside do an assessment to see if someone is impaired by the use of drugs. They're extensively trained. There's only a handful of them in the county, but we are utilizing those officers to go and instruct the parents of the kids in this county on how to recognize when their kids are impacted by drugs. And then, finally, an ongoing program that I just can't tout enough, Operation Medicine Cabinet where any day, 24/7, 365 days a year, we urge our residents to come to any precinct, no questions asked, and dispose of their prescription medication that they're no longer using.

We have also conducted training and essentially standardized what our SRO's, our School Resource Officers, are providing to our students countywide. And you could see the array of different topics that we now provide countywide to our middle and high school students. In addition, our SRO's out of our Community Response Bureau have developed training for parents on the topics that you see up on the screen. In particular, we're going to be kicking off our summer safety that deals not only with fire work safety issues, but also with pool safety, because, sadly, as we all know, each year we lose too many children to pool accidents here in this county. We want to educate the people of this county to prevent these tragedies from happening. If I could just say it, the most important thing is to go to the water first. The kid is missing, do not look upstairs for him, go right to the water first. That's the most important thing you can do.

And I want to briefly talk about deployment of our resources. I'd just like to say that nobody just goes out and drives around anymore. Okay? We certainly have to deploy our sectors for 911 and crime prevention -- 911 calls and crime prevention covers. But everyone who is deployed is deployed with a purpose. And I'd like to briefly discuss with you how we deploy our forces. We

primarily do data-driven deployments. We put cops where the crimes are. We also do deployments in particular communities to suppress general crime problems and/or to process a particular -- maybe a gang problem, where you may have resources deployed to a particular area where we know that gang members are known to congregate, or a particular area in the County that may be experiencing high crime. We also deploy our forces with respect to retaliatory incidents. When a house gets shot up, when someone gets stabbed in a bar fight, when someone is involved in some altercation, particularly those that result in death or serious physical injury, we want to do the analysis of where is the retaliation going to come from. Let's figure out, this person has been harmed, or shot at, or stabbed. Let's do the analysis to attempt to figure out who may be harmed in retaliation, so we can prevent the next shooting or the next murder.

Something that Commissioner Webber has directed is this summer we are going to do -- we are going to enhance our downtown patrols and our Fire Island patrols. We are going to utilize officers in groups. They are going to go to a particular downtown where people notice that the cops are there. Putting an extra cop in the Village of Huntington, somebody might not notice it. If we put four in a particular area, they may notice it, and bounce those deployments around. I wish I had the resources to put them in every downtown, I don't. Fire Island, the same thing. We have at times hundreds of thousands of not only our citizens, but visitors coming into Fire Island. And we want to make sure that not only our police officers on Fire Island are safe, but the people who come and take advantage of our tourism are also safe.

I'd like to also mention that those deployments are going to be weather dependent. If it's pouring on a Friday night, we don't have to send extra troops over to Fire Island, generally speaking, absent some sort of a thing.

And then, finally, a thing that we are excited about throughout the department is we now conduct after incident critical reviews on any incident, a major incident that we -- that we handle. For instance, we had what turned out not to be a hostage barricade, but responding officers in the First Precinct were told that at a particular diner that a robber was holding two of the employees hostage in the basement. What that necessitated was a full-blown rollout of Emergency Services Hostage Negotiation. And what we -- and ultimately turned out that wasn't the case. So in incidents like that, we want to constantly -- and it's done at all levels. I'm there, the Commissioner's there, the first cops that are at the scene are there, the Lieutenants, the Sergeants, the Detectives who showed up were there, the Precinct Commander's there, and we have a scribe from the Academy recording what went right and what went wrong, so we can always challenge ourselves to do better.

And I'd like to close with just an overview of what we started with, the Department's life-saving capabilities. As I said, we're here to give our lives for residents of this County, if necessary, whether it be a hostile individual or whether it be our emergency medical response. And I really especially want to thank everyone that's here for your support of the Police Department and continuing the ability to provide top-shelf medical protection to the residents of this county. We respond to more than 100,000 EMS calls annually, that's not counting car accidents. And we all know that car accidents certainly share up almost as many, if not more share of injury. We provide critical support to the outstanding ambulance and rescue system that already exists in this County. We are the first responders when there's breathing issues, bleeding issues, or something's on fire. In all likelihood, it's going to be the police that are the first there, because we are out in sectors on the road. Okay? And in those incidents, the breathing, the bleeding and the fire, that's when minutes count. We deploy more than 300 defibrillators in Suffolk County Police Department vehicles that have saved countless lives. All of our cars carry critical EMS trauma equipment, including airways, oxygen bottles, suction, and an array of equipment that can treat life-threatening trauma. Nine of our marine vessels are certified as New York State ambulances, and in many or in some communities of Fire Island, the Suffolk County Police Department is the only EMS response agency. That translates to we take 325 to 350 people on average off of Fire Island in either a MedEvac, in a boat or a helicopter. There's no way else off that island? Okay?

And, finally, I would really like to thank this body for your support in supporting our pilot project for our Nasal NARCAN, which we are the first in the state of police cars to be deployed with nasal Narcan that can ultimately reverse the effects of a potentially fatal opiate overdose.

In closing, I would like to thank you for your time for what I consider a critical overview of what's been going on in this Police Department and this update. I would like to personally, and on behalf of the Commissioner, thank you for your continued support in these challenging fiscal times. But I also want to make special thanks to Commissioner Webber. Though he is my boss, he is my partner. We spend hours a day together drafting these initiatives and implementing these implements. Without him we would be unable to lead this department in a new direction. As most of you know, he's a 40-year veteran of this Police Department. He's been a Chief for 19 years, the longest serving Chief in the history of the Police Department. His experience and institutional knowledge is second to none, and his budgetary experience is second to none. He's ran the budgets in this Police Department for 15 years. Nobody knows the budget better than Commissioner Webber.

And finally, I want to thank the men and women of the Suffolk County Police Department. And here's what I'd like to say: As this day unfolds, like yesterday, there are going to be cops, and they're doing it now, that are hunting criminals as we speak. There are cops that today are, and are risking their lives in protecting the citizens of this county. And if you called me back here tomorrow morning, I'd be able to go through a litany of the things that the men and women of this department are doing day in and day out, just in a 24-hour period. I'd like to thank you for your time.

CHAIRPERSON BROWNING:

Well, thank you. I think you've been very busy. I do have to say, though, in the North Bellport area, we have been trying to crack down on a lot of these landlords. So I like that you're following, because I think one of the things that we have constantly said is you have to follow the money, and these landlords are continuing to rent to the gang members and the drug dealers with no consideration for the community.

I have had this -- the help of the Fifth Precinct, and the Gang Unit to identify a number of these problem homes in the North Bellport area that we know there's gang activity, drug activity that's going on. Obviously, any of the information they give me, they were able to give to me. They are working very hard, I know, in the Fifth Precinct. But what they have been able to do is provide me with some of the addresses that we know that there's ongoing problems and arrests.

I, personally, have sent letters to landlords and we have had a great response back from many of the landlords, some of them not aware what was going on, but now they do. And, you know, I think that that's what's important is that we are getting the right information. These landlords are now being made aware. And I think it's important when you mentioned that checking the landlords for IRS, and, you know, providing their tax information, and making sure that they are recording it properly, is an important part of it. So it's not just about the house itself, it's also make sure the landlords are doing the right thing, too, because if they're never going to be held accountable, the problem's going to continue.

I believe the Narcan training, there was a training that went on last night, which I was happy to hear. I was at the FRES meeting last night and I heard that they were doing some Narcan training last night, so that's a good thing. One of the things that I've always had an issue with is, again, the Police Department, they go out, and I love what you's are doing, clearly, you have the ear of the D.A. to make sure that he's pursuing it. One of my big concerns is when it goes to court, and making sure that when it goes to court that the judges are doing the right thing, because now what

if -- if all of these incidents that you've had, maybe it's too early to say, how many of them have been released on bail, you know, how many of them are probably -- possibly still in jail. But the ones who have maybe been ROR'd, you know, we need to make sure that if you're doing your job, I don't want to see that these guys are turning around and getting back out on the street again. So is there going to be a strong push from the District Attorney's Office to support what you guys are doing to make sure that the Judges are doing the right thing?

CHIEF BURKE:

I think there has been. I mean, any -- again, his commitment in assigning an Assistant District Attorney to all of these patterns, in addition, not in the slide show, any egregious incident that may be a singular incident, he assigns an Assistant District Attorney to. And we assist him and he uses his investigative resources to put together the best possible case as possible. Again, the court system, as you know, Mr. Chairman -- Chairwoman, is adversarial. There are lawyers, there are a lot of things that go into it, but I am confident that the D.A. is totally on board with this, because he's plugged in from the outset.

CHAIRPERSON BROWNING:

Good. You know, I've heard it from my husband in the past, you know, it's frustrating. You arrest somebody, you process them, and he says no sooner is the ink dry on the paper, but they're already out on the street. And, you know, clearly, you have some incidents up here that those people don't belong on the street anymore. So do we have any questions? Legislator Spencer. I'll start in that direction.

LEG. SPENCER:

Kara was before me.

CHAIRPERSON BROWNING:

Oh, were you first? Okay. Go ahead, Kara. Sorry.

LEG. HAHN:

Thank you. I'm continually amazed by what our police officers do. They -- it's just incredible all the different functions that they serve. And in conjunction with our EMS, Fire Ambulance Services, we really are, you know, second to none here in Suffolk County.

I'm very concerned about gang activity and making -- just making sure that all precincts are -- you know, I know you sent the gang officers back to the precinct. I know I'm concerned about Port Jeff Station area, I've been hearing a lot in our community meetings. And again, I just -- I can't express enough your officers are everywhere when we need them. At these community meetings we have a lot of, you know, residents who step forward and at civic meetings and talk about what they see. And we just had a COPE Officer at the Port Jeff Station/Terryville Civics, and, you know, really responding to what's being said. But I -- there are definitely hot spots, but then there are the -- you know, the areas where it could be percolating, and I just want to make sure that all precincts are covered and it's being addressed in all areas. And the downtown, I'm really excited about your downtown initiatives and -- but I want to hear a little bit more.

CHIEF BURKE:

If I may, and I had a discussion with the Chairwoman before this came, and -- but briefly, I will address gang activity.

As we all know, or you all know, we decentralize the gang teams. Each precinct now has its own gang team. The staffing levels on that gang team are dependent upon what the Precinct Commander determines them to be. However, and I'm glad you asked this, Ms. Hahn, the District Attorney has assigned an ADA, a Gang ADA and a Narcotics ADA to each precinct. So each precinct

has its own Gang ADA or Narcotics ADA. They meet regularly, and we just initiated this, they meet regularly with the Gang Units in the precinct, the Precinct Detective Squad and the Precinct Commander. They all sit together, they come up with what's the state of -- and our Criminal Intelligence Unit -- what's the state of gangs in a particular location, and they formulate strategies moving forward.

You see, the D.A. has the resources to attack gangs as a criminal enterprise, where he has a gang team of gang detectives, gang lawyers, and they utilize wiretapping, traditional organized crime techniques to go after the gangs. But what feeds them their information are the street cops who are making the arrests, turning the informants and the like. So each precinct in this county, not only does it have its own gang cop team, but they also have an ADA that's a Narcotics ADA, because the gangs utilize narcotics as their lifeblood, if you will, and a Gang ADA, that's an Organized Crime ADA, so this way the lawyers -- it's not just catch a lawyer, the lawyers are tasked with becoming responsible for a particular geographical area. So we just began this program within the last several weeks, and we are very, very positive that we're going to have some good outcomes on it.

LEG. HAHN:

Again, the narcotics and the prescription drug issue is critical in our area as well. I'm very excited about the Narcan pilot, but that, unfortunately, is -- we need -- you know, we need to be tackling prevention and Operation Medicine Cabinet is a phenomenal start. However, we've got to figure out a way to expand that, because not all the precincts are convenient to all areas of the county, but that's another issue.

School Resource Officers, I've -- you know, I've been harping on this one, as -- because that is part of the prevention, and part of the detecting what's going on among our youth. Can you talk some more about how that's been expanded? I know we only had one in the Sixth, might be up to two now, but one is on light duty or something. I'd like to know more about where you see that going in the near future.

CHIEF BURKE:

Well, the School Resources Officers in mine and Commissioner Webber's view are critical. Before our administration took over, though, there was seven different precincts, seven different ways of School Resource Officers, and we realize there are certain best practices that exists when it comes to deploying School Resource Officers. So to that end, we have directed Detective Lieutenant Donohue, who is our Commander of our Community Response Bureau, and Sergeant Germain, where we have taken them all and put -- though they're still deployed in precincts, but they're put under one roof and they receive regular training in terms of we want the message, we want the duties, maybe something they're doing in the Second Precinct is great that should be expanded to the Sixth. So that's been a work in progress.

And again, now schools are out. A lot of them get deployed to the summertime programs. And we're also going to utilize those officers for our downtown deployments when they're available. But we are big proponents of the School Resource Officers, as long as they are directed centrally, so this way there's not somebody off. We want everybody in the County to be consistent with the way that we conduct it. So it's a big part -- and we gain a lot of benefit out of it in terms of not only education, but also the intelligence that we get out of it. These School Resource Officers, you know, people tell them things constantly, and they're among our greatest sources of intelligence, so it's a big priority for us. Again -- so I hope I answered your question.

LEG. HAHN:

Yeah. No, I'm really glad to hear. I'm continually impressed with what is an incredibly professional department, and you're even improving on that, which is just amazing to me. I'm really, really proud and pleased to hear everything that you're working on, and our guys are the best. And when

men and women in our Police Department and -- but I do want to know that the officers are there in the schools, too, because the relationships, like you said, the relationships that they build with the students can really be important on so many levels, including investigations.

Data: Well, two things. You were talking about educating parents. If there's anything you can share with us, we do put out like e-mail, newsletters. And if there's any kinds of things you'd like us to share with parents, we can add into our e-mail newsletters all kinds of educational pieces and we'd like to be including those kinds of how to identify, you know, a teen, or come to this event where you can learn more about --

CHIEF BURKE:

Yeah. Well, I think all of you have met individually with Detective Lieutenant Donohue, who I think is here.

LEG. HAHN:

Yes, I think I saw him. He's behind the podium there, yeah.

CHIEF BURKE:

Yeah, there he is. Don't hide, Bob.

*(*Laughter*)*

But he's, again, the point, so -- and he's overseeing all the operations, though, anything. And he's been instructed, and I think he has, you know, anything that we can assist you with on any front, he's our point for you.

LEG. HAHN:

Excellent. Sitting to your left, John Ortiz is from our Budget Review Office. In the past, we have had data collection issues. There are a lot of information that us, as policymakers, need to have access to, data in helping to fund the department, and helping, just to help make a case for different things. I'm hoping that we're working -- I know you're improving technology, you're working on data driven initiatives. Obviously, we don't need to know the confidential stuff, but in the end we do need to know where these trends are, and know when they're happening, and know how to make a case in communities for more resources, etcetera. And so making sure that we're -- the Department is working with the Legislature in sharing the data that -- and statistics that we need is very important, and I want to make sure that that's happening. I haven't been told recently that it's not, but we certainly don't want to go back to the past ways where, you know, it was pulling teeth in getting information, so.

CHIEF BURKE:

I think you could see things are different now.

LEG. HAHN:

Thank you.

LEG. D'AMARO:

Okay. Thank you, Legislator Hahn. Legislator Spencer, please go ahead.

LEG. SPENCER:

Thank you, Chief, for that presentation. And I notice there is a lot of Huntington. I do appreciate your focus there. It's the area that I represent.

I think, getting to gangs, that's where I had a couple of questions. I know that we have the,

actually, organized crime gangs. Are you seeing -- if you see a group of males or females, or whatever, young people that are together, and as a result of their association together, that they are involved in kind of illegal activity, whether or not it was with drinking or just noise, or whatever, are they distinguished from a gang like that -- that's like a national gang? Is there -- is there a different terminology and are they handled differently? I just wanted to know within the department.

CHIEF BURKE:

Well, I think it's important to draw this distinction. In the State of New York, it's not illegal to be in a gang. You could walk down the street and put "MS-13" on your back and there's nothing against the law about that. In order for us to take action against any individual, be they a gang member, non-gang member, they have to be engaged in illegal activity. So to the extent is -- if someone is identified as a gang member, the distinction is this: That certain gangs have distinguished themselves, for lack of a better term, in that they commit crimes, the Lucchese Crime Family, the MS-13, or whatnot. So they certainly warrant great attention from the Police Department. However, the ultimate thing with gang enforcement is this, is, certainly, we want to take care of what's happening on the street. But ultimately, the way to cripple a gang is to knock out the gangs on these enterprise cases that ultimately get done with the wiretapping, or whatnot, we knock out an entire set. That's what the -- that's what we ultimately try to pursue. Now, out of the entire spectrum of gangs, how often does that occur? It happens, but there's got to be constant street pressure on a gang. And what evolves out of that street pressure on a gang is funneled to organized crime investigators, and we attempt to put together an enterprise case against those gang members. But, ultimately, it's a combination of knocking out the hierarchy of the gang and constant street pressure on the gang. But all of it is predicated upon illegal activity that is perpetrated by these people in the gangs. Being in a gang in and of itself is not a crime.

LEG. SPENCER:

You had mentioned the idea of where you have the apex criminals that commit 90% of the crimes, and I think also within gangs, too, where you have gangs that will recruit young men and women that are just kind of idle, that are not really hard-core gang members, that are just looking to be a part of something, and distinguishing them from the outside organized crime elements that come in. One of the things I wanted to applaud you for is, particularly in my precinct, you came to speak with Inspector Brady where you engaged the community, that we came in and had a community meeting and -- which consisted of pastors and civic leaders, and just to really have a place for the -- those peripheral elements that they could be engaged within the community. I think that that is extremely important.

One of the things that I was curious, looking forward, is it seems that you've had a lot of success. I can see it in my community, and I could actually -- you know, people are starting to feel a little more comfortable again. And the question that I have is what is -- is there a particular plan, because you mentioned crime fighting to -- how do we maintain the gangs? How do -- the gains that we've made? And where I have a school that's closed in my particular precinct, I want to be able to go to that board and say, you know, "Crime is down. Can we open the school, or can we start talking about these things?" So, I guess -- can you address briefly any sort of kind of community initiatives to kind of maintain the gains that we've made?

CHIEF BURKE:

Yes. As you recall, Legislator, we had that meeting probably in late March, talking about things, confidential things that we -- enforcement-wise that we were going to embark upon in the community. The County Executive, after that meeting I met with the County Executive and he wanted to put together a plan to maintain the gains. And there -- we've had progress on those meetings with the County Executive's staff. He's engaging town officials on it. In fact, you know, we'll speak about it, but he has an entire plan that he's putting together to maintain those gains.

And, in fact, it's going to be time for another community meeting real soon to talk to you about, because the time has come to put these things into play. And there is, in fact, a plan, but perhaps we'll talk about offline. But he does have a solid plan on what are we going to do after the enforcement leaves. That's what you're asking.

LEG. SPENCER:

Thank you. And the last thing I have -- I apologize, I don't want to take up too much time -- was a lot of times we'll get a briefing or information that will identify a crack house in that particular community. I think it was Legislator Browning's legislation, that once a crack house is identified, I think that there is the ability to prevent, I guess, tenants from being there for a period of time. But I'm wondering if there's any idea of ways that we could strengthen these laws. Is there a way that we could seize these properties, perhaps, or is there -- that we could also use it to provide housing for first-time homeowners? Or do you have any -- because I'll get the -- you know, I'll know that this address, the Police Department has identified as a crack house. What would I do about it?

CHIEF BURKE:

Again, that's bigger than one questioning. And I think that is something that as the police -- as the Legislature, on the county level, town level, it's something we should put a work group together on to kind of standardize and say, "Hey, what's working in Babylon? What's working in Huntington? What's good about the County law," and what not, and maybe we can, through legislation, make -- either streamline, make more effective. But it is an issue in that, depending upon where you're standing in this County, of course, you're always governed by the County regs, but you may be governed by a village -- and there may be, and there are, some things about the village ordinance that may work in a particular case, some things about the town, and I think it's a good long-range project for us to work on, because we could make significant strides countywide if we all get together on the same page with that stuff.

LEG. SPENCER:

Thank you, Chief.

CHIEF BURKE:

Thank you, Legislator.

CHAIRPERSON BROWNING:

I'll tell you, one thing you can do is send a letter to the landlord, because they don't like Legislators writing to them, they really don't. So there's a good start. But Legislator D'Amaro.

LEG. D'AMARO:

Thank you. And good morning, Chief Burke and Commissioner. Thank you for the presentation today, I appreciate very much the update.

The Intelligence Led Policing you first spoke of back in February, identifying the patterns and the trends. The data driven deployment all seem to be up and running now and working, which is great news for Suffolk County. Can you talk a little bit this morning, though, about how it's impacting the crime rate? You know, what result are you seeing as a result of all of these efforts?

CHIEF BURKE:

Well, you know, our -- we think it's had a positive effect on the crime rate. In terms of -- you know, crime rates have to be looked at over a long range. And we're not going to be able to do a real full assessment of this, because crime, again, is something that if you take a snapshot of a month's worth of crime, there could be many factors that impact that. And again, because of the vast way that we're doing things differently this year, before I make an assessment, I'd like to see it over a longer period of time.

LEG. D'AMARO:

All right, and that's fair enough. You've only been doing this for, I guess, about six months. Right now --

CHIEF BURKE:

It's five months.

LEG. D'AMARO:

Five months.

CHIEF BURKE:

And again, you know, it doesn't come on board in January.

LEG. D'AMARO:

Right.

CHIEF BURKE:

It's something that, you know, of doing it, but it's certainly had a positive impact. And I think, as you said, it's being felt in the communities.

LEG. D'AMARO:

But the Department is tracking all of that, and I guess at some point you'll start to make comparisons to prior years.

CHIEF BURKE:

We always do that.

LEG. D'AMARO:

Same time last year, that kind of -- you know, there are different comparisons that you can make precinct by precinct, region by region, things like that. And I would be curious, and I think we all would, and I think you would be, too, to see just how much the Intelligence Led Policing is impacting the crime rates that we've been tracking, you know, for a long time in Suffolk.

CHIEF BURKE:

In addition, Sir, like last winter, if you recall, we had snow for three months. So there was like a false drop in crime last year, because you had -- because, actually, weather affects crime. This year, also, with this nonexistent winter, weather has an impact on crime. So, if you look at last year's statistics, last year's statistics are -- they're an anomaly, because they're -- because, hey, bad guys don't come out when there's 27 inches of snow on the ground.

LEG. D'AMARO:

Right, right.

CHIEF BURKE:

They leave tracks.

*(*Laughter*)*

LEG. D'AMARO:

Right. Very good. The next area I wanted to ask you about, I appreciate, like my colleagues, that you're being very aggressive with the Department as far as investigating with the landlords and tenants when you have any problem residents, especially in a neighborhood. And I think we've all

felt, representing our various communities, a lot of frustration in that area in the past, because, you know, let's face it, you can know what's happening in a house. The neighbors can come and complain to you, but, you know, people have rights and it has to be done properly. But you were mentioning in your presentation that you would look at things like tax evasion, was the mortgage obtained fraudulently, things like that. And I'm just curious. What type of underlying or predicate acts do you need to take the arm of the law, to take the Police Department to conduct that type of investigation against, let's say, a landlord who has really at that point not committed a crime? How do you not cross lines when you do that?

CHIEF BURKE:

Well, those investigations are conducted in conjunction with the D.A.'s Office, so there's lawyers plugged into those. The D.A. has a Mortgage Fraud Unit, again, that has racked up a tremendous amount of success. All of those documents have to be legally obtained by a subpoena. Again, we, the police, do not request subpoenas. Lawyers vet out whether or not a subpoena can be issued to at least the Grand Jury. And, in addition, as you're probably aware, there's special restrictions placed upon confidentiality of tax records, which, again, the D.A. has a Tax Crime Unit, Crimes Against Revenue Unit that is established to deal with these types of things. They, meaning the Tax Crimes Unit, work in a task force with New York State tax officers. They work closely with IRS. And under the right set of legal conditions, those people, meaning those tax investigators, can get access to information that they cannot share to us -- share with us. But they may take a look at that information, and depending if there's criminality shown or not, release those records and enable an investigation to go forth. But the Police Department on its own, because it's subpoena intensive, we don't get subpoenas ourselves, we have to get them through the lawyers.

LEG. D'AMARO:

Okay. So it might be more appropriate for me to pursue that with the District Attorney's Office, only because I'd like to tell my constituents, or when a neighbor comes to my office to complain about a particular location, that here's what we can do about it, and there is a possibility that Suffolk County, whether it's the D.A. or the Police Department, can start to look into things like code violations, or whether or not there's some kind of fraudulent mortgage, or the other items that you mentioned. But I don't want to give anyone any false hope either, and I'd like to know a little bit more about what would prompt the D.A. or the Department to take that next step and begin an investigation of that type.

CHIEF BURKE:

Well, certainly, when someone comes forth to the Police Department and says, "There's a drug house," we just don't, as you know, kick in the door. We do some preliminary investigations, and in the course of doing preliminary investigations, we develop informants, we get legally available documents. There are documents that are publicly filed. There are investigative methodologies that we can employ that enable us to get to that place. You know, it takes a little -- and that's why we have a Detective that's assigned to deal with problem housing in the county.

LEG. D'AMARO:

So it's an investigation that can kind of build on itself.

CHIEF BURKE:

Yes, that's exactly right.

LEG. D'AMARO:

Starting in the public domain, let's say.

CHIEF BURKE:

Oftentimes, that's how investigations start --

LEG. D'AMARO:

Right, okay.

CHIEF BURKE:

-- with the many, many legally available documents that anybody can access on the internet.

LEG. D'AMARO:

Okay. Well, I appreciate you bringing that up today, because that's an issue that really hits us all in our districts, it's very close to home. And it's nice to know that there's an intense focus on that, it's very helpful.

The next thing I wanted to ask you with the Intelligence Led Policing, now that it's been a few months that you've been implementing these new systems with the trends and patterns, and keeping all of the officers who are patrolling on a daily basis fully up to speed on what you're looking for, is the Intelligence Led Policing methodology hampered by your staffing levels in the Department in any way?

CHIEF BURKE:

Well, we could always --

LEG. D'AMARO:

And I know you can always use more police.

CHIEF BURKE:

Yeah, we could always use more staff. However, here's the reality of things. The reality of things is we're all in it together here, and we have to provide critical services to the citizens of this county, regardless of what the fiscal -- and we're confident that we can do that. Could we use more staff? Are we down people? Yeah, we are. And could we do a better job if we had more people? Certainly, we could. However, it's working. And I think, Legislator, this methodology that we put in place allows us to do things more efficiently. We're focused, and with what resources we have now, we focused those resources and we drive those resources towards the best result. So I think at this time, this is the best thing that could have -- that we could have done, given what happened.

LEG. D'AMARO:

And I appreciate that. It seems like the Intelligence Led Policing method is utilizing the resources that you do have to their highest and best use, which is where we always should be, and that's effective. But, in my role as looking at oversight, one all ties into the other, the crime rate, the methodology being used, the budgetary concerns that comes with that, the staffing levels. And that's why I'm curious, given whenever you are prepared to come back and talk to us about, "Okay, here's the methodology and here's the impact it's had on crime, here's the bang for your buck that you're getting with the police force, and here's how we can do more." And again, that's the big picture that I'd like to put together in my own mind while you're out in the Department fighting crime and doing what you do, and I appreciate that very much.

Last question I had this morning, I wanted to ask you a little bit off topic, but what -- about a precinct itself. Suffolk County has -- what do we have, seven precincts right now?

CHIEF BURKE:

Uh-huh

LEG. D'AMARO:

Seven. Do you find that the demographics or the geographic makeups of those seven precincts are

sufficient? Could they be improved or could they be combined in any way? Any thought on that?

CHIEF BURKE:

Well, and I'd let the Commissioner speak on this, but Nassau County is a very, very different animal than Suffolk County. And what happened in Nassau County, very, very different in that most of Nassau County's -- a lot of their high crime areas are covered by police departments, Hempstead. A lot of their upper income areas are covered by their own police departments. Nassau's sector is very, very small. In Suffolk County, we police this big, big area, in a very, very different way than Nassau County. And I could not see any reduction at all in -- presently in the way that we have our precincts structured. Commissioner, who has had the benefit of being around for 40 years, I'd like him to comment on it.

LEG. D'AMARO:

Sure. Thank you.

ACTING COMMISSIONER WEBBER:

The big thing is that the entire Nassau County Police Department can fit in Brookhaven Town, and we have only two, maybe two-and-a-half precincts in there. So that alone would tell you the size and the complexity of what we cover here as compared to what they do there. There would be no savings. We don't have centralized booking. Each precinct is where we do the processing of the precincts. It would be a tremendous lift. There would be no saving whatsoever, in my mind an expense, to come in and try to reduce the number of precincts to any degree at all.

LEG. D'AMARO:

And putting aside whether that's the right way to go, why would there be no savings if you were to attempt that?

ACTING COMMISSIONER WEBBER:

Because we wouldn't be reducing any of the number of precincts as sector cars. The only thing you would be doing is maybe eliminating one or two of the upper echelon. You still need sergeants, you still need lieutenants, you're still going to have the same geographic area. So there would be no savings other than a handful of individuals. But the problem is then the precincts get so big, you cannot have the interaction with your people that you're dealing, your constituency that are living in the precincts, they're just too diverse.

LEG. D'AMARO:

I see. And so the obvious thought I have is that it's important to a community that I guess, just as a general principle of policing, the smaller the precinct, the more beneficial the precinct is. Is that -- do you agree with that?

ACTING COMMISSIONER WEBBER:

Yes. I mean, you have to be able to reach out and to handle the problems of each of the individual communities within the precinct. The precinct gets too large, you won't be able to do that effectively.

LEG. D'AMARO:

Do you find right now that any of our precincts are too large?

ACTING COMMISSIONER WEBBER:

No. I think we're pretty good at the present time.

LEG. D'AMARO:

We're pretty good. It's working right now? Okay. Well, again, gentlemen, I thank you very much

for all your efforts and the presentation today, and for answering my questions. And, Chief, I look forward to you coming back into the 17th Legislative District for another update. It was fantastic the last time you came in and I appreciate that.

CHIEF BURKE:

Thank you, Sir.

LEG. D'AMARO:

Thank you. Thank you, Chairman.

CHAIRPERSON BROWNING:

Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. Thank you, Commissioner and Chief, for your presentation, it was very informative. It looks -- you know, looks -- early results that are led, the data driven policing is working. You know, my feeling is that, you know, we should lock up the bad guys as long as we can so we don't have to -- we can reduce our recidivism rate. But my -- I also have concerns along the line of -- that Legislator Browning mentioned. I think that you guys can do all that you can do, the D.A. can do all that they can do, but if we don't have the same prioritization, if you will, with our courts in emphasizing, you know, our criminals being locked up for as long as they can -- I mean, I know that there's restrictions with the laws itself and how long someone can be locked up, but when you hear of, you know, Newsday stories of someone with 60 violations and they're being put out on parole -- on probation, and there just seems to be a disconnect with what's going on in the concerns and priorities that we have. So, if there's anything -- I know, you know, we were very supportive of you, obviously. Is there anything else that you need from us that you feel that can assist you in doing your jobs? Or I'm sure you'll let us know if that's not the case presently. Huh?

CHAIRPERSON BROWNING:

More bodies?

LEG. GREGORY:

Right, more bodies. I know that, you know, we're focusing on the data, but I have a concern as well with -- that we maintain focus on community-oriented policing, as far as reaching out to our communities, particularly communities of color where there is an historic distrust of law enforcement, and that I think that distrust can work against you and has worked against you in a sense of, you know, during your investigations and Detective work with the reluctance and resistance of people to come forward. So I encourage you to keep doing that as well and building that trust, because it does work. People contact me all the time and speak fondly of their interactions with our police officers and the COPE officers in the community, and I encourage more of that.

Vehicles are something that -- you know, that's of interest to me. I know there was one incident a few months ago in the First Precinct where four police cars were wiped out in one chase. And I see, you know, the extra vehicles on the road all the time. And I know that we've made a decision to bond for vehicles, but it's my understanding that we can certainly use probably more vehicles than we probably are anticipating bonding for. What's your feeling on that? What's your -- I guess, what's your rationale for bonding that number of vehicles, and do you anticipate an increase in coming months or years for more vehicles?

ACTING COMMISSIONER WEBBER:

Yes, we do have a -- they have changed the -- historically, we deadline cars at 100,000 miles, and recently have increased that to 120. And I believe they are looking to do it at 130 now, they're

extending. We have 121 cars that are over 100,000 miles. It's important to realize that we do about 36,000 a year average on the vehicles. And we lose about 20 to mechanical breakdowns under accidents. So, yes, we're going to need a lot of cars. And that's the way we do business. They run 24 by 7. The odometer is not necessarily the thing to look at, because the cops want to -- it's their office, so they need heat in the winter and they need cool in the summer. They run virtually 24 by 7. So the odometer is not the thing to lack at in police cars. So just saying the artificial 120 is great for my car that I drive back and forth. It's not the type of driving we do, high speed driving. Going over rough terrain ruins the frame and the undercarriage. So, yes, we will need some cars.

LEG. GREGORY:

That's exactly the concern that I have. If we have a vehicle that, you know, has racked up a lot of mileage and you're going 80 miles or, you know, 100 miles an hour down the road, that, at some point, would have to be, you know, at least a safety concern, would it not?

ACTING COMMISSIONER WEBBER:

Yes, definitely. In my opinion, yes.

LEG. GREGORY:

Okay. So is your anticipation that we're going to need more vehicles? So any bonding that we do today, you know, is just a precursor to what's going to be needed in the future?

ACTING COMMISSIONER WEBBER:

That's correct.

LEG. GREGORY:

Okay. Any idea of what we're possibly looking at?

ACTING COMMISSIONER WEBBER:

Well, we were -- we asked for 146 this year in the 2012 budget, and I think there's -- total vehicles that we need, marked units, and I think there's 68 in the bonding issue, and a couple of ATV's for the beach and those type of things. So, yes, we're going to need some more cars.

LEG. GREGORY:

Okay. So I guess what I'm hearing from you is there shouldn't be any attempts to take away funding for vehicles, since we're certainly going to need that funding in the future.

ACTING COMMISSIONER WEBBER:

Definitely.

LEG. GREGORY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

Okay. Legislator Kennedy, you have questions?

LEG. KENNEDY:

Yes. Thank you, Madam Chair. And, Chief, thank you for being here; Commissioner, thank you, too. I appreciate the presentation. As a matter of fact, we've had a lot of personal conversations and it's good for me to see the big picture. And I'm particularly pleased with some of the things that you're talking about in the drug areas. I just wanted to share a couple of comments, I guess, with things that have been -- items that have occurred, I guess, that are -- have been positive incidents in the past in our district, in the 12th Legislative District and a request that they kind of

keep up, and I think they harmonize what you're talking about. I'll just try to rap them off quickly.

Main Street Smithtown. Now, you know perfectly, I guess, what we've had there as far as the high incident of pedestrian fatalities and accidents. State DOT, we figured it, I was on it this morning as a matter of fact, but we also had an excellent police presence last summer in particular, where we had COPE units that did a heavy presence associated with speed control, erratic driving, and things such as that. I mean, we had the distinction of having a kid in a Mercedes doing 90 miles an hour down Main Street overnight, so -- but the good news is it seems that the overall speed has come down, and I think it's a combination of the striping, but also your presence. So it worked well last summer. I'm going to ask that we have that same measure applied again, if we can. And it was not only Main Street, Smithtown, but also speed control on 347 in that corridor as well, because traffic does move quickly there sometimes, and it was very effective and I'm hoping we can do that again.

The other area was Cleary School for the Death right on Smithtown Boulevard. Again, your COPE officers worked hand in glove with Public Works with our striping and the installation of the crosswalk, so that we could protect our crossing guard. And you guys know firsthand the great work that our crossing guards do. But, in this case, because of speed, because of I think lack of demarcation, we had a crossing guard that was actually hit by a motorist.

So, again, I guess what I'm saying to you is, is you collaborated with Public Works. We got in what we needed and I appreciate the effort there. It seems that, again, traffic is finally calming down with the proper signage, with the crosswalk and the ability for your officers now to very aggressively taper motorists who aren't yielding to the crosswalk stuff, so I appreciate it. And I hope that what happens is that winds up on some kind of tickler, if you will, almost -- you know, when motorists see the presence out there, it's real effective, and probably for the next, three, four, five weeks, people have it in the back of their head that there might be an unmarked. But it's like anything else in life, every once in a while you've got to drop and ping it again. So I'm just hoping that those kind of spots -- and I know I had the conversations with Inspector Rhoads all the time. But by and through the work that you do from the top on down, I'm hoping that's appearing in there as a recurring area for activity and concentration.

The NARCAN and the EMT training, you know, I was happy to cosponsor with Legislator Hahn on that. And I will ask you to reiterate, I guess, what you've already made the commitment to, that our officers that are out there in the field now do get brought in for those EMT recerts, and that Dr. Coyne is able to keep up that aggressive schedule, because like you, I agree, we cannot give our officers enough medical training and arm them with the tools that they need, you know, as first responders working in concert with our ambulance corps.

Just two other things. Lieutenant Donohue and I have had a couple of conversations about the manhole covers. I've spoken with our Legislative Counsel. I'm looking at Chapter 721 of our Scrap Metal Dealers Registration Section in our Administrative Code. And I've talked with our Smithtown Highway Superintendent and a couple of the other guys. I'm seeing if whether we can craft some language that would almost give the scrap metal dealers kind of like an affirmative duty to notify, something almost like a mandated reporter, if you will. We're trying to look at -- you know, manhole covers just don't -- you know, it's not swag, it doesn't fall off the back of the truck. Usually, they're coming from somebody who lifted them up and got them in there. So I'm trying to work with them to craft some language that the industry feels comfortable enough to adopt, but, nevertheless, is going to give you guys a little bit of assistance as far as, "Hey, we've got a load here, you guys might want to come down." So I'll work with, you know, Lieutenant Donohue to try to get that so that it's palpable for all and share the draft with you.

And then, finally, with the cars, the only thing that I would say to you is, is that has been something

that I have been on for quite sometime as well. I know your personnel need vehicles that are well maintained and well running vehicles. And if they run up to 130,000 miles, Commissioner, I guess the thing that I would share is, is we need the mechanics to be able to maintain them up to 100,000 miles, then go back to Ford, or wherever we get them from, the warranty. But you go, I guess, over 100,001 and it's our mechanics that are actually maintaining them, I'm pretty sure.

Now, as you know, we have mechanics on the layoff list. So what I would ask for you to, again, just make sure that you're in concert or having a dialogue with Public Works to talk about the Department policy for vehicle use and our ability. That one to me seems to be -- I don't want to say a simple delta, but we should be able to look at the cost for mechanics and their -- what they do in a seven or eight-hour day as far as maintenance goes, and then the cost with vehicle acquisition. We should be able to look at that, and I think the math will show it probably pays for us to have the trained and skilled mechanics to maintain your vehicles so you have the units out there.

That's about it as far as where I have it at this point. Thank you.

CHIEF BURKE:

Thank you.

CHAIRPERSON BROWNING:

Okay. I guess you don't want him to respond. I want to follow up on Legislator Gregory's comments. Funny, I had a meeting in my office yesterday with some North Bellport leaders and the precinct, and Lieutenant Donohue was there, too. Are you still a Lieutenant? Is it Lieutenant? I'm wrong on your -- I always mess up the ranks.

But anyway, one of the issues and when I did a ride along in the North Bellport area last year, we actually pulled up and there was a bunch of kids, it was in the evening, and standing on the side of the street. And we pulled up and we just stopped, and the officer with me was, you know, just said hello. And right away, the kids were, "We didn't do anything," you know, and that bothered me. And I do want to see -- we are working with the Fifth Precinct to try and target more -- the goal of the community leaders is the -- you know, the 13 to 19 year olds to make sure that, you know, these kids don't automatically think that because a police car is pulling up -- and I know that, you know, probably within their family, they've had bad experiences, but wanting to work more on the minority communities and doing the better outreach with the young people in the community.

I know that the COPE Officer that was with us yesterday, you know, I know that there's things that they do do many times, but I do think that maybe that's something we could try to work on a little bit more to try and reach out to these kids and let them see that the police officer is your friend, he's not the enemy, like what we see very often. So do you have anything in mind for working in those types of communities?

CHIEF BURKE:

Yeah. We've actively -- as soon as the Commissioner and I took over, we met with our Guardian society and we met with our Hispanic society. We have a tremendous pool of talented African-American and Hispanic officers in the department. We're broadening our advisory staff to the Commissioner on those things. And we think that probably the best way to bridge the gap between the African-American and Hispanic communities is to showcase our officers who are talented, dedicated, do a great job each and every day, and that is an area -- and again, we run all of those programs through Lieutenant Donohue. So that's part of our big Community Response Bureau effort. But when I tell you, Ms. Browning, the talent pool that we have within this department is outstanding, and they're rightfully role models in those communities.

CHAIRPERSON BROWNING:

Well, the more we can do, the better. And I appreciate Lieutenant Donohue yesterday, because we did come up with some plans for -- especially for the summertime, and I'm hoping that that will get our kids more -- because we talked about Explorers and encouraging them more to get involved in that type of thing.

CHIEF BURKE:

He's not taking off in the summertime, is he?

*(*Laughter*)*

CHAIRPERSON BROWNING:

No, he's not going anywhere.

CHIEF BURKE:

No? Okay, good.

CHAIRPERSON BROWNING:

We're not letting him.

CHIEF BURKE:

No, that's it.

CHAIRPERSON BROWNING:

But with that, no more questions? Okay. Well, I appreciate you taking the time. And so far so good, and keep up the good work. Thank you.

CHIEF BURKE:

Thank you very much. Thank you.

CHAIRPERSON BROWNING:

And I do have another person come in with a card. I know we were going to do the red light cameras. And there was a Mr. Gallagher, I guess, turned in a card. If he would like to wait for the red light cameras, or he's welcome to come up and speak now. Is Mr. Gallagher still here? Well, would you prefer to wait for the red light camera presentation and --

MR. GALLAGHER:

Yeah.

CHAIRPERSON BROWNING:

Okay, we'll do that. Okay. Well, thank you, Mr. Hillman. And Legislator Hahn had previously asked for this presentation, with some concerns, and we have two gentlemen here who has brought this to our attention. So I think what I'd like to do is let you go ahead with your presentation, and if there's any questions afterwards, we'll hold off until then. Thank you.

MR. HILLMAN:

Thank you. I appreciate the opportunity to come out and clarify the yellow clearances on the red light cameras. We will be defining what the yellow clearances are, what took place, and moving forward, how we intend to handle things.

So the Red Light Camera Program, one of the critical operations is, obviously, the clearance periods, and they need to be established in an effective manner. The Manual of Uniform Traffic Control Devices is the manual that we use to set those clearance periods, the yellows and the reds. The

2007 manual said that the yellow change interval should, and obviously that's highlighted, have a duration of approximately three to six seconds. In the manual there's three specific words that we take -- that are critical to us in defining and reading the manual; should, shall and may. A "should" is considered you should consider this. "May" is even a little less enforceable. A "shall" is you shall do that. There's no wiggle room. If it says that -- if the manual says you "shall" do something, you must do it. So in this instance, the word "should" is critical because it's not an enforceable legal law.

The previous MUTCD used language that indicated it -- typical, a yellow clearance display typically has a duration of three to five seconds. Okay? And then 2009, which became effective in 2010, the MUTCD slightly revised their language and it says that the yellow change interval, again, should have a minimum of three to six seconds, but it also added an additional clause that said the new requirement, that the duration of the yellow change interval shall be determined by an engineering practice. Again, "shall" is critical because it must be determined by an engineering practice at that point.

LEG. D'AMARO:

Within the range.

MR. HILLMAN:

No, not within the range. There is no three to six seconds. If you -- if through an engineering practice you determine that the yellow clearance was .1 seconds, then that's acceptable. If you determine that it was 50 seconds, then that's acceptable also. And I'm exaggerating, obviously.

LEG. D'AMARO:

Yeah.

MR. HILLMAN:

So, like any other change in a manual, you can't implement the change immediately. The -- I'll use guide rail as an example. We quite often have changes in guide rail standards. There's millions of miles of guide rail across this country, and every time there's a change in the standard, you don't see everyone going out and ripping out the guide rail and changing it to the new standard. The policy is when you -- when the new standard comes into effect, the next time you touch that facility, you change to the new standard. So, in this instance, when you modify the traffic signal timing, you bring it up to today's standards.

It's also of interest to point out that there's a target compliance date for the -- to modify the traffic signal timings of June, 2017, which is over five years away. Again, in the Department's opinion, traffic signals that have clearances from three to six seconds, even though they are set to a previous MUTCD standard, they are valid. Just because the standard was updated and the regulatory agency did not make a change, that does not invalidate that previous MUTCD, or it does not invalidate the yellow clearance. And I'll leave it up to Legal Counsel to speak on that legally, but it is, again, the Department's opinion that from a legal standpoint, a .1 second yellow clearance or a 50 second yellow clearance is completely legal, and that these new standards are not legally binding with the language that we read.

So what happened in the red light cameras and why are we sitting here today? We instituted the red light cameras and we installed them at all New York State DOT traffic signals. The DOT, similarly to Suffolk County, follows what we -- we use the ITE, Institute of Transportation Engineers regulations on how to set these. All their signals were generally between three and six. We're not aware of any signals that were outside that general limit. Again, not a legal limit, but a general limit. So we instituted the red light cameras, we installed the cameras, and they became operational. We got complaints about yellow clearances and we then evaluated them. We found

that they did not meet the most recent arrested, and we worked with DOT to -- for them to expedite the implementation of the yellow -- the new yellow clearances at these red light camera locations. They had already been -- they have, I think, roughly 1200 traffic signals, so they were in the process of updating their yellow clearances. However, they quickly focused on our red light camera locations to help us out.

And it's interesting to note that there were never any reductions in yellow clearances, and that's typically what people complain about. You know, you're reducing that yellow clearance so you can get more money. We increased every yellow clearance, there was never any reduction, so that's an important point.

Moving forward in the future, Suffolk County will evaluate the yellow clearance period for any future red light camera location. This was a bit of a learning curve for us, it's something that, you know, we didn't foresee, although it is a critical issue. So moving forward, we will be looking at every yellow clearance before a red light camera is implemented.

I would just like to very briefly talk about, you know, what's called pre-yellow warning. There's a lot of discussion out there for people requesting, "Well, there should be a countdown clock telling me, you know, how much time is left," and things should start to flash and buzzers and all that; all those requests cannot be used. The MUTCD, which is our Bible for traffic control devices, specifically says pre-yellow warning intervals such as flashing green signal indications, vehicular countdown displays, or other similar displays, shall, which is binding not be used at signal locations. So that -- those requests cannot be implemented. If this manual is changed, we'd entertain that. And I'll go further and read the next one just to emphasize. The pre-yellow warning had been found by research to increase the frequency of crashes, and that's a critical note. So, if there's data out there at some future point that allows some flexibility, and there's also data that shows that they can be a positive rather than a negative, the Department would consider them, but, right now, everything that's out there, they are not useful.

Another question we've had quite often is how are the yellows calculated. Here's the equation. And, you know, we always get the question, "Well, what about trucks? Are they calculated for trucks?", and, yes, they are. This equation, you have a reaction time, which is T. That reaction time is just a general figure, and it -- but it -- as it says, it's typically one second. If you're in Florida and you're in an older community, you may reduce -- you may increase that. Some traffic engineer down in Florida may say, "Well, I want to increase that to two seconds." So their yellow time may be slightly different than ours. And this is where we get into the engineering practice. This is the engineering practice right here. V is approach speed. Does a particular traffic engineer want to use the posted speed? Do they want to use the 85th percentile speed, the average speed? All those are variables that can be put into it. G is the percent grade. Obviously, that's clear. And A is a deceleration rate. Vehicles, particular vehicles have a deceleration rate. A truck is going to decelerate slower than a passenger car. If you have a high volume of trucks, you may want to increase that deceleration rate. And so that's how all those things would be handled in this equation.

LEG. D'AMARO:

Can I ask you a quick question on that?

MR. HILLMAN:

Certainly.

LEG. D'AMARO:

V is -- it's hard for me to see that -- approach? What is that, approach?

MR. HILLMAN:
Approach speed?

LEG. D'AMARO:
So is the approach speed deemed the speed limit at that location or a braking speed?

MR. HILLMAN:
No, that would be the -- no, it's not a braking speed. The A, deceleration rate, would be like the braking speed. The V that's in this equation is the approach speed of the vehicle, which could -- a traffic engineer would determine what that -- what he wants to use on that. It can be the posted speed limit, it can be the 85th percentile -- typically, it would be the 85th percentile. But, if they don't have that data, they could use other speeds.

LEG. HAHN:
Eighty-fifth percentile of what?

MR. HILLMAN:
Okay, that's an excellent question. An approach speed, if you take the average, that's the 50th percentile. Okay? So 50% of the vehicles are traveling at this speed. Okay? We err on the side of caution by using 85th percentile. That means 85% of vehicles are traveling at that speed or below. If you used a 100%, you'd be up at 90 miles an hour. You know, if you used 50%, you might be down at the actual posted speed limit. So that's why they use the 85th percentile. It gives you a --

LEG. HAHN:
And what time of day, and there's a lot of --

MR. HILLMAN:
There's a lot of variables, yes.

LEG. HAHN:
Variables. What -- so do you use the 85th percentile?

MR. HILLMAN:
Yes, yes.

LEG. HAHN:
Which is a faster speed than average and probably a faster -- is it usually faster than the posted?

MR. HILLMAN:
Yes.

LEG. HAHN:
Okay. So you're using a fairly faster speed than what you're allowed to.

MR. HILLMAN:
Correct.

LEG. HAHN:
For the V.

MR. HILLMAN:

That's correct, yes. Okay, so moving on, just to --

LEG. D'AMARO:

Before you move on.

MR. HILLMAN:

Certainly.

LEG. D'AMARO:

Just to go back to that equation for one moment.

MR. HILLMAN:

Certainly.

LEG. D'AMARO:

I understand -- I'm not going to try to get into the math and all that, but what's in the parentheses are the variables, right, basically that are going to cut down on the V speed, because it's dividing, right?

MR. HILLMAN:

Yes.

LEG. D'AMARO:

Okay. So like I think 2A is deceleration.

MR. HILLMAN:

Correct.

LEG. D'AMARO:

So you're basically taking the reaction time, which is one second, and adding it to some number, right?

MR. HILLMAN:

Correct.

LEG. D'AMARO:

Which is the rest of the equation. Now -- so the wiggle room, if you will, it lies in that V. That -- is that a figure that is site specific, the --

MR. HILLMAN:

Yes.

LEG. D'AMARO:

What was V again? I'm sorry. The approach.

MR. HILLMAN:

The approach speed.

LEG. D'AMARO:

So that is where you do the engineering, you're looking at approach speed. So let's take a red light camera intersection, there's an approach speed that you deem appropriate for that intersection.

MR. HILLMAN:

Well, all the variables will be considered as --

LEG. D'AMARO:

Well, how do you know what the approach speed is?

MR. HILLMAN:

We put out -- actually put out tubes in the roadway.

LEG. D'AMARO:

Okay.

MR. HILLMAN:

If you've driven over them.

LEG. D'AMARO:

Right.

MR. HILLMAN:

And they provide us with -- if you leave them out for a week, you'll get seven days of data on the actual speed of the vehicles.

LEG. D'AMARO:

And then it's some average of that.

MR. HILLMAN:

Correct.

LEG. D'AMARO:

And that's where you got into that 85th percentile?

MR. HILLMAN:

That's correct.

LEG. D'AMARO:

So the higher the percentile that you're using, the faster the approach speed?

MR. HILLMAN:

Yes.

LEG. D'AMARO:

Okay. And that's measured at all different times of the day?

MR. HILLMAN:

Yes. These tubes are left out --

LEG. D'AMARO:

Okay. I just want to understand.

MR. HILLMAN:

Yes.

LEG. D'AMARO:

Okay. I got it. Thanks.

LEG. HAHN:

How many of our cameras, our red light camera intersections, are timed to this formula?

MR. HILLMAN:

All.

LEG. HAHN:

So you've actually done all these measurements, put those strips out to measure the approach speed for all of our red light camera intersections?

MR. HILLMAN:

I don't recall what we used for the V. We -- but ultimately we made a recommendation to New York State DOT and ultimately identified to them that the new equation had not been used on these locations. They calculated them and adjusted them appropriately. So I can't really comment as to what New York State DOT did for the speed. In all likelihood, I would assume that they used the 85th percentile. It is industry standard to use the 85th percentile.

LEG. HAHN:

Is that possible to ask them?

MR. HILLMAN:

Sure.

LEG. HAHN:

Like this equation for each intersection?

MR. HILLMAN:

Well, I can ask what --

LEG. HAHN:

Their V.

MR. HILLMAN:

I wouldn't go intersection by intersection. I would ask a general question, "Did you use the 85th percentile to calculate your clearances?" And I'm sure the answer is going to be yes, but I can certainly ask that question.

LEG. HAHN:

And when that percentile was determined, how long ago was that determined?

MR. HILLMAN:

Well --

MR. DRESCH:

Do you want me to speak on that a second?

MR. HILLMAN:

Sure.

MR. DRESCH:

I just --

LEG. HAHN:

I just would hate for them to be using twenty-year-old data for a roadway, you know.

MR. DRESCH:

Yeah. Well, let me -- if I could just speak about how you determine the 85th percentile or prevailing speed. Contrary to I think the direction of the conversation, the prevailing speeds are not really measured at the peak hour. I think, you know, when we think about the peak hour, we think about congestion, the impacts to traffic and potential accidents. Actually, the most accurate prevailing speed measurement is during off peak, the reason being is it's free flow, it's free flowing traffic.

LEG. D'AMARO:

It's faster.

MR. DRESCH:

What happens during peak hours is that just the sheer congestion, all you need is one vehicle platooning and slowing down drivers behind them who may would actually wish to drive faster. So any statistical analysis on 85th percentile actually uses data that is non-peak data; usually late mornings, early afternoons.

LEG. D'AMARO:

I just want to make one more point, just so -- again, so I understand. So each intersection, then, has -- can have a different red light -- yellow light time.

MR. HILLMAN:

Yes, that's correct.

LEG. D'AMARO:

Well, maybe that's the premise, that's the issue here. I'm not an expert in this, so I'm just thinking out loud, but if I'm a driver and I know -- let's say a light that I go through by my house has a certain -- I'm conditioned to a certain timing of that yellow light, and then I'm 20 miles away and I'm driving through a red-light intersection that has a slightly less yellow light time, because it's intersection specific, that's not my conditioning. So why would you vary the time of the yellow lights?

MR. HILLMAN:

It's an excellent question, and for very -- for safety reasons. And I'm going to give you two scenarios to explain it. If you have a -- if you have an intersection that is flat and one lane in each direction, narrow, you come up to that, you approach that intersection and it's a six-second yellow. You don't need a six-second yellow there. The people who travel the area often will get conditioned to run through that yellow -- the yellow, because they know it's too long. Conversely, you have an intersection that is wide, high speed, and you have a short yellow, you're putting people's lives in danger at that point. So it is critical that you set the yellow to the specific condition of the intersection, because people get conditioned, because they -- the majority of the motorists travel through these intersections on a daily, if not weekly, basis, and get conditioned to it, so -- and they very quickly figure out whether the yellow clearance is set appropriately. So that's the reason why we vary the yellow clearance.

LEG. D'AMARO:

The only response I would have to that, just thinking again through this, is that the yellow -- using

your two examples, though, the six-second yellow on a narrow, flat surface roadway may be appropriate if you anticipate that the vehicle -- there's another variable how fast the cars are traveling, so --

MR. HILLMAN:

Correct. Let me just say that -- go one step further on that, that approach, then, that it's low speed. So, if you -- what I'm saying is they're not all -- all the --

LEG. D'AMARO:

So you look at all the variables of the roadway.

MR. HILLMAN:

Exactly. This equation takes into account all the different variables. And my point is that a motorist will quickly figure out if the yellow clearance is not set appropriately. They're smart, and if the yellow or the red is too long, too short, they'll either continuously drive through it, or they will -- again, we would be putting them in jeopardy of getting into a crash because it's too short.

LEG. D'AMARO:

I have to think about this a little bit. I'm not sure that that really makes sense to me, because if I'm driving, no matter what yellow light I hit, I know that -- and I'm conditioned that it's a certain length, then I would adjust my speed and my driving habits according to that, given the road condition that I'm experiencing, that I'm sensing while I'm in the vehicle. If I -- if taking that example again, with the flat roadway, a slow speed, narrow, if there's a six-second yellow, as long as the other light hasn't turned red, I mean, what -- how is there more of a risk? If you're either stopping at the yellow, obviously, there's no risk there, or if you're driving through it and it's still yellow, that's not a violation of the law and that's still permissible. So I'm not sure that the variation -- I'm not sure that the variation -- I mean, you're saying this is a safety reason why you vary at the various -- at the different intersections.

MR. HILLMAN:

Definitely, without a doubt.

LEG. D'AMARO:

Without a doubt.

MR. HILLMAN:

Now, let me answer your --

LEG. D'AMARO:

Well, what about the motorist, though, that's conditioned for a longer yellow and then goes through an intersection where it's shorter; isn't that motorist then also putting -- isn't that shorter yellow light putting someone at risk based on the driver's conditioning?

MR. HILLMAN:

No.

LEG. D'AMARO:

No?

MR. HILLMAN:

And this goes back to a whole philosophy of yellow clearances. And I'm sure you can relate because when I was in driver ed, I'm sure you were in driver ed probably a very similar time, we were told when you see a yellow, it's telling you get ready to stop. Okay? Also, we were taught that if you

see a green for a long period of time, it's called a stale green, you should expect -- you should expect it to go yellow and red soon, and you should be in -- you should prepare yourself. We, as a -- especially Long Island, have gotten accustomed to thinking that the yellow means speed up at any point, and it is not -- that is not the case. Your view of the yellow or your philosophy of it is promoting that, promoting that yellows are not meant to tell you begin to stop, it's -- you're legally allowed to go through it, you're correct, but it's at a given distance. The yellow is specifically set to identify a vehicle --

LEG. D'AMARO:

Wait a minute. Before you -- I just need to respond to that. It's also, though, based on what's happening behind you. So if you're conditioned for a longer yellow, and it's actually a shorter yellow, okay, and that may -- the shorter yellow may not make you go through it, you may still stop, but it may cause a problem behind you. My only point of this, there's a lot of variables into this, and I know there's probably data that shows that varying the yellows and doing it intersection-specific based on the data promotes safety, I understand that. But just from a practical standpoint or a -- you know, a layman's standpoint, if -- again, I think my own experience has been that because of the variation in the yellow lights, it feels like some of them are shorter, and then when you're going to put a red light camera at that intersection, it's kind of like, "Well, you've been conditioned for a longer yellow, but now we're going to enforce the law with a red light camera against you and make it shorter," and that's the perception of what's happening here.

MR. HILLMAN:

It may be the perception, but it's not the reality. The reality is we've increased yellow lights at every red light camera, every one, we've never decreased.

LEG. D'AMARO:

Who sets that time, the State or the County?

MR. HILLMAN:

New York State. I shouldn't say "we". I should say New York State has increased the yellow times at every location, we've never -- they have never once decreased it. No yellow has been decreased.

LEG. D'AMARO:

Well, but if they made others longer and you're conditioned for the longer one, even though you didn't decrease another one, you're still conditioned for a longer yellow. So I understand that, but okay.

CHAIRPERSON BROWNING:

I believe Legislator Kennedy has a question on this.

LEG. KENNEDY:

Yes, Madam Chair. And I'll -- I'm nowhere near going to be able to pretend to try to decipher that. But you spoke a little bit before about the yellow timed to the incline, decline, or flat plain. And I'll talk to you about two specific intersections right close by here, Motor Parkway and Vets Highway, which is on a decline, and 347 coming into Nicolls Road, both on a decline. And I would assume that your timing takes into account the fact that you are having vehicles approaching with that additional inertia as you hit the light. How does that work into your formula?

MR. HILLMAN:

The small G that you see there is grade, percent grade. So, if that is a -- it says positive for upgrade, negative for downgrade, so it is taken into account.

LEG. KENNEDY:

Okay. Now, when you calculate with grade, and this goes to some of what Legislator D'Amaro was speaking about, if I'm in a Hyundai and I have an 18-wheel sand and gravel hauler behind me, who are you calculating grade for, me or him?

MR. HILLMAN:

That actually goes to deceleration rate, which is the small a. So the grade is just grade, it's not -- the grade -- the grade doesn't change for a small vehicle or a large vehicle.

LEG. KENNEDY:

Okay.

MR. HILLMAN:

What changes is the deceleration rate. So, for example, if a -- if a particular signal is adjacent to an industrial park, a traffic engineer may use a higher deceleration rate because larger vehicles have a higher deceleration rate. There's a typical here. Again, it says "typical ten feet per second." That's a deceleration rate that's typically used. In an area that has more larger vehicles, then you may increase that.

LEG. KENNEDY:

Because you're looking at the actual percentage of vehicles?

MR. HILLMAN:

Correct.

LEG. KENNEDY:

Regular conventional to commercial, and the volume you're going to see that hits a particular intersection?

MR. HILLMAN:

That's correct.

LEG. KENNEDY:

So, is it conceivable that -- you know, by the asphalt plant here, or Motor Parkway coming into that intersection, you've got a lot of commercial traffic coming in and out of that industrial park. Do you go to eight seconds, ten seconds, twelve seconds? How does that factor into the formula?

MR. HILLMAN:

Well, again, deceleration rate. It is conceivable that a traffic engineer, when he's evaluating that particular intersection, looks at his data, which, as you indicated, would -- part of that data would be percentage of larger vehicles.

LEG. KENNEDY:

The mix, okay

MR. HILLMAN:

Yes, the mix. And if the mix is -- leans more heavily to large vehicles, he may say, "Well, I'm going to increase the deceleration rate." And if he does that, the result will be a longer yellow clearance, yes.

LEG. KENNEDY:

Okay. All right. And this process has gone on for all 50 of our red light camera intersections?

MR. HILLMAN:

Yes, that's correct.

LEG. KENNEDY:

Okay. All right.

CHAIRPERSON BROWNING:

Go ahead.

MR. HILLMAN:

Okay. So, just quickly, to summarize, the Department believes there's no legal minimum or maximum to the interval, to the yellow interval. Prior to implementing the red light cameras, all yellow clearances at New York DOT signals operated within the recommended guidelines of three to six seconds. All New York State DOT signals with red light cameras have been updated to meet the most recent ITE recommended guidelines. Again, I want to emphasize no yellow clearance times have been reduced. If they've been changed, they've all been increased. Suffolk DPW in the future will ensure that any red light camera that goes up will be set utilizing the most recent ITE guidelines, so there will be no dispute moving forward and no discrepancy for the public.

CHAIRPERSON BROWNING:

Okay. I have a question for you. You mentioned the MUTC, whatever. One of the things that I notice is, even when you're going down this road here, Vets Highway, it's a very wide road, and I know that it's posted on the right side of the road, you know, that there's traffic enforcement, or whatever the sign says. Too often -- now that road is very wide in portions -- that if you're on the left side of the road, you're never going to see that, especially if there's trucks and all kinds of vehicles. And you had mentioned that you can't post the notice right under the traffic lights; is that correct?

MR. HILLMAN:

Correct.

CHAIRPERSON BROWNING:

Is that the State does not allow you, or is that just something the County's choosing?

MR. HILLMAN:

You're talking about the picture of the red -- of the camera with the signal, notification of a red light camera; is that what you're --

CHAIRPERSON BROWNING:

The notification, the warning sign that's on the right side of the road, letting you know that there's -- you know, the red light camera's ahead.

MR. HILLMAN:

Yep.

CHAIRPERSON BROWNING:

And like I said, the road is sometimes so wide, and with trucks and other types of traffic, you may never see that sign before you approach the light. So why can't you have something directly under the traffic lights saying, you know, whatever it needs to say?

MR. HILLMAN:

Well, I'm not prepared actually to comment on that, it would have to be researched. However, I would say this: There was lengthy discussion as to whether we should even -- the signs are not

required.

CHAIRPERSON BROWNING:

Right.

MR. HILLMAN:

They're actually optional. And there's some discussion as to why notify the public where they are? We don't want to improve traffic safety at 50 intersections, we want to improve traffic safety at all intersections in Suffolk County. So if they don't know where they are, they're going to be encouraged to slow down and drive properly and not run red lights at all intersections.

CHAIRPERSON BROWNING:

But that's a good thing.

MR. HILLMAN:

That is a good thing.

CHAIRPERSON BROWNING:

That it could be posted either at the light or on the side of the road and maybe vary, depending on the road and where people may -- I think just people will maybe be a bit more cautious if they're not sure, because I think that having it on the lights at Vets Highway, where it's so far to the right, you'd never see it.

And I know that there's a lot of discussion over whether this is about making money or public safety. You know, if it's about public safety, then let's post it. Also -- so, as far as the speed's concerned, because -- and I think the timing on the yellow is, to put it simple, is based on the speed limit on that road. And again, a larger vehicle, say like a school bus, you see a lot of school buses coming out of the Hauppauge High School, that school bus is going 45 miles an hour, needs a longer stopping distance than a regular car. So you're basing the time on the larger vehicle and what the stopping time is for that vehicle?

MR. HILLMAN:

Well, New York State DOT would. We did not calculate these. We identified to the State that the -- they didn't meet -- we felt they didn't meet today's standards. They agreed and recalculated them, so -- and their traffic engineers have better data than we did. You know, we made some assumptions in our calculations for speeds, but, you know, a lot of these are on State roads and we don't have all that data. So we pointed it out to the DOT. They went through with their more comprehensive data, plugged that information into this equation and came up with a yellow time.

CHAIRPERSON BROWNING:

I know Lou had mentioned earlier about what's going on behind him. I'll tell you, just yesterday I was on William Floyd Parkway. We don't have red light cameras, and I've had a lot of requests for William Floyd and Montauk, but there was a traffic light. I was approaching the light, there wasn't anybody behind me, there was a car to my left, which was behind, further behind me. The light went yellow, I had enough time to stop. This vehicle definitely speeded up and went through the light and -- but I think one of your concerns is, is what happens if I come up to a red light camera and I have enough time to stop, but I'm looking at the car behind me, who is probably very close, and my concern is, if I stop, he's going to hit me. I go through that light, I'm going to get a ticket.

MR. HILLMAN:

Well, let's not talk ticket, let's talk safety, because that's what the Department feels this program is.

CHAIRPERSON BROWNING:

Well, my concern is, is I'm willing to do -- I'm prepared to do the right thing and stop, but I'm looking at the vehicle behind me who's going to hit me if I do stop.

MR. HILLMAN:

Okay. Now by -- let me flip the coin. By choosing to do the wrong thing, you could get into a right angle accident, which is a much more severe accident and puts life much more in jeopardy than a rear end accident. So I would submit that it may increase rear-end accidents, but the overall -- the overall safety of the intersection has been improved. So again, we're trying to change -- Long Island drivers have a habit of speeding, tailgating and running yellow and red lights, I mean, it's clear to that.

LEG. D'AMARO:

Just Long Island drivers?

LEG. HAHN:

And stop signs.

MR. HILLMAN:

Well, I would say Northeast. I haven't been to the West Coast, but when you drive down South --

LEG. D'AMARO:

It's kind of like universal condemnation of Long Island driving has habits.

*(*Laughter*)*

MR. HILLMAN:

And I would say yes to that, I agree.

LEG. D'AMARO:

And you have the data to support that, I hope, right?

MR. HILLMAN:

Without a doubt. I mean, in general --

CHAIRPERSON BROWNING:

They do drive different in the Midwest, and I don't necessarily think they drive so well.

LEG. D'AMARO:

I thought we had the safest roadways in the nation.

MR. HILLMAN:

We may have the safest roadways, but I don't know about the drivers.

LEG. HAHN:

And it's evidenced by our insurance rates in this area.

LEG. D'AMARO:

Well, no, that's a whole other issue.

MR. HILLMAN:

I would say that although you may -- there is evidence out there that red light cameras can increase rear-end accidents. However, they drastically reduce right-angle accidents, and the right-angle

accidents are the life and safety accident that we need to eliminate. A rear-end accident you, in all likelihood, will not be injured by that.

CHAIRPERSON BROWNING:

I'm not so sure. I have been rear-ended and, believe me, it hurt.

MR. HILLMAN:

They do get hurt, but it hurts a lot more to get hit by a right angle.

CHAIRPERSON BROWNING:

That is true, depending on which side sometimes.

MR. HILLMAN:

Well, your passenger can get hurt.

LEG. HAHN:

Well, your passenger will be.

CHAIRPERSON BROWNING:

But all right. I guess that's something when you come up to the intersection, I mean, you're going to assess it if you know, you know, that when you get to the intersection, you don't see anybody, but no matter. Kara.

LEG. HAHN:

I do want to reiterate what you're saying, because Presiding Officer Lindsay, who I worked for for a number of years as his Communications Director, fought for these red light cameras for years. And he had a constituent, I believe it was a neighbor, whose daughter wound up in a coma because of the T-bone crash. Someone ran a red light and she was in a coma. I -- my roommate in college, her father was in a coma for 15 years before he passed in the coma state from being T-boned, driver running a red light. These are the -- these are the types of crashes that people die. And these cameras, the purpose, the intent of it was to reduce the T-bone crashes. This was a public safety initiative and -- but what, Bill, I think we're concerned about is that very complicated formula. There are a lot of -- you said the traffic engineer could, or the traffic engineer will, you know, or look at X, Y and Z.

I want your assurance that you're going to go -- I need to know that someone here in Suffolk County is reviewing what the State has put in place in their formulas, and that you're feeling secure that they use the right V, and they use the right A, because if it's just some State Traffic Safety guy sitting in Albany, or maybe they're sitting in Hauppauge, but if they don't really know the roads and they don't really know that the industrial development is there, or they don't know that the school -- you know, there's a school or a bus yard nearby, they don't know to have the A go up a couple of points or down, whichever the case may be.

And so this formula is so complex that it really does matter that the person plugging in the numbers is local and is making sure that it's for our road, and that it's appropriate for what's around the area in the community. And so we are getting -- we're getting a lot of push-back, and I just -- I want to assure everybody that we're in this for the public safety and that we're going to make sure that we get this right the more we add, because we are making our intersections safer with these cameras. But we also don't -- you know, the safety of it relies on this formula, getting it right. And so I just want to know that what they're plugging in in these values are appropriate.

MR. HILLMAN:

Well -- and I don't disagree with anything that you said, other than only focusing on the 50

intersections that have red light cameras. What about the other 1150 intersections? Again, this is a safety formula, so we're only focused -- we're only concerned about the 50 locations that have red light cameras. That doesn't -- that doesn't -- you know, New York State --

LEG. HAHN:

Well, it will be 100 soon, but --

MR. HILLMAN:

It will be.

LEG. HAHN:

And whether they're -- well, these are County roads. If -- we have 435 signalized intersections on our County roads?

MR. HILLMAN:

Seven and change.

LEG. HAHN:

Okay. I'm sorry. Yes. No, there's no question that every yellow light interval should be proper, but because we're charging people, you know, ticket fines for going through these, we should start at these, but there's no question they should all be properly timed.

MR. HILLMAN:

Again, which the State has done. And I can assure you that they are calculated locally here from the traffic engineers in Hauppauge, who I'm assuming do not live Upstate, they live locally. You know, we do not have the authority, nor is it the Department's role to oversee New York State DOT. They have well-equipped, smart traffic engineers. That's something that we cannot oversee New York State DOT, it's not our role. And, again, we need to focus on the bigger picture of this is what they do as traffic engineers. There's 1200 -- they are in charge of 1200 traffic signals in both Nassau and Suffolk County. They are doing this on a daily basis, this is what they do. So, you know, I think we need to leave it to the professionals at New York State DOT to make sure that these traffic -- that these are calculated properly.

I don't disagree with your opinion, that they need to have a local knowledge and they need to look at all the different -- and this needs to get right to improve safety. You need to calculate this the correct way to improve safety, I agree 100%. But again, New York State DOT, that's what they do. That's what they're -- they're a traffic engineering group, that's what their role is.

LEG. HAHN:

And so we just want your assurance again that the new ones that if we get new cameras that go in, it will all be updated first before those cameras go in and we won't be putting it in an intersection with old yellow light interval rates.

MR. HILLMAN:

New York State has told us that they have updated all 1200 traffic signals already. However, yes, we can assure you that when we pick a -- choose a future location, we will double check that timing, and if we have any concerns, we will approach DOT and ask them to revisit it and get their concurrence that it's set properly.

MR. DRESCH:

And if I may add one thing. There was -- it's a bit of semantics, but I just want to make sure that it's -- we're not just floating in a different direction.

There was a phrase about making sure that the signals have proper clearance timings. As Bill had in the presentation, it must be kept in mind that the clearance times that were existing before New York State updated them, just because they updated them does not make the old clearance times invalid. They were based on the engineering practices at the time, which, as the Federal Highway Administration's manual on uniform traffic control devices, that's all they needed to do. And they were not obligated to update the clearance times until they decided to take on a program. They're actually five years ahead of the compliance date. It's not until June of 2017. And that's a target date at this point, it's not even hard and fast. So, actually, New York State DOT is five years ahead of schedule.

CHAIRPERSON BROWNING:

One last one.

LEG. D'AMARO:

Yeah, just a quick comment. I just think it's overly complex. Just I want to go back to the signs. You know, the reason why you put the signs up is the more information you give a driver, the better it is; that's a general rule. And you don't want someone not seeing a sign because it's not there, and then seeing the apparatus, which is even closer to the intersection, and reacting to the apparatus, as opposed to having the knowledge. When you go to -- you know, you don't know if you missed a sign. So, if you have a sign there at 50 intersections and you go through Intersection Number 51, you're not really sure if that's one of them, maybe you missed the sign, so I think it's better to have the signs.

But this whole -- this is very interesting to me this morning. I appreciate your presentation. I'm just -- you know, the bottom line here, again, going to driver certainty, it seems to me that this formula is extremely subjective, and I think that's what Legislator Hahn was getting at. The reaction times and everything that plugs into this formula may be quite different than what a person who drives the intersection every day experiences, number one. There's so many variables, subjective variables based on human observation. To me, it seems counterintuitive that the best indication of safety at an intersection may be the driver's certainty of knowing that when you see a yellow light, this is how long you have to stop, and you get conditioned to that overtime.

Now, you're shaking your head no, but I've been driving for 40 years -- well, not 40, less than that -- and I disagree with you completely. I mean, I really think that if I'm driving along, and there are so many variables to driving, whether you're distracted, not distracted, you know, there are so many things that this formula doesn't even account for. And then even the items that it does account for are so subjective and based on human observation, when you're talking about safety, I just -- it just seems to me that you want your driver, the pilot in command of that vehicle, as best equipped as possible, and I think the best thing you can give that driver is the knowledge and the certainty and the predictability of how long a yellow light is going to be. So the statistics may not back that up, I don't know. You know, again, I'm not an expert on this, but just from a practical driving standpoint, it just seems counterintuitive to base it on a formula with those variables.

MR. HILLMAN:

Well, let me just say that this formula has not been, you know, plucked from the air, it's been developed over decades and decades and decades of research by much smarter traffic engineers than I. They are -- you know, they come from MIT, Texas. Texas University has an expansive research program. These -- there are traffic engineers dedicated solely to -- and they spend their whole careers crunching data for this particular formula. And, you know, this is -- again, it's an established nationally recognized formula, established by decades and decades of experience and research and real world data to back it all up. So I think we can agree to disagree, but --

LEG. D'AMARO:

I don't take issue with that, yeah. I just feel that the one thing you're always taught, whether you're -- I happen to fly airplanes. Whether you're driving a car, no matter what you're doing, the safest person driving a vehicle is someone who can anticipate what's going to happen next, and what you're doing by varying these yellow lights is you've taken that away, you've taken that tool away from the driver.

MR. HILLMAN:

But again, let me just -- what number would we choose, four seconds, five second, six seconds?

LEG. D'AMARO:

No, that's not my point. My point is, though, you know, I would leave that up to traffic engineers. But my point is that when you have the consistency, you are now equipping the driver with the knowledge and a better ability to anticipate what's going to happen next.

MR. HILLMAN:

Whatever -- whatever consistent number we choose, there's some intersection somewhere that does not fit. I mean, we pick four seconds, because that's a reasonable --

LEG. D'AMARO:

Look, just like you have variables, I'm not saying it's perfect, but what I'm saying, I think, when you talk about safety, okay, there may be some intersections where you're slightly under-compensating and somewhere you're slightly overcompensating, I'll give you that. What I'm talking about, though, when you're talking about driver safety, I feel that it's better to be able to anticipate what's going to happen next and have that level of certainty as to what's going -- and I think it's not like you're even thinking about it. This is based on really reaction. It's almost involuntary when you're reacting to the light at this -- you know, after you've been driving for a while.

So, you know, I appreciate the fact that this is well thought out and that engineers over decades have put into this formula, and talking about it, and based on statistics, and modeling, and data, and real data, realtime data and all that. But you know what the bottom line is? That's all meaningless to the guy or the person behind the wheel. And I think that certainty and predictability are more important than all the variables you can put into that formula.

MR. DRESCH:

I think you touched on something that's an excellent point in terms of just things happening that, you know, the driver's not even aware of. The analogy I like to use is if we're doing our job on timing a traffic signal, it's like an umpire in a baseball game. You don't want to be noticed. If we're doing our job, we're not noticed. For instance, if you drive home tonight, if you have a passenger with you, if they have a stop watch, if you just take notes of all the yellow clearances you hit on your drive home, whether it's on 347, whether it's on Nicolls Road, whether it's on county roads, town roads, you'll probably run through clearance times that vary from the mid threes to the mid fives. But the key is you don't notice it. But if all of a sudden you come through one and it's below three seconds, which we've acknowledged here is something that should not be done, or it's closer to six seconds on a local road, it's going to stick out like a sore thumb. It's not -- you will know that something is not operating properly. This all happens in the background, and that's where this formula comes from, you know, from the Traffic Research Board from decades of research. So the whole thing is that it's imperceptible, but, like I said, when it's not working properly, it does stick out like a sore thumb. So we look at the culture of each road individually and we make the determination, the proper determination of the appropriate clearance time.

CHAIRPERSON BROWNING:

I just -- you know, I think we're done, right? You know, I can tell you that in Europe, and when I

lived in Germany 30 years ago, they had red light cameras. I think the difference between here and in Europe is that they've always been accepted, the red light cameras, they also have speed cameras. But the difference here and there is the driver training is so much different and it's so much stricter than it is here. You have required amounts of driving time that you're required with the school. You know, the age is different for learning to drive over there. You know, you don't get a license at 17. So, you know, it's -- I think it's something that it's new here, and people will eventually get used to it. But again, it's about the public safety and making sure that our roads are continuing to be safe.

I'd just seen a program, I think it was this morning on the Today Show and they were talking about teenage drivers and now the move to look at, you know, increasing the age for young people to get a license. And I think things need to be done, maybe on the national level or a state level, probably on a national level. But every state you go to, I go to Colorado, my kids live in Colorado. My daughter-in-law is home right now and she said that she's noticing a big difference since she's been back here, and she lives -- she grew up in Hauppauge area. The differences in Colorado, she says, "You know, we drive much slower." And now when she's back here, and she says, "I'm on the L.I.E.," she says, "I'm terrified because of the speed that people are driving." She says it's just -- it's not the same.

And again, in Colorado, you have people from every state under the sun that live there and they all drive different. And it can be a little scary, too. So we don't have a national policy on driving, and it depends on where you live, and I think that makes a big difference on people's driving skills and their habits.

So with that, I appreciate you doing the presentation. I know we do have two speakers on this issue. So you're welcome to sit here or, you know, you can -- you can leave, you'd be welcome to. Thank you.

MR. HILLMAN:

We'll be more than happy to stick around if there's any questions.

CHAIRPERSON BROWNING:

Okay. We have our first speaker, is Thomas Buttarò.

MR. BUTTARÒ:

I'd like to thank you for setting up the presentation today, Legislator Browning and Legislator Hahn -- Legislator Hahn. I'm handing out a pamphlet here, it's -- I got from New York State DOT FOIL request. If, when you get it, you go to Page 2, it gives you timing report pre 2010, before the red lights went into effect. Shortly afterward, March of 2011, the State changed their way they perceive the yellow interval. Page 3 was when they finally got around to changing the interval ten weeks after that. And page four was the final red light interval for the set intersection my wife got the red light summons at.

If I can contradict Mr. Hillman for one second, the time was changed on the summons. My wife went through the light, the summons stated 3.9 seconds, when the previous time was four seconds. So the times actually have been tweaked, whether you're aware of that or not.

The uniform -- Manual on Uniform Traffic Devices leads off with and states the intent of the Manual on Uniform Traffic Control Devices for Streets and Highways 2009 edition is to enhance highway safety and operation by requiring uniform, understandable and effective traffic control devices on facilities open to public travel. Mr. Hillman's presentation, I don't know if he's willing to go back to Page 1 of his presentation on screen. The part of this presentation I have a problem with is all of those dots after three to six seconds. There's actually a sentence-and-a-half that's omitted, and

that sentence makes all the difference to the meaning of the context to the standard. "A yellow change interval should have a minimum duration of three seconds and a maximum duration of six seconds. The longer intervals should be reserved for use on approaches with higher speeds." I believe most of the roadways in New York State that have traffic control devices, the cameras are 55 mile an hour roadways. By tweaking down this number, which I don't know if you can tell, but the numbers on the -- up there have, the numbers have been taken down. It does affect the way people stop and can stop.

Mr. Hillman, if you would go to your velocity equation. I've originally asked if New York State DOT would be present here, because New York State -- New York State DOT and New York State DMV be present. New York State DMV currently teaches, and I've handed out to the Legislature this information before, perception time, reaction time, and brake lag take over three seconds. That is what DMV teaches New York State drivers, and that's how they license New York State drivers. So this information here is in direct contrast with what another State agency teaches the driving public.

Mr. Hillman -- maybe I can ask this to the Board through Mr. Hillman. Where is brake lag for commercial vehicles with air brakes in this equation?

CHAIRPERSON BROWNING:

Yeah, he is not required to answer any questions. I'm sorry. It is a public portion. There can be questions asked of the members here if they would choose to ask, but if you want to continue and finish up.

MR. BUTTARO:

Correct.

CHAIRPERSON BROWNING:

This is the testimony on your behalf.

MR. BUTTARO:

Correct. Thank you. The commercial vehicles take a lot longer to stop than regular cars take to stop. In the equation, as proven by DMV, what they're teaching to the public is an additional time called brake lag. Cars operate with hydraulic brakes. Commercial vehicles operate with air brakes. Air brakes take an additional half a second to initiate the start -- to initiate the braking process. A driver of a commercial vehicle steps on the air brake until the air is actually pumped to the caliper and S-cam, the braking device. That is another half second that's past. The numbers that I've previously given you only allows drivers under these scenarios this equation, .65 of a second to come to a stop from 55 miles an hour to zero, .65 of a second. That is irrational, that is not safe.

I'm not against red light cameras. I'm all for uniformity as to MUTC states. You can pick apart sentences and make it work for you, or you can read the whole thing and use the intent. I suggest that the Legislature looks for the intent. I'm not against the red light cameras, just want uniformity. I'd like to just quickly state one more.

CHAIRPERSON BROWNING:

Your time is up, you need to close up. In actually five minutes we have a committee that's due to start.

MR. BUTTARO:

Just up to ten seconds. In MUTC it states, "To be effective, a traffic control device should meet five basic requirements. A, fulfill a need; B, command attention; C, convey a clear, simple meaning; D, command respect from road users; and E, give adequate time for proper response. Thank you.

CHAIRPERSON BROWNING:

Thank you. And I will make sure that our DPW has a copy of this, our engineers. And I guess when you get an opportunity to -- you got a copy?

MR. DRESCH:

Yes.

CHAIRPERSON BROWNING:

Okay. So when -- I guess, Legislator Hahn, if you would like to respond to her and myself on this issue. Last is Patrick Gallagher.

MR. GALLAGHER:

If this all seems confusing, which it does by a lot of the questions being asked, it's not surprising. It's well-known that these cameras are not the solution. Proper safety -- proper traffic engineering is the solution.

Under the guise of safety, these cameras are being used as nothing more than a revenue instrument. They are being deemed illegal and unconstitutional across the nation. Revenue for the government should not be attached to the activity of a private enterprise. If these cameras were needed for safety, why did we not buy the cameras?

Do we have a clause in our contract, which I haven't seen yet, but do we have a clause in our contract with ATS, as many others, as I've seen others online, that provides a quantity discount for issuing more tickets per month? The more tickets, the less money per ticket ATS receives. This increases ATS's total take from the citizens of Suffolk. This also provides the incentive for Suffolk County to collude with ATS to keep the yellow interval as short as possible. The more tickets issued per month, the less money per ticket is sent to ATS, and the more revenue Suffolk gets to keep.

If you do the research, as I did, you'll find cameras are not the solution to the safety issue, but proper traffic engineering is the solution. Simply make the yellow interval longer. What difference does it make? Nobody loses. Will anybody be upset if they spend an extra second or two at a traffic light? There are many solutions -- situations a driver must consider when approaching a traffic light, such as the grade, weather, traffic conditions, who's bearing down on them, ambulances. Will the driver go -- that's coming from the right go through the red light? What if you're on an uphill grade behind a box truck or a tractor trailer? You can't even see the light. As a side note, why is Centereach surrounded by these cameras? The M.O. -- the M.O. for ATS is the same everywhere. They get a cut of the revenue for free cameras. When the citizens demand that the red light cameras be removed, ATS sues the municipality for breach of contract. There's so many suits you wouldn't believe. There is so much written about this subject online it's mind-boggling.

I think it will end the same way here. Do not get used to this revenue, it will go away. The citizens will rise up against the red light cameras. If you need to raise taxes, do it. The voters will decide if it was the right move. Before considering expanding this experiment to increase the number of cameras, get all the facts. When your Traffic Engineer, Bill Hillman, states to me in front of Newsday, National Public Radio and others, "We can set the yellow interval to one second and it would be legal and enforceable," that may be so, but that's not safe. It's not fair, moral, ethical, and perhaps illegal or nonconstitutional.

Instead of outsourcing law enforcement, perhaps we should outsource traffic engineering. Why would this company need 40 lobbyists deployed in Florida to get the municipality to pass laws in support of their system. How many were here? Thank you.

CHAIRPERSON BROWNING:

Thank you, Mr. Gallagher. Okay. With that, I think we're done. Thank you for your presentation. And like I said, I know that there's been a major request in my district for William Floyd and Montauk Highway, so two County roads intersecting each other. Thank you.

With that, I guess we will move with the agenda. I do apologize, Mr. Sharkey is still here. I'm sorry. Do you have any issues or anything you'd like to comment on.

MR. SHARKEY:

Just the one resolution.

CHAIRPERSON BROWNING:

No? Excellent. And welcome, Mr. Egan. So it seems like a long time since I saw you.

TABLED RESOLUTIONS

Okay. Tabled resolutions: ***1065 - Adopting a Local Law, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman)***. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON BROWNING:

Do I have a second? Legislator D'Amaro. All in favor? Opposed?

LEG. SPENCER:

Opposed.

LEG. GREGORY:

Opposed.

CHAIRPERSON BROWNING:

We have two opposed, Legislator Spencer and Gregory. Abstain? Okay. It is tabled. ***(Vote: Tabled 4-2-0-1/Opposed Legs. Gregory and Spencer/Not Present: Leg. Calarco)***

1233 - A Charter Law to clarify the process for distributing public safety sales tax revenues to municipalities outside the Police District (Schneiderman). Same motion, same second, same vote. ***(Vote: Tabled 4-2-0-1/Opposed Legs. Gregory and Spencer/Not Present: Leg. Calarco)***.

(1362) A Local Law to expand the County's Traffic Control Monitoring System (Presiding Officer). Do I have a motion to approve? Did the -- is that closed?

MR. NOLAN:

It's closed.

LEG. D'AMARO:

I'll offer a motion to approve.

CHAIRPERSON BROWNING:

Motion to approve, Legislator D'Amaro; I'll second that. All in favor? Opposed? Abstentions? It's approved. ***(Vote: Approved 6-0-0-1/Not Present: Leg. Calarco)***

1369 - Appropriating funds in connection with the purchase of heavy-duty equipment for Sheriff's Office (CP 3047) (County Executive).

LEG. D'AMARO:
Motion.

CHAIRPERSON BROWNING:

I'll make a motion to -- oh, motion to approve, Legislator D'Amaro; I'll second that. All in favor? Opposed? Abstentions? It's approved. **(Vote: Approved 6-0-0-1/Not Present: Leg. Calarco)**

H.R. 04 - Requesting the State of New York to amend the Tax Law, in relation to within the County of Suffolk for public safety purposes of sales and compensating use tax (Senate Bill S.2638 and Assembly Bill A.3735) (Schneiderman). I'll make a motion to table. Do I have a second?

LEG. SPENCER:
Second.

CHAIRPERSON BROWNING:

Second, Legislator Spencer. All in favor? Opposed? Abstentions? It is tabled. **(Vote: Approved 5-0-0-2/Not Present: Legs. Calarco and Kennedy)**

INTRODUCTORY RESOLUTIONS

Introductory Resolutions: Declaring May -- **1485 - Declaring May "Motorcycle Safety Awareness Month" in Suffolk County (Calarco).**

LEG. SPENCER:
Motion to approve.

CHAIRPERSON BROWNING:

Motion to approve, Legislator Spencer.

LEG. D'AMARO:
Second.

CHAIRPERSON BROWNING:

Second, Legislator D'Amaro. All in favor? Opposed? Abstentions? It's approved. And I'd like to cosponsor that, please. **(Vote: Approved 5-0-0-2/Not Present: Legs. Calarco and Kennedy).**

1517 (timer sounded). My time's up. One more to go. **1517 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135) (County Executive).** Motion to approve; second, Legislator D'Amaro. All in favor? Approved -- opposed? Abstentions? It's approved. **(Vote: Approved 5-0-0-2/Legs. Calarco and Kennedy).**

With that, we have no more. I'll make a motion to adjourn. Second,

Legislator -- somebody -- D'Amaro. We're adjourned.

*(*THE MEETING WAS ADJOURNED AT 12:30 P.M.)*