

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

Minutes

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, September 6th, 2012 at 9:30 a.m.

Members Present:

Legislator Kate Browning - Chairperson
Legislator Robert Calarco - Vice-Chair
Legislator DuWayne Gregory - Member
Legislator William Spencer - Member
Legislator Kara Hahn - Member
Legislator Lou D'Amaro - Member

Also in Attendance:

Deputy Presiding Officer Wayne Horsley, 14th Legislative District
George Nolan, Counsel to the SC Legislature
Sarah Simpson, Assistant Counsel to the SC Legislature
Alicia Howard, Clerk's Office, SC Legislature
John Ortiz, Budget Review Office
Paul Perillie, Aide to Legislator Gregory
Bobby Knight, Aide to Presiding Officer Lindsay
Debbie Harris, Aide to Legislator Stern
Josh Slaughter, Aide to Legislator Browning
Justin Littell, Aide to Legislator D'Amaro
Ben Zwirn, County Executive's Office
Tom Vaughn, County Executive's Office
Marie Berkoski, County Executive's Office
Gerry Cook, Director, SC Department of Probation
Peter Dykeman, SC Probation Officers Association
Joe Williams, Commissioner, SC Fire, Rescue & Emergency Services
John Jordon, Deputy Commissioner, SC Fire, Rescue & Emergency Services
Dr. Yvonne Milewski, Suffolk County Medical Examiner
Rabbi Steven Moss, Chair, SC Human Rights Commission
Jennifer Blaske, Director, SC Human Rights Commission
Dr. Hafiz Rehman, SC Human Rights Commission Nominee
Bonnie Cannon, SC Human Rights Commission Nominee
Arthur Sanchez, DSPBS
Mike Sharkey, Chief of Staff, SCSO
Mike Franchi, SCSO Deputy Warden
Chris Hatten, Deputy Inspector, SCPD
Lt. Ted Nieves, Suffolk County Police Department
Tracy Pollak, SC Police Department, Headquarters
Chief Richard Stockinger, Suffolk County Fire Academy
Chief Robert Holly, Suffolk County Fire Academy
Jay Egan, Chair, FRES Commission
Anthony LaFerrera, Co-Chair, FRES Commission
Anthony Prudenti, DSPBA
Laura Ahearn, Parents for Megan's Law/CVC

Hank Mulligan
Other Interested Parties

Minutes Taken By:

Lucia Braaten, Court Stenographer

Minutes Transcribed By:

Kim Castiglione, Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 9:44 A.M.)

CHAIRPERSON BROWNING:

Good morning. Apologies, traffic this morning delayed us. So if everyone could please rise for the Pledge of Allegiance, led by Legislator Calarco.

Salutation

And as we're approaching September 11th, if we could please stand for a moment of silence and remember those who lost their lives on that day.

Moment of Silence

Thank you. We have one card, Peter Dykeman.

MR. DYKEMAN:

Good morning. Probation is meant to be proactive. Closely monitoring probationers to effect change and reduce recidivism, to break the cycle, prevent offenders from offending again, and to prevent new victims. That approach to probation work can and will only succeed with an adequate number of Probation Officers. When staffing levels reach their breaking point and there is simply not enough Probation Officers to get it done, proactive becomes reactive. At that point, Probation Officers no longer prevent crimes and prevent new victims, they can only respond to new crimes and new victims.

When I last spoke before this committee on August 16th of this year a point few points were made about Probation Officer staffing levels. In May of 2009, Suffolk County had approximately 288 Probation Officers. Today, nearly three-and-a-half years later, that number is about 256, a net loss of about 32. Second point. Ever increasing numbers of unfunded or underfunded mandates are placing a systemic burden and overload on that diminished workforce. And number three, Legislator Gregory had asked if we had done any projections as to how many Probation Officers would be needed to do our job today. I didn't have any projections available at the time, but was able to qualitatively state from my own experience that caseloads were more manageable and effective supervision more ably accomplished when our Probation Officer staff was near the 300 mark.

I'm going to attempt to tie that all together by now also including some departmental data that I had from my presentation at Legislator Browning's Mayday for Mandates forum in May. In May of 2009, as I said, we had 288 PO's, Probation Officers. In just the years 2009 and 2010, new or expanded programs, initiatives and mandates would be introduced, which would increase the workload demand that would require the equivalent of an additional 18 full-time employees. Again, I do not have any data beyond that for 2011 or this year, 2012, but going from there if we did not lose a single Probation Officer from May of 2009, 288, by 2000 -- by December of 2010, where we would have needed those additional 18 to handle those increases in mandates and programs, we would have needed 306 Probation Officers to maintain that same quality of work. Today we are at 256. Fifty Probation Officers shy, about a 16% deficit of what we would have needed to do our job in December of 2010. Such a shortfall has forced caseloads to go uncovered as a temporary solution or even to be eliminated. With those caseloads -- with those cases divvied up amongst other PO's on top of their existing caseloads.

The 2013 budget season is here, where you will no doubt continue to work with the Executive Branch to provide services to the taxpayer while addressing financial shortfalls and the budget crisis. In doing so, it is imperative to remember that the 16% shortfall of 50 Probation Officers could easily lend itself to a public safety crisis.

CHAIRPERSON BROWNING:

Thank you, Peter. Does anyone have any questions?

LEG. HAHN:

I do.

CHAIRPERSON BROWNING:

Go ahead, Kara.

LEG. HAHN:

It would be helpful if we also knew the number of probationers and their -- and their risk level, the number at each risk level during these times. Like 2009 you said there were 288 PO's and then 2012 there are 256 PO's. It would be helpful if you also included for us the number of probationers.

MR. DYKEMAN:

That may be in the minutes.

LEG. HAHN:

You don't need to tell me now, in the future.

MR. DYKEMAN:

Actually, the Director could probably speak to that much better.

CHAIRMAN BROWNING:

Actually, Kara, Director Cook is here so maybe he can respond to that.

DIRECTOR COOK:

I will.

LEG. HAHN:

Great. I'm looking forward to that.

CHAIRPERSON BROWNING:

Any other questions?

LEG. D'AMARO:

Yes.

CHAIRPERSON BROWNING:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Good morning. It would also be helpful to know how many cases each of your 256 Probation Officers carry today. Do you know that offhand?

MR. DYKEMAN:

Offhand I don't. Of all 256 there are some assigned to presentence investigation, so the actual number of Probation Officers handling supervision caseloads and the average number of cases on those caseloads I don't know, again. Hopefully Director Cook does.

LEG. D'AMARO:

Okay. So there's a hierarchy within the department where you have Probation Officers carrying caseloads and then supervisory, administrative. So if you would breakdown the -- to actual -- the breakdown of how that hierarchy is filled with personnel, and then tell me how many actual case --

Probation Officers you have working on caseloads. I'd like to see the number that each is carrying and then see what the ratio is and compare that with the 256 that you have today, with the 288 you had in 2009 and the 306 you feel that you need, given the mandates that were imposed as well. So, it's just helpful to have that type of data. I'd like to see just exactly how the ratios are affected by the mandate, how they're affected by the lower staffing level that you have between now and 2009.

MR. DYKEMAN:

Yep, very well.

LEG. D'AMARO:

Thank you.

CHAIRPERSON BROWNING:

Anyone else? No? Okay. Thank you, Peter.

MR. DYKEMAN:

Thank you.

CHAIRPERSON BROWNING:

I have no more cards. Is there anyone else who would like to speak? No. Then we will move forward with the presentations. We have Dr. Milewski here today, our Medical Examiner, and we'll be receiving a CN next Thursday's meeting. So I guess you're here to explain what the CN is about. If you want to take a seat here and make it a little easier for yourself.

DR. MILEWSKI:

I'm sorry, I don't know the protocol. Okay. I think I have it right, you can hear me? Good morning, everybody. I'm here to make a short series of comments, a presentation about the necessity of creating a new title, a new position, for a full-time Quality Assurance Manager for the Medical Examiner Crime Laboratory. This is a new position. The title does not exist in the current series of titles within the County.

The Crime Laboratory is scheduled for its accreditation inspection the week of October 22nd. The accrediting body is called ASCLD/LAB. ASCLD/LAB in 2008 transitioned over its accreditation criteria to meet the ISO standards. If anybody knows anything about the ISO standards in industry, they are a much stringent -- a much more stringent set of criteria and they strongly emphasize quality assurance management practices. It's a burden that requires a full-time attention of a skilled, highly experienced scientist in the laboratory. And a great burden is placed on the laboratory in advance of the inspection in October to do a large volume of quality assurance, rigorous assessment, so that work is already being done by a DNA scientist, who is no longer doing DNA. There is no way to undergo the inspection and pass successfully without this tremendous volume of work that needs to be done.

Crime laboratories of our caliber have titles in the state that identify somebody as a quality assurance manager. This is perfectly appropriate and necessary in order to maintain accreditation, and without it the lab could be in a bit of trouble. The Nassau County Inspector General report that was issued that addressed all the problems in the Nassau County lab strongly emphasized the lack of quality assurance practices. So we feel that we don't really want to go the way of that laboratory.

I'm just looking at some notes here. In order to maintain the accredited laboratory we really need this Quality Assurance Manager position. We have somebody doing it in the interim because we could not be assured that we'd be able to pass without the large volume of work that needed to be done in advance. This individual is considering doing the job should everybody support this, but there's also a chance that we may have to hire from the outside as well, because the fact is the DNA

laboratory has stopped doing some of its studies and analyses so that we could get ready for the accreditation, so both needs have to be addressed personnel wise in the near future. If anybody has any questions about what's needed and any clarifications I'd be happy to answer them at this time.

CHAIRPERSON BROWNING:

Okay. I think I might have a couple. I guess the first question is new positions and how are we paying for them. Can you answer that or can our Budget Office answer?

DR. MILEWSKI:

I can answer it. I mean, as soon as the resolution, hopefully, will be passed, there'll be a revision to the 2012 budget. The Budget Office is aware. And, you know, the funds will have to be provided for. I don't know what they'll do to find funds.

CHAIRPERSON BROWNING:

John, are you familiar with this one?

MR. ORTIZ:

(Shook head no)

CHAIRPERSON BROWNING:

You're not. Nobody else from the County Executive's -- oh, Ben. Do you know where we're getting the money to pay for this position? Oh, I'm sorry. I'm just realizing we have a copy in front of us.

LEG. HAHN:

I'm concerned about the deletion. I want to know what they do.

CHAIRPERSON BROWNING:

Okay. I didn't see that.

MR. ZWIRN:

You have to take a look at the fiscal on the bill.

CHAIRPERSON BROWNING:

Yeah. This was buried under my --

MR. ZWIRN:

Okay. I know the Budget Office is aware of it and has provided for it.

CHAIRPERSON BROWNING:

Okay. It says there's the deletion of an Associate Public Health Sanitarian. And I'm wondering how can we afford to lose a Public Health Sanitarian. So --

MR. ZWIRN:

It's a vacant position.

CHAIRPERSON BROWNING:

It is a vacant position. However, does that -- that deletes the position entirely though, which means -- and we're already short Health Sanitarians.

MR. ZWIRN:

That's so that we can do it in 2012, so we can do it this year as the 2013 budget is being prepared. We're only a couple of weeks away from seeing the 2013 budget and this will be provided for in that

budget. So this is just a short-term situation that we're trying to cover.

CHAIRPERSON BROWNING:

Okay. Kara, go ahead.

LEG. HAHN:

This is to John. When we delete a vacant position, I mean, aren't we -- I mean, turnover -- we're talking here like -- what are we talking about in terms of really having money for this? It's just going to come out of some nonexistent surplus?

MR. ORTIZ:

No. When you abolish a vacant position that's not funded for there's no --

LEG. HAHN:

Is the vacant position not funded is what we're saying.

MR. ORTIZ:

Right, and that's turnover savings. If the position is intended to be filled and the funding is included in the Operating Budget, then there's actual savings.

LEG. HAHN:

Right, which we needed. I mean, clearly we need this position. Yeah, there's -- I don't think there's any doubt here. It's just my worry is around getting rid of this Public Health Sanitarian position, what they would have been doing. Is this a restaurant inspector, is this someone who tests water quality? You know, kind of Public Health Sanitarian is sort of a broad --

MR. ZWIRN:

As I said, this is a short-term measure. The 2013 budget is coming out. You'll have an opportunity -- you'll have the final word on the 2013 budget.

LEG. HAHN:

The County Executive will have included this new position and this Public Health Sanitarian in their proposed budget, hopefully, for 2013.

MR. ZWIRN:

I can't tell you that today that that's the case, but if it's not, then you will have the opportunity to correct it.

LEG. HAHN:

Thank you.

CHAIRPERSON BROWNING:

Somehow I don't like that answer. Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. Thank you, Doctor, for coming here today. I'm not sure I heard it correctly. Now, this position is to help the ME's Office maintain accreditation or attain a new accreditation from this agency?

DR. MILEWSKI:

No, it's to maintain accreditation. The accreditation standards have transitioned to a higher -- a higher, more stringent set of accreditation guidelines. We've been grandfathered on the old criteria

for four years and we've recognized that the additional burden of the quality assurance work, which is substantial and required to maintain accreditation, really needs to be done by a full-time professional, and so this position is needed.

LEG. GREGORY:

Okay, because that led to my next question, if we had the accreditation why do we need more personnel if we're already accredited, but you're saying that they increased the standards which requires this quality assurance person.

DR. MILEWSKI:

Yeah. The burden of the quality assurance maintenance, and establishment of practices, and corrective measures, and overseeing staff training and staff individual testing is a full-time position, and is done by full-time Quality Assurance Managers in other accredited. State labs.

LEG. GREGORY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

Dr. Spencer.

LEG. SPENCER:

My question may actually be for the Chair. Are -- we kind of vetted this in Health, too. What's the crossover? Were you invited to Public Safety? I understand the connection between ME and public safety, but you're currently under the Department of Health, and we were actually vetting this process in the Health Committee. What's the switch over?

CHAIRPERSON BROWNING:

No, I was just contacted asked to have Dr. Milewski come. I guess there is a combination between health and public safety in her office, so there is a crossover. So I think it's appropriate to have her at both.

LEG. SPENCER:

I'm fine with that. I serve on both committees. I just wanted to make sure I wasn't missing something.

CHAIRPERSON BROWNING:

You're not missing anything. If you want a double dose, you can have the double dose. Okay. Any other questions? No? Okay. Well, thank you.

DR. MILEWSKI:

Thank you.

CHAIRPERSON BROWNING:

And I guess we'll -- this is coming in the form of a CN on -- on Thursday.

MR. ZWIRN:

Yes.

CHAIRPERSON BROWNING:

On Thursday.

MR. ZWIRN:

On Thursday next week.

CHAIRPERSON BROWNING:

Yeah, I keep forgetting it's on Thursday. Okay. Well, thank you. Okay. We have Director Cook here today, and I know there was some questions at the last meeting I think, I guess, pertaining to the sex offender issue and the use of the company to do the reporting rather than having our Probation Officers, but I guess there's a few more questions that we could be asking of you while you're here. If you'd like to I guess, you know, Peter Dykeman was here, there was a couple of questions asked by Legislator Hahn.

DIRECTOR COOK:

Yes. Good morning.

CHAIRPERSON BROWNING:

If you'd like to even start with her questions, that would be great.

DIRECTOR COOK:

Okay. Let me first say that I agree with what was said at the last meeting, and just now by Probation Officer Dykeman, that staffing the Probation Department is an issue. It was an issue before I arrived here last year, it's an issue now, it'll be an issue as long as the current fiscal crisis continues. I do appreciate the understanding of the members of this committee that, as was stated by the Chair at the last meeting, that supervision by Probation is the most effective, certainly the most cost effective, method of dealing with convicted criminals, And I've devoted my entire adult working life to that premise. It goes without saying that we need the staff to be able to provide that supervision.

The workload of the Suffolk County Probation Department is probably the highest of any single county in the state. Coming here after having been the Probation Director in Nassau County, I was very, very continually impressed with the wide variety of effective programs, staffed and run by the diligent and committed professionals in this department. If you take the boroughs of New York City as single counties, Suffolk County supervises more probationers than any county in the State. Now, the current number that we're currently supervising is 10,210 individuals on probation. I think at the last meeting it was stated to you that we're supervising something like 18,000. That's a figure that I'm tempted to go with, but the true figure is 10,210. And still, it is still the largest amount of any single entity of a county in the State.

Now, on a corresponding date five years ago, we were actually supervising 10,854 people. It was stated to you at the last session, I believe, and possibly alluded to just now, that we're supervising more probationers than ever before. There's actually been a reduction of 6% since 2007. However, 10,000 is still a large number. By way of comparison, Nassau County is supervising 7,200 probationers, and we currently have a staff of 362 people. It was just stated to you that we have 256 Probation Officers. The correct number is 265 sworn Peace Officers. That's exactly, by the way, 100 more Probation Officers than Nassau County has, 100 more. The number of 362 total staff represents a reduction from 436 in 2007 and 403 in 2009. The percentage lost to the department in total has been 17% in the last five years. The greatest number of losses, however, to the department has been the AME staff, the support staff. They've had a reduction of 40% in the last five years. The reduction in sworn Peace Officers has been in actuality 25 people over the last five years, which is a 9% reduction, but, again, we're supervising 6% fewer probationers in that time span.

The average caseload, since that was asked about, the average caseload in a regular non-specialized unit is 84. I believe it was stated to you previously that it was around 100; it's actually 84. By way of comparison, a survey was done by the Council of Probation Administrators, which I'm a member

of, throughout the State. The average caseload of that type throughout the State is 96; our average caseload is 84.

We have 62 officers providing intensive supervision in specialized units devoted to gang members, those with mental health issues, drug and alcohol problems, sex offenders, etcetera, and those who would otherwise be incarcerated. The average caseload in those units is 32. We are, in fact, providing supervision at a level exceeded by no other department in the State that I know of. And as I said before, the diligence and professionalism of the vast majority of the individuals in this department is second to no one in my experience. And I have a lot of experience.

But the problem is, and be advised, that 70 people are eligible for retirement in the next two years. If attention is not paid to staffing levels going forward, then there will be a problem. Every department, every Probation Department in the State, and I'm in frequent communication with all the other Directors, is faced with having to continue services and functions with reduced staff. We all know sitting here that every department in Suffolk County is faced with loss of staff as well.

What I hope here -- that everyone here understands is that unless somebody knows where the proverbial money tree is and can get us an agreement to hire more people, managing the Probation Department requires, as did the people of Suffolk County that we serve, maintaining functioning and preserving community safety as staff is reduced by redeploying, redesigning, restructuring the roles of individuals in the department on a regular basis whenever and wherever possible without affecting public safety. Sometimes the individuals whose roles have been structured a certain way or in a specific office with a specific supervision territory will be unhappy with the redesign, the transfer or the relocation. And since this committee is concerned with public safety, it's certainly within the realm of individual human nature to seek to present a situation to this committee in a way that insinuates, if not states, that public safety is affected by their individual situation.

I'll say the same thing to you now as I said my first appearance before this committee last year. I've spent my entire adult work life in various capacities in Probation, more so than anyone you're likely to meet, and all of these had to do with preserving public safety. I will never, let me repeat that, never preside over a department that's not achieving its goal of public safety. That's my goal.

In point of fact, since I took over as Director last year we revised and expanded the current conditions in Probation to allow for searches of the person's residences and vehicles of all probationers. This was an option that previously was only available for some of the individuals involved with drug charges on probation. Now it's something we can do to all probationers. In contrast to what was said to this committee the last time it met, we've actually been performing more -- far more home searches than ever before. Per the new conditions of Probation we can now test all probationers for substance abuse. Again, previously that was only a fraction of the individuals on probation. We can now order a probationer into drug treatment. It's now a violation of probation to possess a bladed instrument, a weapon, ammunition or simulated firearm, and that had not been the case before.

Prior to last year, we had no system for obtaining DNA from probationers for the State database, which has been responsible for solving many crimes that otherwise would have gone unpunished. We're now the leading county in the State for DNA collection. All probationers must submit a sample for the database.

We're now involved with the District Attorney's Heroin Task Force. We've created a new database to track opiate use. I now have an opinion from the County Attorney's Office that we are -- we are allowed to provide information to other law enforcement entities regarding information that we receive regarding doctors prescribing opiates to our probationers. And this, along with being able to test everyone, should go a long way to combating the drug problem.

At the last meeting, Madam Chairman, you had stated that you had information regarding the fact that we had dissolved the Intensive Narcotics Supervision Unit.

CHAIRPERSON BROWNING:

Right. I received a letter. I was going to ask you that. There's an Intensive Narcotic Unit and what was told to me was two officers have been moved out with no plan to replace them. Can you respond to that?

DIRECTOR COOK:

Well, what happened was the supervisor of that unit retired and we were unable to replace that supervisor, so those individuals were incorporated into another substance abuse prevention unit. We did have to -- because of vacancies elsewhere we did have to redeploy two individuals there into other roles and distribute their cases among other individuals. The caseload of those supervision people carrying those is still in the thirties, okay, it is still -- it's not a public safety concern at this point.

CHAIRPERSON BROWNING:

Hold on a minute.

DIRECTOR COOK:

I spent several years in an Intensive Narcotic Supervisor Unit myself and this is something very close to me, and I would never -- this is something that I would never cast off to the side. Our ability to supervise those individuals is a very important thing to me. But as I said, reassignment, reorganization is something we're just going to have to keep doing unless we're going to be able to hire new people. It's just a fact of life.

CHAIRPERSON BROWNING:

Right. But I guess it's saying that there's four -- this leaves four officers in the unit to supervise the entire Suffolk County area. And that the level of supervision provided by an officer in a level II caseload supervises between 60 to 100 individuals. I guess they're saying there's a maximum of 35 offenders per one officer. Is that -- so now -- you were at six and now you're down to four.

DIRECTOR COOK:

That's correct.

CHAIRPERSON BROWNING:

So that's going to increase the caseload?

DIRECTOR COOK:

Again, the amount of that the individuals -- that remain in that capacity are supervising is still under 40.

CHAIRPERSON BROWNING:

Okay.

DIRECTOR COOK:

And as I said, this is something that's very important to me, and if -- you won't need to hear it from anybody else if we get to -- if we get to a level we're unable to do our jobs.

CHAIRPERSON BROWNING:

Right. And again, you know, I guess the concern is because of, you know, the level of supervision that's required. It's an Intense Narcotic Unit that these are people who have a serious problem, that

you want to make sure that they're staying clean, and God knows your numbers could go up over the next couple of months dramatically. You know, do you have any plans? I mean, out of curiosity, you know, for the 2013 budget, have you made any requests for Probation Officer trainees?

DIRECTOR COOK:

We have not, but I'm anticipating, and I've had this discussion already, there should be enough attrition by next August that there will be enough turnover savings that I've already discussed having a class next August.

CHAIRPERSON BROWNING:

Okay. Next August. That's a ways away.

DIRECTOR COOK:

See, this is something that, again, if you're concerned, you can't be any more concerned than I am about our ability to supervise individuals on probation, particularly the individuals in the specialized units that require more intensive supervision. If that drops below or even approaches a level that we can't do the job, then changes are going to have to be made. I would not be reticent about making that known publicly.

CHAIRPERSON BROWNING:

Yeah. It's just that, you know, when we look at the numbers are dropping and yet, you know, this is something you've inherited obviously, the numbers have dropped dramatically, and what we see is how many people are going to the jail that are not being supervised under probation, what it costs us to house somebody in the jail that could be on probation. It just seems to somewhere we have to be able to take that money that's paying for a jail cell and pay them for Probation Officers. It just seems to make sense.

DIRECTOR COOK:

I had this discussion Tuesday morning with members of the Performance Management Committee. This is something that certainly is a hot topic now with them since I've communicated my concerns about that very thing.

CHAIRPERSON BROWNING:

Right. Well, we will continue to have the conversation on that. There was a few things. I know the sex offender issue and the supervision on the weekends, but I guess if you have the answer right now, that would be great, if you don't, maybe get back to us. But I have a couple of questions. How many registered sex offenders do you currently have on probation?

DIRECTOR COOK:

As far as registered sex offenders I don't have the exact figure, with supervising I believe 383 sex offenders. Some of them are not required to register. But again, anyone who has, and this is something I've also instituted, by the way. There are people on probation for something like say a DWI charge that previously may have had a sex offender charge that prior to this were not being supervised in the Sex Offender Unit. I am having them supervised in the Sex Offender Unit. So if you want a breakdown of SORA level, how many individuals within that unit, that's something I can get for you. I don't have that off the top of my head.

CHAIRPERSON BROWNING:

That would be great. How many probationers who are not registered sex offenders have sex offender conditions and being monitored by the Sex Offender Unit? I guess that would be the second part of that first question.

DIRECTOR COOK:

Something like 383 is the figure.

CHAIRPERSON BROWNING:

How many probationers do you have on GPS?

DIRECTOR COOK:

At the present time there are I believe 40-something individuals on GPS. Of those, 17 are sex offenders and three are domestic violence cases.

CHAIRPERSON BROWNING:

Three domestic violence?

DIRECTOR COOK:

Now, I can speak to the GPS issue, if you'd like. I mean, there have been issues ongoing and certainly you and I have had a conversation in my office back in February about this. And I just want to make the other members of the committee aware of what the reality of the situation is, if I may.

CHAIRPERSON BROWNING:

What I'm hearing from both ends is, okay, you said 40, 15 sex offender, three --

LEG. HAHN:

Seventeen.

CHAIRPERSON BROWNING:

Seventeen?

DIRECTOR COOK:

Seventeen.

CHAIRPERSON BROWNING:

I'm sorry. I thought I heard 15. So that's a total of 20, so what are the other 20? Are they DWI's, what are they?

DIRECTOR COOK:

A variety of things. I mean, if a judge decides that somebody should be confined to their home or that we need to track their whereabouts, you know, those individuals for a period of time are on GPS. But obviously your concern, and mine as well, are the sex offenders and the domestic violence cases of those.

CHAIRPERSON BROWNING:

Okay. And as far as the sex offenders that are on GPS, could I get a breakdown on their levels, I, II or III?

DIRECTOR COOK:

I can't give you that now.

CHAIRPERSON BROWNING:

No.

DIRECTOR COOK:

But I certainly will, sure.

CHAIRPERSON BROWNING:

Absolutely. That would be great. And I think -- I think that's it. Does anyone else have any questions?

LEG. HAHN:

Yes.

CHAIRPERSON BROWNING:

I don't want to take up -- Kara.

LEG. HAHN:

I'm just concerned about all the different numbers we're hearing, because --

DIRECTOR COOK:

Well, see I --

LEG. HAHN:

-- there's a big difference between 10,000 and 18,000.

DIRECTOR COOK:

I have access to the correct figures. On a monthly basis we report to the State how many people we're supervising, the outcomes of certain cases, all this has to be reported to the State on a monthly basis. And we receive an 11% aid from the State towards salaries, so -- they need the current information from us and we do provide it. And if you want correct information, obviously I have more of an ability to supply that than other people do.

LEG. HAHN:

Right. But if you divide 10,210 probationers by what you're telling me is 265 Probation Officers?

DIRECTOR COOK:

I'm saying sworn -- obviously some of those are supervisors, some of those are in administrative roles.

LEG. HAHN:

Okay. So how many of them -- how many of the 265 actually have a caseload?

DIRECTOR COOK:

I would say it would be 200 and -- again, I can get you -- in fact, I do have, but it will take some time, I do have a printout of everyone's caseload and it just will -- if you want, after this session I can give you an exact figure, but I would estimate about 200.

LEG. HAHN:

Okay. The other, you know, you were talking about the specialized units and this Intensive Narcotics Unit is very important. You say it's very important to you. It's very important to us here at this table.

DIRECTOR COOK:

Of course. The current escalation in opiate use obviously is something that requires more attention.

LEG. HAHN:

Yes. You were saying, though, that the average caseload of specialized units was 32, but then when you talked about the dissolving of this Intensive Narcotics Unit you said but it's under 40. Under 40

is very different from 32. There's a big difference between 32 and maybe 39 individuals.

DIRECTOR COOK:

Understood. What's required in situations like this, though, is a continual looking at individuals' caseload. It's, frankly, and this is something I'm a little reluctant to discuss publicly, but I will anyway. It's an individual can drive their caseload up, for whatever reason, by not -- there are certain things that need to be paid attention to in terms of maintaining a caseload, and this is something I personally worked at as a Probation Officer for 20 years. One has to, in order to put the resources of yourself as an individual as required into your caseload, you have to continually maintain that caseload by seeking early discharges for the people that really have achieved maximum benefit from probation and no longer require probation.

If an individual doesn't do that, given the fact that say individuals in a different unit or capacity acquire cases at the same level, if after a period of months somebody has a caseload that's significantly higher than somebody else, that needs to be looked into as to whether or not the person is essentially working on their caseload and applying the resources where required and discharging people as necessary.

LEG. HAHN:

How do you monitor and determine effectiveness? Do you track people, you know, that have been discharged early and then when do they come back to the system? Do you any way monitor that, when people recidivism to --

DIRECTOR COOK:

Yes, we do. This is something actually we're setting up with the Performance Management Team in terms of reporting to the County on a monthly basis the outcomes of our probationers. It's something that hadn't been done before. I did do it in Nassau County and we're going to be doing it here.

LEG. HAHN:

Yes, I'm very interested in -- we really need to track our outcomes. We really need to make sure that what we're -- because these officers are working so hard.

DIRECTOR COOK:

You don't have to tell me that.

LEG. HAHN:

Yeah, I know. I still want to get back to this Intensive Narcotics Unit. You said that they were kind of -- the remaining officers were kind of disbursed to other substance abuse units. How many substance abuse units do you have?

DIRECTOR COOK:

There's -- there is one more.

LEG. HAHN:

There's only one substance abuse unit?

DIRECTOR COOK:

Uh-huh.

LEG. HAHN:

So now what, that staff has doubled because you've added these four officers to --

DIRECTOR COOK:

No, it's not doubled. There were about 12 people in that unit.

LEG. HAHN:

Twelve people in a substance abuse unit.

DIRECTOR COOK:

But it's not -- these are cases that require intensive supervision. Obviously there are -- the estimate that's gone on for the last few years in terms of law enforcement is there -- the estimate is that something like 70% of crimes have some sort of substance abuse component, so there's a vast number. When I first got to this department I looked at the numbers and I -- because I had had several DWI Supervision Units in Nassau County, intensive and then a sort of less than intensive but more than regular type of unit, and this is something that I looked at. It's just that the numbers are staggering. If you're talking about 10,000 people on probation, in Suffolk County 30% of those are DWI cases. That's a lot of cases to be able to segregate out and supervise. So what you have to do is apply the resources intelligently and in a fiscally responsible way and supervise the cases that really require intensive supervision.

LEG. HAHN:

How are you working with the police? Are -- the Commissioner and/or Chief Burke talk about how 90% of the crime are committed by 10% of the individuals, and if we get a handle on those 10% of individuals, you know, are any of these substance abuse offenders, the real criminal element within the substance abuse fenders, wearing about GPS?

DIRECTOR COOK:

If the court sentences them to GPS. We can't just unilaterally impose it. That's an enlargement of the conditions of probation. That's something that has to be imposed by the court. If someone -- if someone violates probation, through the court, we can ask the court if they want to restore them back to probation, if they've adhered to the conditions or whatever brought about their violation. We can ask the court to put them back on probation on GPS and we do do that occasionally. But this is something for the judiciary to do.

LEG. HAHN:

Are your 12 substance abuse officer -- unit officers carrying Narcan?

DIRECTOR COOK:

I'm sorry?

LEG. HAHN:

Are the 12 substance abuse Probation Officers in the substance abuse unit carrying Narcan?

DIRECTOR COOK:

I don't know.

CHAIRPERSON BROWNING:

I think Peter's looking at me with a -- are you familiar with that, Peter? Besides being with the union, he's a Probation Officer.

MR. DYKEMAN:

About the Narcan, I don't believe that anyone is, but again, Director Cook would probably know more about that. I don't want to jump in, but I've been texting Don in the meantime just to verify some of what we've heard, so if you want to let Director Cook continue and then --

CHAIRPERSON BROWNING:

Sure. I think I'd like the Director to finish and then we can bring you up if you have anything you'd like to add. Sorry about that. Go ahead.

LEG. HAHN:

I just -- our Police Officers now carry -- part of a pilot project to carry Narcan, which is an opiate overdose antidote, and it just seems to me that it would be a no-brainer for those in the substance abuse unit. If it is at all possible we should be considering that.

DIRECTOR COOK:

I did have a conversation about that about two weeks ago with somebody, and someone actually has proposed that, and this is going to be something that through Judge Fitzgibbon there's going to be discussion with the judiciary about the possibility of employing that with us.

LEG. HAHN:

Okay. And on the sex offender -- 383 -- we're supervising 383 sex offenders and only 17 of them are on the GPS?

DIRECTOR COOK:

Correct.

LEG. HAHN:

Are they -- are the 17 on the GPS, I mean, Kate asked about their level, but I would imagine that these would be the most -- the highest priority offenders that would get a GPS.

DIRECTOR COOK:

It wouldn't necessarily coordinate with what their SORA level is. I mean, that would be more coordinated to what the original crime that they were convicted of. But there might be a situation with somebody who was convicted of an endangering charge, which is not a higher SORA reporting level, but there is a victim that they need to stay away from. So it doesn't necessarily correlate.

LEG. HAHN:

Are the about GPS monitored 24/7 for these 17 sex offenders?

DIRECTOR COOK:

They are. And if I could speak to that. I mean, there's been some -- a lot of discussion in the last several months about the about GPS monitoring and I'd just like -- would like to present a little bit about what's currently being done and set the record straight if I may.

LEG. HAHN:

Okay. I'll yield for now and let him go on with his presentation.

CHAIRPERSON BROWNING:

Yeah, that was a question. I know there's a couple of more questions but there was that issue of the Probation Officers who do the nights and weekends, and that is looking -- I don't know if it's changed yet or, you know, are you doing the weekends still with the Probation Officers?

DIRECTOR COOK:

Yes. Again, if I -- I would like to be able to present to you what it is that we're doing and then field questions about that afterwards.

CHAIRPERSON BROWNING:

Okay. I believe Legislator Calarco, did you have a question? I thought you said you had one.

LEG. CALARCO:

I do.

CHAIRPERSON BROWNING:

Let them get to their questions and we'll get back to that one.

LEG. CALARCO:

Thank you. And thank you for coming today, Director Cook. I just had a quick question. We kind of were touching on this. I know you were talking a little bit with the GPS Unit. We have 40 individuals who are monitored on GPS currently?

DIRECTOR COOK:

In the 40's.

LEG. CALARCO:

In the 40's. And traditionally we always had 9, 10, 11 people in that unit that did the 24 hour, seven days a week monitoring of those individuals; correct?

DIRECTOR COOK:

Correct.

LEG. CALARCO:

And what was the cost to the County in terms of overtime in order to keep up that monitoring? Because I'm sure that's probably driven some of the decisions that have been made.

DIRECTOR COOK:

That's correct. In 2009 the figure was \$192,000 among nine individuals. In 2010 it was \$187,000. Some individuals whose salary was say 70,000 were earning an additional 40,000 in overtime.

LEG. CALARCO:

And that was because we only had nine individuals in the unit so we always had to cover a shift? Is that basically what we were looking at?

DIRECTOR COOK:

Basically yes, but there are other concerns with that particular, you know, set up that concern me more than the overtime. Obviously in this day and age and this fiscal climate overtime is a huge issue. But there were issues, frankly, about the true reality of whether or not we were providing 24/7 coverage.

LEG. CALARCO:

But we also always had a -- authorized up to 11 positions in that unit; correct? Did we just never fill all 11?

DIRECTOR COOK:

That's correct.

LEG. CALARCO:

So if we had the other two people would the overtime costs then be so exorbitant?

DIRECTOR COOK:

I can't say that they would have. I mean, it's reasonable to assume that, but the things that drive overtime are officer absence, holidays, things like that, and also how many times one has to go out

and do something. And you can't say that an additional two officers would have driven it down. The overtime might have been exactly the same or even higher.

LEG. CALARCO:

And I think the theory that was always there was that you were always going to have an officer monitoring the system and another officer who was capable of responding should an incident occur. Was that what was happening?

DIRECTOR COOK:

That was not what was happening.

LEG. CALARCO:

What was happening?

DIRECTOR COOK:

And this was, again, a huge loophole. You and I discussed this back in June in your office. This was a huge loophole in that system that I would not have until now, since we've changed it, discussed in public. But the way that system was set up was if say at 2 a.m. an officer had to go to someone's house to respond to an alert or situation that they had to respond to, no one was minding the store at the time. No one was looking at the screen while the officer was driving. No one would have been looking at the screen while the officer was taking care of that individual situation. That would be a recipe for disaster, and it's not just overtime that made me want to change this particular system.

What we have now is that -- this is not a new company that we've acquired and brought in from the moon. These are -- this is the vendor that's providing the signal to us. The signal from the bracelet goes to the vendor and then it comes to us. If at that point the vendor weeds out the technical glitches and doesn't have a high salaried Probation Officer have to respond to whether or not the individual walked behind the boiler in his basement and cut off the signal, we don't have to deal with those situations. The way the situation is set up now that they will contact us if it's something real that necessitates our response. And they will -- then we will then deploy a Probation Officer to take care of the situation. And while we're doing that, they're still monitoring the signal. Previously we weren't doing that at all.

LEG. CALARCO:

How do they determine a real situation versus a false situation?

DIRECTOR COOK:

If someone can contact the -- for instance, the vendors. Say there's a break in the signal. The vendor now will contact the house and the person will be instructed to do this or do that technical thing, and then they will be satisfied that it's only a technical glitch. If they can't do that, they then contact us and we deploy people. We've been doing this now for the last month. The supervisor of the unit assures me that there have been absolutely no problems. There were nothing other than technical problems. And if it's a situation where say the bracelet broke or something like that, we have sent people out and they have responded to the situation. To have people continuously watching a screen 24/7 at a Probation Officer's salary was not fiscally responsible, and it didn't provide what it is that it was supposed to provide anyway, which is a net of 24/7 coverage.

LEG. CALARCO:

So the company will 24/7 contact an individual if they lose signal for some reason.

DIRECTOR COOK:

We're only talking about now -- we have officers available from six a.m. to 11 p.m. It's only those other hours that the company will be looking at the situation and contacting us if it's required that a

Probation Officer respond.

LEG. CALARCO:

And if it's required that a Probation Officer responds, how does that work if you don't have anybody in the unit on call that night?

DIRECTOR COOK:

Well, we do have people on call. We always have an on call supervisor.

LEG. CALARCO:

I guess I have -- the better way of putting it is you don't have anybody on staff that night, so you have to have somebody who you can call in.

DIRECTOR COOK:

That's correct, but we have --

LEG. CALARCO:

And you call them in from home?

DIRECTOR COOK:

We always have an on call supervisor who will then field the call, we're set up to do that, and they'll contact the Probation Officer.

LEG. CALARCO:

So the on call supervisor, that's a provision that's already allotted for, to have a supervisor who's always 24/7 on call should something come up.

DIRECTOR COOK:

That's correct, that's correct.

LEG. CALARCO:

And then if the supervisor determines that there's a need to send somebody out, we call somebody in from home to send them to that response?

DIRECTOR COOK:

That's correct.

LEG. CALARCO:

Is there a provision for those Probation Officers to do that? I mean, is there a -- we were talking about this, a standby provision?

DIRECTOR COOK:

We have discussed this. As you know, there's nothing in the current agreement with the union requiring standby pay, being on call.

LEG. CALARCO:

How many Probation Officers are in this unit that would be called in should something happen? Who would be potentially called in?

DIRECTOR COOK:

There are five, there are five. What I'm doing -- what I'm looking at doing once we get this thing -- we've had this in place for a month, and as I've said, there have been no problems.

LEG. CALARCO:

How do you ensure -- I mean, you only talk about five people. How do you ensure that you won't run into a situation where all five of those people are not in a position to be capable of responding in a professional manner?

DIRECTOR COOK:

Understood. One of the other flaws in this system is we had -- we have the separate Sex Offense Unit of ten people, and then we had a GPS Unit of nine people. If a GPS officer previously had to respond to a situation involving a sex offender, it was a very low probability that he would recognize the person at all, since he was not the one supervising the person. What I'm looking at is expanding the pool of people that are responding to these situations to the people who are actually supervising the person and know the house, and know the wife, the dog, the whatever, know the situation and have the ability to know who the person is.

LEG. CALARCO:

We went through something very similar to this a few years back with the Detectives and standby pay and in making sure we can ensure that we had individuals who were capable of responding, and in return those individuals are basically compensated to be able to make sure that they are available should something happen at two in the morning. And if we rely upon just five individuals, hopefully none of them being on vacation, being at a party, being up all night and not being able to respond, you know, just being too tired, whatever the case may be, I think we're putting ourselves in a tricky spot there.

DIRECTOR COOK:

I understand, but I just said --

LEG. CALARCO:

And, you know, until we resolve that contractually with the union --

DIRECTOR COOK:

Understood.

LEG. CALARCO:

I think that we're taking some chances that we may not want to take.

DIRECTOR COOK:

I understand, and I don't take chances. As I said, I am looking at expanding the pool of people who respond to this.

LEG. CALARCO:

Okay. Thank you.

DIRECTOR COOK:

Thank you.

CHAIRPERSON BROWNING:

Legislator Gregory, you had a question? I think maybe we kind of answered that, your presentation was kind of -- your presentation answered. Go ahead.

LEG. GREGORY:

Thank you. I had a question about an article that was in the paper the other day about a creative program I think that New York City is doing, with bonding for human services type activities and

Commissioner Blass, as well as Commissioner for DSS in Nassau were quoted. And the way it works is that the -- there will be a bond that would be floated for not-for-profit agencies, and it was kind of -- I didn't understand it in the sense -- because it really talked about crime reduction, which Department of Social Services is not necessarily their primary mission. I felt more appropriate it would be for Probation, that's why I'm bringing it up, to see if you read that article where it talked about, you know, say a ten million dollar bond that would be for not-for-profit organizations to reduce crime, and from the savings that the County would be -- would realize, those savings would go up to pay the bond. Obviously they would have to be, you know, metrics in there, you could see where there's actually reductions and things like that to keep track of it. So I'm curious as to one, if you read the article, two, if you know anything about it, and three, what's your opinion or feelings about this?

DIRECTOR COOK:

I'm not familiar with the article. I do talk to Commissioner Imhof in Nassau County on a regular basis, he's a friend of mine. I did talk to Commissioner Blass yesterday about a number of issues. In terms of not-for-profit agencies, I mean, the Suffolk County Probation Department I think has 84 separate contracts with different agencies and individuals. We're certainly very familiar with having people on probation receive therapeutic services from a number of agencies. This is obviously -- this is -- probation is not just a gotcha type of thing. We're not out there to, you know, to ferret out what it is that someone's done. The credo is actually to put people in different situations and to alleviate crime through rehabilitation.

LEG. GREGORY:

Right. That's exactly why I'm bringing it up to you, because I could see a better fit where you contact one of your not-for-profit agencies that you deal with to address some of the needs and services of your probationers so that they -- to reduce recidivism, you know.

DIRECTOR COOK:

Yeah, well, I mean, this is something that we do, as I said, on a regular basis anyway. I'll talk to both Commissioners and see if there's something that we can derive.

LEG. GREGORY:

Okay. Thank you.

DIRECTOR COOK:

Okay.

CHAIRPERSON BROWNING:

I have one and I believe Legislator Hahn has another question. I know when I talked about the sex offenders you have the levels I's, II's and III's, but you also have different levels of supervision.

DIRECTOR COOK:

Yes.

CHAIRMAN BROWNING:

So I would like to see also of those sex offenders that are being supervised, what their level of supervision is.

DIRECTOR COOK:

They're supervised at an intensive level. I mean, if they -- there's a -- since I've gotten to this department we've gone to the State system of classification and risk assessment of the individuals on probation. Previously we at Suffolk County had not done that in supervision of sex offenders as well as all the other people that require specialized supervision. The level that they essentially grade

out at is irrelevant. They're all supervised at the intensive level.

CHAIRPERSON BROWNING:

What does intensive level mean? I mean, once a month, once a week.

DIRECTOR COOK:

That means once a week.

CHAIRPERSON BROWNING:

Once a week?

DIRECTOR COOK:

Yes.

CHAIRPERSON BROWNING:

Okay. Kara?

LEG. HAHN:

Just a couple of quick, hopefully easy questions. What's the maximum number of sex offenders you've had on GPS?

DIRECTOR COOK:

The maximum is probably about 18.

LEG. HAHN:

Is that in any way limited by budget?

DIRECTOR COOK:

No, it's limited by whether or not the court imposes GPS.

LEG. HAHN:

So what's the criteria you use when you request GPS for an offender as a condition of probation.

DIRECTOR COOK:

Usually it's when there's a specific victim or something or some area that they need to stay away from. But again, it's something imposed by the court. But if we request it, it's because there's a situation where an individual -- we need to track that individual's movements and make sure.

LEG. HAHN:

We absolutely do when there's a specific victim, but don't -- in what you know about sex offenders, I mean, don't they often have multiple victims or is it only -- they're only after one person.

DIRECTOR COOK:

It depends upon the situation. From what I know, I mean, if you're asking me sort of anecdotally, obviously what happens is that there may be a victim and in the course of supervising an individual it may come to light that there are other -- have been other victims. We do administer polygraphs to the sex offenders on probation.

LEG. HAHN:

Right. So --

DIRECTOR COOK:

And certain facts are uncovered in the course of their supervision.

LEG. HAHN:

So it's not just when someone has a specific victim who you're afraid they could re-offend against that's local. There may be cases when someone will require a GPS for others reasons. Isn't it more about their --

DIRECTOR COOK:

If that's the case, then we would seek to have the court impose a GPS condition by going back to the court and having the conditions of probation modified to include GPS.

LEG. HAHN:

And has that happened?

DIRECTOR COOK:

Sure.

LEG. HAHN:

Have you asked for that to be --

DIRECTOR COOK:

Yes, that does happen.

LEG. HAHN:

How often do you ask for GPS and it's not granted?

DIRECTOR COOK:

To my knowledge, not being the supervisor of that particular unit, I would think that that would be a rare thing. Obviously if you're asking for that there would be a reason why you're asking it, and I think in this day and age it would be difficult for a court to refuse that. But again, this is a judicial issue and not a Probation one.

LEG. HAHN:

Seventeen out of 383 just seems an awful low number to me. So I want to -- I kind of want to know more about why only 17 out of 383 sex offenders are requested -- that you request for them to have GPS monitoring.

DIRECTOR COOK:

Okay. Well, I mean, in general, again, I can't speak to every individual sex offender on -- who is placed on probation, but as I said before, I mean, there are different -- within the 383 there are different SORA level requirements. There are individuals who are not required to report at all under the Sex Offender Registration Act. There may be -- within the Sex Offender Unit there may be a significant amount of individuals that it's a situation where someone was 20-something and his girlfriend was 16. There are situations like that that don't necessarily require an GPS.

LEG. HAHN:

Okay. And so in the information that you're going to get back to us, you're going to let us know out of the 383 sex offenders, how many are highest level supervision required.

DIRECTOR COOK:

Sure.

LEG. HAHN:

And if there are any that we requested GPS monitoring and didn't get it. I just want to switch back -- we kind of went back and forth. We mentioned the ATI's, alternatives to incarceration. Have we

had an analysis done of the agencies that -- the contract agencies that we work with to provide alternatives to incarceration and their success rate?

DIRECTOR COOK:

In general -- if you're talking about a specific study, studies like this are done through the CJCC all the time. And if there's something --

LEG. HAHN:

Has the CJCC done a study of our alternatives because, you know, we're paying contract agencies for alternatives to incarceration. We really need to be sure that we're monitoring at a very sophisticated level the success of these programs, because we, you know, we want to -- we're investing so that we're saving money on the jail end.

DIRECTOR COOK:

Yeah, no, I understand what you're saying. I mean, I don't think there has been a broad study like that done. If it has been done, it's been done a while ago.

LEG. HAHN:

I think we probably need to update that.

DIRECTOR COOK:

I will look into getting that instituted.

LEG. HAHN:

Okay. I think, George, we should talk and this committee should talk about making sure that we're monitoring our -- the organizations that are providing our alternatives to incarceration. Thank you.

CHAIRPERSON BROWNING:

Kara, the social worker's coming out on you. And I think that probably is a good idea to look at doing an analysis of the contract agencies and maybe that's something that we could work with Stony Brook, with the School of Social Welfare, to look at the programs. And, clearly, if we're giving them money we'd like to make sure that they're using it appropriately.

DIRECTOR COOK:

I mean, this is something that -- I presume you'll be attending the next CJCC meeting --

CHAIRPERSON BROWNING:

Yes, I will.

DIRECTOR COOK:

-- in a couple of weeks and this is something we can bring up at the meeting.

CHAIRPERSON BROWNING:

Do you remember what the date is on the next one?

DIRECTOR COOK:

If the 19th is a -- well, I think it's something like that.

CHAIRPERSON BROWNING:

I'll get it to you. I'll get it to you. Did you want to continue on the GPS monitoring?

DIRECTOR COOK:

No, I think everything I was going to say has been said already.

CHAIRMAN BROWNING:

Okay.

DIRECTOR COOK:

Other than -- other than we have recently had a loss of nine people. Not sworn Probation Officers, but from the AME component of our department, the support staff. The support staff's been reduced by 40% in the last five years. If we're talking about a fiscal situation in this County, as well as every other county I know of, where we're actually going to have to lay off, lay off human beings with families and expenses and lives, to me, to continue to discuss and promote a situation that as with the GPS, that requires a significant amount of overtime and it may not be as effective as it was cracked up to be, if there's a situation where we're actually laying off human beings, I don't know that -- how anyone in good conscience could not look at and study and seek to refine a situation like that.

CHAIRPERSON BROWNING:

No. You know, I do believe that we need more Probation Officers. I've always said that, and I think, you know, I've talked to the County Executive's Office and looking at the Performance Management Team, having them, you know, taking a look at what can be done, how can we restructure things to make Probation more efficient.

DIRECTOR COOK:

We meet with them every Tuesday morning for about two hours and we're going over a lot of different things, and I'm expecting a lot of positive things to come of this.

CHAIRPERSON BROWNING:

Good, good. And then maybe we'll find some money to hire some more officers. Go ahead, Kara.

LEG. HAHN:

Just one quick. Is Probation utilizing computer monitoring software to monitor sex offender's computers?

DIRECTOR COOK:

Yes, sure.

LEG. HAHN:

How often does that happen, do you know?

DIRECTOR COOK:

It happens continually.

LEG. HAHN?

Is it for all 383?

DIRECTOR COOK:

Yes.

LEG. HAHN:

Yes, for all 383.

DIRECTOR COOK:

We've contract with an -- well, I mean, the person has to have a computer. But we've contracted with a company that does remote computer monitoring. I mean, obviously, and there's a situation in the headlines today where we -- a diligent Probation Officer in the department doing his job sees

the cell phone and the computer of an individual, gave it to the police for a forensic examination. It was found that there was disturbing material.

LEG. HAHN:

I saw that.

DIRECTOR COOK:

And he's being prosecuted. I mean, I don't want to speak to the specifics of this individual case, but this is something that we do continually.

LEG. HAHN:

Great. Thank you.

DIRECTOR COOK:

Thank you.

CHAIRPERSON BROWNING:

Okay. No more questions I'm assuming. With that, what I will do is I'll have my Aide send you -- resend you some of the questions that I had asked you so that we can give you an opportunity to respond to them. And if you just send them to all the members of the committee that would be great.

DIRECTOR COOK:

Okay. Thank you.

CHAIRPERSON BROWNING:

Okay. Thank you. Peter, did you have something that you wanted to add?

MR. DYKEMAN:

Yes. As I mentioned at the last -- last month's meeting, the numbers that I get do come from Don Grauer, so the discrepancy even in the number of sworn officers, the nine or ten, I text him while I was sitting there, and he says it's 255 or 256. He gets Audit and Control payroll records, I would imagine either biweekly or monthly because union dues come out of, you know, the rolls and whatnot. So he says he's able and willing to fax those over to you, actual Audit and Control payroll records to reflect 255 or 256. Other than that, I can't explain where the discrepancy may come from.

DIRECTOR COOK:

All right. Well, just let me say before I go my information is 265. I've checked it several times. I don't know if there's a situation that may involve dyslexia between 256 and 265, but my information is 265.

CHAIRPERSON BROWNING:

Okay. Well, we'll get that cleared up, because obviously how many are on the payroll. So, we'll get that. Thank you, Director Cook, thank you for coming and answering all our questions.

DIRECTOR COOK:

Thank you.

CHAIRPERSON BROWNING:

Peter, did you have something else you wanted to add? I'm sorry.

MR. DYKEMAN:

I just had a few other things. As far as the, I guess the other discrepancy, too, between the 10,000 or 18,000 or whatnot, perhaps what came out as far as 18,000, and what Director Cook is saying about 10,000, that 10,000 may be actual supervision, and perhaps -- maybe if I used the word supervision in the past that may not have been the best word. But I believe that number, I believe the number of actual bodies assigned to Probation in some capacity, whether they are to be investigated, have been investigated or in any other number, I believe I looked last night, and it was around 15,000. In our computer software that we use every day, there's a specific screen you can go into, pull every caseload, including the investigation caseloads, Family Court, things of that nature, and it lists number of offender per, and at the bottom there's a sum total. And that was, I believe, over 15,000. The number 18,000 may be coming from the multiple dockets that may be had by certain -- certain probationers. So out, you know, the 15,000 a few here and there have, you know, two or three dockets under their name. Maybe that's why we're getting up to the number 18.

But I believe the number of -- the hard number of offenders that at least I saw yesterday was in the area of 15,000. And again, that could still include people who need to be assigned, who aren't even on a caseload yet but are sitting in court, their file is sitting in a file room. I think that number alone was about 2,000. I think there's well over 1,000 in warrant status. They're not being supervised, but they're out there running around somewhere and we've got to go track them down. So, again, I believe that number was around 15,000.

I think that's all I really have for now. I mean, there was some other things, but before I would say them into the microphone I would probably want to just verify them a little more, because other than anecdotally I can't really go into them.

One other anecdote I would like to throw out there, though, is just two years ago when I was in a regular supervision caseload, and I covered the Deer Park area, at that time we had two PO's in Deer Park and we had at least five and maybe a Spanish speaking P.O. also in Bay Shore. So that would have been a total of eight covering between those two areas, Bay Shore and Deer Park. Today Bay Shore and Deer Park have been combined for a total of four Probation Officers. I mean, that's just a microcosm of the big picture. But you are taking about Bay Shore, which may be close to the largest, you know, in square mileage in the five western towns, now also encapsulating Deer Park, which is smaller and more condensed, but, you know, half the number of Probation Officers covering those two areas than there were just two years ago. Again, anecdotally.

CHAIRPERSON BROWNING:

Yeah. Well, I guess that would be something that I guess we'll have our Director look into and see if people should be deployed differently, I guess, to make it more efficient, which, obviously, the Performance Management Team, as you said, is meeting every Tuesday. And maybe that's something that we can bring up when you meet with them. Okay? Thank you.

With that, I believe there are no more questions and we'll go to the agenda. I do apologize. We have some appointments here. I didn't realize we were going to go as late as we were, otherwise I should have brought you up sooner. We have two appointments. I would like to take out of order ***IR 1858, Approving the appointment of Dr. Hafiz Ur Rehman to the Suffolk County Human Rights Commission (Co. Exec).*** I hope I didn't destroy your name.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

That was a second, Legislator Calarco. All in favor? Opposed? Abstentions? It is taken out of order. 1858, a motion to approve -- - Approving the appointment of Dr. Hafiz Ur Rehman to the Suffolk County Human Rights Commission. Motion to approve, Legislator D'Amara?

LEG. D'AMARO:

Yeah.

CHAIRPERSON BROWNING:

And second, Legislator Calarco. Dr. Rehman, if you'd like to come up and introduce yourself and tell us a little bit about you. Good morning. It's still morning.

DR. REHMAN:

Good morning and greetings to everybody.

CHAIRPERSON BROWNING:

Keep your finger on the button by the mic.

DR. REHMAN:

Can you hear me?

CHAIRPERSON BROWNING:

Yeah.

DR. REHMAN:

Thank you. Good morning and greetings to everybody.

CHAIRPERSON BROWNING:

Go ahead. If you just want to go ahead, tell us who you are and give us a little bit about yourself.

DR. REHMAN:

My name Hafiz Ur Rehman is the correct pronunciation, but it's become Rehman, and if anybody calls me by Rehman I probably don't even pay attention anymore. I was born in Kenya, East Africa, and I have been a Suffolk County resident since December of 1974. I'm a U.S. citizen. I'm a pediatrician practicing in Bay Shore. I've been an attending, I'm Senior Attending at Good Samaritan Hospital and Southside Hospital. I serve on a number of committees there. I have been on the Islip Town Anti-Bias Task Force. I've been a past president of the largest Mosque in Suffolk County, the Bay Shore Mosque, and I'm presently their trustee. I've been the past president of the Islamic Medical Association of North America, which is about 30,000 Muslim Islamic physicians. Presently I'm the Chair of the Board of Regents. I'm also a life member of the Association of Physicians of Pakistan origin.

I've had a number of awards here, the most prestigious one that I enjoyed very much was the Martin Luther King award from Suffolk County. I've been awarded the Pride of India award, which is known as Bharat Gaurav award. I've just been appointed as an associate professor at the new Hofstra Med School. I have the residents rotate through my office. If there are any other questions, I'd be glad to answer.

CHAIRPERSON BROWNING:

Can you pronounce your last name again so I won't --

DR. REHMAN:

I'm sorry?

CHAIRPERSON BROWNING:

Pronounce your last name again.

DR. REHMAN:

Rehman.

CHAIRPERSON BROWNING:

Rehman.

DR. REHMAN:

Yes.

CHAIRPERSON BROWNING:

Okay. I'll remember that next time.

DR. REHMAN:

That's the correct pronunciation of that. And as I said, you know, everybody calls me Rehman. I tried to change it, never succeeded.

CHAIRPERSON BROWNING:

No, keep it the way it is. Any questions? Dr. Spencer.

LEG. SPENCER:

Hello, how are you?

DR. REHMAN:

I'm good, thank you, sir.

LEG. SPENCER:

You're still actively practicing currently?

DR. REHMAN:

That's right, yes.

LEG. SPENCER:

So interestingly we're I guess colleagues. I'm a pediatric otolaryngologist, so I think I've seen some of your patients actually in the past. I want to just find out serving on the Human Rights Commission, what do you see as being kind of the critical human rights issue that children are facing right now in Suffolk County?

DR. REHMAN:

In my personal experience and practice, and in of a community, domestic violence leading to abuse or neglect of the child's right, I think is the most important thing that I've seen. Providing health care to the child in the right way, the standards that are acceptable is also another issue. But by far I think domestic violence leading to a break in the family and the child's rights being not fully given to them.

LEG. SPENCER:

Thank you.

CHAIRPERSON BROWNING:

Any other questions? Legislator D'Amaro.

LEG. D'AMARO:

Dr. Rehman, thank --

DR. REHMAN:

Very good.

LEG. D'AMARO:

-- you for coming in today. Obviously you have a distinguished career in both the public and private sector. I want to just take a moment to thank you for stepping forward for this particular position. It's extremely important that we have individuals who understand the needs and the mission of this particular commission. And it's clear to me that you're the right person to sit here on this Commission and to address many of those very, very important issues that, frankly, don't get addressed often enough. So I would encourage you, should you be confirmed, and I will support your confirmation and placing you on this board, I would encourage you that as issues arise to the extent you need any assistance from my office or I'm sure from any of my colleagues, please feel free to communicate with us.

DR. REHMAN:

Thank you. I'm humbled and privileged, and I will serve this board with my fullest capacity.

CHAIRPERSON BROWNING:

Well, we appreciate you stepping up to do that, and we look forward to seeing you again and working with you in the future. And with that, we did have a motion to approve and a second. All in favor? Opposed? Abstentions? It is approved. *(Vote: 7-0-0-0)*. Congratulations, Dr. Rehman.

DR. REHMAN:

Thank you.

CHAIRPERSON BROWNING:

And you do not have to come to the next meeting. And the next one we have is -- I'd like to take 1861 out of order. *1861, Approving the appointment of Bonnie Cannon to the Suffolk County Human Rights Commission (Co. Exed.)*.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

There was a second, second Legislator Calarco. All in favor? Opposed? Abstentions? And, Bonnie, if you'd like to come forward. We have I.R. 1681, Approving --

LEG. CALARCO:

1861.

CHAIRPERSON BROWNING:

I'm sorry. 1861? I said it wrong. Approving the appointment of Bonnie Cannon to the Suffolk County Human Rights Commission. Motion to approve, Legislator Spencer. Second, Legislator Calarco. Bonnie, if you'd like to introduce yourself a little bit and tell us why you want to serve on the Human Rights Commission.

MS. CANNON:

Is it morning? Is it still morning or is it afternoon?

CHAIRPERSON BROWNING:

It's still morning, five after 11.

MS. CANNON:

Okay. Good morning. My name is Bonnie Cannon and I am very appreciative of this opportunity. I

was born and raised in Southampton. I've been out on the East End pretty much for my entire life there. And I've graduated, went on to college to Howard University, and I've been back here ever since 1997, working in the community out on the eastern -- East End of Long Island. I just retired from a six year term as a Village Trustee in the Village of Southampton. There I was the first elected African-American female to take that post since its inception in 1854, and I successfully retired after six years there. I am very active within the community out on the East End, not just in the Village, but also in the Town of Southampton as well. I'm Chair of the Housing Authority, and basically I'm also the Chair for the Senior Advisory Committee, and I work on the Affirmative Action Committee as well. And I'm currently the Executive Director for the Bridgehampton Child Care and Recreational Center. And I'm very busy out there on the East End of Long Island.

And as far as my reason for wanting to take this post is I want to bring more awareness to the Commission of Human Rights and the things that we have to offer and make that aware out on the East End of Long Island. Many times, for whatever reason, just the education of -- and awareness of what is available to many of our citizens and residents out on the East End of Long Island is not made aware, and I want to bring some awareness to that and let individuals know that the -- it does exist and the wonderful things that we have to offer for those that need someone to support them in making sure that their human rights are not violated.

CHAIRPERSON BROWNING:

Thank you. Do we have any questions? Dr. Spencer.

LEG. SPENCER:

Good morning. How are you?

MS. CANNON:

I am blessed.

LEG. SPENCER:

Good, good. And I know we spoke a little bit earlier and good to see you here. I know we personally participate in the same organization. I was a former chair of the Housing Authority, and I wanted to just follow-up with that particular -- God knows there's a lot of human rights issues that are tied in. How big is your authority out there, how many vouchers do you have?

MS. CANNON:

Currently we have I believe about around -- close to 300 vouchers.

LEG. SPENCER:

And do you have difficulty within the community in terms of finding housing options that are accepting your vouchers? What are some of the things you've been able to do to sort of combat that -- those issues or the stereotypes that may be out there.

MS. CANNON:

One of the things that we've started is we've started a marketing and, again, marketing and education, trying to have more sessions with the landlords to make housing available. That is the biggest issue right now, is, you know, keeping our vouchers within the Town of Southampton so that they are not ported out to different places.

The other things that we've done since we've just taken over the Housing Choice Voucher Program for the past -- over a year. Before it was with the Town of Southampton. Now it is not, it's with us and we are looking over it. We have gone through our stock and our inventory and some of the areas and issues where, you know, houses may not have been upkeep or problems with tenants. We're doing a clean house and doing an inventory of all of our housing. And if the tenants are not

doing what they need to do, you know, we have to let them go. And if the landlords are not doing what they need to do, then we have to impose upon them to do that. But we're working a lot with the landlords to let them know that the Housing Choice Voucher Program is a good program for them to participate in and getting more word out to the landlords because there are a lot of fallacies regarding the Housing Choice Voucher Program and just trying to clear up some of those fallacies and bring the truth to what the program is. Not only for the tenants, but for the community and for those that are available to, you know, rent out to individuals.

LEG. SPENCER:

I can definitely appreciate what you're saying, and my questions are definitely related because I found that housing is such a human rights issue as well as what the Doctor alluded to, children. And I find that especially in these times there are so many people that find themselves unemployed and unable to keep up with their mortgages, to find themselves homeless for the first time, and it's not just something that's limited to people that are in just -- who haven't been educated, are in lower a socioeconomic class. It's something that's impacting everyone. And I do find that, you know, we're confronted with challenges where you have sometimes people seeking housing that are in places that are far away from their families and their children having to be shipped to other places in the County, or bussed to other places in the County. So that is really a major issue.

I did want to say this: I know Jack and Jill, the organization, and just really your resume is astounding. You are a superstar and we are so fortunate to have you consider taking this post, you and the Doctor, and so I will be supporting your nomination and congratulations on just your willingness to be here and a long, distinguished career and hopefully continuing that and working with us. Thank you.

MS. CANNON:

Thank you. Thank you very much.

CHAIRPERSON BROWNING:

Legislator Gregory, you had a question?

LEG. GREGORY:

I just wanted to make a quick statement. Thank you for your continued service, or your willingness to continue to serve. I think it's important that we have diversity on our boards and commissions, and I think you're fulfilling that with being a representative from eastern Suffolk County, and I understand it will be a little bit of a difficulty traveling to Hauppauge, but we certainly appreciate the input from all our residents throughout the County and we'll be better for it. So thank you again for your service and I look forward to supporting your nomination as well.

MS. CANNON:

Thank you.

LEG. D'AMARO:

Kate.

CHAIRPERSON BROWNING:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Madam Chair. I also just want to echo the words of my colleagues and take a brief moment to say thank you also for stepping forward to serve on this particular commission, and your career, both in the public and private sector is most impressive. And I agree with what Legislator Spencer has said and Legislator Gregory, that we're fortunate to have you take a position with this

board. The quality that you bring to the board is certainly nothing but a great asset to have. I appreciate it very much. Thank you.

MS. CANNON:

Thank you.

CHAIRPERSON BROWNING:

Okay. With that, we wish you a lot of luck. And maybe you can convince them to come out to Riverhead at least.

MS. CANNON:

Yep, that's the intention.

CHAIRPERSON BROWNING:

There's a couple of East End Legislators that like those East End meetings, so maybe you can start forcing them to come out east. With that, I believe there was a motion and a second. All in favor? Opposed? Abstentions? It is approved. **(Vote: 7-0-0-0)**. Congratulations, Bonnie, and thank you for your service.

MS. CANNON:

Thank you so much.

CHAIRPERSON BROWNING:

Sure, Rabbi Moss, if you want to come up.

RABBI MOSS:

Good morning. It is my honor to once again to say thank you to all of you for the support of the Commission and certainly I do want to say a thank you to the County Executive's Office, and particularly his liaison who works with us, Luis Montes. They've really shown a great diligent in moving along, finally, all of our nominations and appointments. And with these people, the five that you have before you, including the two that just came before you, this will bring us up to date actually for the first time in a really long time in fulfilling all of our 15 positions.

Just two brief things. Just to say is that actually we do have at least one meeting a year in Riverhead and actually a few months ago we held a meeting in Westhampton, so we do appreciate the East End. We have a number -- we've had over the years a few Commission members who are from the North Fork and with Bonnie Cannon it will be the first time that we've ever had -- actually I shouldn't say that because Roberta Hunter, going a real long time, but for the first time in many years someone from the South Fork. And certainly the County Executive's diligence in finding people from the various areas and not only different obviously backgrounds that we all represent and who we are is very, very important.

And then finally, if I may, let me get this thing open here, you should have received an invitation to a conference that we were having. As you can see, our Commission, your Commission, is moving ahead full steam, and that is next Friday at one p.m. across the street at the Dennison Building. We are having a very important conference on the impact of the economy on health care in Suffolk County. And Legislator Browning is going to be speaking that morning. Our guest speaker is Dr. Tomarken, and we're going to have a very distinguished panel of, believe it or not, representatives from all the major health systems on Long Island. As hard as it is to believe, we got them all to say okay, at least down for the representatives, the CEO's or the representatives, to discuss what's going on in the County as they are certain issues that have been brought to our attention recently by the physicians who do sit on our Commission already. And we're hoping that this can really awaken some very important issues and I hope that after the conference is over the next number of

months we'll be able to make a report to you with even a possibility -- possible suggestions for legislation. So that's next Friday, you're all welcome, from one to five across the street.

CHAIRPERSON BROWNING:

Thank you. And thank you, again, always for your continued service and keep up the good work.

RABBI MOSS:

My honor. Thank you.

CHAIRPERSON BROWNING:

With that, we'll go to the beginning of the agenda. You know, I have to apologize. Commissioner Williams is here. Did you have any comments or any issues that you want to bring up?

COMMISSIONER WILLIAMS:

No.

CHAIRPERSON BROWNING:

Okay. Thank you. And you never fail, you're always here.

Tabled Resolutions

Okay. *I.R. 1233*, it's under tabled resolutions, *A Charter Law to clarify the process for distributing public safety sales tax revenues to municipalities outside the Police District (Schneiderman)*.

LEG. CALARCO:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table, Legislator Calarco.

LEG. D'AMARO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. SPENCER:

Opposed.

LEG. GREGORY:

Abstain.

CHAIRPERSON BROWNING:

We have one opposition, Legislator Spencer.

LEG. SPENCER:

Abstain.

CHAIRPERSON BROWNING:

Oh, make it easy. Two abstentions, Spencer and Gregory. *(Vote: 5/0/2/0 Abstentions: Legislators Spencer and Gregory)*

1797, Adopting Local Law No. 2012, A Local Law to establish boating safety instruction

requirements ("Suffolk's Safety Waterways Act") (Stern).

MR. NOLAN:

It's closed.

CHAIRPERSON BROWNING:

Oh, it's closed.

LEG. D'AMARO:

Motion to approve.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Motion to approve, Legislator D'Amaro. Second, Legislator Calarco.

LEG. KENNEDY:

On the motion.

CHAIRPERSON BROWNING:

I was going to say the same. Go ahead, John.

LEG. KENNEDY:

I recall hearing some of the speakers come out and the instructors, but I guess through Counsel I just wanted to make sure. Where does this program -- what's the juxtaposition with the State requirements regarding vessel licensing, vessel operation, vessel -- our water-craft licensing? How does this harmonize or resonate with that, and are we coming up against areas that we haven't been taken up by the State?

MR. NOLAN:

I don't know if you could be more specific. I'm not sure what you're asking me for.

LEG. KENNEDY:

Simple.

MR. NOLAN:

Go ahead.

LEG. KENNEDY:

(*Laughter*) Are we allowed to do this or are we preempted by the State when it comes to compelling instruction regarding operations of boats? How's that?

MR. NOLAN:

That's very clear.

LEG. KENNEDY:

Okay.

MR. NOLAN:

It's my opinion that we are preempted.

LEG. KENNEDY:

We are. So then this bill that we have before us, we don't have the ability to -- to put forward. So,

in other words, the legislation -- well, then here's the next question. How did it get before us, George?

MR. NOLAN:

The Legislator asked me to draft a bill and he introduced the bill. That's how it got here.

CHAIRPERSON BROWNING:

Whether you like it or not I want to do it.

LEG. HAHN:

You always fight me, George.

LEG. KENNEDY:

Okay. So let me go back to the thing you said before that, though. Notwithstanding the fact that you drafted it, we have no ability to do it.

MR. NOLAN:

You know, it's my opinion, you know, the State, you know, they regulate navigation.

LEG. KENNEDY:

Okay.

MR. NOLAN:

And boating safety. They've passed a law that said that people under 18 have to receive boating instruction. It's basically a State area for regulation. Town, some of the towns and villages in Suffolk County and Nassau County have limited authority that's been given to them by the State of New York. I just -- myself have been unable to find anything, any authority for the County to regulate boating.

LEG. KENNEDY:

Okay. Well then in deference to the sponsor, I would make a motion to table it because I would need the opportunity to speak with the sponsor. He may have a different opinion or he may have consulted with somebody else, or he may have some knowledge that's not available to yourself or certainly to the rest of us. So I'd make a motion to table.

MR. NOLAN:

Legislator Stern definitely does have a different opinion. We've had discussions.

LEG. KENNEDY:

Okay. Well, then I need to have a conversation with him to find out what he's basing his thinking on regarding the fact that he's of the opinion that we can do this. So I'd make a motion to table.

CHAIRPERSON BROWNING:

Wait. We actually have some representatives from law enforcement here from our Police Department that maybe -- I don't -- because I would assume that this would be the Marine Bureau and the Marine Bureau officers would be the ones that would have to enforce this, and can you enforce this?

MR. NIEVES:

That's correct, ma'am. It would fall on Marine Bureau. The Police Department, when it comes to legislation, we enforce the law. Who legislates or where the law came from is really not something we're concerned with. We enforce the law as written. So if it comes from the State and it's under the State's purview we enforce the law as the State wrote it. If the County legislates we enforce

County law. Whatever law there is we enforce it. So it's really -- we have no opinion as to, you know, where it comes from.

CHAIRPERSON BROWNING:

Playing it safe. Because I'm having visions. I'm thinking about, you know, there was the BWI checkpoints that you did, and obviously, you know, when you go out on the water and you see all the boats on the water, you're not going to do a checkpoint like you do for cars, like, you know, at the service roads and places like that. You're not going to be able to start saying to everybody move your boat over so we can do a checkpoint. So that's one thing, is I'm curious how you could even enforce it, unless, you know, for example, you try and do the BWI thing or if somebody has an accident that you can now say, you know, did you -- do you now have this certification or this license that's required. So I'm just -- basically it's going to be very hard to enforce.

MR. NIEVES:

Well, it wouldn't be a -- and you're correct, it would probably not be a proactive type of enforcement, it would be ancillary to an investigation of a boating accident or some other issue that arises as we investigate the operator of a boat involved in some other situation. So you're correct in your assessment, ma'am.

CHAIRPERSON BROWNING:

And the other issue that I had brought up at the initial meeting was, I believe he covered, was a Nassau resident who may come into Suffolk County's waters isn't required under -- would not be required under our law to have this certification that -- so you could possibly have a Florida resident who, you know, comes up here, rents a boat or, you know, they're not going to be required to have it either; correct? What if you rent a boat up here and you're from Florida, wherever, and so are you bound by because of where that boat comes from or because you're a Florida resident? I mean, how do you prove that you don't have to have it?

MR. NOLAN:

There was an amendment to the bill that clarifies the bill only applies to Suffolk residents.

CHAIRPERSON BROWNING:

I think that's discrimination. Legislator D'Amaro.

LEG. D'AMARO:

Thank you very much. I hear Counsel's opinion, but let's just get back to the policy for a moment and the objective of the bill and what we're trying to accomplish with this type of legislation. It just simply requires anyone who wants to operate a boat, a motorboat, in -- within the waters of Long Island has to have what we call a boating safety certificate. And the goal here is in response, I think, to many of the tragedies in recent time that we've experienced on our waterways, some of which may have been prevented had somebody taken the time to educate themselves about the operation, the safe operation, of this type of vessel.

There is -- there's a clear policy goal with this legislation. The policy goal is to make our waterways safer when you're operating a dangerous, what can be a dangerous instrumentality putting lives at risk both in your own vessel and other innocent people in vessels as well. This is not an onerous requirement. It is a very simple requirement to get a certificate. The course, I believe, is given free of charge. I don't think it's asking too much and I think most people would agree that it's time that we take a policy stand to making our waterways more safe.

Now, are there issues, are there legal issues? Maybe, there might be. I had some myself, some questions about it. But what's wrong with starting with the residents of Suffolk County? What's wrong with that? I mean, you can go to other states and there's no -- there's no motor vehicle

inspection requirement, but that car that's not inspected in another state can come into the State of New York. I mean, you know, so if we're looking for perfection, if we're looking for every single person on the waterways to have a certificate, you're never going to achieve that. There are jurisdictional issues, I'll give you that. But if we can start with all of the residents in Suffolk County, the people who have a vested interest in the safety of our waterways, I think this is a good place to start.

I think this bill should be moved out of committee and I'm also going to support it when it goes to the full Legislature. If there's a challenge to law and preemption, let the court tell me no, this is not the way to go. But right now as a matter of policy I think this is long, long overdue.

CHAIRPERSON BROWNING:

Thank you. You know, I vaguely remember a prepaid cell phone bill that I put in place, that I tried to do and it was, well, we only do in Suffolk County and they're not going to do it in Nassau. I thought that that was something that we should be sending a clear message about the importance of that. So I'm not saying this is a bad idea. What I'm hearing is, and I have to tell you, I was over by Davis Park the weekend that they did all of the arrests for the BWI's, and actually I believe you actually caught somebody who was also a DWI offender who was on his boat. So, you know, I can say that the Marine Bureau is very proactive. I know, again, limited staff. I don't want to see them being burdened and being forced to do something, but as the Inspector -- Deputy Inspector.

MR. NIEVES:

Deputy Inspector.

CHAIRPERSON BROWNING:

See, I do it all the time. As he said, it would be more proactive than -- reactive than proactive, I think, at this point in time.

MR. NIEVES:

And like I said, ma'am, you know, the Police Department enforces the law, whatever the Legislature decides the law is, and that's our stand on any legislation.

CHAIRPERSON BROWNING:

And, you know, during the summer you do do a good job at, you know, checking boats and, you know, monitoring people that are out there on the water and, you know, obviously now this is one additional thing that you're going to be looking for when you pull somebody over. Legislator Kennedy, did you have a question or comment?

LEG. KENNEDY:

You know, I think that the sponsor has brought forward something that is certainly admirable. I've lived in Suffolk County all my life and I've grown up on the water, so I've operated boats back when I was a kid. And to look to try to have operators embrace what are basic standards for safe operation of a water-craft or a water vessel I think is admirable. But we're also, no matter how much it is that we would like to at this level achieve a particular objective, goal or policy, if it's beyond what our legal parameters are, then in essence, we're taking an act that's almost a hollow or empty act.

I, in fact, as a matter of fact, with Deputy Inspector Nieves, you are right, of course you enforce the laws that are in the State of New York. But, quite frankly, it's incumbent on us not to put in your jurisdiction or domain something that, quite frankly, is questionable in the first instance. That's the way I view this. As I said, those around this horseshoe know I'm always willing to listen to different legal interpretations and versions. Quite frankly, everybody knows I have radically different views from a legal perspective regarding some that are in play right now with the Administration. I'm not

saying that I am looking to vote against this, I'm asking to table it so that I have the opportunity to speak with the sponsor and talk with him specifically about his research and what areas of the law he's relying upon to advance it.

There's no question on the policy, absolutely anything we can do to save a little girl from drowning or anybody else from being injured on the waters is admirable and we should do it. I'm merely asking for the opportunity to speak with the sponsor. The boating season is almost at the end. You know, Labor Day is coming down. You'll see a few more boaters out there for maybe another couple of weeks, but their yanking all their boats. We need to have this in place for next season for sure. No way, shape or form is this something, you know, put forward to challenge the policy, not at all. I agree with Legislator D'Amaro 100%. The policy is extremely meritorious and something worth pursuing.

CHAIRPERSON BROWNING:

Okay. Legislator Hahn.

LEG. HAHN:

I agree. I don't think this will be the first time that we've ever made a real important statement on a policy issue that was sort of questionable, whether or not we had the authority to do it. And as I said during -- I think it was during the public hearing, because you talked about being on the waterway for years and years and years and having been a boater, and there will be many people who will take this course and will learn something new that will help them. And I brought daughter to her road test recently and we were practicing, and even though she failed for the third time --

*(*Laughter*)*

CHAIRPERSON BROWNING:

You're in trouble.

LEG. HAHN:

Yeah, I know. She's 19 so she'll get it eventually. We probably should be retesting people that are on the roadways now, that's for sure. But, you know, we were practicing leading up to the road test and, you know, she reminded me of some things I forgot about, when you're supposed to signal for a three point turn. You, sometimes you just -- you don't remember every little, little piece of information there is out there, and sometimes there are new -- there's new equipment that comes on the market since you took the test as a 13 year old or took the course as a 13 year old 40 years ago. You know, I think that there's a real good reason to require this of everybody, no matter -- you know, no matter how long they've been boating and make sure that everybody has the very basic information. And it's not all intuitive. We went through all this at the public hearing and it's not all intuitive. I think the policy issue here is so strong, and I think you can talk to Legislator Stern before you cast your vote next week at the General Meeting. And I think -- I very much want to see this move and move out of committee.

CHAIRPERSON BROWNING:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. I agree 100% with my colleagues, Legislator D'Amaro. And Legislator Hahn, please remind me never to drive with you, at least when you're doing a three point turn.

*(*Laughter*)*

I think this is an important issue. I think when you err on the -- you know, I talk a lot about my

district, obviously, as we all do, but a lot of the focus goes into, you know, Wyandanch, North Amityville, other communities, but I do have a significant portion of my district, Copiague and Amityville communities, that are boating communities. They front the Great South Bay, and where this incident that happened wasn't too far from my district. Actually, the sponsor had his press conference announcing his bill in my legislative district.

So this is an important issue, not only to me, but to my constituents and, you know, I think that, you know, any legal questions that may arise, you know, or differences of opinion, you know, I think it behooves us to err on the side of our constituents and residents and their safety to work those things out as they come, come across us. But I think we should move this particular bill out of committee, and I look forward to supporting it. Thank you.

CHAIRPERSON BROWNING:

Legislator Spencer.

LEG. SPENCER:

I was in the district, Huntington, where we had the tragedy that occurred on the Fourth of July, and actually my Chief Aide's son was actually a hero in that situation and this is something that impacted us deeply. I'm a boater and I disagree with Legislator Kennedy with regards to that the boating season is almost over. We boat well into the beginning of November before -- until the waters freeze up. And I think in this particular case I'd rather err on the side of safety and in protecting someone from potentially a tragedy.

The way it stands right now is that you can have a kid operate a 40 foot vessel without any sort of training or experience on our waterways that can really -- it's extremely hard navigating a boat through a mooring field, there's no reverse on the boat. A lot of times there's a lot of rules you have to know when you're out on the water and there are no requirements at this time. And I think that if this legislation was going against State law it would be one thing, but the fact that we're requiring a more stringent requirement I would encourage Legislator Kennedy to speak with the sponsor maybe in the interim between the General Meeting, but I strongly feel that we need to approve this and discuss it at the general session.

CHAIRPERSON BROWNING:

Legislator Horsley.

D.P.O. HORSLEY:

Yeah, I want to echo my colleagues who have supported the legislation. I think John has enough time to -- Legislator Kennedy has enough time to speak to the sponsor prior to next Thursday's meeting. You know, we can count the number of times that this question of preemption has come up, and at the end of the day, what we see is that our State colleagues will end up agreeing with us. And we have pushed them to make statewide policy where we're -- where we're saying that this is the right thing to do in Suffolk. You know, I -- in my district, and right off the Captree Bridge, we had the tragedy, like all of you have had in your districts, where we lost a little girl and others. It is, you know, due to drunken driving and the improper use of a boat.

So in my mind, I think what we are doing is we are giving a clarion call to the State to get their -- to get moving on this issue, and we're putting forth legislation that I think is sensible, it's well thought out, and I would also like to commend Legislator Stern for bringing this most important issue to the public and to the State. And I'll bet within very short order we'll see the State confirm our position.

CHAIRPERSON BROWNING:

I guess we will. I don't think there's anything necessarily wrong with it. I mean, we have a boat, too. I don't drive it. I'm waiting for my lessons, because I won't take it out because I don't know

how to park it. So unless -- I've learned the rules of the water, but I'm still not comfortable with taking it out yet. So when I get those lessons -- I know somebody in the room's going to teach me, so.

But, anyway, again, I don't disagree. Like I said, I introduced a bill some time ago on prepaid cell phones because of the drug issue, and it was well, why -- you know, how can you do this, it's Suffolk only, you can't do it in Nassau County. It was strongly supported by the Police Department. And you know, again, if New York State decides to do it, I'm wondering how they're going to do. I have a funny feeling they're going to start now requiring a boating license where we're all going to have to go to the motor vehicle to get that license and that's another thing we're going to have to pay for.

But with that, I think it's important that we make sure that people are properly educated on the water. Like I said, I won't do it until I know how to do it right. So with that, I believe we had a motion and a second. You've got that? And we did have a motion to table. So table takes precedence.

MR. NOLAN:

There is no second.

LEG. KENNEDY:

There's no second on that. As a matter of fact, I'll -- well, I was going to say I'll withdraw it. There's no second, so got to go with the approval.

CHAIRPERSON BROWNING:

Okay. So then there's a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'll abstain.

CHAIRPERSON BROWNING:

Abstained, okay. With that, it's been approved. *(Vote: 6-0-1-0 Abstention: Legislator Kennedy).*

1859, Approving the reappointment of Dionne Walker-Belgrave to the Suffolk County Human Rights Commission (Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

Motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator D'Amaro. All in favor? Opposed? Abstentions? It's approved. *(Vote: 7-0-0-0)*

1860, Approving the reappointment of Gary Mar to the Suffolk County Human Rights Commission (Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

Same motion, same second, same vote. *(Vote: 7-0-0-0)*

1862, Approving the reappointment of Rachel Davis to the Suffolk County Human Rights Commission (Co. Exec.).

LEG. GREGORY:

Motion.

CHAIRPERSON BROWNING:

Who said that? Oh, Legislator Gregory made that motion.

LEG. D'AMARO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator D'Amaro. All in favor? Opposed? Abstentions? It's approved. *(Vote: 7-0-0-0)*

1865, Appropriating funds in connection with the expansion of video conferencing at various locations (CP 3020)(Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

Motion to approve, Legislator Calarco. I'll second that. All in favor? Opposed? Abstentions? It's approved. *(Vote: 7-0-0-0)*

1877, Directing the Department of Fire, Rescue and Emergency Services to develop an online firefighter training program (Hahn).

Motion, Legislator Hahn?

LEG. HAHN:

Yes, motion.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Okay. Second, Legislator Calarco.

LEG. KENNEDY:

On the motion.

CHAIRPERSON BROWNING:

Go ahead, John.

LEG. KENNEDY:

Yeah. I had the opportunity to speak with a couple of the folks from the VEEB Board. I do know also that this is something that I believe is designed to take care of the -- yes, hazmat courses, but courses I guess that would be limited primarily to just written material. Madam Chair, if we could have Mr. Stockinger speak with us.

CHAIRPERSON BROWNING:

Yes, Mr. Stockinger and Commissioner Williams, if you'd like to come forward.

LEG. HAHN:

I also want to explain, if you don't mind.

CHAIRPERSON BROWNING:

Yeah, I was I was going to say I think, you know, FDNY does have some on-line courses that they do. I would assume this would be similar. But, go ahead.

LEG. HAHN:

Absolutely. And being a daughter of a volunteer firefighter, you know, I know the amount of time, commitment that our -- I mean, it's incredible the amount of time of time these individuals dedicate to serving our community, protecting everyone's lives and their property. And, you know, it's a huge commitment the amount of training that they need to complete. And there's a large amount of classroom training and there's a great need for hands-on training. And there's been some cuts to the hands-on training, and I think that if we can be a little more efficient, if there are things that can be done online that a volly can do from the comfort of their couch at home, if it's, you know, a recertification or a little piece of a class so that there's less classroom time needed for that, but we could provide more hands-on in its place because, you know, we free up schedules of trainers or what have you.

I'm just looking to make it more, you know, convenient for the volunteer, more efficient all around so that, you know, we actually are offering the hands-on training more often. The things, you know, we took this -- you came, we took this great tour of the Fire Academy. There's so much that our volunteers, you know, need to -- need to really experience. But some of it can be done online and I'd like to see us, you know, work to ease that burden and what can be done at home as a refresher or, you know, I want to leave that to you guys to determine what's most appropriate that can be done at home and online. Obviously not everyone has a computer, so not everyone can do it, but if we could free up some time and provide more opportunities, more often offer some of the hands-on stuff, that would be terrific.

LEG. KENNEDY:

Okay. Well, I -- I think that makes sense, as a matter of fact, and my objective and my reason for the ask with the -- Mr. Stockinger from the Academy and certainly Commissioner Williams, who's going to decide what course gets developed? Do we have the resources to do that? And how are we go to go ahead and make the determination between the training that's hands-on like Firefighter I or hazmat re-cert, which is primarily book and paper. Who's call?

COMMISSIONER WILLIAMS:

If I could just answer that. I agree with everything that's been said. The VEEB Board has been working a couple of years on trying to get a program going on. I'll let the Chief explain that to you. We right now are talking to our own County IT. They had an initial meeting with the VEEB Board to help them accomplish this mission. My only question on the bill was the -- I don't know if maybe Counsel could answer it for me, is that basically the VEEB Board, the Fire Academy, would be making up and designing the classes. They're our contract to do that. It mentions in the bill that we would be developing.

LEG. HAHN:

They're a contract agency. Yeah, so, you know, I wrote it this way to direct our County agencies you got to work with whoever you got to work with. We contract with the VEEB Board and that's fine. I wouldn't feel comfortable directing the VEEB Board to do something, because that's kind of not within the purview here, but you guys have to work with the VEEB Board, obviously. I mean, that's a given.

COMMISSIONER WILLIAMS:

Okay. I just want -- I thought that -- I just wanted to clarify that we will definitely work with them but the VEEB Board, the Fire Academy, will be developing the programs and we would be helping as much as we can.

LEG. HAHN:

Yes. You guys all work together and determine what our IT -- you know, how our IT -- work with IT, determine what they can provide. I just want to see this happen. There's a lot of talk. I want to see -- I want to see us getting these -- whatever opportunities are appropriate online and making more of the hands-on stuff more frequently available.

MR. STOCKINGER:

If I may. We've been working on on-line training for about three years now, and I think what brought this whole situation to light was the recent cuts that we had most recently in March where we did have allocation for funding to start creating or taking our current hazmat refresher program, which is a PowerPoint that's done in lecture form, is to take that and modify it and have that put up on our website for online training. We did make a significant investment last year to change our website, change our server, to be able to accommodate on-line training. We didn't have that capability. But I think a lot of this conversation came through those reductions where we were unable to continue with that. I know Legislator Lindsay had originally proposed last year for us to work with the County IT Department. And because we're a contract agency I know there's some difficulties in that, and I think that's what lead up to this legislation.

If anything, I would like to see, and I don't know maybe Counsel can mention that, after reading the legislation, I don't see anything that mentions the VEEB Board. I know we're a contract agency, but I think it should be reading that the Fire, Rescue and Emergency Services should be directing the VEEB Board. Because we are the County training agency, you know, they should be directing us. Quite honestly, the way it reads right now is they can go out and find anybody they want to develop their training for them. So I would like to see our name mentioned in there somehow if -- if that's legally possible. But we did have an initial meeting with them, with IT, and I think that's maybe legislation has to be passed before they can do anything with us right now. But, you know, we have a full effort.

LEG. HAHN:

I kind of want to -- this will kind of make it their priority. They're directed by us to do it. You know, I want you to get the full cooperation of our IT Department. And of course, you know, FRES, I can direct FRES, I can direct IT. FRES clearly needs to work with you guys and will do that.

MR. STOCKINGER:

Okay. If I can answer Legislator Kennedy's question. We have long-range plans, which we've had, like I said, for three years. Initially we chose the hazmat refresher program because that's one of the OSHA mandated programs that every firefighter has to renew every year, and it's probably our single most requested program. And thinking -- our long-term plan with this was also to reduce the budget because of the circumstances that the County is in. You know, we realize we can save money, but obviously we have to invest some before we can start saving. We felt the fastest payback would be from the hazmat refresher program.

We do have long-range plans of offering Firefighter I online, but that would only be the lecture based

portions of it. There would still be the instructor contact. There are many successful -- excuse me, many successful Firefighter I programs out there right now. We have been looking into, not necessarily developing our own, but possibly partnering with somebody who already has one developed. We've been in contact with Louisiana State University, and their Fire Science Division has just recently introduced a Firefighter I online program. We've had a few conversations with them and possibly we can partner with them. There is a fee involved with that. You know, that's something we can negotiate and see. But these -- and we look at it, too, this is not going to be for everybody. There still will be the -- there are the people that are still going to take the initial class, they want that student instructor contact. And the intentions of online training is not to eliminate anything that we're doing now, it's just to supplement, and especially with the new generation of people who don't have the time to sit through classroom training and who are electronically savvy, it would make contact with them a little bit easier.

LEG. KENNEDY:

Let me just ask Commissioner Williams. I can appreciate the constraints that we come against. When Legislator Hahn had the resolution drafted, we don't always have the ability to name entities that don't come under our direct oversight. But for all intent and purposes, there's nobody else out there that trains beside the VEEB Board, correct?

COMMISSIONER WILLIAMS:

That is correct.

LEG. KENNEDY:

Okay.

COMMISSIONER WILLIAMS:

There's nobody else that we train with. It's been a long relationship, a well relationship, and --

LEG. KENNEDY:

And you don't anticipate any change occurring there? You don't anticipate looking for ACME firefighter training to do this? You're going to continue with the VEEB Board?

COMMISSIONER WILLIAMS:

Yes.

LEG. KENNEDY:

Good. Okay.

LEG. HAHN:

And, you know, I also purposely left it a little vague because, like you said, it might not just be hazmat refresher. It might, you know, there might be a piece of Firefighter I that can be done that was classroom before or it might be a piece of something else that can be done online that could help it out. You guys determine that. I didn't want to write it in and it not make sense. You know, you guys have to determine that.

MR. STOCKINGER:

Yeah, we know what it has to be. We're really looking for -- we're firefighters. When it comes down to it, we're firefighters. I'm not a computer -- I mean, I know how to run a computer but I do not know how to develop online programs, and that's where we need the technical expertise that the County IT Department has, otherwise we would have to go outside and hire somebody to do it for us.

LEG. HAHN:

Absolutely. And I want more -- in talking with the Chiefs in my district, a number of them, you know, I want the flexibility there for them and the hands-on, and the, you know, what do they call it? The retail and the, you know, when you go in -- you know, the hands-on stuff that you have to go in the house and you have to go in the -- all those different --

MR. STOCKINGER:

That can never be replaced with anything online.

LEG. HAHN:

We can never do that online. But I want those things offered more often because they need -- you know, when you're working with volunteers, they need to -- the schedule has to be flexible. They can't have to, you know, schedule it a year out and commit to 50 people being there, you know, a year from now. And so if that can -- if that can happen and make it easier on them, that's really the intention here.

CHAIRPERSON BROWNING:

Okay. I don't know if there's any more comment. I mean, actually, what I think I would like to do is that when you've devised what you're going to put on online training, maybe have you come back and let me know when you're ready to come back, and kind of do a presentation for us as to what you will be doing as far as online services.

MR. STOCKINGER:

Surely. We'd be happy to put a small presentation together once it's finished.

CHAIRPERSON BROWNING:

That would be great.

MR. STOCKINGER:

Thank you very much.

CHAIRMAN BROWNING:

Okay. I believe we had a motion and a second. All in favor? Opposed? Abstentions? It's approved. **(Vote: 7-0-0-0)**

With that, we have no more on the agenda, so we are adjourned.

(THE MEETING WAS ADJOURNED AT 11:50 A.M.)