

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Operating Budget

A special meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Wednesday, October 23, 2012, at 3:30 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Legislator John Kennedy

ALSO IN ATTENDANCE:

Terry Pearsall, Chief of Staff, Presiding Officer Lindsay's Office
Seth Squicciarino, Aide to Legislator Hahn
Justin Littell, Aide to Legislator D'Amaro
Bobby Knight, Clerk's Office, Suffolk County Legislature
John Ortiz, Budget Review Office
Diane Dono, Budget Review Office
Jill Moss, Budget Review Office
Fred Pollert, County Executive Budget Office
Connie Corso, County Executive Budget Office
Tom Vaughn, County Executive's Office
Ed Webber, Commissioner, Suffolk County Police Department
Russ McCormick, Suffolk County Police Department
Mark White, Suffolk County Police Department
Dr. Yvonne Milewski, Chief Medical Examiner, Medical Examiner's Office
Vinny DeMarco, Suffolk County Sheriff
Mike Sharkey, Chief of Staff, Suffolk County Sheriff's Office
Kerry Kneitel, Suffolk County Sheriff's Office
Michael Franchi, Deputy Warden, Suffolk County Sheriff's Office
Amanda Smith, Suffolk County Sheriff's Office
Gerard Cook, Director, Suffolk County Probation Department
Jim Golbin, Chief Planner, Suffolk County Probation Department
Anne Abel, Principal Accountant, Suffolk County Probation Department
Patrice Dishopolsky, Suffolk County Department of Planning
Joe Williams, Commissioner, Fire, Rescue and Emergency Services

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John Jordan, Deputy Commissioner, Fire, Rescue and Emergency Services
Dick Stockinger, Suffolk County Fire Academy
Craig Pavlik, District Attorney's Office
Donald Rodgers, Commissioner, Information Technology
Lou Molinari, 2nd VP, PBA
JoAnne Sanders, SCCADV
Wendy Linsalata, SCCADV
Other Interested Parties

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer
Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 3:33 P.M.)

(The following was taken by Lucia Braaten, Court Stenographer, and transcribed by Kim Castiglione, Legislative Secretary)

CHAIRPERSON BROWNING:

Good afternoon. I'm sorry we are late. But we shall begin the Public Safety budget hearings. If everyone could please stand for the Pledge of Allegiance, led by Legislator Hahn.

*(*Salutation*)*

And if everyone could please stand for a moment of silence. There was a Nassau County Police Officer killed this morning, and I believe he was a Suffolk County resident. So if we'd just give a moment of silence in honor of him.

*(*Moment of Silence*)*

Thank you. And I'm going to -- I only have a couple of cards. However, Commissioner Williams, I know that you have an important issue that you have to get back to regarding this Police Officer's death. So I would like for you to come up, and if you'd like to give us your report, if you have any issues, concerns.

COMMISSIONER WILLIAMS:

I want to thank the Madam Chairman for letting us go first. Looking at this year's 2013 Budget, FRES as a Department, we can operate within the means of the recommended budget from the County Executive. We just got new SCINs signed. A lot of our cost in overtime is going to be going down. We got dispatchers. We have seven new dispatchers and we're getting five promotions. We expect our overtime costs to be a little more in control. Basically the operation of FRES could operate as efficiently as we've done in the past. We've got some more grant money coming in that's going to help with more vehicles, personnel that would be grant funded. So I look forward to a tight Year 2013, but a very operational one we can stay within.

CHAIRPERSON BROWNING:

That's kind of good to hear. I'm sure you could do more with more. You could certainly use more, but we appreciate that, you know, you're doing the best you can. Does anyone have any questions?

COMMISSIONER WILLIAMS:

If I could just say, I wish to apologize. There were two gentlemen on both sides of me. I want to introduce my Deputy Commissioner John Jordan, and the Director of the Fire Academy, Chief Dick Stockinger. And I'm sorry, gentlemen.

CHAIRPERSON BROWNING:

Any questions? Kara, no?

LEG. HAHN:

I did, but that's okay.

CHAIRPERSON BROWNING:

Okay. Mr. Stockinger, the Fire Academy, how is everything going?

MR. STOCKINGER:

The same with what Commissioner Williams had said. You know, we're going to do the best we can with what we got. We have made some changes for next year to be able to deliver the same

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amount of training that we're doing this year even though there are some small cuts. But we've had some efficiencies and some savings that we've realized that will carry us through next year to be able to deliver the same amount of training.

CHAIRPERSON BROWNING:

Okay. Kara, you had a question?

LEG. HAHN:

Yes, it was on the training, Dick. So the same amount as this year, but this year was a cut from last year. How are we in terms of the availability of the hands on training to the departments? Do we feel like we're going to be able to get more done and be more flexible for them? Talk to me a little bit about how you're working with the departments to encourage them to partner up with neighboring departments, etcetera, and make the hands on items more available.

CHIEF STOCKINGER:

Actually that's something we've been doing for the last couple of years, is encouraging them. You know, there's really nothing I can do to force them to do that. The whole idea is to make it a good selling point, you know. Each department next year is going to receive, you know, six opportunities to come out to the Fire Academy for the live burns. If a department is really creative, they could actually come out probably 20 times if they worked with all of their neighbors, and that's one of the things we're trying to get them to do. And we have seen an increase in that, you know, because over of the last couple of years there has been an increase in attendance for the live burns that we do in Yaphank. So it's just a matter of encouragement, that's all we can do, and getting the departments to talk to each other and say, you know, when I'm out there.

We've made adjustments to our standard lesson plans that we use when the departments come out to be able to handle what we call a mutual aid drill, when there's multiple departments. Or another thing that's, you know, new tech -- what we call new technology in the fire service for the last couple of years, what we call rapid intervention teams. You know, where it's firefighters that are specifically sent to rescue firefighters if there's, you know, a man down. So we've created lesson plans to be able to do that when departments do come out, multiple departments do come out, so that we can cover all of those points with them.

LEG. HAHN:

And it's so important that neighboring departments do train together, because mutual aid scenarios often involve neighboring departments. Of course you can go a long distance for mutual aid, but I would say, correct me if I'm wrong, but they're more likely to wind up assisting a neighboring department.

CHIEF STOCKINGER:

That's correct. You know, mutual aids are a lot more common today than they were 20 years ago, and that's because people, you know, fire departments, even though we have a great recruitment and retention program, especially daytime calls, many, many fire departments, if not all, have gone to automatic mutual aids. When they get a call, you know, for a structure fire they automatically call their closest neighbor to get people on the road just in case they don't get enough manpower there. So it's become a more common thing and that's why we've adjusted our lesson plans to be able to help them with that.

LEG. HAHN:

How about incident, major incident command training. How are we doing in terms of preparing for the big wildfires, the really, truly big incidents where there's the clear structure of command and everybody learning. Because when new chiefs come in and then they have to be trained in this, how are we doing in making sure that most of our chiefs and commanders -- commanding officers

understand.

CHIEF STOCKINGER:

We offer the four basic classes that go from what we call incident command for a single resource, which would just be one fire department, up to major incidences, which is a very detailed program and it covers multiple agencies, multiple jurisdictions and things like that. Again, we try and encourage all of the new chiefs and even line officers, you know, captains and lieutenants, to be involved because they could be running an incident just as much as a chief if he isn't available.

Again, it's not mandated that the chiefs have to take this training, but, you know, we encourage them. It's up to each individual fire district to make sure that their chiefs do it. And we do get large attendance at those classes and we have been running a sufficient amount of those classes to handle all the demand.

LEG. HAHN:

Do you keep statistics on who attends and what percentage of the departments are trained at any one given time, of the current officers, are trained at any one given time? And should it be, I mean, I'm just throwing it out there. I'm not suggesting I agree, but should it be mandated that there be a certain number of their current officers are trained in these incident command scenarios and procedures?

CHIEF STOCKINGER:

Yeah. We don't have the department records to know what the rank is of the individuals that take the class. And we really -- we'd have to go back to the departments and find out exactly, you know, what their rank is. A lot of the fire departments now have required their officers, in order for them to advance into the officer ranks and the chiefs ranks, have required them to take the training that we have. We do two fire officer programs and four incident command programs, and most of them have required that. But, again, that's each individual fire department being their own jurisdiction has to adopt that policy.

COMMISSIONER WILLIAMS:

If I could just add to that. The Fire Academy does a great job teaching the incident management, but the Federal Government recently in the past year says -- what we go through our office now is a fire department cannot accept grant money unless they're participating in certain classes, and one of them is the incident management classes that they have to take. They're being forced into that. Everybody's lining up. This has been going on for a couple of years. There's complete standards, like the Chief said, for your company officers, for your chief officers.

Also, too, is what we're learning now in supplement to the Fire Academy, we have a group of people we call our fire coordinators. Generally these are older members of the departments. They are coordinated, there's 82 of them. Ninety-nine percent of them are ex-chiefs. What we're doing is just like a little peer training. We're going to revamp that particular program that we're -- traditionally they used to go to a scene, they would be like a resource officer to the chief on the scene. There's no intention ever to take over the scene, but what they're going to be is maybe a little more resourceful to the chief at the time and start suggesting things.

Also too, I'd be remiss if I didn't mention it. We've had numerous meetings with the Fire Academy over the last couple of months, and the VEEB Board, in reference to the cuts they had to make this year, in reference to cuts in State aid. We've got nothing but cooperation back from them. We're looking forward to next year. We're going to be working more closer with them. They are a contract agency to us, and we're going to be just working with them a little more, even down to little things, looking at their budget. They have to pay over \$20,000 for a third party audit to come in and audit their books, that's a requirement. We've been talking with people, with the County

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Executive's Office. We have a company here that does all the auditing in this County. Why can't we save that \$20,000, just that one item?

And I just want to commend Dick and the VEEB Board and everyone else. They've been 100% cooperative and I look forward to 2013. We're not going to cut, and I think the Chief has said that, he's not going to cut classes. If anything, we're going to try to work together as a team to add more classes.

LEG. HAHN:

And I very much appreciate that. Dick has been wonderful in talking with me. And I'm real excited about getting some items on line and having other opportunities.

I just -- I just want to, you know, I'm questioning on the incident command. It might -- it just might make sense to have -- to try to keep record of and know at any one given time, you know, how many individuals within a department are trained and where, if regionally if there's a dip.

CHIEF STOCKINGER:

We have that information available. You know, in our student records file we can pull up either by student, by department, or by class how many people have taken it. So we could get a list. If I was searching by, let's say, the ICS-400 class, I would get a list up of every person that's taken that class and what department they're affiliated with. The only piece that I don't have is what's their rank within the department on that, but that could be easily enough attained by contacting the department on that.

One of the other points I'd like to make, too, though, one of the other reasons that we have been able to continue with the same amount of training, if you folks remember, we instituted some fees for non-training related services that we provide at the Fire Academy, and that will show us a considerable amount of money next year. That will offset any cuts that we've had, especially in the State area where we've lost a lot of State aid. That will offset that. And we'll be continuing those fees also in the coming years. So that will help us offset some of those, too.

LEG. HAHN:

Excellent. Thank you.

CHAIRPERSON BROWNING:

Legislator D'Amaro.

LEG. D'AMARO:

Commissioner Williams, I had a few questions for you. I'm looking at our Budget Review Office's review of your budget. Who prepared the requested budget to the County Executive?

COMMISSIONER WILLIAMS:

My budget person in my office.

LEG. D'AMARO:

Right, because according to what I'm looking at here, our analysis shows that the requested budget was 1.2 million more than what ultimately the County Executive's budget recommends for the department. And you made the statement that you can live within the County Executive's recommended budget for FRES, yet you had asked for more than a million dollars for 2013, and I just want to reconcile the two, how you feel you can live within that budget.

I note that the County Executive seems to have deleted a half a million or 500,000 in overtime,

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which our Budget Office believes to be understated by about 150,000. They recommend that we restore -- and also they attribute the reduction to about \$332,000 in administrative salary based on this new Federation of Department of Information Technology and moving some of the personnel over there as well, which I find a little confusing, because Mr. Melito was here earlier today and said that they weren't moving personnel. So, those are some of the issues I have in my mind. Would you care to respond?

COMMISSIONER WILLIAMS:

Yes. The budget was based on the knowledge we had at the time. What the -- as far as the overtime budget, we had a budget of almost a million dollars in overtime in our department, mostly contributed this past year to the radio room. With the addition of the new dispatchers being hired and the promotion to supervising for the other five people, we anticipate some of that overtime to really be reduced. It will not be a full year only because it takes six months for us to train these dispatchers, where we just finished the process of interviewing them. We expect them to be on by the end of year, and we probably won't see any relief to that until maybe by April or May of next year. I also read the --

LEG. D'AMARO:

So by filling vacancies and going to regular pay, you can reduce overtime is what you're doing there?

COMMISSIONER WILLIAMS:

Yes, that's how we're saving.

LEG. D'AMARO:

And your budget request was prepared much earlier in the year before you saw this plan unfolding.

COMMISSIONER WILLIAMS:

Yes. We -- the budget plan was made before we had SCINs in. There was anticipation that we'd get them signed, but we had to go on what we knew at the time when we were making the budget. Also, too, is I did read the recommendations from your Budget Office. I thank them, they work very good with us. The only reason I don't think we -- why we don't need that \$150,000 is besides the vacancies I had this year, I had a number of pregnancies with my female dispatchers, and I also had some long-term medical leaves. The people on maternity have returned, the long-term medical person has retired. That's one of the people we're replacing now. So, I can look back at that and see what overtime that created. That can happen next year. I can't govern that.

LEG. D'AMARO:

You can't tell everyone don't get sick or pregnant.

COMMISSIONER WILLIAMS:

It's like keeping them in the office and not being able to go home, you know, but that's exactly where I am with that. But that's why I think you see the difference in our requested budget and what came down from the County Executive, because there was a new -- some new programs came in that we were not aware of at the time.

And just to answer your question in reference to the people going to IT. I attended a couple of meetings. We had some concerns about that, we expressed that even to the Budget Office.

LEG. D'AMARO:

Right.

COMMISSIONER WILLIAMS:

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What -- we've had the meetings and what they've explained to us, these people will be assigned to IT, but they're still going to remain in my department. They're going to show up on my line, but their salaries and everything else will be paid by IT.

LEG. D'AMARO:

Right, because then you get into the whole reimbursement issue and qualifying for reimbursement.

COMMISSIONER WILLIAMS:

Absolutely. That was our main concern. Our main concern was the -- the three individuals that we had in our department that are going to get transferred, we have two of them that were 50% reimbursed by the Federal Government. The meetings -- I've attended numerous meetings with the IT Department. I'm confident but they told us -- Budget was there, everyone was there, and that will not affect --

LEG. D'AMARO:

Are you comfortable, then, if we do that Federated Department of Information Technology or DOIT, as we call it. Are you comfortable, then, that the IT personnel in your department will now be accountable to someone other than yourself, especially when it comes to the vital area that you're functioning in, areas.

COMMISSIONER WILLIAMS:

We've raised that question and I've been reassured by the Commissioner of IT that these people, their first job, their first responsibility, even though they are part of his department, they will be the responsibility and the job they're doing today in my department. And I've been reassured that by a number of meetings. We're going to be having a sit down. He's going to come out to my office, he's going to come out to everybody's office, but he has reassured me that, number one, it's not -- it will not affect the everyday operation of my department. These people will still be in vital positions where we need them. There's specialized training that they do. We just can't take somebody from another department and put them in there. I feel confident now based on what I'm told and what I've been shown that it's not going to affect my department.

LEG. D'AMARO:

But you initially had some concern about that, and rightfully so. So what -- can you be a little more specific as to what has addressed your concerns?

COMMISSIONER WILLIAMS:

Well, number one, when I first heard this I thought they were actually going to get taken out of my department and work in a central think tank for a --

LEG. D'AMARO:

Right. Well, physically your personnel will remain.

COMMISSIONER WILLIAMS:

Physically my people will remain. There will be --

LEG. D'AMARO:

But they're not really your personnel anymore.

COMMISSIONER WILLIAMS:

No. They'll be working on the same projects, doing the same things they're doing today. The difference will be is they would have a new reporting process, which will be -- they're still reporting to the Commissioner of IT, but I have been reassured, and I have reason to believe it, that will not change their function in my department.

LEG. D'AMARO:

So you're comfortable -- but, as Commissioner and having the accountability for your department and for setting priorities and the order in which work gets done, and at the pace at which it gets done, are you concerned at all about when it comes to your information technology sector within your department that really you'll have no control over setting priorities or the pace of work and things like that? I mean, you know, certainly I'm sure you'll have a lot of influence into that, but at the end of the day, you don't have decision authority.

COMMISSIONER WILLIAMS:

I've been reassured it and I feel comfortable with the meetings I went to that I will have everyday operational oversight over these people, and whether it means I have to convey that to the Commissioner of IT, this I'll -- we're going to do it. I've been reassured in person, by e-mails, by phone and in numerous meetings I've attended that I would -- even though they have a different reporting person, I will be setting their priorities, I will be setting the work that they are doing.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON BROWNING:

Do you have any other question? No? Okay. So I guess there's no more questions. Thank you, Commissioner, for coming in.

COMMISSIONER WILLIAMS:

Thank you.

CHAIRPERSON BROWNING:

Good luck in making your arrangements that you have to do.

CHIEF STOCKINGER:

Thank you all.

CHAIRPERSON BROWNING:

Thank you. I only have two cards, so I'll go back to the cards. First one we have, JoAnne Sanders.

MS. SANDERS:

Can we do it together?

CHAIRPERSON BROWNING:

Sure. JoAnne and Wendy, you're still limited to your three minutes though, so if you want to take three minutes each.

MS. SANDERS:

We took so long. Can we count it from the time we sat down?

CHAIRPERSON BROWNING:

Okay. You have to keep your finger on the button so we can hear you.

MS. SANDERS:

I apologize for those who have heard me speak this morning. I'm pretty much going to talk about the same stuff. But it's very important. I want to bring to your attention, actually, two things. One is the paper that's being handed out just lists our core County contract. We have several contracts with Suffolk County. This one in particular, excuse me, deals with primarily our precinct advocates

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and in this contract we also have counseling and education and other things as well and our hotline.

Our -- you can see it's decreased over the years and now we're being faced with extreme cuts in our staffing as we have been over the years, but more so now than ever before. And we are requesting to be restored to the 2011 rate of this contract. As you can see, we lost quite a bit of money out of this.

In addition to that -- to this, I don't know if the Police Commissioner is still here or not, we, a little less than two weeks ago, we were told that our contract with the Police Department would not be renewed because the police have a contract with OVW, Violence Against Women, Federal U.S. Department of Justice, and that our application, the police -- the application that was submitted to refund it would not be considered because of some glitch. And it doesn't even make too much sense to anybody, but we're not even clear on what the glitch was. This program has been in effect since 2006. We had seven precinct advocates when it was started for the Precinct Project. So this is really devastating. In addition to our Precinct Project, the police got some money in there for overtime, there's some money for panic buttons, Probation gets some money out of it and so on.

This is really -- we don't know at this point what's going to happen with that, but as of this moment it's not going to be renewed in 2013. We're losing -- our program is just about devastated. It's devastated, the whole Precinct Project. We may be able to save about four precinct advocates out of this project that comes out of this contract if we're restored some of the money that we've lost over the years.

So I wanted to make you aware of that. You are the Public Safety Committee and this is certainly a public safety issue.

CHAIRPERSON BROWNING:

Thank you, JoAnne. And I'm going to go off, because I would like to know what's going on with the precinct issue, because I know it's something that's been very important to all of us in our precincts that we have the Domestic Violence Unit there. But, Legislator D'Amaro, do you have a question?

LEG. D'AMARO:

Yeah, I'm going to raise the same. We had sat on a joint committee meeting this morning and JoAnne came before that committee as well, and informed us about -- I believe it was the Scope -- it's called Scope, is that what it is?

MS. SANDERS:

Scope, right.

LEG. D'AMARO:

And because of the nonrenewal or the rejection of your application or the County's application, it's about \$560,000 being lost over two years.

MS. SANDERS:

For the Coalition, yes, over two years.

LEG. D'AMARO:

Right, for your organization. And that is really deeply cutting into your ability to provide advocates in the precincts.

MS. SANDERS:

Absolutely.

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LEG. D'AMARO:

And what we're trying to understand is although you've been informed, I think it was Federal funding or State funding we're talking about.

MS. SANDERS:

It's 100% Federal.

LEG. D'AMARO:

Federal funding. You've been told that an application can be made for the next cycle, for this cycle, which would give continuity from this year to next year. It's being rejected primarily because there was a failure to follow the reimbursement procedures by the County. Is that correct?

MS. SANDERS:

Well, yeah. There's an argument going back and forth with that. The Feds are saying one thing and the County is saying that there was no such written rule.

LEG. D'AMARO:

Well, there's always two sides to every story. But I know that our Commissioner is here. I don't know whether or not, Commissioner, you're prepared to address this, but I would certainly welcome you to come up, if the Chair would indulge me, and if we could have a discussion about this it would be helpful.

CHAIRPERSON BROWNING:

Sure we could. Commissioner, you want to come up?

LEG. D'AMARO:

And, Commissioner, thank you for coming up. I appreciate it. I don't know if this is an issue you're aware of or had an opportunity to really look at, you know, what's transpiring, so if you're not prepared to discuss it today that's okay too, but I figured I'd give you the opportunity, because this is the second time I've heard this today.

COMMISSIONER WEBBER:

Yes. Good afternoon.

LEG. D'AMARO:

Good afternoon.

COMMISSIONER WEBBER:

Yes, I can address it as far as the information we know. Yes, the application submitted by the County was not approved. It's the same methodology that's been used since it originated several years ago. We're not sure as to why it was denied, but I can tell you that the Police Department, although we didn't apply, it's done by the community -- Coordinating Council of Criminal Justice, they actually applied for it this year. But they did it the same way we've always done it. We are looking for other alternative funding sources such as grants.

LEG. D'AMARO:

All right. So in the past it's actually been the department that made the application and this year that changed or?

COMMISSIONER WEBBER:

Yes. Actually it represents -- it's not just the Police Department. As a matter of fact, we get a

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relatively small amount, with the Sheriff and Probation as Ms. Sanders mentioned. So the decision was made this year that the -- an overriding -- the Council would do it for us or for the County and it was submitted, but again, in their defense, it was submitted in the exact same way it's been submitted and approved in all prior years.

LEG. D'AMARO:

Okay. So are you privy to why the application was rejected?

COMMISSIONER WEBBER:

No, I'm not.

LEG. D'AMARO:

Okay. And can you get us information as to why it might have been rejected? I mean, I know you must be concerned about that, as I would be, to lose that type of funding. If it's exactly the same application and we've been approved since 2006, I'm just curious why we would be rejected now and then be invited to come back and try again, you know, in the next cycle. I'm just a little confused by that. But if you're, you know, if you're not prepared to discuss that today I certainly understand.

COMMISSIONER WEBBER:

We're attempting to find out, but it is a Federal agency, Office of Violence Against Domestic Women, and so we are attempting to find out. But this is a Federal agency and there's no reason for them to actually -- forced to tell us what the response is. We are planning to put in for the 14/15 grant, but there would be a year lapse.

LEG. D'AMARO:

Yeah. What is that Office of Violence -- what is the name of the Federal agency?

COMMISSIONER WEBBER:

Against Women. Office of Violence Against Women.

LEG. D'AMARO:

Office of Violence Against Women?

MS. SANDERS:

It's better known OVW.

LEG. D'AMARO:

OVW, okay. And when was that application actually rejected, do you know?

COMMISSIONER WEBBER:

We were just notified, as mentioned by Ms. Sanders, a week-and-a-half ago, a week ago, something like that.

LEG. D'AMARO:

And so when you're notified -- how are you notified, in writing or a phone call? How does that happen?

COMMISSIONER WEBBER:

I was just notified by one of the -- my assistants in the office. I don't know how the County was notified, but it was a rejection letter that we got -- a rejection notification.

LEG. D'AMARO:

It probably went to the applicant, which was the Coordinating Council did you say?

COMMISSIONER WEBBER:

Yes.

CHAIRPERSON BROWNING:

Actually Director Cook is here and he's Chair of the CJCC. I don't know if you would be able to shed any light?

LEG. D'AMARO:

What is it, Coordinating Council of what?

LEG. HAHN:

Criminal Justice.

CHAIRPERSON BROWNING:

Criminal Justice Council.

LEG. D'AMARO:

Okay. So this organization -- it's an organization or --

CHAIRPERSON BROWNING:

It was formed here in the County, and I guess I'm not going to speak on it too well. I think the Director can explain it. This is something that we're required to do for all the grants that we receive.

MR. COOK:

Can you hear me? This is something that -- an issue that I wasn't aware. Our principal accountant, Anne Abel, is aware of it and she can articulate what it is that transpired. Anne?

CHAIRPERSON BROWNING:

If you just push the button it will stay on.

LEG. D'AMARO:

I don't think you have to hold the button.

MR. COOK:

I got it.

MS. ABEL:

I am part of the e-mail chain on the e-mail that came through on Project Scope, which is the one that affects this. There are two different things, one is Project Scope and one is Stop Violence Against Women. Stop Violence Against Woman is the grant that is being handled by CJCC, which is in the Probation Department. Scope was a grant that is being administered by the Police Department. That is the one that Sarah Furey from the Police Department has kept us all in contact with the fact that the Federal Government denied the grant. It doesn't go into a lot of specifics in the e-mail as to why. She attempted to find out reasons why, and as the Commissioner said, because it is a Federal agency they don't have to go into a lot of specifics. It's -- you know, their decision, but apparently it was alluded to that the grant was denied -- was eliminated in the very beginning stages of the review of the applications.

LEG. D'AMARO:

All right. So just so I understand the procedure, the CJCC made the application on behalf of the County Police Department in the Scope funding?

MS. ABEL:

When there's multiple departments it's only done by a lead agency and the grants could have in them Probation, Police, the Sheriff's Office.

LEG. D'AMARO:

As this does.

MS. ABEL:

Yes.

LEG. D'AMARO:

Right. So it was made by the CJCC.

MS. ABEL:

CJCC does the Stop Violence one, yes.

LEG. D'AMARO:

No, I'm talking about the Scope funding.

MS. ABEL:

The Scope grant is the one that is done by the Police Department, and again, multiple agencies that could be involved.

LEG. D'AMARO:

Okay. So then the CJCC did not make the application for the Scope funding?

MS. ABEL:

No. That would be two different grants.

LEG. D'AMARO:

Okay. But it's my understanding that the -- Commissioner, didn't we just ask you that question and you had said that it was made by CJCC.

COMMISSIONER WEBBER:

Yes, it's my understanding that it went through CJCC.

MS. SANDERS:

This is the first time.

COMMISSIONER WEBBER:

The first time.

LEG. D'AMARO:

The application that was ultimately rejected was made by whom?

MS. ABEL:

The Stop Violence grant ended on September 30th, and that one is still in the application process.

LEG. D'AMARO:

Right, but that wasn't my question. With the Scope --

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MR. COOK:

He's talking about the Scope.

MS. ABEL:

Which all of the e-mails are coming from the Police Department and through Sarah Furey, so the application was done through them.

LEG. D'AMARO:

Okay. So you're assuming that because that's where the e-mails are coming from.

MS. ABEL:

To the best of our knowledge that was not an application that was done.

LEG. D'AMARO:

What role do you play in the Scope application?

MS. ABEL:

Actually, just any information purposes. You know, nothing as far as the actual filing, but just gathering of information if that's what's necessary.

LEG. D'AMARO:

And when you gather -- were you asked to gather any information for that application?

MS. ABEL:

I guess, you know, maybe a few general questions, but basically because of what we get out of it, it's, you know, substantiating how much we've actually spent out of what the grant award was for the last year and the current year.

LEG. D'AMARO:

And who was requesting that information from you?

MS. ABEL:

All of my communications has been with Sarah Furey in the Police Department.

LEG. D'AMARO:

From the Police Department. So you're assuming that it was the Police Department that, in fact, applied for this grant?

MS. ABEL:

Correct.

LEG. D'AMARO:

Okay. So -- all right. So then you would not be privy to the rejection or if it was a letter or the reasoning, you're not really in that loop so to speak?

MS. ABEL:

All we got was the e-mail that --

LEG. D'AMARO:

What e-mail was that now?

MS. ABEL:

There was an e-mail from Sarah Furey and Ms. Sanders was also involved in it, and it doesn't give any specifics as to why it was rejected. But as the Commissioner said, it's only within the last

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couple of weeks when we actually were informed of this.

CHAIRPERSON BROWNING:

If I can jump in. Sarah sits in on CJCC, doesn't she?

MR. COOK:

Yes, she does.

LEG. D'AMARO:

And it's Sarah Furey did you say?

MS. ABEL:

Yes.

LEG. D'AMARO:

Now -- and what's her role or title, Commissioner, do you know?

COMMISSIONER WEBBER:

Yes, grants analyst.

LEG. D'AMARO:

Okay, that makes sense. All right. So what I would like to do is I would like to know, Commissioner, if you could, either yourself or, you know, through talking to your personnel at the department, if we could find out whether or not the Police Department actually made the application and then why we were rejected would be helpful. Can we do that?

MS. SANDERS:

Can I just -- I'm sorry, I don't mean be disagreeable, but we worked and gave the information to Bob Maimoni, who does not work in the Police Department.

COMMISSIONER WEBBER:

Marmo.

MS. SANDERS:

Marmo. I'm sorry. And he put the application together and submitted it. He does not work for the Police.

LEG. D'AMARO:

Who does he work for?

MS. SANDERS:

Probation.

MR. COOK:

Doctor Marmo works for Probation, and he's attached to the CJCC, but --

LEG. D'AMARO:

Okay. Excuse me one moment.

MR. COOK:

But still we need to iron out --

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LEG. D'AMARO:

Just excuse me one moment.

MR. COOK:

Sure.

LEG. D'AMARO:

All right, thank you. I'm just trying to understand, because I've already had three different answers to the same question.

MR. COOK:

Of course.

LEG. D'AMARO:

So -- I'm sorry, what was the gentleman's name?

MS. SANDERS:

Bob Marmo.

LEG. D'AMARO:

Bob Marmo works in Probation, so perhaps Probation made the application? Is that what you're saying?

MS. SANDERS:

The information to us was that he wasn't making it on behalf of Probation, he was doing it on behalf of CJCC.

LEG. D'AMARO:

Well, okay, but somebody filled out a form and submitted it. I'd like to know who that was. I mean, it's pretty basic stuff.

MS. SANDERS:

Bob Marmo.

LEG. D'AMARO:

Okay.

CHAIRPERSON BROWNING:

Do you have a copy of that on you right now?

MS. SANDERS:

No, I don't, but I signed it.

LEG. D'AMARO:

And the reason why I'm asking is not necessarily that there was an error in making the application. I'm just trying to find out, you know, we had \$560,000 worth of funding that came to various agencies in the County. Not only was the application denied, but what I'm hearing is that the application was rejected for reasons that have yet remained unexplained.

You know, I'm sitting on the Budget Working Group. I'm trying to put together a budget and now I'm being told we lost \$560,000 and I have three different sets of individuals in front of me and no one can really tell me why or what happened. So I am just trying to find out who do I need to talk

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to to say okay, you were the person responsible for this. You would be the person that was replied to if we were rejected, and who would get the good news if we were approved. I mean, it's just pretty simple.

So your organization didn't make the application. Commissioner, you say that the County Police Department did not make the application.

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

Right.

COMMISSIONER WEBBER:

It's Bob Marmo as the Chair of the CJCC -- the Criminal Justice Coordinating Council made it on behalf -- of the County's behalf.

CHAIRPERSON BROWNING:

Actually, Director Cook is the Chair of the CJCC.

LEG. D'AMARO:

Mr. Marmo is with Probation.

CHAIRPERSON BROWNING:

Mr. Marmo is with Probation. He also is a member of CJCC.

LEG. D'AMARO:

I got it, I see.

MS. ABEL:

Legislator D'Amaro?

LEG. D'AMARO:

Yes.

MS. ABEL:

I do have the e-mail for Scope and for the denial that I can certainly share with anybody who would like it. Certainly, you know, any of the Legislators who are sitting here today or who would request it. I just spoke with Director Cook and he said that would be fine. So I can forward it on to you, either later today or tomorrow.

LEG. D'AMARO:

Right.

MS. ABEL:

And that will give just the information that is all that we have at this point in time.

LEG. D'AMARO:

Yeah. Well, I understand that's all -- when did you get that e-mail?

MS. ABEL:

It's probably only within the last couple of weeks that the e-mail came out and told us that the funding was not there.

LEG. D'AMARO:

When you apply for funding and it's rejected, does anyone ever go back and ask why or are you just pretty much that's it?

MS. ABEL:

This is the e-mail chain that Sarah Furey had sent where she did go back and ask and apparently they told her, you know, that it was just -- it was our application was eliminated in the early on stages and that was the only response that she got. As for the Stop Violence grant that we still have out there, that is something that Bob Marmo was working on and that grant period only ended 9/30, so for the next leg of the grant that's an application we're waiting to hear back on the funding.

LEG. D'AMARO:

Right. But no one directly responded to you nor did you ask why it was rejected. We would really have to speak with Sarah Furey.

MS. ABEL:

Well, the e-mail that I have is from Sarah, so I can certainly send it to you.

LEG. D'AMARO:

Yeah, but the e-mail says what the e-mail says. I want to know why were we rejected. I mean, perhaps it's not put in writing. I don't know. I mean, we're making all kinds of assumptions here. For some reason the Federal Government since 2006 has approved this funding and now has said no, and why wouldn't we ask the question why, I mean -- or if we did ask the question why, what was the response. That's all I'm asking. I'm not saying that anything was done incorrectly. I'm just asking why.

MS. ABEL:

But Sarah did ask why, and as I said, it says in the e-mail that we were just told it was rejected in the beginning stages and there was no other -- no further explanation that they would give.

LEG. D'AMARO:

Okay. All right. I understand. Okay. So that's that issue. I just -- Commissioner, if you get any further information on that I'd appreciate, you know, hearing from you as well, because obviously that's a part of your funding as well that was rejected. Okay.

MS. SANDERS:

If I can just add, Sarah Furey did tell me that she did get an answer. You have to get all these people in a room, I guess, because she said that they said it was rejected because 50% of the money was not spent in the first year of the two year contract. Sarah was not aware of that rule and tried to argue with them on it, and they said that there's no going back. There's no appeal. Once it's rejected, it's rejected. So there was a reason given. Whether it's acceptable or not I don't know, but that -- whether it's in an e-mail or not, I don't know, but that's what we were told by Sarah.

LEG. D'AMARO:

That's what you were personally told by Ms. Furey.

MS. SANDERS:

Yes.

LEG. D'AMARO:

That the Federal Government's response for the rejection of the application was that there was a rule that 50% of the funding had to be spent within the first year. That did not happen, nor was the

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Administrator for the County aware of that rule, but for that reason we were denied going forward.

MS. SANDERS:

Correct.

LEG. D'AMARO:

So you know that.

MS. SANDERS:

I know that. Sarah knows that.

LEG. D'AMARO:

But the Coordinating Council doesn't know it. I'm just at a loss.

MS. SANDERS:

I am too, and we're the ones losing all the money. And it's the County. It's victims of domestic violence that are losing. This also included panic buttons that I mentioned this morning, which is a very important protection for victims to have in their home.

LEG. D'AMARO:

Yeah. Okay. All right. Thank you. Thank you, Madam Chair.

CHAIRPERSON BROWNING:

DuWayne.

LEG. GREGORY:

Thank you. I find this very disturbing. Just so that I'm clear. Is this a two year contract? Okay. I thought I heard six, but my colleague, Bob Calarco, said two.

MS. SANDERS:

Yes, it's a two year contract. Our contract will now end December 31, 2012.

LEG. GREGORY:

Okay. And I know we went over this, but the P.D. initially was the sponsoring agent, if that's the right term. They wrote the contract or the application.

MS. SANDERS:

Application, and we were the subcontractor of the Police Department. They held our contract.

LEG. GREGORY:

Now, I thought when you made your opening remarks that you said that the application with your agency was rejected, but some funds were allocated to two other agencies to do the same program, or --

MS. SANDERS:

No.

LEG. D'AMARO:

They're all within that grant.

LEG. GREGORY:

Oh, they were all within that grant?

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MS. SANDERS:

Are all in that same Scope contract.

LEG. GREGORY:

Okay.

MS. SANDERS:

The grant included other departments, the Sheriff's Department, Probation.

LEG. GREGORY:

So no one's doing those services. Those services will be eliminated as of January 1, 2013.

MS. SANDERS:

Yeah. I don't know if the County is going to make up for that, but they would lose -- they would not be part of -- if there's no Scope contract, there's no Scope contract, so.

LEG. GREGORY:

Okay. Now, as far as your organization, you use those funds to fund the precinct advocates?

MS. SANDERS:

Primarily it's precinct advocates, and there's a victims advocate. She's exclusively, not exclusively, but she primarily works with the Domestic Violence and Elder Abuse Unit of the Police Department going out to the homes and --

LEG. GREGORY:

Okay.

MS. SANDERS:

So it's all police related.

LEG. GREGORY:

Right. So there's a victim of domestic violence, call the police, obviously the police respond, there's a domestic violent advocate -- domestic violence advocate that responds as well, helps that victim navigate the system and whatever services they need. That no longer would exist.

MS. SANDERS:

Correct. It goes to court with them or acts as a liaison between the victim and shelter or whatever that victim may need.

LEG. GREGORY:

It helps with the child -- the protective orders and things like that, too, right?

MS. SANDERS:

Correct.

LEG. GREGORY:

Now, they are present in every precinct or just some?

MS. SANDERS:

Well, until all these cuts we had a total of 14 precinct advocates, two in each precinct. They worked different nights. So we had every night of the week there would be a precinct advocate in each of the seven precincts. Now without Scope and with the decrease in the County contract that we had with DSS, we'd be down to about four.

LEG. GREGORY:

Okay. So you do fund some of the advocates with other monies that you have.

MS. SANDERS:

Department of Social Services, yes. That's where we started it all way back in 1989 we started this project.

LEG. GREGORY:

But this money helped expand that program.

MS. SANDERS:

Correct.

LEG. GREGORY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

Okay. Kara?

LEG. HAHN:

I guess I'm just -- my question really is more for a County Executive representative. I'm just hoping that Budget Review, I don't know if you can tell me. I know the number has got to be huge, because I can think of a Health Department grant that was 17 million dollars. How much do we get in Federal and State grants? And I want to know a little bit about the oversight of our grant writing operations and our grant monitoring operations. Is it department by department? Is there one place where someone is, you know, making sure that these kinds of things aren't happening, that we're not just submitting the same grant proposal we submitted last year and we are updating and being as competitive as possible with all of our grants, because there's really -- there are opportunities and there are tremendous opportunities out there in every department that we have, and I just -- some of this is concerning.

And I just -- I want to step back and think of the bigger picture and are we training our grant writers, because I know other counties across -- other states, other municipalities across the country are doing that, and I kind of want to think -- step back a little bit and think of the grant writing process and who's -- how are we overseeing it and monitoring it and making sure that we're meeting -- when it says we have to spend 50% in the first year we're doing that on every grant, because we've got -- I mean, we approve grants all the time so we must have dozens and dozens, if not hundreds and hundreds of grants to monitor for a big amount of a money. It looks like Connie or Fred wants to respond before BRO does.

MS. CORSO:

There was a lot of confusion with this grant, and it was done by the CJCC, and there was some difficulty getting, but going to the big picture is Federal and State aid a few years ago, I don't know if you remember we brought it into the Budget Office from various departments to try to improve this type of coordination. Our office works very closely with Sarah and all of the other grants people, but this is really kind of just like a Phase I of this. So there is -- there is some training and there is some coordination and we make sure that what we put in the budget for Federal and State aid goes through, you know, the Budget Office.

LEG. HAHN:

So before it was in each -- it was like a departmental responsibility and now it's a Budget Office responsibility.

MS. CORSO:

Not for Social Services, like any of the aided, the bigger aided departments, but for a lot of -- like for the Health Department and for Parks or anybody else who gets these grants, it goes through the Budget Office. Most of the grants -- all of the grants actually have to get signed off in the County Executive's Office.

LEG. HAHN:

Right, and then my question is, in both -- you said there's training so I'm really glad to hear that, because we have so little training going on right now of our, you know, administrative type training. So training and writing grants and improving our grant applications and how to find them, because it's super duper complicated at the Federal level, I know that. But also who's tracking, you know, all the little things that we have to -- you know, the i's and the t's that we have to cross after we get the grant to make sure that we, you know, continue to qualify and then continue to get it. And so there's one unit that hopefully -- and it's the Budget Office that's looking out for this kind of thing that happened -- that just happened.

MS. CORSO:

Right. And that's a great question because the Administration recognizes that and in the Health Department they actually have a Grants Management Program that they're trying to roll out to all the departments. So when you have a question or there's an issue with a grant, everybody knows what's going on with each grant. So there is this new Grants Management Program that's going to be, you know, being rolled out. And there's always -- you know, there's always the assistance of the Budget Office. Because remember, ultimately anything that we apply for has to be accounted for in the budget.

LEG. HAHN:

Right. So this one somehow, though, we didn't spend the 50% that we needed to spend in the first year and now we're losing it in total. Is that kind of what's happening?

MS. CORSO:

As anything else, there's a lot of technical aspects to what happened with that particular grant. As you know, the State and the Federal Government have been cutting a lot of our grants, so when they changed the claiming process, they really didn't roll down -- it wasn't like they sent a new packet of, you know, here's your new Federal claiming forms. You know, you have to use these or you're going to be denied. So it's really not clear exactly what happened with that particular grant, and we are still looking into what happened, you know, how can we make sure this doesn't happen in the future. So what will happen is there is a little bit of money left over from '12 that will be rolled over for '13, but it's not going to fund the whole program. So we'll use that and what we'll do is we are reapplying in '13 for 2014 for that particular grant.

LEG. HAHN:

And I'm sure, knowing you, you're trying really to put in place procedures so that this kind of thing doesn't happen. Are you also -- you know, I know that the Federal Government, while yes, it's cutting a lot of money, in addition it's also shifting priorities, which often happens, and shifting, you know, what they're focusing on or what they want to see done with grants. Who has that big picture view of, you know, what we need to accomplish or when we're writing the grant to kind of match up priorities and things -- and priorities within the County.

MS. CORSO:

Yeah. I could tell you that there's a large effort on the 12th Floor of the new Administration to actually really track these grants, really go after these grants, really make sure that, you know, the

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t's are crossed, the i's are dotted and to make sure that this County gets every penny that they're able to get.

LEG. HAHN:

Thank you.

CHAIRPERSON BROWNING:

Lou, another question?

LEG. D'AMARO:

Yes.

CHAIRPERSON BROWNING:

Connie? Connie, another question for you from Legislator D'Amaro.

MS. CORSO:

Sure. Sorry.

LEG. D'AMARO:

This particular grant that was or the application was rejected, which is what I'm being told. So there are guidelines that if you receive a grant, there are guidelines on how that grant needs to be administered, right?

MS. CORSO:

Yes.

LEG. D'AMARO:

Now, who has those guidelines?

MS. CORSO:

The department has those. And our Federal and State Aid Unit would have those.

LEG. D'AMARO:

All right. In this case, that would be the Police Department?

MS. CORSO:

Right.

LEG. D'AMARO:

You said the department has it?

MS. CORSO:

Right, but this grant was written by the CJCC, so --

LEG. D'AMARO:

No, I'm not talking about writing the grant.

MS. CORSO:

But that's where you would get the procedures from. When you go and you say I'm going to apply for x grant, they send you, you know, what you're going to have to do once you get it.

LEG. D'AMARO:

Right, okay. But what I'm hearing or what I'm being told is that it wasn't the application that was the issue, it was how the grant that we had received previously was administered, not according to

the rules, the grant terms.

MS. CORSO:

It was a very technocratic reason. It was kind of like you didn't check this box situation but they didn't give us the box to check. If you want, Legislator D'Amato --

LEG. D'AMARO:

This is the first I'm hearing about checking a box.

MS. CORSO:

I don't have the denial in front of me or the e-mail. I'm just telling you what I know.

LEG. D'AMARO:

No, what I want to ask is if there are guidelines on how the grant was to be administered, who is responsible for ensuring that those guidelines are followed?

MS. CORSO:

The department.

LEG. D'AMARO:

Okay. The department. Now, do you know in this particular case whether those guidelines were followed?

MS. CORSO:

What happened, from what I understand, the revised guidelines, they're still not sent to us today. So the -- everything that we -- everything that the department did to follow the claiming process was everything they've done in every other year. It wasn't anything different than that. They came down and said, "No, well, you were supposed to do it this way", but they never issued that guideline officially, so no one knew that they had done it wrong. That's the issue as I see it.

LEG. D'AMARO:

So you're saying that the way the grant was administered by the department was proper and correct based upon the guidelines they had before them.

MS. CORSO:

Right.

LEG. D'AMARO:

And that the granting agency, in this case I guess some bureaucracy in the Federal Government, had changed the rules.

MS. CORSO:

Correct.

LEG. D'AMARO:

But never informed the County.

MS. CORSO:

From what the department is telling me, they did not get the notification that they were supposed to claim in a different form. That's to the best of -- that's what I've been told.

LEG. D'AMARO:

Okay. Is it incumbent upon the government, the Federal Government, to advise us of that or is it incumbent upon us to review the guidelines periodically to see if we're in compliance.

MS. CORSO:

I'm not sure. I mean, I think -- it's almost the same situation that happened with the Article, you know, the Article 6 aid. There was no change in State law, there was no -- it was just they decided that this wasn't going to be funded anymore. They were just --

LEG. D'AMARO:

Wait, that's completely different. If they decided not to fund it anymore that's completely different. What I'm being told is that we are not being funded because we did not follow the guidelines that the grant was issued based upon. That's what I'm being told.

MS. CORSO:

I'm not sure it was the guide -- it's not the programmatic guideline that I think was the issue. I don't think it was the programmatic guideline. I think it was on the fiscal end.

LEG. D'AMARO:

All right. Can you -- I don't understand that.

MS. CORSO:

So, in other words, when you're putting -- you're putting in your claims you have to claim in a certain way.

LEG. D'AMARO:

Okay.

MS. CORSO:

And where you're putting up your expenses you have to list your expenses in a certain way. So apparently we didn't or whoever filled out that form, it was the same form that they had been submitting year after year after year, and then all of a sudden they didn't like the way it was submitted.

LEG. D'AMARO:

Well, no, because it was reflecting probably the way it had been done.

MS. CORSO:

Right.

LEG. D'AMARO:

Right. But if the way it had been done had -- the requirements had changed, then of course it wouldn't be a proper submission, and I don't want to belabor this. The point is that I think that if you're responsible for administering a grant within the County that it's up to you to check those guidelines and rules and regulations to make sure you're in compliance. Now, are they published?

MS. CORSO:

You know, Legislator D'Amaro, why don't you let me research it a little bit more.

LEG. D'AMARO:

Right. Okay. That's fair enough, because I don't know anything about it. This is all just hitting us today.

MS. CORSO:

Like you said, I'm getting information from what I just heard from Probation, I'm getting information from Police, I'm getting information from the Budget Office. So why don't you let me compile all the

information and give you a --

LEG. D'AMARO:

Because the overriding concern I have is that if there's a change of rules it's not really about fix the problem -- fix the blame, it's really about fix the problem.

MS. CORSO:

I couldn't agree more.

LEG. D'AMARO:

Right. And we're not going to undo what's already happened, but now I have to somehow find funding, as we all do, for this program, which we consider a very high priority, and I'm sure you can understand that.

MS. CORSO:

I totally understand that.

LEG. D'AMARO:

And I also would like to know if it was incumbent upon somebody to have more oversight and be more responsible with respect to how a grant is administered, then that person needs to be either retrained or informed or advised or learn from your mistakes, or whatever it may be. I don't want to point a finger here because I have really no direct knowledge of what happened. But what I do know what happened is an application that was getting accepted year after year, or every two years, was now rejected, and I'm hearing that it was rejected not on the merits, but for other reasons.

MS. CORSO:

Right. And I believe that's why the new Administration wants to implement this grants management system that all the departments use so they can keep an eye on all of the grants that come into this County and make sure that we're maximizing the funding that is available to us.

LEG. D'AMARO:

Yeah, fair enough. And I appreciated that. Okay. Thank you, again.

CHAIRPERSON BROWNING:

Okay. I think we're good, Connie. Thank you. Any other questions? No? I think my major question is, is the 50%, why we only used 50% of the funding. And, you know, why didn't we use it all? I believe -- JoAnne, when was that application filed for the grant?

MS. SANDERS:

For the next round?

CHAIRPERSON BROWNING:

Yeah.

MS. SANDERS:

I believe it was what --

SPEAKER FROM THE AUDIENCE:

I don't recall exactly.

MS. SANDERS:

It was sometime over the summer. I'm sorry, I don't have the exact date of it though.

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CHAIRPERSON BROWNING:

Okay. That's fine. Because, you know, I'd like to know why only 50% of the funding, and is that having an effect on why you didn't get it?

MS. SANDERS:

It doesn't mean 50% wasn't spent, it means 50% was a voucher I think. I'm not totally clear on that.

CHAIRPERSON BROWNING:

Well, that's an issue and who made the decision on how it was being spent and how it wasn't being spent. So we'd like to get those answers. I think there's enough people in the room, I mean, I've attended the CJCC meetings this year, and again, I think that, you know, I have asked about the grants because I really wasn't familiar with all the grants and the process. I'm still trying to learn how they function. But we'll certainly try and get some answers and like Legislator D'Amaro said, we know, you know, domestic violence is a top priority for us, so to find out that we've lost so much money, it is disturbing.

MS. SANDERS:

Well, I really appreciate your concern over this. I know you've always been supportive of our programs. And what was just said, too, it's not a complete wash fortunately because if we can get an extension we do have some money that we can push into 2013. So if not, that whole amount. We're working on that part, too.

CHAIRPERSON BROWNING:

Okay. Thank you, JoAnne.

MS. SANDERS:

Thank you very much.

CHAIRPERSON BROWNING:

With that, we don't have any more cards. I know we have a few different -- I see the Sheriff's Department is here. If you would like to come up. If you would like to give us a report on what your requests have been, BRO's recommendations.

CHIEF SHARKEY:

Thank you and good afternoon. I'd like to apologize on behalf of the Sheriff. He was here earlier, he couldn't stay any longer. Thank you for the opportunity to speak to you today about our budget submission. I'd like to thank both the County Executive's Budget Office and the Office of Budget Review for their extensive review of our budget and comments and recommendations. I'd also like to recognize my colleagues, Deputy Warden Franchi to my right, and Amanda Smith, for their work on our budget submission.

The Sheriff's Office 2013 Operating Budget request is 150.5 million, while the County Executive's recommended budget is 181.4 million, an increase of almost 30.9 million. Included in this amount is more than 34.9 million in retroactive payments to Correction Officers, as a result of their recent arbitration award. When this amount is subtracted from our 2013 recommended budget, we are left with an overall amount of 146.4 million, and a reduction from our request of more than four million. Moreover, this recommended 2013 amount is almost two-and-a-half million less than our latest 2012 year end estimate of 148.8 million.

For 2013 the Sheriff's Office requested budget took into account the following major factors: The opening of the new addition to the Yaphank Correctional Facility; the hiring of at least 73 Correction Officers to bring us to the required New York State Commission of Corrections staffing levels; filling

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of any additional vacancies that occur from any separations from service that occur between now and the hiring of a second-class in the fall of 2013; the filling of 50 promotional vacancies, backfills office wide by August of next year. All of these factors were going to result in increased expenditures in our 1000 series accounts.

In addition, one variable that was not factored into our 2013 request, what was in the recommended budget, is the recent arbitration award to give Correction Officers retroactive 10% salary increase. This alone will result in a significant increase in the 1000 series for correctional appropriations. However, our initial analysis of the 2013 recommended budget shows that in almost every 1000 line where a change was made, it was a reduction from what we requested. This would seem to indicate that the County has no intention of either hiring the number of officers we need, making the promotions we need and have requested, and/or opening the new facility on schedule.

The effective staff shortages are already being acutely felt by the Sheriff's Office. Indeed, the shortage of staff has been well documented over our past operating budget presentations. Today our current staffing levels at the Sheriff's Office is already below that required to keep pace with our workload. We are currently short 82 Correction Officers in all ranks of the New York State Commission of Corrections minimum staffing total of 984 officers. It must be remembered that this staffing level is a minimum, and includes a reduction of certain security posts of 10%, which the Commission will then allow us to cover with overtime.

The actual number of Correction Officers needed to fill posts 24 hours a day, 365 days a year, under the full coverage formula, is 1,064. This difference of 80 officers is pure overtime expense. Therefore, every additional Correction Officer vacancy results directly into additional overtime. In our 2012 requested budget we asked for a class of 50 Correction Officers to fill all vacancies and backfill positions. We hired no new Correction Officers in 2012 and lost, through attrition, an additional 19 officers.

In our 2013 budget we ask that all Correctional Officers and promotional vacancies be filled to get us to a minimum staffing required once the new Yaphank addition is operational. Our request was balanced throughout the year, even though it would not have gotten us to the minimum staffing levels prior to the opening of the new addition. We have been in negotiations with the New York State Commission of Corrections that would have allowed us to open in anticipation of the vacancies being filled. We based our 1000 series funding request on the assumption that these positions would be filled by the end of 2013. However, our initial analysis of the personnel services accounts and the Correction Officers appropriations would indicate that this is not the case, and a more likely scenario is a single class of 25, who will be hired sometime during the first half of the year.

This conclusion is supported by Budget Review's own analysis giving the same conclusion. This will barely cover our attrition since the last Correction Officers class, and with the settlement of the Correction Officers contract, it is reasonable that at least 20 Correction Officers will choose to retire in 2013. It is doubtful that the New York State Commission of Corrections will be satisfied with this level of hiring and they could conceivably delay our opening, another possible result could be the revocation of certain housing variances, thereby forcing up the number of inmates we must house out of the County.

The Budget Review Office is recommending an additional class of 25 be scheduled for September of 2013. It is their belief that there is sufficient funding in the corrections appropriations permanent salary lines in the 2013 recommended budget as constructed to fund this additional class. We are in agreement with BRO on the need for the second class of 25, and think it imperative if we are not to cause further concern on the part of the Commission about our staffing levels.

Additionally on this last point, another area of concern to the Sheriff's Office and the Commission of

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Corrections is promotions. The Commission has repeatedly made it known they want us to promote more supervisors to ensure proper supervisory levels on hand when the new addition comes online. We currently need to promote two captains, six lieutenants, and 25 sergeants, not including backfills, the majority of which must be made and trained before the new addition opens. One last fact, it must be kept in mind in 2013 we will have a total of 138 Correction Officers who are eligible for retirement.

In consequence, does reduced hiring have an affect on overtime. For 2013 the Sheriff's Office requested overtime funding across all appropriations in the amount of 25.7 million dollars, while undoubtedly a large amount is in direct consequence to past hiring, or not hiring decisions, and opening a new 440 bed addition. Our current full year estimate for 2012 is 21.9 million dollars. Our 2011 actual was 25.6 million. The 2013 recommended budget for overtime appropriations is 17.5 million, a 25% cut from the 2011 actual.

If the hiring of requested Correction Officers is reduced as indicated by our analysis of the 2013 recommended budget, then it is unavoidable that the Sheriff's Office overtime will increase from the requested level. Our 2013 overtime request for Correction Officers, all appropriations, was 17.2 million. This was before the settlement of the Corrections contract awarding a 10% increase in salaries. The amount provided by the 2013 recommended budget is 13.7 million. Given these conditions, it's unclear how the Sheriff's Office is expected to open a 440 bed addition without sufficient staffing, give a 10% raise to Correction Officers, and stay within this amount of overtime funding. Even taking into account the commencement of the renovations of the old Yaphank, under Capital Project 3009, which will result in the closure of four inmate housing units and a daily reduction of approximately 18 officer posts a day, does not allow us to operate under such a reduced overtime budget.

The Budget Review Office has recognized some of these same issues and also recommended an increase in our overtime funding in Corrections appropriations in the amount of \$689,000, to bring the total appropriation to 14.4 million. Under these new conditions we are now estimating we will need 18.7 million in aggregate across all Correction Officers appropriations for overtime in 2013. Therefore, while we agree with BRO's overtime funding recommendation and these appropriations must increase, we defer in the amount of the increase that will be required.

I'd like to move on to inmate population and substitute housing costs. If there's thoughts being had, the idea of delaying the opening of the new Yaphank addition because of the high projected overtime expenditures, with the goal thereby reducing them because we will now have additional posts to cover, it should stop. Since April 2012 we have been very fortunate that our inmate population has seen a significant decrease from the very high levels we have experienced late in 2011 through the first quarter of 2012. 2011's average daily count was 1783 inmates, while in 2012 to date is 1713, a drop of 80 inmates. At \$125 a day this has been saving the County an average of \$10,000 a day in substitute housing costs since April.

There is no specific factor we can point to that causes this drop, nor can we reliably predict when our population will again increase to very high levels as we experienced in 2011 and part of 2012. The only reliable prediction is based on the trendline analysis spanning over 20 years, is that they will most assuredly increase as time goes on. The only way to truly guard against the return to very high substitute housing costs is to open the new addition with its 440 bed capacity.

For 2013 we have only requested 540,000 for substitute jail housing. Even accounting for the loss of up to 240 beds when we close parts of Yaphank, we should have sufficient capacity to absorb those currently housed out, as well as an additional 125 inmates, should the population start to grow again. However, if the new addition does not open in a timely manner, even at our current reduced population level we are averaging \$112,000 a month for substitute jail housing, and a requested

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funding in this appropriation will not be sufficient to get us through the year.

I'd like to state one last point on this subject of substitute housing for inmates. A vital piece of this is that we have 511 variance beds allowing us to operate in any semblance of a cost efficient way. The loss of any of these variances would immediately ramp up our substitute jail expenses and cause other related costs, such as transportation, to follow. We must always be aware of this fact and not give any reason for the Commission to reconsider the necessity or the appropriateness of any of these variances. Any delay in the opening of the new Yaphank addition that can be seen as the fault of Suffolk County, or failure to move forward on Capital Project 3009, the Yaphank renovations, or planning of Phase II follow-up on Capital Project 3008, could lead to such an outcome.

There are several smaller issues we have to address in our budget. As a part of our 2013 Operating Budget request, we requested \$101,000 for software maintenance agreements and licenses that are currently in use and are imperative to our day to day operation. The recommended budget includes only \$53,650, the amount was that -- excuse me, the amount that was expensed in 2012. However, as was explained, the difference was made up from a grant that has since expired. Therefore, we are in agreement with BRO's recommendation to restore the funding and the appropriation to its original amount.

We have requested the reinstatement of a position abolished in the 2012 Operating Budget. It is for a part-time Physician III to work in the Sheriff's Office Medical Evaluation Unit where he will perform independent medical exams on employees instead of contracting out the process at a cost of \$550 per exam. Additionally, the position will help reduce the number of independent Medscope evaluations at 100 -- excuse me, at \$1,000 each that are performed. This position returns sworn officers to duty, increasing productivity, which more than offsets the salary of the position.

Moving on to vehicles. For 2013 we requested 53 replacement vehicles at an estimated cost of 1.5 million. We realize just as with last year vehicles would be purchased through the Capital Program. Currently only 2.5 million has been included in the Capital Budget for vehicles Countywide. Thus, it is clear we will not be replacing our requested number of vehicles. However, with 123 of our vehicles having over 100,000 miles, we can expect escalating auto repairs and supply costs as we are forced to keep older and older vehicles in service.

In summary, we ask that the Legislators consider the following BRO recommendations and their adopting resolution. Add an additional class of 25 new Correction Officers with a scheduled start date of September 3rd. With the opening of the new jail imminent, we feel that this is now almost at an emergency level. Increase the 2013 overtime funding to levels that will allow us to meet our obligations throughout the year and are appropriate for our staffing levels. Increase the funds in our computer software appropriation in 3110 to our full requested amount to pay for mission critical maintenance agreements and licenses. Increase funding for officer clothing and accessories in 3150 and 3162 to cover the additional class of 25 we are requesting.

This concludes our formal presentation. We would be more than happy to discuss any questions you might have.

CHAIRPERSON BROWNING:

Okay. I think, Legislator D'Amaro, you had a question?

LEG. D'AMARO:

Could you repeat that?

(*Laughter*)

All right. Well, you got your position on the record. I appreciate that very much. I just want to try and get a little bit of a synopsis of what you just presented. You are going along with what the Budget Review Office recommends in its report, other than the decrease that's recommended; is that correct?

CHIEF SHARKEY:

That's correct.

LEG. D'AMARO:

Right. Are there any other recommendations, any other requests that are not reflected in the report that you're seeking?

CHIEF SHARKEY:

No.

LEG. D'AMARO:

Okay. That's it. Thank you.

CHAIRPERSON BROWNING:

Anyone else? Okay. Well, I guess, you know, again there's this question about whether the jail's going to open or not. I mean, the Commissioner of Corrections is saying we're going to open. Like it or not, he's telling us we're going to open when?

CHIEF SHARKEY:

Well, we haven't reached that threshold at this point because we haven't had the building turned over to us. The Sheriff's Office has been ready to occupy the building as soon as it's turned over to us. We have to begin our process of what we refer to many times as a soft opening. We can't begin that process until the building is turned over to us.

CHAIRPERSON BROWNING:

And -- yeah, because you said you lost 19 CO's last year and you expect with the ratification of the contract you're probably going to lose 20 in 2013, which hiring a class of 50 is really not bringing you up to --

CHIEF SHARKEY:

Yeah, you're not even -- you're not even keeping up.

CHAIRPERSON BROWNING:

Right, right. And when was the last time there was a class? Was it last year?

CHIEF SHARKEY:

2011.

CHAIRPERSON BROWNING:

Yeah. Okay. And BRO's recommendation is to have a class of 25 you said.

MR. ORTIZ:

An additional 25.

CHAIRPERSON BROWNING:

An additional 25. Over the 50?

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MR. ORTIZ:

No.

CHAIRPERSON BROWNING:

Sorry, I'm mistaken.

MR. ORTIZ:

The recommended budget includes a class of 25. We're recommending a second-class in September of another 25.

CHAIRPERSON BROWNING:

Oh, okay. So two classes of 25, okay. Anyone else? No? Okay. There's a lot here to digest, so -- and as far as Deputy Sheriffs, no requests on the Deputy Sheriffs? I didn't hear anything.

CHIEF SHARKEY:

Nothing beyond BRO's recommendations.

CHAIRPERSON BROWNING:

Okay. I did see a little bit on your overtime, so the majority of the overtime is basically on your CO's, it's none of the other titles. With -- in the corrections, right? It's basically the CO's that are manning the jail is where the overtime is.

CHIEF SHARKEY:

Well, of various ranks. It's Correction Officers and the Sergeants and Lieutenants, etcetera.

CHAIRPERSON BROWNING:

Okay. I thank you. And I guess we'll be talking more to BRO after this one. We've got lots more meetings to go I guess. Commissioner Webber.

COMMISSIONER WEBBER:

Good afternoon again. Beside me is Acting Chief of Support Services, Mark White. He assisted in the preparation of the budget. I plan to just give a quick overview and then leave time for some questions, and I'm sure you'll have some.

The 2013 Operating Budget for the Police Department represents -- basically represents a cost-to-continue budget. It allows for 75 recruits to be hired in September of 2013, and it allows for the contractual settlements, including those that haven't been settled yet. It allows for attrition of sworn personal. The recommended budget is 428 million, which is 3.5% or 15 million less than last year's adopted budget.

The department has continued to see a decline in crime. Year to date index crimes are down 5.34, with violent crime down about a percent and property crime down about 5 1/2%. The intelligent led policing has been working. We've made 108 arrests, clearing 18 trends and patterns. We currently have about 33 trends and patterns open. To date we have saved over -- well, actually 17 people using Narcan. And finally, the overtime is down year to date over three million dollars from last year's expenses.

CHAIRPERSON BROWNING:

Any questions? Legislator D'Amaro. Okay. DuWayne, you want to start?

LEG. GREGORY:

I think we used operating funds for the ShotSpotter. How's that going? What's your assessment?

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COMMISSIONER WEBBER:

We're still working it out. It's a pilot project in several locations as you're aware. We're still tweaking it. They had to remove some of the receiving devices several times. I'll be better prepared about a year or so into it.

LEG. GREGORY:

Okay. All right. That's all.

CHAIRPERSON BROWNING:

Lou?

LEG. D'AMARO:

Commissioner, thank you again. And that's good news on the crime stats, it's always good to hear. And your overtime is down year to date you said about three million from last year?

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

That's good news. So the recommended budget you said was 15 million less for the department than was adopted last year?

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

Okay. And are you comfortable with the budget as recommended by the County Executive?

COMMISSIONER WEBBER:

Yes, I am.

LEG. D'AMARO:

Okay. How do you account for the 15 million less, other than the overtime, which is down, because that still leaves you about 12 million.

COMMISSIONER WEBBER:

Primarily due to the attrition rate in 2012, which is salaries, longevity and related items.

LEG. D'AMARO:

Okay. Now, does the recommended budget -- does it have a class in it?

COMMISSIONER WEBBER:

It has a class of 75 in September of 2013.

LEG. D'AMARO:

Okay. And you said you support or you concur with the recommended budget, so I would assume you concur with the class of 75 in September of 2013. With that class, would you be then at sufficient operational levels? I mean, I know you always need more police, but you can -- you're comfortable with that.

COMMISSIONER WEBBER:

As you suggest, yes, we could use some more Police Officers. This is a unique -- this would be the first time we'd be hiring from this new Police Officer examine. It takes six or eight months to get the

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people ready. If we were to hire any more than those we really would be pushing the class off. I would like to have the class in September as scheduled, and then hopefully next year you would consider hiring additional personnel.

LEG. D'AMARO:

Okay, good. And I just wanted to ask you as a follow-up to the last time we met here about the assumption of the Highway Patrol functions, which was included in the contract that was recently passed that we voted on here at the Legislature. And at that time you had said to me that in response to my question about where would you get the personnel for the Highway Patrol, and I believe your response was at least initially you would not be taking any sworn personnel from any of the precincts. Is that accurate?

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

Okay.

COMMISSIONER WEBBER:

We're prepared to work it now, we'd move no one from the precincts.

LEG. D'AMARO:

Okay. So you're prepared and ready to go. Have you actually assumed the patrols at this point?

COMMISSIONER WEBBER:

Negative. There's a temporary restraining order preventing us.

LEG. D'AMARO:

Right. Okay. But should that be lifted or should you go forward, when you go forward and if you go forward, the force that you now have for Highway Patrol, which was never disbanded, you have sufficient staffing to now perform that function, not having taken any sworn officers out of any precinct?

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

Okay. Because, you know, as a Legislator I get anonymous e-mails telling me quite the contrary, just so you know. And I've been told, and I usually just delete or throw out anything that comes to me anonymously, because if you are not willing to sign your name to something it's really not worth the paper it's printed on. But I figured I would just give you the opportunity here now if you had a need to take anyone from the precincts. I mean, now would be the time, of course, to let us know. But you're saying that that's not happening.

COMMISSIONER WEBBER:

That's correct.

LEG. D'AMARO:

Okay. Thank you very much. I appreciate that. I have no other questions. And again, thank you for your answers.

CHAIRPERSON BROWNING:

Okay. Kara, you have a question?

(The following was taken by Alison Mahoney, Court Stenographer, and transcribed by Kim Castiglione, Legislative Secretary)

LEG. HAHN:

I'm thrilled, 17 Narcan saves, that's great. Do you know the percentage of the force now that's trained, is up-to-date in their training, EMT training?

COMMISSIONER WEBBER:

The two hour Narcan training, is that what you're referring to?

LEG. HAHN:

No, the recert -- is it called recertification? Recertification for their basic EMT level. We were down to only a certain percentage that were actually recertified after, you know, they're all trained obviously as basic EMT's in their initial course that they take, the academy, and then it expires after three years?

CHAIRPERSON BROWNING:

Yeah.

LEG. HAHN:

And so they need to be recertified. And so I'm hoping we get as many of our officers, you know, recertified as EMT's as possible so that we're, you know, as close to a hundred percent of the guys out there are current with their EMT certification. Does that help the question?

COMMISSIONER WEBBER:

We're currently running classes, so yes. I don't know the percentage, though. I would have to get back to you on that.

LEG. HAHN:

Good. I'd like to know that. What about our Supervisors, Sergeants and Lieutenants? You know, I'm hearing that, you know, we're -- there's kind of a hole in that first line of supervision, especially the Sergeants. So with the new class if we can get it in next year, how will we be -- how are we going to stack up with what we need?

COMMISSIONER WEBBER:

We have some money in the budget, we feel, to support Superior Officer positions that we would need as we go along and attrition sets in.

LEG. HAHN:

Up to what rank?

COMMISSIONER WEBBER:

Right now we have right up to Chief. We have Acting Chiefs in each division. Chief White next to me is a one-star officially, but an acting three star. It's the same in each division. We're short several Chiefs within the divisions. We believe we have sufficient funding as we state now and in 12 and the '13 budget to support some promotions.

LEG. HAHN:

Okay. That's it for the moment. Thank you.

CHAIRPERSON BROWNING:

Okay. Well, I don't think I'm going to keep you any longer with the time that we have. So our Budget Review, their report, you're good with that report?

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COMMISSIONER WEBBER:

Yes, I am.

CHAIRPERSON BROWNING:

Okay. Chief White, do you have any comments? It's always good to see you.

CHIEF WHITE:

Just pleased to be here. And thank you for your support.

CHAIRPERSON BROWNING:

Thank you. So I guess that's it. It's an easy day. Okay, Director Cook. I know you're here, so we'll get you back up again. I'm sorry, Dr. Milewski. I'm just noticing you're here, but we'll get to you. And we have a representative from the DA's Office; yes or no? Yeah? So I guess we'll get to you.

MR. PAVLIK:

Okay.

MR. COOK:

Good afternoon, or good evening. I'm joined here today by our Chief Planner, Jim Golbin, Principal Probation Officer Patrice Dlhopsky and Principal Accountant, Anne Abel.

As you can see, the recommended budget for 2013 for Probation contains a difference of close to \$3 million less than what we had requested; 1.7 less in expenditures and crediting us with some 1.2 million more in revenue. The Office of Budget Review recommends adoption citing these figures as reasonable, and given the fiscal climate which necessitates consolidation and streamlining of functions without affecting services and our aggressive pursuit of revenue, we concur.

This department and the many diligent professionals we are fortunate to have in the Probation Department will respond to the streamline budget, and the work of the Probation Department will continue and we will achieve our mission of providing public safety through offender rehabilitation, even under these adverse circumstances that all departments and all municipalities that I know of are facing under today's fiscal circumstances. We do understand and we will respond.

As has been said here before, our staff has been reduced some 20% in the last five years, with the greatest reduction, one of about 40% to the support staff; reduction to Peace Officer staff has been about 12% in that period. I will not say to you that supervision of the over 10,000 individuals on probation is easily accomplished with reduced staff, but I will say that the officers in this department are continuing even in these adverse financial circumstances that necessitate the constant credo of "Do more with less."

We are providing a level of supervision second to none in the State. Supervision of gang members, sex offenders, those with mental health issues, alcohol, narcotic substance abuse problems, individuals involved in domestic violence, supervision and diversion of juveniles away from costly and ineffective residential placement. All these are taking place at levels of effectiveness approached by absolutely no other Probation Department.

Having said that, I would request that you understand, however, that some 70 people will be eligible to retire in the next two years. If and when a significant portion of these people leave the department, we'll then be facing a situation where unless attention is paid at that time, public safety will be affected. I requested at that time this body retain its concern for the Probation Department and aid us in preserving the staffing levels necessary to do our jobs.

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Now, the issue that was brought up in the last Public Safety Committee meeting of a budgetary transfer of six of our people from the Probation Department to the IT budget is certainly, as was articulated previously and also by Commissioner Williams, a matter of concern. This transfer, as we've been told, and again, as Commissioner Williams stated earlier, we've been told that this doesn't involve a physical transfer of personnel. We're told that the functions of the people within the department will remain, and the help they provide us in Probation in maintaining the systems we have of classifying and tracking those on probation will be unaffected. We're also told that the salary reimbursement that we're receiving from the State for these people will be preserved, even though they'll be out of our budget. This transfer, it is said, is going to result in greater efficiency, reduce duplication of efforts, etcetera, and therefore result in cost savings, which to me is a welcome thing if the cost saving results in saving jobs. However, we do have some concerns, we do have some questions.

While I was sitting here I was contacted by Don Rodgers, the IT Commissioner. I'm going to have a meeting with him in the morning. Perhaps these questions and concerns will be addressed then. At this point, I would like to turn over addressing this issue to our Chief Planner, Jim Golbin, who's done an impact analysis of this situation. He has a few things to say. Jim.

DR. GOLBIN:

Thank you. There seems to be a genuine and sincere lack of understanding of the importance of automation and technology to criminal justice systems, criminal justice agencies in this modern era, and this is really evidenced by this proposal. Probation has, after our analysis, has systemic organizational and fiscal concerns, and I will just very, very briefly run through them for you, but we have a complete analysis available for anyone who is interested.

But for the systemic analysis, first and foremost, the Probation Department is already an active member of New York State's Federal Criminal Justice System and it's managed by DCJS and the Office of Probation and Correctional Alternatives. Suffolk's pro-automation staff have really contributed substantially to system improvements over the last five years, which the State Director of Probation can easily confirm. Participation in the State Federation System is mandatory and Probation State aid, when we do our State aid applications, it really depends on Probation's full participation, certification and approval by the State. Automation personnel play a crucial role in the State system, and losing control of these personnel would be a serious problem.

Secondly, criminal justice agencies are different than civilian agencies when it comes to automation and technology applications. Many civilian agencies deal almost exclusively with IT applications, and a civilian federated information system may make sense for these agencies. However, most criminal justice agencies use the full range of automation and technology solutions for crime control and officer safety, not just information technology. The resulting system's impact of transferring Probation's Automation Unit to County IT's control, that would replace Probation's criminal justice priorities with civilian IT priorities and diminish Probation's ability to be a full partner in the State Federated Criminal Justice System. This action will also impede Probation's ability to respond immediately to Public Safety and officer safety situations. That's what happens now as close -- it's top priority in our department. Also, Probation's ability to manage sensitive data security, including chain of evidence and confidentiality, may also be comprised. Now the fact that personnel will be initially assigned to Probation, but under IT's civilian control, would not change any of these negative results.

Now, in the second area of organizational analysis we found that Probation's architectural architecture has four major components; sworn Probation Officers, administration, automation and technical -- technology services and planning, evaluation and grantsmanship services. All of these four components are essential to maintaining an efficient and dynamic organizational structure.

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Probation's automation and technology services are integrated into daily operations in many critical areas, including crime control and many people here are very familiar with our real time field supervision intelligence, GPS, breathalyzers, SCRAM, drug testing, DNA, gang and sex offender supervision and many others. But the second automation and technology is involved in officer safety. Our staff, our automation and technology staff, they have been trained and a system designed to give top priority to Public Safety and officer safety needs immediately or absolutely as soon as possible. That's our top priority.

They're also involved in fees and restitution, and has enabled the department to increase fees significantly over the -- this year and next. Grants, that's their -- they're also very involved in program definition assessment grants procurement and maintenance and technology transfer. The resulting organizational impact, transferring Probation's automation and technical staff to County IT, will remove one of the key elements of Probation's organizational structure, and by the way, that -- those are elements that keep the system dynamic, our organizational dynamic, and that's the same way for 10 years or 20 years in a row, but it will remove them and will impair of operations significantly and negatively impact public safety and officer safety.

The fiscal impact. Probation has received over 80 million dollars in State aid, grants and probation fees in the last ten years. One point five million of that was reimbursed for automated staff. With limited State funds available for Probation services, and we know that funds are dwindling and there's not many on the State or local level, State Probation will most probably not start a precedent in Suffolk County of funding non-Probation employees with State aid. If State aid is denied, and it appears to be problematic in 2012 as it was in 2009 when the Legislature unanimously rejected this same proposal, the County would lose \$142,023 in State aid in 2013.

So in summary, it's Probation's position that Probation automation and technology personnel should remain in the Probation Department.

MR. COOK:

All right. On that subject of State reimbursement, Patrice Dlhopsky has contacted the State Director of Probation to ascertain whether or not reimbursement of the salaries could be accomplished if the people were moved out of our budget. Can you tell us what he said to you? If you had a microphone.

MS. DLHOPOLSKY:

The e-mail that I received from the State Director of the Office of Probation and Correctional Alternatives, Robert Maccarone, that was in response to a request that our Director made to have me contact him and ask about reimbursement. He states, "I have reviewed the request and advise accordingly. The State Probation Block Grant regulation provides quote applications shall include a detailed plan with cost estimates covering Probation services for the fiscal year or portion thereof for which aid is requested. Included in such estimates shall be clerical costs, maintenance and operation cost, salaries of Probation personnel and other pertinent information. While I appreciate the County's interest in consolidation and achieving efficiencies, it is questionable whether Suffolk County could justify the use of limited State aid in support of Probation services to support the salaries of five IT staff working offsite and as a part of a larger IT department. Accordingly, DCJS-OPCA, would not consider these IT professionals Probation staff any longer."

CHAIRPERSON BROWNING:

Okay. I'm glad you actually brought that up, because that's one of the questions I was going to say, is how is that going to affect our funding. Curiosity, though, in our IT, how many of those -- how many of the employees are Probation Officers that oversee the IT and how many -- are they civilians?

MR. COOK:

They're civilians.

CHAIRPERSON BROWNING:

They're all civilians.

MR. COOK:

Yes.

CHAIRPERSON BROWNING:

Okay. Yeah, I guess I should have known that.

DR. GOLBIN:

When we originally started the Automation and Technology Unit back in 1983, we took line Probation Officers back then and really trained them and that -- we built it up over years so that what we have now are civilian staff. They have retired the -- and we have them replaced with expert civilian staff that are criminal justice experts and knowing the courts, Family Court, Criminal Court as well as all the other areas, and they're not interchangeable from regular IT staff. I mean, and losing them, you know, would really be devastating and would necessitate taking Probation Officers off the line and training them, which would take years, back to a position where we've gotten away from.

CHAIRPERSON BROWNING:

One of my concerns with doing this is -- because I believe there are some mandates for this department with the automation, with the IT; am I correct? There are some mandates?

MR. COOK:

Well, really the mandates are in terms of contacts of supervision and those are recorded and accomplished in our case management system, and there are mandates as far as classification of probation -- probationers.

CHAIRPERSON BROWNING:

Right.

MR. COOK:

And this is all done through automated systems.

CHAIRPERSON BROWNING:

Right. I guess the concern is is that, first of all, the mandates, making sure that we're complying with the mandates and also that the coordination of communication with our Probation Officers. I'm concerned that there might be a disconnect somewhere if we don't have them in Probation.

MR. COOK:

Well, I mean, again, we're told, and also Commissioner Williams said the same thing, we were all told at the meetings we went to that nobody's moving, that everybody's daily functioning will remain the same.

DR. GOLBIN:

If I may add. One of the key things that we've done is have real time intelligence to Probation Officers while they're in the field with laptops so that before they go into a house they will have up-to-date information. And if anyone wants to talk about officer safety, Probation Officers would tell you without having immediate access, whether they're going after fugitives or into gang houses and all, they need to have that. And we have trained staff and we give number one priority to officer safety and Public Safety. You don't have to take a ticket for, you know, the help desk. It's

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done immediately and that's one of the key advances that we've had through the years. And just talk to the Probation Officers in the field if you want to get an objective view of the value of automated technology in the Probation Department.

CHAIRPERSON BROWNING:

Well, I have and I've rode with them, so I know what they deal with. And again, I guess that looking at it I'm sure the Performance Management Team, I think, have done a good job on many issues, but I think, you know, looking at this is the possibility of losing grants. So while the intent is to try and save money with efficiency and consolidation, we could actually be losing grants because of this. So I think that's something that we have to seriously look at.

Getting back to -- I'd like to talk about Probation Officers because I believe there is no classes in place and I see that you expect you could lose over the next two years 70 Probation Officers?

MR. COOK:

Hopefully we wouldn't lose all 70, but there are 70 people eligible to retire.

CHAIRPERSON BROWNING:

Well, the potential is there.

MR. COOK:

And it's certainly my experience that as conditions get harder and harder, it's more of an inducement for people to retire.

CHAIRPERSON BROWNING:

Right. So -- and your caseloads, you're saying that you have a 20% reduction in staff. What's your reduction -- your increase in caseloads over that period of time.

MR. COOK:

As I think I said the last time, there's about a -- in that period of time there's about a 6% reduction in the amount of people that we're supervising. Caseloads have gone, as I believe I said the last time I was here, the average caseload in regular supervision is 84. In terms of a reference point, the average caseload of that size throughout the State is 96. So as I've been saying, we are supervising the people in Suffolk County to an extent that I'm not familiar with in any other Probation Department in the State. However, we need to keep ahead of the curve here. I mean, if 70 -- if anything close to the amount of people that retire that are eligible to retire in the next two years, there's going to be a problem. And this is something that I hope this body will enlist the aid of the department and helping us continue staffing levels.

CHAIRPERSON BROWNING:

Okay. One other question I have is I do sit in the Budget Working Group and there was an issue came up about ignition interlock, and I think it was about \$170,000 for ignition interlock and I think it's something to do with contract agencies, and I know we were trying to figure out what that money was for. Who's getting the \$170,000?

MR. COOK:

Anne's not in your head.

CHAIRPERSON BROWNING:

Are you familiar with this, Anne?

MR. COOK:

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Evidently you are abundantly familiar with this issue.

CHAIRPERSON BROWNING:

Can you explain what this funding is, because I know that obviously we don't want to be cutting it out or reducing it. I'd like to find out exactly what is that money used for.

MS. ABEL:

The \$175,000 that's in the budget is put aside for a company that we contract with to do the actual monitoring of all of the individuals who have had the ignition interlock installed on their vehicles. That contract just ended the end of August. We're doing another contract with them to continue. It was a one-year contract with multiple extensions. They didn't start until March of this year. So we would not use the whole 175 for 2012 because the contract didn't actually get up and going until March, but for 2013 we believe that the 175 is an adequate dollar amount to keep them going once we have the project started.

CHAIRPERSON BROWNING:

Okay. But -- okay. If someone is caught with a DWI and they get, you know, the judge says ignition interlock. The -- that person pays for the ignition interlock, right?

MR. COOK:

That's correct, for the installation and a monthly fee, yes.

CHAIRPERSON BROWNING:

Right, right. So that's what I'm trying to figure out, is why we're paying somebody 179 because I thought that the money --

MR. COOK:

Well, there's such an abundance of data that comes into the department on monitoring all of the interlock devices that are out there, that it's beyond the scope of the Probation Department to be assigning individuals to track these, So we've contracted out to another agency to do that.

CHAIRPERSON BROWNING:

Okay. And we would not be able to do this in-house?

MR. COOK:

No, absolutely not.

CHAIRPERSON BROWNING:

We don't have the capability to do that?

MR. COOK:

We would need a lot more staff to do that. There's a lot of -- I'm sure you can appreciate this, constant data on hundreds and hundreds of people that comes in. We just don't -- Probation Officers, we do not have enough to do it, and I don't know that we would assigned sworn Peace Officers to be looking at, you know, data sheets that come in like that.

CHAIRPERSON BROWNING:

Right, right. I get that. Okay, I think I understand what that is. I mean, we were just a little baffled about what this money was for. Any questions? Kara? Rob?

LEG. CALARCO:

I just wanted to get back to the automation issue for a moment, because we had at the earlier committee, Ways and Means and Information Technology and then I think Budget as well, Tom Melito from Performance Management, as well as Commissioner Rodgers from the Department of IT,

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to talk about their federated approach to information technology, and I had asked them about this particular issue as it affects Probation. And this was actually before I got the e-mail with Mr. Golbin's analysis. And they had kind of made it seem, to me anyways, that their approach here is not to remove individuals from the department, and I keep hearing from you that your biggest concern were the proposals that it's going to take your IT people out of your department, they're not going to necessarily put Probation at the top of their list of people to have to take care of, so to speak, and that we might lose funding because they're not going to be on-site is the term I think you used, or in department I think is the term you used.

That's not what our Commissioner was -- you know, Mr. Melito, was telling us this morning, which is that these individuals are going to stay within the department, are going to continue to report to the Commissioner or to the Director, excuse me, of Probation as to what their daily functions will be, and that simply there's going to be a budgetary line switch in that they're going to have a reporting system for them to record all their work they're doing associated with Probation, and that that's going to be their process. And basically it's going to be able so that they can have periodic meetings as a collaborative so that they can make sure that we're making the best of all of our resources in terms of software, in terms of all the different needs, technology needs, that we might need, hardware services as well.

So I guess my question here is our opposition to the proposal based on the fact that you're feeling that you're going to lose your IT staff and you're going to lose control of that IT staff and the ability to make sure they're doing the things that Probation needs them to be doing, or is it something more than that?

MR. COOK:

No, what -- I, as were the other department heads involved in this, were briefed the same way you were on this and given assurances that the people wouldn't be moved and that the day-to-day functioning would remain the same. The concern, however, is that somewhere down the road that might change once we lose control of the people in the department. I don't know -- and I don't know that anybody can determine what's going to happen in the next year or two years, etcetera, and where the fiscal climate is going to go.

LEG. CALARCO:

So the concern is not so much about what's going to happen January 1st, but more along what can happen January 1st of 2014 or '15, once you no longer have the staff there and they could be pulled away from you?

MR. COOK:

There are several concerns, and I think Jim articulated them. I guess the question is this is something, this is unforeseen territory, this is something that hasn't been done before, and we don't know what the ramifications are.

LEG. CALARCO:

What I thought I heard articulated, and don't get me wrong. I'm not necessarily saying I think it's a good idea or not, but what I thought I heard articulated is that we have certain personnel assigned to automation within Probation that have a knowledge base, that have the ability to respond and meet the needs of the department efficiently and effectively right now, because they have been there doing the job and I can appreciate that. And that's the concern with pulling them out, putting them into IT as a different department, that you may no longer have that available to you. So the concern is not necessarily with the proposal and the big idea of it, those people were going to be guaranteed to be staying in Probation, it's more along the lines of you're worried that maybe a year down the road this might open it up to remove those people out of your department.

MR. COOK:

I guess my concern is I'm not privy to what the cost savings on this is, and this is all about the money, isn't it? I mean, in this fiscal climate wherever the savings can be gotten translating it to saving jobs, that's what we need to do. I'm not privy to how it is that this proposal was formulated and what the cost savings is. So all I'm hearing is we're doing this, but everyone is staying put, so that sounds reasonable. If there's a cost savings to be garnered from this I don't know what it is, so I can't articulate whether that would offset anything else that might come down the road. As I said before, I think if something translates to monetary savings and that equates to saving jobs, then I think we should all be for it. I just don't know what that is in this case. Jim?

CHAIRPERSON BROWNING:

Well, I guess Fred is here, if we want to have Fred comment on the cost savings.

LEG. CALARCO:

I was interested in hearing what Mr. Golbin had to add to that.

CHAIRPERSON BROWNING:

Mr. Golbin, if you want to say what you got to say and then we'll have Fred come up.

DR. GOLBIN:

Okay. I have a sweatshirt, a t-shirt at home that says "*I Survived Project Scales*". I have another one that had it was with the CJIS project. Both of these were federated attempts to develop federated criminal justice systems. In this situation you have a civilian system that has the only criminal justice agency Probation included in the civilian system, and the priorities that exist in law enforcement and criminal justice agency, our number one priorities are public safety and officer safety. They're number one priorities. That goes into the whole design. That's going to be taken away. Assignments are going to be reviewed by County IT, vacations can be taken, and it's -- initially was what the statement said, initially they're going to stay in the particular agencies. After that, and who knows what initially is? Two years, two weeks, two days? There's no guarantee.

You don't -- I know federated information systems that you don't have to take the personnel from the departments to have improved coordination and cooperation. And I don't know of any that have taken a criminal justice agency, one criminal justice agency, and put them into a civilian federated system. It's always -- and the most effective ones are federated criminal justice systems. And I have the scars from the last two attempts to do that. So that's my comment.

MR. COOK:

All right. As I said before, I received a call earlier while I was here from -- that IT Commissioner Rodgers wants to meet with me in the morning. It could be that some of this is going to be modified. I can't think of what else he wants to talk to me about, so I mean, perhaps it is this issue.

CHAIRPERSON BROWNING:

Well, I mean, Fred, if you would like to comment on the cost savings, because they did talk -- so it's not really a physical move. They're not actually going to move out of the department, they're staying where they are, but there are grants that they apply for. Are they going to still be applying for those grants under Probation or under the County's IT Department, which based on this e-mail, we would not be eligible for those grants if they are now shifted under our County's IT.

MR. POLLERT:

Clearly the project is a Performance Management project, but it's something that the Budget Office was involved with and concerned about because there is a large amount of aid involved with departments like the Health Department. Probation Department's aid has eroded over a number of years. It's now averaging somewhere in the neighborhood of about 11%, but the aid in the Health Department is significantly higher. So what we did is we sought guidance on how we could continue

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to preserve all of the aid and the grants flowing through.

The solution that was proposed by Performance Management that would meet the aid guidelines is to keep the units intact. So what we had done on page 630 and 631 on the budget is when the people were transferred, they were not amalgamated into a pool of programmers or computer operators or office systems analysts. They are broken out as Probation ITS on page 631. They will maintain their identity. They will continue to work in the Probation Department. The purpose of the federation or consolidation into the IT Department is for licensing and for cost savings as far as communication, training, software.

So part of what the Performance Management Group had identified is there are groups of programs that are redundant from department to department to department, for which the County has paid a number of times. There are cost savings associated not in reducing personnel. There is no personnel reduction; there is none anticipated. It relates purely to the software, the software programming and with the licensing. But I would defer to the Director of IT, who will be here tomorrow, to more completely talk about what the federated approach is.

CHAIRPERSON BROWNING:

Well, I guess maybe he's the one who can better answer, but based on the e-mails you received about the grants that who is going to -- when they apply for grants, are they going to be able to continue to apply for grants under the -- Probation.

MR. COOK:

Excuse me. If I could just interrupt.

CHAIRPERSON BROWNING:

Yes.

MR. COOK:

We're not talking about grants, we're talking about the State reimbursement of partial -- a percentage of the salaries.

CHAIRPERSON BROWNING:

Right, right. Sorry. But --

MR. POLLERT:

Yes. The County has a charge back system which earlier this year the Legislature approved, for instance, the Department of Public Works employees working on Federally-aided projects to be charged to those Federally-aided projects. We have this happening throughout the County. Currently it is working seamlessly. So a whole group of layoffs were avoided in Public Works due to that charge back methodology. Data processing was centralized from 1970's through the time PC's came about. There was a charge back. We never lost aid. There was a data processing charge back for all of the individuals, programmer time, keypunch time, CPU time and the reason I'm so informed about it is I was in charge of the charge back system with data processing in the early 70's.

So currently the County has millions of dollars which we're claiming under charge backs, and as long as we have a strong type of methodology we can charge it back and the Budget Office believes that we have adequate controls not to jeopardize any aid, in particular aid coming into the Health Department, which has a higher reimbursement rate. So if we can meet the criteria there we're sure that we can meet the criteria with Probation.

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CHAIRPERSON BROWNING:

I guess you're meeting with Mr. Rodgers tomorrow, and maybe it might be a good idea for them to come back tomorrow to the Government Operations Committee meeting to -- because I don't want Performance Management or IT coming here tomorrow to discuss an issue without Probation here also. I think there has to be --

LEG. CALARCO:

I agree with you, but we weren't planning on having Mr. Rodgers back tomorrow at Government Ops on this particular issue. They presented this morning at this morning's budget meeting. That's exactly something I learned from my predecessor, when you have two different sides disputing an issue, it's best to put them both at the table at the same time and hash it out.

CHAIRPERSON BROWNING:

Yes, very much so.

MR. COOK:

I don't know that this is an issue that's going to be hashed out per se between myself and Commissioner Rodgers. It's just that, at least on my part and all our parts, there's an incomplete understanding of what the cost savings would be, and frankly, why do this if the people -- if we're told people are staying put and doing essentially what it is that they're doing now, they're going to be doing, there are going to be no changes in function, I just -- I have personally have an incomplete understanding of why this is being done. I mean, I know I'm told that there's redundancies and we need to consolidate, and if there's cost savings there, again, I think we should all be for whatever it is that we can save in terms of cost, because that to me translates to people's jobs. And if we can do that and there is a savings and a true cost savings, then we should all be for it.

CHAIRPERSON BROWNING:

Well, I -- DuWayne, did you have a comment?

LEG. GREGORY:

Yes, thank you, Madam Chair.

CHAIRPERSON BROWNING:

Sorry.

LEG. GREGORY:

Yeah, along the lines of this -- the transfer of IT personnel. As a former Chair of Budget and IT Committees I had extensive conversations with the former Commissioner Quinn about this. And I know several years prior the previous administration had looked into doing this as well. My understanding is that when IT several years ago went to the various departments throughout the County it was, you know, to -- the only word to really describe it was just chaos. I mean, you know, Parks was doing one thing, Probation doing another thing, DSS doing another thing and for IT Department to really have any, I guess, command and control, they really need to have command and control.

The system as -- you know, as they want to lay it out would be that those personnel, particularly in those reimburse -- reimbursable positions, whether it's in Health, DSS, Probation or whoever else, they would remain in those departments in effect but be under the control of the Department of IT. So the e-mail that was referred to earlier, I don't think that, you know, that e-mail addressed personnel being removed from the department physically as well as --

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MR. COOK:

Well, I think it addressed whether or not they're removed from our budget. I don't know that it -- I think that was the question that she asked of the State Director about whether --

LEG. GREGORY:

Okay.

MR. COOK:

If positions were taken out of our budget how could we be reimbursed for them. I think that was the initial question.

LEG. GREGORY:

But if there's work being done, if that function is still being performed, whether it's in the budget or not, I would think it would be eligible. I'm not an expert in charge back, but --

MR. COOK:

Exactly.

DR. GOLBIN:

We already pay some \$800,000 in charge backs for automation. The State Director of Probation is not foolish -- we are part of the federated state system in criminal justice. They know who our people are. They've helped design critical systems for the State people. You can look at page 803 and 822 of the recommended budget. Our positions will be gone. We have to send that in our State aid application.

LEG. GREGORY:

I understand -- is it Mr. Golbin?

DR. GOLBIN:

Doctor Golbin.

LEG. GREGORY:

Dr. Golbin, I understand that. That doesn't address what I said. I said if the function is being performed I think, and again, I'm no expert on this, that we should be eligible for any reimbursement, whether it's -- so your argument would be we're only eligible if the function is performed, if it's performed by a Probation Department employee as opposed to an IT Department employee. I don't know -- that doesn't make sense to me, but that don't mean --

DR. GOLBIN:

The State Director's -- excuse me. The State Director's position from 2009 was he didn't want to set a precedent. The City has tremendous IT and throughout the State where you're going to pay for non-Probation employees with the limited money that's there for Probation services. This is a criminal justice law enforcement agency, and they know, and we have to send certified copies of the budget along with our applications, and that determines the amount of reimbursement that you have and we already pay, from Federal and State aid, we already paid the charge backs a considerable amount of 800,000 charge back. You're not going to add, you know, this additional.

LEG. GREGORY:

I don't want to get into a debate with you. I don't think -- I wasn't making the argument that there would be added charge back, I'm just saying you shouldn't lose charge back if the function is being performed for which you are eligible for a charge back. These employees, I'm not familiar with their job descriptions, but are they any different than any other employees? You know, any other IT function employees?

DR. GOLBIN:

As I tried to explain, in the criminal justice agencies the full range of automation and technology tools are used for crime control, for a whole range of different things, and the transfer, the automation transfer to criminal justice is something that we have been doing since 1983, quite successfully I might add. And our automation and technology staff has been one of the top in the State, if not the top in the State, so that the State would ask us to do trial runs for our passive and active electronic monitoring, GPS, a whole variety of different things because of our special skills that we had with our automation and technology staff. So we just don't do -- it's not an IT Unit. That's what I'm trying to --

LEG. GREGORY:

Well, that's the question I'm asking you, is it a special skill or is it a special -- is it a skill, a general IT skill that's used in a specialized manner because of the functions that you provide in your particular department. There's a difference.

DR. GOLBIN:

The understanding of the systems, the court systems, Probation systems and the applications of -- that are needed for criminal justice is not something that you can just interchangeably take somebody without serious training for a couple of years to be able to do that.

LEG. GREGORY:

Okay.

DR. GOLBIN:

And the other part of it is if these people go to IT, if we lose the unit, when somebody retires or somebody leaves for another job, then it's reduced. Well, Probation will be reduced. We fought over the last three decades to train, recruit, train and keep people and keep that resource up. We had nine positions; we're down to five positions. There's no room to lose for the automation needs that we have and technology needs to do, you know, to do IT applications or assignments. We're down to the bone of that, and if we lose the Automation Unit then it won't become -- it won't be a dynamic system. It will go like a lot of other jurisdictions that withers and dies, and that's not what we need. That's not our fiscal plan and it really is wrong to do.

LEG. GREGORY:

Right. Your premise is based on the fact that you will eventually lose these personnel if they're transferred to someone else's control. I understand that. I don't know if I agree with that. Is there any --

DR. GOLBIN:

January --

LEG. GREGORY:

I'm going to move on. Is there any specialized training that your personnel receive outside of say an IT person in the Health Department or Parks.

DR. GOLBIN:

Well, the training in criminal justice applications, absolutely.

LEG. GREGORY:

Okay.

DR. GOLBIN:

Absolutely.

LEG. GREGORY:

Okay. Now these personnel, do they go through background checks or anything like that?

DR. GOLBIN:

Yes.

LEG. GREGORY:

Okay. And that's important to know, because you just can't -- if someone has to go through a background check, I mean, that makes the argument that your personnel will have to stay there because they have the clearance.

MR. COOK:

Well, there is obviously confidential data, you know, regarding the names of victims and everything else. This is obviously something that should be an area of concern here also.

LEG. GREGORY:

Right. But --

CHAIRPERSON BROWNING:

Okay. DuWayne, Mr. Vaughn is standing here.

LEG. GREGORY:

Oh, sorry.

CHAIRPERSON BROWNING:

Obviously he has something to say. I'd like to --

LEG. GREGORY:

Okay.

CHAIRPERSON BROWNING:

What I'm trying to figure out here is we're not physically moving people. We're putting them under a new umbrella of IT, but again, my concern is, is that the e-mail that was received saying that we could potentially lose some funding. So while it might be thought of as the smart thing to do -- say what you got to say.

MR. VAUGHN:

Madam Chairman, actually we brought Commissioner Rodgers over here to try and address these things. I have not read the e-mail, ma'am, but I did pay attention when it was being read, and part of what I thought I saw or heard was a comment about people being moved off-site. I would just like to once again address that, that no one is being moved off-site. So I certainly would hope that that is, you know, considered as you are all working your way through this issue. And now I'm going to turn it over to Commissioner Rodgers.

CHAIRPERSON BROWNING:

Right, but what I want to say, too, is that while you're saying nobody is getting moved off-site, the assumption is, is that potentially that could happen somewhere down the road, which I think is something that we could fix here at the Legislature to ensure that nobody gets shifted out of that department and then it continues to function out of that department.

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I understand, we all understand efficiency, making sure things are being done in a more cost saving manner. But again, you know, they do have a special function. And I know, DuWayne, you ask is there special training. Look at the Police Department. You know, when you have the IT people in the Police Department they're trained specifically for the function that they do, as do the ones in Probation. So, yeah, there is a special function that they have, so you can't just take somebody from a Health Department IT and say, "Okay, go work in Probation." I don't think that's going to work. And the same with them, you can't -- so I just, you know, again, how many law enforcement departments have IT and why are you just doing it in Probation and not everywhere else. So that's why I'm trying to figure out is why is it smart to do it here and not everywhere.

MR. VAUGHN:

I'm going to turn that question over to Commissioner Rodgers since he is our expert and lead individual on this matter. And without further ado, Commissioner Rogers.

*(*Laughter*)*

COMMISSIONER RODGERS:

Good evening. I shudder at the term expert but I will try to answer some of your questions with regard to this. When we looked at Probation, the Police Department, the Health Department, Department of Social Services, FRES, all of these areas have staff that we would consider to have unique capabilities that address their program areas. I would have to be out of my mind to think that I am going to remove people with institutional knowledge and place them someplace else to the detriment of the department, and to less of a benefit to wherever I'm moving them. That just -- it doesn't make sense. Probation is down staff. Almost every department is down staff.

Our purpose in doing this is to improve communication, is to improve service, is to improve delivery of service across the board. This Legislature, the Executive Branch of this government, spent an enormous amount of money to implement a state-of-the-art infrastructure, which they should justifiably be very proud of. It is one of the best in New York State. We have facilities that are better than many counties. We are the only county that has a fully functional disaster recovery site. Yet, given that, we have departments that don't utilize it, that don't make use of it, that don't benefit from it. That doesn't make any sense. They should be benefitting from it.

If we were to have an environmental disaster, a physical emergency, we want departments to be able to continue to operate. That's not the case today. When we implement a federated structure going forward it will be the case. Probation is not the only department. FRES is coming within Central IT, and this is Phase I. The Police Department is part of this federated structure. Social Services is part of this federated structure. It's whole function is for us to be able to assess needs of agencies and better satisfy those needs as we look at what equipment do they need, what software do they need, what staffing do they need, what training do staff need? These are the things we want to be able to provide. The current structure of this County is such, and Legislator Gregory I believe you said it, the departments don't talk to one another. There is no communication. There is no collaboration. There is expenditure of funding that could be better served because we have licensing.

Now, with regard to grants, State reimbursement, again, I would have to be crazy to say that I want to cost this County money. We are structuring this in such a way that reimbursement will be the same as it is today. We have absolutely no intention of costing the County money, and if we were to find out otherwise, we would certainly work with the department and the State of Federal Agency to resolve that. It's in nobody's best interest to cost us money.

CHAIRPERSON BROWNING:

Okay. Again, I'll go back to making sure that the concerns and the assumptions that they could

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potentially wind up being pulled out of there completely, that --

COMMISSIONER RODGERS:

The statement that I made, Legislator Browning, was this. Were we to find out that an individual in a particular department had a skill set that was not being utilized to the extent that they would want it to be utilized, and that skill set could be used someplace else, this gives us the ability to do that, to better utilize those skills and to move people. It doesn't mean to reduce staff. It means to literally switch people. It also means that if we see people with potential who could benefit from training we can provide them with that training. There is no intention to reduce staff anywhere. If anything, we want to make sure that we can provide additional services to the staff, especially the departments that have lost staff. Central IT suffered about a 28% staff reduction since January. The other departments have been hit in similar ways. We want to be able to make sure that everybody can benefit to the maximum that we can do. So there is no intention to remove staff. There's no intention to remove staff today, next week, next year.

CHAIRPERSON BROWNING:

I'm not saying removing staff, I'm just saying is pulling them out of a department and putting them in the Central IT, that they're going to continue to have their staff in place, who will work directly with Probation Officers, as with the Police Department, as with any other department.

COMMISSIONER RODGERS:

Day-to-day operations will remain unchanged. What will happen is we expect to create subcommittees and subgroups for people who perform similar functions within different departments to be able to collaborate and interact with each other, so that if somebody has a greater skill at networking, they're going to be able to share that. If somebody is developing applications and another department has already done it, they're going to be able to share that. Day-to-day operations will remain the same.

We do expect to be involved in decision making with regard to large scale application development. Now, if New York State says that the Social Services Department or the Health Department or the Probation Department has to start using a State system, they have to start using the State system. You know, this is the way things are. But -- and if we have the ability to pilot things, then I certainly want to participate in that, that only enhances this County's role. Day-to-day operations will remain the same, but we will have committee meetings, we will have group meetings. I expect to enhance staff's ability, but I also expect greater communications so that we're aware of what's going on in each department so that we can better provide support and services and understand what their needs are.

CHAIRPERSON BROWNING:

Well, I always believe in put it in writing that nothing is going to change, and I think that's basically what the concern is, is that they don't want to see losing that IT department to someone else and where it's going to be functioning out of another department. That's -- I think that's your biggest concern; correct?

COMMISSIONER RODGERS:

What I can say to you, Legislator Browning, is this. If we were to remove that staff, then we would lose reimbursement.

LEG. BROWNING:

Right.

COMMISSIONER RODGERS:

And we don't want to lose reimbursement.

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CHAIRPERSON BROWNING:

Well, I think you need to share that e-mail. And I think between IT and the County Executive's Office and the e-mail you've received is -- I think it needs to be clarified.

COMMISSIONER RODGERS:

Can I see that?

*(*Ms. Dlhopsky handed e-mail to Commissioner Rodgers*)*

CHAIRPERSON BROWNING:

Because based on what that's saying, you know, it's not giving me a real warm fuzzy that we're not going to lose anything, so I want to be sure that we're not going to lose the funding and their function is going to be the same.

MR. COOK:

I didn't, I don't think, communicate a blanket opposition to this. I just said we had some concerns and that obviously is one of them.

CHAIRPERSON BROWNING:

You have concerns that need to be responded to.

MR. COOK:

Yes.

CHAIRPERSON BROWNING:

And I guess you will be meeting tomorrow and hopefully those issues can be resolved; how's that?

COMMISSIONER RODGERS:

I have no problem with that, Legislator Browning.

CHAIRPERSON BROWNING:

Great.

COMMISSIONER RODGERS:

Thank you.

CHAIRPERSON BROWNING:

Well, definitely I would like to hear from you after the fact.

COMMISSIONER RODGERS:

Absolutely.

CHAIRPERSON BROWNING:

I mean, to make sure that all your concerns have been responded to.

MR. COOK:

Thank you.

COMMISSIONER RODGERS:

Thank you.

CHAIRPERSON BROWNING:

On the last note, I know Kara has a question. But the issue with the -- that Scope application, the grants for the domestic violence. I really think it would be important for us to get, you know, some

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kind of a response on what happened. Okay. Kara?

LEG. HAHN:

I've got several questions, actually, sorry.

*(*Laughter*)*

You talked earlier about an average caseload of regular supervision of 84. Tell me a little bit about what you mean by that.

MR. COOK:

That's a term that we use for supervision in one of the nonspecialized -- we have certain specialized units in which probation is a supervised -- fall into categories that they need to be supervised intensively. We've kept those caseloads down to about 32, 34. Everyone else is in what we call a general Level II supervision caseload, and the average there is 84.

LEG. HAHN:

So a Level II, it could have Level III then II's mixed in it, but it's --

MR. COOK:

In general, it's 90% level II. There might be a handful of Level I's, Level III's are supervised in another capacity.

LEG. HAHN:

I'm sorry. I mixed up the sex offender levels.

MR. COOK:

That's a common thing. It's the reverse.

LEG. HAHN:

Right. Because I'm concerned, I'm hearing that in some offices there are levels that are much higher than that. And so --

MR. COOK:

Yes. We -- I had a meeting with the administrators a couple of weeks ago. We're conducting an effort to examine, because all these caseloads basically are set up on the basis of geography, you know, contiguous towns. Somebody will have an area, and sometimes after a number of years if this hasn't been paid attention to, there can be a wide disparity. In general our supervision caseloads are managed out of two administrative offices, one in Coram and one in Edgewood, and there's a disparity between caseloads in the two different buildings. We're looking at perhaps switching towns from one building to another. So we're in the process of doing that now.

LEG. HAHN:

Okay. It's noted in the Budget Review Office report that you don't have a workload management system. Would you benefit from --

MR. COOK:

Nor does any other Probation Department I know of.

LEG. HAHN:

But would -- clearly if we've allowed this kind of discrepancy to build over the years to an extent that, you know, I'm hearing numbers triple what, you know, what you're mentioning for some

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caseloads in one of the offices, and so I just want to understand and make sure that when someone, even if they have a caseload that's, you know, 30 or 40 more than what you mentioned, how -- you know, what's the quality control that we have for the visits, because clearly with high caseloads, I mean, I've heard setting appointments for home visits, you know, ridiculous things that happen --

MR. COOK:

Uh-huh.

LEG. HAHN:

-- when caseloads are high, unsupervised urine, etcetera, and this cannot -- you know --

MR. COOK:

Understood.

LEG. HAHN:

That cannot be happening on our watch.

MR. COOK:

This is something that in a Probation Department needs to be examined and tracked often. Evidently this was not paid attention to any great degree, and there exists a wide disparity in caseloads. We need to pay attention to that and we are paying attention to that. But the quality control is to continuously look at that and monitor whether or not there are differences. Sometimes a difference in the volume of cases that one officer has as opposed to another can be attributed to maybe an individual officer not pursuing early discharges enough or not maintaining a caseload and sort of -- essentially pruning the caseload down to the people who need the supervision. There are early discharges based upon merit, and we have to make sure that a disparity between caseloads is not due to an officer's inattention to this, but due to, you know, the setup of the geography. So that's something else --

LEG. HAHN:

What's your average number of violations that are pending?

MR. COOK:

On an individual caseload?

LEG. HAHN:

Correct.

MR. COOK:

I don't know what the average is. I mean, it'll range between five and say 20.

LEG. HAHN:

Okay. Moving on. Sorry, I have a lot of issues I want to attack, and I'd very much like to take you up on your offer of coming into the office to discuss at greater detail whatever we don't get to do here.

On GPS, I received an e-mail from you that outlined -- you have, and I'm going to switch to sex offender GPS now if you don't mind. Twelve out of 336 are in your GPS caseload. How many persons convicted of sex crimes did Probation request GPS monitoring for?

MR. COOK:

I don't know, because that would be a request that took place in the -- one of two ways. In the

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initial presentence investigation or also if someone -- if issues develop during the course of someone's supervision or if there's a violation of probation and someone's restored the probation, conditions of probation can be modified and that can be added. I can't give you a --

LEG. HAHN:

It seems like a low number, 12 of out of 336, and if I got the ratings correct, it seemed like the higher rated individual -- there weren't as many of the higher rated as there were the lower rated, but maybe I flipped them in my mind so I can't --

MR. COOK:

No, as I said before, it's the reverse of the other thing. But the -- in general the Level I sex offender is probably not going to get probation. There's a high percentage of those that get incarcerated, so we don't have -- proportionately we don't have that many of the predator types actually sentenced to probation.

LEG. HAHN:

Okay. We'll talk more about that. What factors do you use in determining if you're going to ask for GPS?

MR. COOK:

That would be, as I said, if issues emerge in the course of someone's supervision that they need to be tracked in the manner of GPS. I mean, by and large most of those that are on GPS are on GPS because when they are sentenced to probation the court imposes that sanction.

LEG. HAHN:

Right, but you need to request that.

MR. COOK:

Yes. What happens is if it's not a condition of probation, basically you can't do it. You can't impose that on your own, so one would have to go back to court and have the conditions of probation enlarged and modified by the court to include that.

LEG. HAHN:

Do you -- are you part of sentence recommendation or is that through the DA's Office solely?

MR. COOK:

No. We do a presentence investigation, and there's a recommendation that goes along with that.

LEG. HAHN:

Right, so you make the recommendations.

MR. COOK:

Yes.

LEG. HAHN:

And you ask for the GPS, and so you should be able to tell me how many, you know, how many you have asked for and how many you get.

MR. COOK:

I would be able to tell you that at some point. I don't know that I carry that information around with me.

LEG. HAHN:

No, I don't mean today. It just seems like there's a small number and I don't want, you know, how

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do you feel about our funding for GPS? Do we have funding for the need of, you know, of the level of offenders that are out there and the risk they pose to the community? Do you feel like we have adequate GPS funding.

MR. COOK:

I do. If anything emerged in the course of someone's supervision that we needed them to be tracked on GPS, you can rest assured that we would be recommending that to the court and we would have them on GPS. The thing -- I think what needs to be said here in response to your question is that the individuals who in general have done crimes that indicate that they present a threat and they need to be watched on GPS, a high percentage of those get incarcerated and are not on probation.

LEG. HAHN:

But then they eventually will be. Parole, that's what it's called?

MR. COOK:

That's parole.

LEG. HAHN:

Sorry.

MR. COOK:

That's another common confusion.

LEG. HAHN:

Yes, my fault. On to computer monitoring software, same sex offender issue. Do you know how many sex offenders are on that computer monitoring software for 2012?

MR. COOK:

I don't. I presume you're talking about the remote monitoring where we can see what websites they've been on.

LEG. HAHN:

Yes.

MR. COOK:

Offhand I can't give you an amount. Patrice, do you know?

MS. DLHOPOLSKY:

The contract was just recently approved on that, so we've just started putting people on that, and the current practice that's going into effect is that we are recommending that for anyone who was convicted of a crime that involved the use of the computer as part of the sex crime, or anyone who seems to be a likely threat in that regard, so a good number of people will be coming on. At the present there's just a handful of people on it because the contract wasn't signed, so we could not put people on this. We're also modifying conditions of probation or requesting the court to modify conditions of probation for people already on if they are considered to be a computer threat, people who have committed their sex crime by use of the computer.

LEG. HAHN:

What's our capacity for that?

MS. DLHOPOLSKY:

Capacity is really unlimited. There is no upper number on that. The company that will monitor it, the people pay for this themselves, so there's no, you know, cost to the County from this. And they

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provide us with information on any violations which occur.

LEG. HAHN:

Okay. And so then you wouldn't be able to tell me at this point the average amount of time you're monitoring them on that software, because it really just started.

MS. DLHOPOLSKY:

It just started.

LEG. HAHN:

Right. Okay. Back to -- thank you. Thank you. Back to specialized units. Narcotics. Can you tell me about your narcotics specialized unit, how many officers you have on that and -- because really the prescription drug issue that we're dealing with now, you know, we really need to make sure we have a handle on this, and I want to know that you feel you're adequately staffed for that unit and what are you doing.

MR. COOK:

A question about whether or not we're adequately staffed, I could safely say that we could use 100 more Probation Officers, okay. Obviously in the fiscal climate we're not going to get them. So a question about adequate staffing to me, having done this for decades and having done all those jobs myself, I don't know that we're going to be adequately staffed. But we do have, Patrice, four?

MS. DLHOPOLSKY:

Four.

MR. COOK:

Four people at the present time involved in the narcotics. I believe the average caseload is --

MS. DLHOPOLSKY:

Intensive.

LEG. HAHN:

Does that include the PAT, does that include the Probation Addiction Treatment, that one? There's like a separate unit.

MR. COOK:

No. Patrice can address this.

LEG. HAHN:

Okay.

MS. DLHOPOLSKY:

All right. Let's see if I can keep the button pushed down this time, all right. Yes. No, that's separate. The Probation Addictions Treatment is dealing with the alcohol, and the Intensive Narcotics Unit is dealing with the people whose problem is prescription drugs or it could be heroin or any other kind of drug. The two come under the same Supervisor, but they are different staff. Four people are assigned to Intensive Narcotics Supervision, and those are the people who we have real evidence or, you know, long-term, hard-core serious drug users. In many cases they -- you know, we have many people on regular caseloads, obviously, who have narcotics conditions, and they are also supervised, but this caseload is for the people who we consider to be the most serious threat.

LEG. HAHN:

And that's down from six.

MS. DLHOPOLSKY:

That is down from six positions that I think were five filled, and now it's down to four, yes. But we've also made arrangements to transfer some of those people who were on that intensive narcotic supervision originally. Some of them had mixed issues, such as alcohol, so some were transferred to other appropriate places. Some were placed into general intensive supervision, which is a very small caseload with numbers controlled in terms of how many can be on it by the State. The State keeps those caseloads extremely small by regulation and many of them were transferred to those caseloads.

LEG. HAHN:

Do you have any -- do you see -- would you see any benefit in transferring some of the Narcotics Unit to the DA's Heroin Task Force? Are you familiar with the task force, the boots on the ground kind of task force that the DA coordinates on heroin and other drug addiction?

MR. COOK:

I'm familiar with it, yes. Some months ago I met with representatives at the DA's Office about this task force and we do have somebody who, a Probation Officer, who is -- excuse me?

LEG. HAHN:

You have someone on the East End, on the East End Heroin Task Force.

MR. COOK:

No, we also have someone currently involved with the one in Hauppauge.

LEG. HAHN:

Good. The one on the five west end towns.

MR. COOK:

Yes.

LEG. HAHN:

You have --

MR. COOK:

Yes.

LEG. HAHN:

Okay. Excellent. CJCC. Sorry, I know that we -- I know that we're under a time crunch. I'm very sorry that I'm going on -- going on forever here.

MR. COOK:

You're losing people here.

CHAIRPERSON BROWNING:

Yeah, we are.

LEG. HAHN:

I don't know if you heard the discussion earlier about the grants.

MR. COOK:

Sure I did.

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LEG. HAHN:

Isn't the CJCC supposed to monitor the Public Safety related grants? Aren't they kind of responsible for this?

MR. COOK:

Yes, but I mean, there was some confusion there about a juxtaposition of two grants, and I think Anne spoke adequately about what the situation was. There was one grant, my understanding is it was pursued by the Police Department, handled through the Police Department. If the communications are involving a member of the Police Department you can infer that it was their grant and they pursued it and got it and are tracking it. There is another one regarding domestic violence that was pursued through the CJCC. We do monitor that through the CJCC under Dr. Robert Marmo.

LEG. HAHN:

I don't want to relive -- rehash what we went through for an hour before.

CHAIRPERSON BROWNING:

I have to cut you short, though, because we have two more, Kara.

LEG. HAHN:

But I do just want to make sure that the CJCC is operating how it's supposed to be operating and functioning in the manner that it's set up to function. You know, I just have some questions about that after what we heard. So that was my last question, was on the CJCC, and I look forward to talking with you in more detail another time.

MR. COOK:

Good. Thank you.

CHAIRPERSON BROWNING:

Okay. I think we have kind of killed this one. It's 6:15.

MR. COOK:

It's breakfast time, actually.

CHAIRPERSON BROWNING:

Well, I haven't been to bed since yesterday so I'm ready. Anyway, I appreciate it. Thank you for coming in, and obviously I'd like you to, you know, give me a call or whatever after you meet with Mr. Rodgers because, you know, clearly it's -- I don't want to see the function being lost out of the department. If there's a misunderstanding on what they're trying to do, I think that needs to be cleared up and I certainly want to hear from you after you have your conversation with him.

MR. COOK:

Absolutely, much appreciated. Thank you.

DR. GOLBIN:

Thank you.

CHAIRPERSON BROWNING:

Thank you. Okay. I feel like we have to do a toss-up here almost. I guess Dr. Milewski if you would like to come up. I feel bad for the ones that get left to sit through this all.

DR. MILEWSKI:

I'm always at the end.

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CHAIRPERSON BROWNING:

You're probably going to be the shortest. It's probably going to be the shortest and sweetest. I apologize. I didn't even know you there, and you see if you had to come up to me and said I'm going to be short and sweet you'd be out of here.

LEG. HAHN:

Well, those are famous last words often.

DR. MILEWSKI:

I just want to you know that I have been working this entire time, sitting in the back working.

CHAIRPERSON BROWNING:

Oh, you see?

DR. MILEWSKI:

Do I need to use this thing?

CHAIRPERSON BROWNING:

Yes, you do. Sorry.

DR. MILEWSKI:

Okay. No problem, it's not a problem. I can't even hear myself coming through. Okay. So it is short and sweet from -- I don't even have anything prepared. You know, the independents came and we had to put together our first independent budget on short notice with some staff who have become very savvy, but no in-house budget staff. So the experience was really great. The Budget Office staff were very responsive. We elaborated on what our struggles long-term have been with funding and operational problems, and the County Executive saw fit to give us a budget that answered all of our traditional issues over -- at least since I have been here for five and a half years. So we're very appreciative. We feel like we need our best chance to make it work in the new situation. And the Budget Review Office actually gave us a little more to offset two areas where we run into some problems, facility issues and contract positions, because we do have a chronic problem sort of attracting Medical Examiner Physicians. Now we have a Deputy Chief Medical Examiner position in our new budget, so as long as we have that vacancy we will have to continue to use contract pathologists. Other than that, everything was well met and it's a very good budget.

CHAIRPERSON BROWNING:

Okay. BRO's recommendations you are good with, right?

DR. MILEWSKI:

Yeah. No, a little extra always helps. Thank you.

CHAIRPERSON BROWNING:

Well, I thank you and I apologize that you had to sit here so long.

DR. MILEWSKI:

No problem. Have a good evening.

CHAIRPERSON BROWNING:

Thank you. Have a good night.

And we have our representative District Attorney's Office. Hopefully we can keep this short and sweet for you, too. I somehow think there might be something more that you're going to need.

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MR. PAVLIK:

If I stand is that all right?

CHAIRPERSON BROWNING:

Come and have a seat at the table and make yourself comfortable.

MR. PAVLIK:

Do I -- I've been sitting all day.

CHAIRPERSON BROWNING:

If you could just identify yourself. I apologize.

MR. PAVLIK:

Sure. Well, thank you, Legislator Browning and members of the Committee. My name is Craig Pavlik. I'm in charge of Administration and Finance for the District Attorney's Office. I think I can actually make my remarks shorter than the good doctor who just walked out.

The District Attorney believed it was very important to be here today for the prime purpose of answering any questions that the Legislators had with respect to our 2013 budget. The DA concurs with the County Executive's recommended cost to continue budget. I just had a few comments that the District Attorney asked to make concerning the budget.

We are very happy with the recommendation for the clerical staff that BRO, who I must say did an excellent job as well as the County Executive's Budget staff, including Mr. Ortiz here. Very happy with the clerical staff vacancies that were included in this year's budget. As the DA has spoken over the past year, our clerical staff being reduced, specifically our secretaries in some of our major bureaus was a prime concern of his, and so moving forward this will allow us hopefully to fill some of those vacancies so that you will have the proper personnel to type the indictments and get out the necessary paperwork in our office.

Two issues outside the budget that we wanted to just bring to the Legislature's attention, and we do this every year. I think it's become old hat. One is the CARP grant. We have been very successful in prosecuting revenue related crimes over the past couple of years, and although it's not part of the budget and there's nowhere in the budget to place it, the District Attorney just asked that we remind the Legislature and the County about the amount of money that we recover back in various revenue crimes, including sales tax. And while the full amount that's recovered and sent up to New York State does not all come back to the County, there is a portion that does. And unfortunately, despite our best efforts over the last couple of years, there is no way to attract that amount of sales tax revenue that comes back to the County just based on the way that New York State I guess cuts checks back to the County for the sales tax portion that the County's entitled to. So while you receive the money that the County generates in and of itself, there are times, I think, where revenue's included that is money that we get from asset forfeiture or restitution that goes up to New York State tax that is then returned back to Suffolk County as a result of the prosecution that's done in our office.

The second comment, and I'll make it very brief, is that as eloquently stated in the recommendations or at least in the findings of the Budget Review Office, our fleet service is in great disrepair. Our number of vehicles is a little over 20% that have between 102 and 155,000 miles, although I think it's actually even higher now since that report was prepared. In addition, we have about 10% of our fleet that's continually in the garage. If there's anything that can be done to provide some of the capital monies for the replacement of some of our vehicles, the District Attorney would be much appreciated. With that, I'm done.

CHAIRPERSON BROWNING:

Curiosity. I mean, when -- because I know that we generally a lot of times get vehicles that come in through asset forfeiture. I mean, do you use those vehicles when you -- I mean, how many would you average in a year? Is kind of a silly question?

MR. PAVLIK:

No, it's not a silly question at all. The way the law works under Article 13A, because I'm actually the asset forfeiture -- in charge of that as well. So that's a good question, I can answer that one today. The way the law works, though, is that when vehicles are brought in through asset forfeiture the law requires that the vehicles first be offered to the Police Department. So on a number of our narcotics cases, for instance, a lot of the vehicles that we take in go to the Police Department before we get dibs at those vehicles.

The second problem with the vehicles is -- well, there's two additional problems. One, lately a lot of the vehicles we get are either high end vehicles that are very difficult to fleet, or have a lot of high mileage that the County is unwilling to fleet them for various reasons. The other thing is we have noticed a trend with, especially drug dealers, a lot of them use leased vehicles now, and we don't forfeit leased vehicles because there is an interested third party who does have a legitimate lien. So I would say over the last two years, maybe four vehicles is all we have been able to fleet in the DA squad.

CHAIRPERSON BROWNING:

Okay. So I guess the criminals are getting smarter, huh?

MR. PAVLIK:

I guess they are.

CHAIRPERSON BROWNING:

And as far as those vacant positions for the Clerk Typist, the Clerk positions, how many are you looking to actually fill? I see you have like 11 total?

MR. PAVLIK:

The Clerk Typists break down to four and then there are some other additional positions on there. It's those four Clerical positions, I think, would be the first and foremost to be filled, followed by other ones, you know, down the line.

CHAIRPERSON BROWNING:

So that could bring back some of our laid off employees potentially.

MR. PAVLIK:

Yes, most certainly.

CHAIRPERSON BROWNING:

Well, that would be great. But I thank you. Thank you for -- and I apologize again for having to sit here for whole, what, three hours.

MR. PAVLIK:

It's a good civics lesson. Thank you.

CHAIRPERSON BROWNING:

Thank you. Have a good night. With that, I'll make a motion to close.

LEG. CALARCO:

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Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. We are closed.

(THE MEETING WAS ADJOURNED AT 6:20 P.M.)