PUBLIC SAFETY COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, April 19, 2012 at 10:00 a.m.

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

Also In Attendance:
Presiding Officer Bill Lindsay - District #8
Deputy Presiding Officer Wayne Horsley - District #14
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Terry Pearsall - Chief of Staff/P.O. Lindsay's Office
Renee Ortiz - Chief Deputy Clerk/Suffolk County Legislature
Barbara LoMoriello - Deputy Clerk/Suffolk County Legislature
John Ortiz - Budget Analyst/Legislative Budget Review Office
Josh Slaughter - Aide to Legislator Browning
Bobby Knight - Aide to Presiding Officer Lindsay
Michael Pitcher - Aide to Presiding Officer Lindsay
Lora Gellerstein - Aide to Legislator Spencer
Justin Littell - Aide to Legislator D'Amaro
Ali Nazir - Aide to Legislator Kennedy
Ben Zwirn - County Executive Assistant
Tom Vaughn - County Executive Assistant
Tedd Nieves - Deputy Inspector/Suffolk County Police Department
Tracy Pollak - Headquarters/Suffolk County Police Department
Stuart Cameron - Chief of Patrol/Suffolk County Police Department
Jesus Faya - Suffolk County Police Department
Thomas Spota - District Attorney for Suffolk County
Ed Heilig - Executive Division Chief/District Attorney's Office
Emily Constant - Executive Chief/Assistant District Attorney
Craig Pavlik - AFU Deputy Bureau Chief/District Attorney's Office
Vincent DeMarco - Suffolk County Sheriff
Joseph Caracappa - Undersheriff/Suffolk County Sheriff's Office
Mike Sharkey - Chief of Staff/Suffolk County Sheriff's Office
Joseph Rubacka - Deputy Warden/Suffolk County Sheriff's Office
Kerry Kneitel - Chief/Suffolk County Sheriff's Office
Dennis Carmen - Lietenant-Commanding Officer/SCSO
Joseph Williams - Commissioner/Fire, Rescue & Emergency Services
Noel DiGerolamo - President/Suffolk County PBA
Lou Tutone - 2nd Vice-President/Suffolk County PBA
Bill Plant - President/Suffolk Detective's Association
Russ McCormick - Sergeant-at-Arms/Suffolk Detective's Association

Vito Dagnello - President/Correction Officer's Association
Louis Viscusi - Correction Officer's Association
John Cowie - Vice-President/Superior Officer's Association
John Keary - President/Detective Investigators PBA
Anthony Prudenti - President/Deputy Sheriffs Police Benevolent Assoc
Artie Sanchez - Vice-President/Deputy Sheriffs Police Benevolent Assoc
Don Grauer - Suffolk County Probation Officer's Association
Richard Meyer - Association of Municipal Employees
James Ingenito - Acting County Architect/Suffolk County DPW
Laura Ahearn - Executive Director/Parents for Megan's Law
Joanne Sanders - Suffolk County Coalition Against Domestic Violence
Julia Gambino - Americans For Legal Reform
Sal Aliamo - Issue of Child Concealment
David Tyska - Issue of Child Concealment.
Greg Fischer - Issue of Child Concealment.
Elena Yigit - Issue of Child Concealment.
All Other Interested Parties

Minutes Taken By:
Alison Mahoney - Court Reporter

(*The meeting was called to order at 10:14 A.M.*)

CHAIRPERSON BROWNING:
Good morning. We'll start the Public Safety Committee meeting with the Pledge of Allegiance led by Legislator Calarco.

Salutation

And if we'll stand for a moment of silence for those who defend our country and the -- I know this week we will have a funeral for a member of the FDNY who recently passed away.

Moment of Silence Observed

Thank you. Okay. So I know, Sheriff DeMarco, I believe you have something that you have to attend, so if you would like to come up so we could let you get in and get out.

Good morning. I thank you for coming today. You know, as you know, we have some serious budget problems and I thought it was important for -- to give you an opportunity to speak on the Sheriff's Department and what your goals and plans are for the year, and also how you plan to address any of your budget issues.

SHERIFF DEMARCO:
Our biggest plan and issue is obviously the opening of the new jail. And I brought the Commanding Officer of our new Jail Transition Team, Lieutenant Carmen, to give you a quick overview of where we are and how we're progressing. You know, just a quick thing, is we're -- September 1st we're ready to put inmates in. The contractor is supposed to give us the building I believe sometime in May, but I'll turn it over to Lieutenant Carmen to give you the up-to-date transpirings. Go ahead.

LIEUTENANT CARMEN:
Okay. At this point we have --

MS. LOMORIELLO:
You have to pull that closer. We have to get you on the record.

LIEUTENANT CARMEN:
Okay. At this point, the facility is scheduled to be turned over from the contractor in early May; that's according to DPW and the contractor on the site. We are currently training approximately 400 CO's on a rotating basis, based on the crew assignments that they are assigned to currently. That training will continue until mid-June.

From there, once the building is turned over to us, we plan on what we would call a soft opening, which would be where we go in and we test all the facilities, test all the systems we have. We want to make sure that everything is going to work once the inmates are in there, that the electric locks are going to legitimately lock. The contractor tends to just open and close it one time and he's happy that it opened, it closed, it's okay. From our standpoint, we want to make sure that after repeated use, we're going to go open and close the doors a number of times. We also have a lot of association issues between officer safety devices and cameras, so we want to make sure that those associations are working.

Also during that timeframe, we're going to do what we call a shakedown; that's when we're going to go in and we're going to look for contraband which would be anything from a razor blade or a box-cutter blade to cigarette butts that were left behind from the contractor. Once we feel the facility has been shaken down and is free of contraband, at that point the plan is to slowly move inmates in over a period of time. I believe we have a number of approximately 20%; 20% will go into each housing unit, will stay there for approximately five to seven days, and then we'll do another move and another 20%. And the reason we're doing it that way is the Commission -- New York State Commission of Corrections would prefer we do it this way because if we run into some kind of problem that we did not see, did not foresee, we won't have a major issue where we have 60 inmates in a housing unit and now we have a big problem and we have to scramble around to try to address.

And as the Sheriff says, if everything goes the way it's planned right now, we should be occupied by early September.

SHERIFF DEMARCO:
Any questions on the review?

CHAIRPERSON BROWNING:
Well, let me ask you real quick. How many prisoners are you currently housing at this time; what is your capacity?

SHERIFF DEMARCO:
Housing out or housing in our --

CHAIRPERSON BROWNING:
How many prisoners are you housing at this time, and what is your capacity?

SHERIFF DEMARCO:
Legal capacity -- well, I mean, there's two different things; there's a legal capacity and then our capacity with the variances.

CHAIRPERSON BROWNING:
Right, your legal capacity and what your variances are allowing you.

SHERIFF DEMARCO:
But I will tell you in February we were about three inmates off from an all-time high, we were about 1910, the all-time record for inmates in the County was -- I guess was around 1913. The count has dropped down since then, but it is a very cyclical thing, in May it usually spikes back up and I

wouldn't be surprised if we hit 2,000 in May. Joe, you want to just go over the legal capacity?

DEPUTY WARDEN RUBACKA:
Right now with 511 variance beds, the legal capacity is about 1800; however, the functional capacity is about 1690 because of classification requirements. Right now we have about 160 inmates out in Rikers and Nassau County, and we've had as high as 210. That's running about $25,000 a day.

CHAIRPERSON BROWNING:
How much again, two hundred and --

DEPUTY WARDEN RUBACKA:
The high was about 210 and right now it's about 160, and it's running about anywhere from 20 to $25,000 a day.

LEG. SPENCER:
With the move, moving 20% at a time, does that present -- I apologize.

CHAIRPERSON BROWNING:
No, go ahead, you're on a roll.

LEG. SPENCER:
I apologize. Excuse me, Madam Chair. May I proceed?

CHAIRPERSON BROWNING:
Sure, go ahead.

LEG. SPENCER:
I'm sorry about that. With the move, does it present a staffing issue in terms of having to maintain two facilities at once? I mean, how do you -- because you'll have -- at some point 40% will be at one facility and 60 will be in another and then it will switch. Will there be overtime involved in order to do this? Will you need extra CO's to be able to facilitate this?

SHERIFF DEMARCO:
Well, the State has done a staffing analysis of the new facility and they've told us, told the County, you know, what we need to hire. Right now I believe we'll probably need another 60 or so?

DEPUTY WARDEN RUBACKA:
Right now there's 67 vacancies for Correction Officers.

SHERIFF DEMARCO:
But we did have a meeting with the State Commission of Corrections about a month ago and, you know, it was related to the fiscal crisis in the County and hiring freezes, and they seem like they're still willing to work with us to come up with an alternate staffing plan to get the facility open. It's very important for them to get the facility -- for us and for them to get the facility opening -- open because of the deteriorating condition of the old Yaphank facility and the work.

Part of Phase I of the new jail is the refurbishment of the old Yaphank, which we all know for years has been crumbling. And, you know, we do have -- every year we do spend Capital money there to keep it going, but it's very important that we open this facility in September and the Commission realizes that and we are working with them on possibly a new staffing plan to get the facility open.

CHAIRPERSON BROWNING:
Go ahead.

LEG. SPENCER:
I guess really more my concern is, I appreciate the need to transport 20% of the time in case there's some major issue that arises. And I didn't know as a result of the gradual transition, does that cause an additional incurment of cost? And if it does, you know, is there a way to kind of mitigate that?

SHERIFF DEMARCO:
I wouldn't call it a radical transition. It's actually a very slow, smooth transition

LEG. SPENCER:
Not radical, I apologize, but it's a slow transition.

SHERIFF DEMARCO:
Right. But, no, this has all been figured. We do have a move plan that's been approved by the State and every -- all the costs in this have been figured in, budgeted. We actually thought we would get the building in March and the contractor, I guess, got delayed, so we're actually -- we might actually be saving money right now.

LEG. SPENCER:
Thank you. Thank you, Madam Chair.

CHAIRPERSON BROWNING:
No problem. John?

LEG. KENNEDY:
Thank you, Madam Chair. Good morning, Sheriff. And thank you for being here to talk to us about this. The -- so, Lieutenant, I guess you explained how the opening process is going to go and we're going to actually have inmates in there in September beginning to gradually run up, occupying the new space and, as you explained, Sheriff, they'll be coming out of the old space.

Tell me a little bit about some of the other support things that we've talked about or heard about. Jail Medical, we had a discussion going back -- we even had an RFP, I believe. And while not a member of the committee, my -- what I heard was that there was no satisfactory submission and so, in fact, I guess, we're going to now make a decision that we'll be operating Jail Medical with our County personnel, I believe; is that true?

SHERIFF DEMARCO:
You know, we don't run the Medical Unit, the Health Department does.

LEG. KENNEDY:
Okay. You're right.

SHERIFF DEMARCO:
But I will tell you at the meeting we had with the State Commission, the Health Department was there, Fred Pollert was there, and it's still -- from what I can take from it, it seems still up in the air. But the commission did indicate to the County that the opening of the new medical facility -- we don't have to open up the medical facility in order to open up the actual housing units.

LEG. KENNEDY:
I see. Okay.

SHERIFF DEMARCO:
They could -- they are being a little more flexible on that to give the County a little time.

LEG. KENNEDY:
Okay. So that's something for us to still try to address and still try to take care of.

Tell me from a mere dollar and cent perspective, a little simple scratch math that I just tried to do, at 160 inmates at 25 grand a day for out-of-County -- I'm sorry, housing the inmates in Rikers, nine million; is that what we figure, 9.1, 9.2 million?

CHAIRPERSON BROWNING:
I did the math, I did between seven and nine, based on 20,000 or 25.

DEPUTY WARDEN RUBACKA:
Yeah, that's a good figure; a good ball park figure, yes.

LEG. KENNEDY:
Okay. And is that something that we have budgeted this year or are we just running a -- that's a wild card that we have to deal with?

DEPUTY WARDEN RUBACKA:
The budget allocated $2 million which we're already overspent. The original budget was estimating that the facility would be open in April and that we would have no need to house out by April; of course that hasn't happened, so we will be over budget.

LEG. KENNEDY:
Substantially over budget.

DEPUTY WARDEN RUBACKA:
Well, depending on when we open the new facility and if the inmate population comes down, that's the variables that could make it significant or not significant.

LEG. KENNEDY:
Okay. Sheriff, you and I had a chance to talk yesterday at length.
So from your perspective, the -- is it fair to say that what the Commission of Corrections in indicating is that Suffolk County will open this jail in September. It's not something that's a cost benefit analysis or an operations analysis, but from their perspective, they're indicating we will open in September?

SHERIFF DEMARCO:
They want to see the facility open in September for numerous reasons. One is that this facility was already supposed to be open years ago. Two is that the old Yaphank facility is in desperate need of being fixed up, and the only way to do that is to open the new facility in order to move the inmates into the -- take them out of the old facility into the new facility. And absent that, I think what would happen is they would make us shut dorms in the old facility in order to rehab them and we'd have to send out more inmates.

And there's always the potential to lose variances because we're not meeting the time lines that we all agreed to with New York State. And, you know, if we just lost a handful of variances, just our double-celling variances, we're looking at $21 million in housing out inmates; if they took all our variances, you're looking at $30 million a year in housing out inmates. And at that point, when you get to that point, we won't even be able to put them in Nassau and Rikers because they won't have the space. We'll be taking them to Buffalo, to Albany, and then you have to bring them back for court, so there are additional costs in doing that, too.

There are huge benefits in opening this facility and progressing along. As I said before, the refurbishment of the old Yaphank facility is still part of Phase I, so we're not going to lose any variances when the new facility opens. So we'll really be in pretty good shape and hopefully we really wouldn't have any inmates out at that point, so we'd be saving substantial money.

LEG. KENNEDY:
Okay. Just one other area to go to with then, then. Let's talk about the personnel that you have available to you. Correction Officers; we have a class that's midway through a training now or going to graduate or has just graduated?

DEPUTY WARDEN RUBACKA:
They just graduated into the work force right now.

LEG. KENNEDY:
Okay. So is that a sufficient number of personnel to start the soft opening in September?

SHERIFF DEMARCO:
I think it's a sufficient amount of personnel to do it. Obviously, the State wants us to have -- there's about 30 promotions that they want to see us make, as well as hiring another -- you know, back-filling those plus another 30 officers, so they want to see another class of 60. But like I said at the last meeting, given the County's fiscal crisis, we are going to meet with them again and talk about different ways to get this building open with the staff we currently have.

LEG. KENNEDY:
When do you expect they're going to be back down again for this meeting, Sheriff?

SHERIFF DEMARCO:
Well, we'll probably call them once we actually formulate our plan, how we think we can do it, and we'll set up a meeting with them to propose it.

LEG. KENNEDY:
I would have some interest in that. If you can let my office know when you have something set.

SHERIFF DEMARCO:
Sure. Just so you know, the Legislature was invited to the other meeting. I don't -- nobody attended, so.

LEG. KENNEDY:
I understand that. And as a matter of fact, I appreciate you sharing that with me. I know there may have been a little bit of a communication issue because of some other things, and that's fine. And I --

SHERIFF DEMARCO:
Yeah, okay. But we'll make sure you know about it.

LEG. KENNEDY:
Thank you very much. I appreciate it. All right, Madam Chair.

CHAIRPERSON BROWNING:
Okay. Which meeting are you saying that we were invited to?

SHERIFF DEMARCO:
There was a meeting with the State Commission and the County and DPW. It was -- it went through the Presiding Officer's Office, so.

CHAIRPERSON BROWNING:
Oh, okay. Well, I guess we'll check on that, because I wasn't aware of it myself.

You know, at the previous -- we had a CJCC meeting recently and you talked about the excessive number of parolees that are winding up back in the County jail and spending way too much time there. Do you have a number? And, you know, how can we resolve that problem?

SHERIFF DEMARCO:
Well, it usually is around anywhere from 160 to 180 parole violators, but there is a difference. You do have technical parole violators and you do also -- you have parole violators who have local charges. Nassau doesn't have nearly as many parolees in their jail. And in my opinion, from sitting in on parole hearings and sending someone to sit in on Nassau's parole hearings, it's a problem with the Parole Hearing Officer that we have here, that we're stuck with here in the County. So we are going to attempt to reach out to Parole and see if we can request a new hearing officer.

CHAIRPERSON BROWNING:
That sounds like a good idea. Anything I can do to help, I'd be more than happy, because I've seen the excessive number of parolees winding up in many of our sober homes and that's a serious problem. And I think that when they're living in these unregulated homes where there's no oversight, they wind up getting themselves into trouble and thus wind up in the jail. But I believe, Kara, you had a question? Kara?

LEG. HAHN:
Yes. I did tour with you the new jail. Can you hear me? Is this coming up, yeah? It's low. Okay. I have a loud voice.

So I'm -- unfortunately I'm going to have to be a little bit more basic with my questions, I'm just -- because I want to fully understand why we're kind of being told opening the new jail is going to cost so much. So if there's some way we can get to that, because, you know, I kind of want to divide up the numbers and figure out why that -- why is that? Is it a combination of the medical facility and the -- I just -- if there's some way you can explain that.

SHERIFF DEMARCO:
Well, part of it could be the medical facility, but that's not really my issue, that's the Health Department's issue. But, you know, opening the new jail, we're going to have all these inmates that are housed out and ones that are held on variances are going to be in the new facility and we're going to be housing more inmates in the County. So the commission wants you to have more staff, but if they are willing to be flexible with the staffing and let us be a little creative in how we can get this building open, the cost probably won't be that much.

LEG. HAHN:
But we pay for them when they go out and we pay, obviously, more -- is it less than it would cost us to house them here? I mean, I don't quite understand why --

SHERIFF DEMARCO:
Deputy Warden Rubacka can give you an average cost.

DEPUTY WARDEN RUBACKA:
Rikers and Nassau County charge us $125 a day for each inmate. And the inmates that we are required to house in Nassau and Rikers are the best inmates; they have no medical issues, they have no significant disciplinary problems. So those inmates cost Suffolk County very minimal to house. When we bring them back, we'll eliminate the need to spend those almost a million dollars a month in substitute jail housing.

LEG. HAHN:
Right. So factoring that in, it just -- I don't -- I don't fully understand, you know, the numbers that I'm hearing in terms of how much more a year it's going to cost us to run the new jail.

SHERIFF DEMARCO:
Well, I don't know what number you're talking about, so.

LEG. HAHN:
Well, what -- you've talked about the new staffing plan to get the facility open that you've been talking about with -- like are they going to give you -- is it that you're looking for, like, double-celling variances for the new facility in order to allow a new staffing plan? Like how do you come up with a new plan that would be less expensive? Is that what you're shooting for?

SHERIFF DEMARCO:
It's a plan that hopefully we can come up with to use the staff that we already have existing and part of it has to do with the fact that we're going to be refurbishing the old Yaphank facility and possibly transferring some of the staff there. If we're closing a few dormitories there, we'll have the staff that works in the dorms and we might be able to close a corridor post because that section of the building will be shut. You know, we're not sure yet. You know, it would be a bridge plan to get the facility open and it would have to be approved by the State.

LEG. HAHN:
Okay.

CHAIRPERSON BROWNING:
You're good?

LEG. HAHN:
Sure.

CHAIRPERSON BROWNING:
Rob?

LEG. CALARCO:
Sheriff, just a quick follow-up on that question. With the staffing levels, how many Correction Officers do we have now and how many are we going to be required to hire to meet the staffing levels to open this facility? Because I think that's probably the biggest cost driver for us.

SHERIFF DEMARCO:
I'm sure it is. That is the biggest cost opening the building is the staff.

DEPUTY WARDEN RUBACKA:
The full complement would be 982 Correction Officers, right now we have 917 with 65 vacancies.

LEG. CALARCO:
And how many do we have to have in order to open the facility?

DEPUTY WARDEN RUBACKA:
The State Commission wants us to have 982. But as the Sheriff said, given the fiscal crisis, they will reevaluate if we come up with a plan that maybe can do with what we have for a -- you know, a short term, get us through.

LEG. CALARCO:
So we don't have to hire any more Correction Officers to open this facility right now?

DEPUTY WARDEN RUBACKA:
It's pending approval with the State Commission and seeing what we can and cannot do. It would be a short-term solution, because I'm sure there would be additional overtime incurred; as to how much, I don't know. It would be something that we could probably do for a short period of time. Because to hire 65, it will take 14 weeks for training, so that's another factor that has to be considered.

LEG. CALARCO:
That's training for the academy? Do they require any extra training given this new type of facility, that it's a direct-watch type of situation?

DEPUTY WARDEN RUBACKA:
For the new recruits, that would be part of the 14-week training.

SHERIFF DEMARCO:
And there are other options that we are going to speak with the Commissioner about. I mean, there's a chance we could completely shut the old Yaphank facility and just open the new facility and let them just go in and rehab the whole facility instead of just closing one dorm at a time. There are a whole other -- yeah, a lot of different options that we want to discuss with the Commission about how we can staff the new facility in order for it to open without additional hiring.

LEG. CALARCO:
Okay.

CHAIRPERSON BROWNING:
John, you have another one, right?

LEG. KENNEDY:
Madam Chair --

CHAIRPERSON BROWNING:
Oh, no, I'm sorry. I believe --

LEG. KENNEDY:
Oh, I'm sorry.

CHAIRPERSON BROWNING:
I believe Wayne had a question.

D.P.O. HORSLEY:
I'm not on the committee, so I can certainly wait my turn.

CHAIRPERSON BROWNING:
He -- it's your call.

LEG. KENNEDY:
I want to have a conversation with the Sheriff about a different matter, actually our 2012 budget modifications and things like that. So if there's more to talk about with the jail, I'd be happy to yield.

D.P.O. HORSLEY:
Thank you very much, Legislator, and I appreciate that.

Mr. Sheriff, Vinny, we've been -- and I know that you have as well, been privy to our reaching out to where we can make cost cuts and how we can get out of this financial problem that the County faces. And I know that you've seen this report that's been circulated, that maybe if the jail was delayed opening for a year that there could be a savings of $14 million. And we're -- we're questioning it, as well as I'm sure that you are. Do you have any reaction to that? Do you think that that has -- holds any legitimacy? Do you think that -- do you disagree with the number, do you think it's -- you know, what is your feelings about that?

SHERIFF DEMARCO:
To be honest, I haven't seen that report, I've only heard about it.

D.P.O. HORSLEY:
Well, it's just a number. I don't know if it's a report.

SHERIFF DEMARCO:
Yeah, a number; well, okay. But, you know, our fear is that if we don't open this facility, and the Commission's made this quite clear, those variances -- nobody in New York State has the amount of variances we have, not even close. I mean, 500 variance beds we potentially could lose if this jail doesn't open. And you're looking at a 30,000 -- a $30 million a year cost to house out inmates, and that doesn't include transportation to and from court. And like I said, these inmates wouldn't be housed in Rikers or Nassau, they'd be housed in Erie County, in Monroe County, some of the bigger facilities Upstate that actually have room. So your $14 million would be eaten up very quickly. Joe, you anything else on that?

DEPUTY WARDEN RUBACKA:
To save 14 million, it would actually be -- having to save 44 million because it would be costing us $30 million to house them out. So I don't know where this 14 million is coming from.

SHERIFF DEMARCO:
And the other part is -- the other part of Phase I of this new jail is redoing the old part of Yaphank, which we already lost -- when was that, back in the late 90's, we already lost two dorms, they've been condemned, now they're destroyed. But we can't really afford to lose any more housing units, and it's critical that that work start. I mean, the money was -- it's in the Capital Budget and it is part of phase I.

DEPUTY WARDEN RUBACKA:
(Inaudible).

SHERIFF DEMARCO:
Yeah, and the problem is that work can't start unless we have a place to put the inmates in those dormitories.

D.P.O. HORSLEY:
And I understand what you're saying. And, you know, we're not -- we're not making any judgements on that today. We're just -- you know, we saw that number and it looked like one of the avenues which we could take a look at if we continued on our spiral downward financially.

But what you're saying, basically, is that that $14 million is not real because of the State and our fear of loss of variances and the like, and that would be the reason why the 14 million would not be real or achievable.

SHERIFF DEMARCO:
In my opinion, yes.

D.P.O. HORSLEY:
Okay. I just want --

SHERIFF DEMARCO:
Like I said, when we set up our next meeting with the State Commission, I'll invite you to come down and --

D.P.O. HORSLEY:
Yeah. We haven't seen the analysis of the 14 million. I just asked BRO, you know, can you break that down, and they -- I guess they're not -- they question the reality of that as well.

SHERIFF DEMARCO:
Right.

D.P.O. HORSLEY:
But it certainly is something we should discuss.

SHERIFF DEMARCO:
Like I said, we can speak to the Commission and say, "Hey, you know, if there's a potential, given the fiscal crisis, that we, you know, might be interested in delaying the opening of this facility," you know, you can see what their reaction is. Them taking all the variances is something that they tell us all the time.

D.P.O. HORSLEY:
Okay.

SHERIFF DEMARCO:
But they have taken variances.

D.P.O. HORSLEY:
You're on the front line so, I mean, you have a better feel for this than I do.

SHERIFF DEMARCO:
They take -- they have taken variances before. I mean, is it a hundred percent given? I mean, it's up to them, so. But I would think given the history of this project and where we are, I think if the County went to the State and said, "We want to delay the opening of this facility for a year," there are going to be some issues. And there are other issues, like I said, with the facility, the old facility which --

D.P.O. HORSLEY:
Right. Yeah, I see it's on the Capital Program.

SHERIFF DEMARCO:
-- if that gets neglected -- if that gets neglected much longer, you're going to spend a lot more money in other ways.

D.P.O. HORSLEY:
And I see where the Exec put -- kept it in the budget to do that work, the rehab work on the old jail.

All right, thanks. I think this is, you know, something that we're just going to -- as we progress, we're going to have to discuss the details on that and question whether or not that is an issue that we should talk about. Okay. Thank you a lot.

CHAIRPERSON BROWNING:
Yeah, I think what it is, we're kind of like -- it's kind of like playing chicken, because you don't know if the Commission of Corrections is going to give you, you know, "You're it." It's like an assumption, we'll save $14 million. But what if the Commissioner says, "No, you're not going to get your variances, you're not going to keep all those variances"? So --

D.P.O. HORSLEY:
A thirty million hole.

CHAIRPERSON BROWNING:
There is no guarantee. So that $14 million is not a guarantee. And again, I think our Budget Office, I'd like to see if you could draw up the numbers. You know, what if we did lose variances? You know, is that $14 million a real number? You know, if we open the jail and we send out more prisoners. I mean, is the average number of prisoners that we send out over the past, like, say year or two years been the 160? Has it been higher, has it been lower?

DEPUTY WARDEN RUBACKA:
One sixty, it would probably be an average. Like I said, this year we hit a high of I think 210 inmates and maybe a low of 90, but that low of 90 was very brief.

CHAIRPERSON BROWNING:
Okay. John, did you have a question?

SHERIFF DEMARCO:
And May is also a very --

CHAIRPERSON BROWNING:
Sorry.

SHERIFF DEMARCO:
A high month for us, which is coming around the corner. And like I said, there is a chance we could break the all-time high record of inmates in this County.

CHAIRPERSON BROWNING:
Does the number drop in the summer time? Isn't there a time -- it goes up in the winter and --

DEPUTY WARDEN RUBACKA:
Historically, May and October have been high months. And historically the summer is low, but last year the summer was high, so it's hard to determine.

CHAIRPERSON BROWNING:
John?

LEG. KENNEDY:
Thank you, Madam Chair. Sheriff, I want to shift gears, if I can. Actually, there's two issues that I want to talk with you about. One of them I think I'm probably going to have to do off-line. I know there's a suit that's been brought recently, but obviously I don't want to talk about the particulars of it here.

But let's bring it to something a little bit more immediate and that's the budget modification, mitigation or layoff that we have at this point that is a legacy from last September, the 2012 recommended budget. We've been told by the County Executive staff that there is a revised list that we in the Legislature are going to see tomorrow, but we were also told earlier this week that the County Executive engaged in discussions directly with you as to, I guess, the implications for both

your sworn personnel and your civilians. So can you tell us anything about -- are we working something out, are we going to lose Sheriffs? You know, what can you share with us at this point?

SHERIFF DEMARCO:
It's my understanding that the Deputy Sheriffs are working on a similar retirement incentive that the other unions, some of the other unions got. We did speak with the County Executive about some of the people on the layoff list and they allowed us to have some input on positions that we thought would affect our operation more than others. So, you know, they seemed like they were receptive to our recommendations and I guess we'll see when the new list comes out.

LEG. KENNEDY:
Well, again, far be it from me to go ahead and set a legislation schedule for the Executive, but we have heard that there is a Certificate of Necessity that's going to be brought forward for our civilian side, our civilian workforce. So I'm going to presume that there would similarly be a CN associated with personnel in your office, and I would imagine that that would be available on Tuesday. Not coincidentally, you know our schedule is in Riverhead on Tuesday, so I guess we'll be able to walk across the street and say, "Does this work?"

You know, at the end of the day, I've said it probably a dozen times through these most recent discussions, but I'll go back to the Budget Working Group last September. And from a policy perspective, we all agreed that we wanted to avoid at all costs layoff of any sworn personnel and yet, you know, here we are almost into May talking about I believe it's six Deputy Sheriffs that were identified on this list and we don't have any resolution.

SHERIFF DEMARCO:
You know, the indications I have from the County Executive staff is that they're in agreement with you as far as sworn personnel and they are working on a remedy. So we'll have to see tomorrow.

LEG. KENNEDY:
Okay. All right. So I guess we're just watching the clock.
All right. Thank you, Madam Chair.

SHERIFF DEMARCO:
I'm sorry, I have to go to a funeral, so I'm going to excuse myself. But Chief Sharkey, Deputy Warden Rubacka and Lieutenant Carmen will be here.

CHAIRPERSON BROWNING:
Okay.

LEG. KENNEDY:
Thank you for being here.

CHAIRPERSON BROWNING:
So I think, you know, the one other question I guess we've -- you know, you have the Corrections and you have Deputy Sheriffs. And if you -- you know, do you have any comments about the Deputy Sheriffs; what your staffing levels are? You know, as far as your job functions, your overtime? And now you're slated to lose six Sheriffs, Deputy Sheriffs. So, you know, what are your overtime costs within the Deputy Sheriffs at this time?

CHIEF SHARKEY:
I don't have a formal presentation on that. I will say that we are optimistic that the Executive will work something out in reference to our sworn positions. We lost some vacant positions in the first portion of the year and then this would be six filled positions going forward. That being said, the overall overtime for the Sheriff's Office this year is down 7% over the first -- how many pay periods?

DEPUTY WARDEN RUBACKA:
Eight.

CHIEF SHARKEY:
Over the first eight pay periods.

CHAIRPERSON BROWNING:
For this year.

CHIEF SHARKEY:
For this year, yes.

CHAIRPERSON BROWNING:
Your overtime is down by 7%?

CHIEF SHARKEY:
Down 7% this year versus last year.

CHAIRPERSON BROWNING:
Okay. What was your overtime total, overtime last year?

CHIEF SHARKEY:
For the whole entire year was about 22 million.

CHAIRPERSON BROWNING:
Twenty-two --

CHIEF SHARKEY:
Million.

CHAIRPERSON BROWNING:
Wow. And that's just for the Deputies?

CHIEF SHARKEY:
That's for the entire Sheriff's Office.

CHAIRPERSON BROWNING:
Oh, the entire Sheriff's Office. So do you have a breakdown on Corrections versus Deputies; no?

CHIEF SHARKEY:
Yeah, I --

CHAIRPERSON BROWNING:
You might not have it now, but if you can provide us with that, that would be great.

CHIEF SHARKEY:
It's roughly, you know, two-thirds and a third; I mean, that's roughly the breakdown.

CHAIRPERSON BROWNING:
Two-thirds being Corrections.

CHIEF SHARKEY:
Yes.

CHAIRPERSON BROWNING:
Okay. Does anybody else have any questions?

LEG. CALARCO:
The Sheriff wants to say something.

CHAIRPERSON BROWNING:
Oh, go ahead.

SHERIFF DEMARCO:
Before I go, I just -- I meant to mention something. An issue we do have in our office is a morale issue, especially on the Corrections side, because they've been without a contract for five years. I know they're in arbitration, but I believe that the briefs and every -- all the information was in in November and December and there's still no resolution to it. And we're coming into the summer, typically in the summer people like to take time off, and when morale is low people tend to take more time off. So, you know, there has to be a resolution to this.

What you're going to see is, again, this County has a practice for some reason of not negotiating contracts in a timely manner. Last year the Deputy Sheriffs I believe had a contract for four years, they got their contract, and then what you wind up with is a big lump sum payment into and it shows up in your overtime accounts.

So, you know, I notice that the compensation report came out last year and -- I mean, for last year, came out yesterday or two days ago. And in there it talks about Sheriff's Office overtime again, but what it doesn't talk about is about $1.8 million in retroactive payments.
And what you're going to have with the Correction Officers next year is you're going to have them with five years without a contract and a five-year lump sum payment that the County is going to have to pay out.

CHAIRPERSON BROWNING:
So which contract is this currently in arbitration, for what period?

SHERIFF DEMARCO:
It's from two thousand and -- the end of 2007, they've been five years.

CHAIRPERSON BROWNING:
And they're usually, what, a three-year contract?

SHERIFF DEMARCO:
I believe they're working on a three-year arbitration. And they'll still be out of date when it happens, but they're five years out, so. So I just wanted to mention that.

CHAIRPERSON BROWNING:
Okay. Thank you. Does anyone else have any questions for the Sheriff's Department, no, at this time? I guess not. So I thank you. And I believe I did make the request for an inventory with the Police Department on their cars and I believe you have one that you'll be able to give to me before we leave here today. So with that -- do you have copies for everybody?

CHIEF SHARKEY:
No, I have a copy for you.

CHAIRPERSON BROWNING:
Josh, if you want to take them and make copies for everybody?
Thank you.

CHIEF SHARKEY:
You're welcome.

CHAIRPERSON BROWNING:
And with that, we have the District Attorney, Tom Spota, here. If you would like to take some time.

Good morning.

DISTRICT ATTORNEY SPOTA:
Good morning.

CHAIRPERSON BROWNING:
And if you'd like to just introduce everybody. But like everyone, I want to give everybody an opportunity to come. It's a new year, sort of still, but we -- you know, I want to give everybody an opportunity to come, you know, speak on your budget issues and your staffing issues and what your plans are for the future and what your concerns are.

DISTRICT ATTORNEY SPOTA:
Well, thank you very much. Let me just introduce -- I think everybody knows our Chief --

CHAIRPERSON BROWNING:
I think -- I don't know if your mic's working properly.

DISTRICT ATTORNEY SPOTA:
I'm pressing it.

MR. NOLAN:
Bring it closer.

CHAIRPERSON BROWNING:
Bring it closer to you.

DISTRICT ATTORNEY SPOTA:
Okay now? Emily Constant is the Chief Assistant District Attorney; and Ed Heilig is a Division Chief; and Craig Pavlik is probably the best of all of us to answer many of your questions, he deals with many of our financial matters.

Let me just give you an outline of what the DA's Office does. A lot of people, you only hear about it because we convict somebody of a crime, they're sent to jail. We -- when I first came into office in 2002, we had prosecuted just over 41,000 cases; last year we prosecuted over 60,000 cases. Last year we had 3500 felony prosecutions, those are extremely time consuming cases. If the current number of felony arrests continues and remains constant, we will probably be a thousand more felony prosecutions which will bring us to the 4500 limit. A lot of this, of course, I attribute to the work of the Suffolk County Police Department, the new leadership in the Police Department. I think the morale in the Police Department has just dramatically changed for the positive, and the Police Officers are out on the streets making a lot of arrests, and I commend them for that.

We have -- one of our biggest areas of concerns for us is domestic violence. In the first three months of this year, we are approximately 600 cases over -- arrests that being, over our 2010 levels; those are cases that are absolutely -- yes, 600 more over 2010.

LEG. HAHN:
Already?

DISTRICT ATTORNEY SPOTA:
Already, yeah. These are cases where we have paralegals and victim, crime victim advocates are absolutely critical resources. The numbers that I have given you with respect to the 60,000 cases -- by the way, the 3500 felony cases, and I said it could -- if it remains constant, would be another thousand, that's included in the -- I don't want to make you think that there is an additional 4,000 cases; that's in the numbers that I had mentioned before. But what it doesn't -- what a lot of people don't realize is the investigations that we do. These are long-term investigations which we have various bureaus doing various types of investigations. We have a Government Corruption Bureau that probably leads the State in the number of indictments and charges that we bring for fraud, mismanagement, waste and crimes that are being committed by not only elected officials but people working for a municipality or governmental agency of one type or another.

Today we are announcing concluding a two-year investigation into a matter concerning Suffolk County. We have a Tax Crimes Unit which is second in the State, and the only -- I believe it's New York County, Mr. {Vance's} office has more -- brings in more cases and more revenue to the State. And by the way, Suffolk County gets a significant share of whatever cases we bring in in our Tax Crime Unit. Our Labor Unit leads the State in prevailing wage cases by far. Mortgage crime investigations, we probably do more than any other office; and again, with the exception of, I believe, the New York County District Attorney's Office.

Quite frankly, what's happened is that we are now stretched to the limit. I have 186 prosecutors and we're okay, we're there. But when I tell you, what's happening is that we -- every year there's another specialized court. And these are good courts, I don't mean to say they're not, the Drug Court, the Mental Health Court, the Integrated Domestic Violence Court, our Veterans Court, all our significant courts, but those are courts that need to be addressed with specialized, trained ADA's and Police Officers and secretarial staff. We are also covering -- what a lot of people don't understand is that we also cover, in addition to all of the County Courts, that being over in CI, Hauppauge, out in the East End, we also have 29 other courts that we have to service, the outlying courts. And this year -- last year and this year we had two more; we had Sag Harbor just started a Court. What's the other one?

MR. HEILIG:
Mastic.

DISTRICT ATTORNEY SPOTA:
Mastic, Mastic Village just started a court. I have to tell you, these -- what I'm now doing is I have Assistant District Attorneys who work in the day over at Central Islip, or wherever, out east, and then they go to Night Court. They go -- because many of these courts have courts at night. They are going there, there is no additional compensation, nothing for them, but that's something that we just have to do.

By way of example, I had a case, and I think I told Legislator Kennedy, fairly recently we had a case, one of our prosecutors was prosecuting a DWI case in Central Islip in the daytime, jury trial. He then had to go to Northport that evening and prosecute another DWI in the Northport Court, jury trial. They concluded at two o'clock in the morning, then he's back the next morning prosecuting -- continuing the prosecution of the other case; that's essentially what's going on.

We have -- under the Levy layoff plan, we are slated to lose seventeen support positions and two Investigators. This is in addition to the 17 that we lost fairly recently through retirements, the abolishment of vacant positions in the adopted budget. One of the things that many other offices can do but we can't do is clerical staff. I cannot move clerical staff from one unit or one bureau to another bureau, I just can't do that because we are covering -- our office, basically we have -- how many other -- where are we located? In Southampton --

MR. HEILIG:
Nine different locations.

DISTRICT ATTORNEY SPOTA:
We have nine different locations in the East End and also out here in the west end. Many of our clerical are trained, specialize in particular areas. I can't take a person who was working in a position with our Child Abuse and Domestic Violence Unit and move them and say, "Well, we're down in our Homicide Unit, so I'll just take a secretary"; I can't do that like other bureaus, rather agencies of the County. These are specialized people, they know how to work these cases. There is information that we cannot disclose and paperwork that a normal secretary, if they went in there, would disclose, and then we're all in deep trouble.

Last week in our Child Abuse and Domestic Violence Unit, which has 16 prosecutors, we have two secretaries. We had two secretaries, one was out sick, and I -- what happened? There was another one that was out as well.

MS. CONSTANT:
Vacation.

DISTRICT ATTORNEY SPOTA:
Oh, on vacation, I'm sorry. So we have the four secretaries there and I had to have the ADAs come up from court and every hour they had to answer the phones, that's what's happening. They answer the phones so the clerical people could do the typing that's necessary; you have to type indictments and whatever. Our Appeals Bureau, which is paper intense. If I were to show you an average appeal, paperwork is probably that high, a homicide is going to be ten times that, and it's all typing and things like that. I have two secretaries for 17 lawyers, two, they do all of that work.

Our Police personnel. Now, our Police personnel in our office is comprised of Suffolk County Police Officers and Detective Investigators. When I started in 2002, we had 57 Suffolk County Police Officers with -- included in that was five Sergeants. With the prior retirements, we got no replacements. With the new incentive, we will be down to 42 Detectives, and that includes the three Sergeants. I have three Sergeants for 42 Suffolk County Police Detectives. These Detectives are the fellows that are doing -- men and women who are doing gang cases.

Recently you saw in the newspaper we've been making a lot of gun arrests. That's one of the things that -- one of the clear cut things that we have to do, gangs and guns has got to be a top priority. And we have spoken with the new Commissioner of the Suffolk County Police Department and we have some pretty good thoughts on what to do there. But we're also -- those Police Officers, Suffolk County Police Officers are also investigating racketeering, organized crime, extortion, government corruption, child abuse. And a major component of the success of our office is wiretap investigations, we lead the State; in fact, we are one of the highest, certainly within the top five of the entire nation in the number of wiretaps that our office conducts. And in my view, we've been very, very successful, however those are very, very time and labor intensive cases.

Our Detective Investigators. When I started we had 55, we now have -- we will have, with the two layoffs, 44. Those are the fellows and women, men and women, who are investigating rapes, robberies, assaults, home invasions, vehicular homicides, doing our investigative work, tax cases, economic crimes, insurance fraud, welfare fraud, elder abuse and mortgage fraud, and of course government corruption.

In our Major Crime Bureau, we have Detective Invest -- and let's just use that as an example. I have the Detective Investigators there who are basically reinvestigating or supplementing the investigations and the initial arrests that are conducted by the Suffolk County Police Department as well as all of the other Police agencies. I will tell you this, and I don't mean to denigrate the Suffolk

County Police Detectives. They are a critical -- I don't know the numbers, I just truly don't know exactly where they are right now. When I was attorney for the Suffolk County Detectives, we had 429; I don't know what it is right now. Four twenty-nine was a very -- a good number, they could certainly be lower than that. I think once you get below the 400, 390 level, you're in -- we're in pretty tough shape. I don't know where they are, I know they're losing a lot. We are losing eight in my office; we're losing two Sergeants and six Suffolk County Detectives.
I will -- just what I said before. For the remaining Suffolk County Police Detectives, I will only have three supervisors, we will have unsupervised teams for sure, and that's a recipe for disaster.

But what I was saying is that what our Detective Investigators are doing is -- the Detectives in the Police Department are doing the very best they can, but if you get a burglary, you get a rape, you get a robbery, they can make the arrest. They can't do all of the investigative work that has to be done in order to prosecute the case; they're doing the bare minimum. And I don't -- again, I'll say it again because it deserves emphasis and reemphasis; I'm not blaming them. They're just moving on to the next case, as they have to. We had an incident -- a matter, the 5th Squad Detectives, one of our busiest precincts, squads, what was it, about two or three weeks ago? On a Thursday or a Friday night, one of the busiest nights for crime, one Detective, one. They should have seven or eight in that area. So what happens is that we pick up the slack, as we should because we work with them, and that's essentially what our Detective Investigators are doing.

We have a Vehicular Crimes Unit which I just set up. It's slaughter on the highways, we're seeing it every day. We just had another double fatality. Every day of the week it seems that we've got people who are driving under the influence of drugs or alcohol killing other people. What I did was I set up a unit of prosecutors who are responding right to the crime scene, at three o'clock in the morning, whatever it may be. And what our plan was with the Acting Commissioner and the Chief of the Department was that we would have specialized Detectives working. As a consequence, they set it up with these Police Officers, I brought down forensic experts and we had a -- three or four days? A four-day seminar, I paid out of our Asset Forfeiture, $22,000 to train these cops; they can't do it. I was told last night by the Commissioner and the Chief of the Department that with the staffing levels they have right now, it doesn't look -- I will fulfill my end of it, but they can't fulfill their end of it. So we will just have regular squad Detectives responding to these scenes rather than the specialized Detectives. And when I tell you, when we have drug -- and you're reading it in the newspapers, when we have cases where people are high on drugs, to try and get prosecution, successful prosecutions is labor intensive.

I just want to go over the two Detective Investigators that we will be losing. One of them is specialized, he's been trained, he was formerly with the New York State Police, he's a terrific investigator. He is doing mortgage fraud, he is the only one left that I have to do mortgage fraud; with him gone, I have no investigators to do that.

The other investigator is formerly a Sergeant, she was a Sergeant in New York City -- rather, the Nassau County Police Department, she does elder abuse cases. Other than child abuse and domestic violence, elder abuse is also one of the toughest cases for us to investigate because it's people who are being financially -- the senior citizens who are being financially exploited and sometimes physically abused. Many of them, unfortunately, don't have the mental capacity to really help us; I have specially trained these investigators for that.

What has happened is, unfortunately, with the incentive, there were two of them, one Police Officer -- Detective and this DI; the Detective is taking the incentive and she's being laid off, that leaves me nobody in that particular matter.

And the last thing I really just wanted to mention, then I'll be happy to answer any of your questions, is every case, with new laws changing and with the advance in technology, every single case that we have becomes far more complex to investigate and to prosecute. With cell phones,

smart phones, cell sites, GPS search warrants, computers, e-mails, tablets, Facebook, social networks all require subpoenas and they require search warrants to -- in order to gain that information. Basically what I'm saying to you is simply this; we have 17 people that were proposed for layoffs, we have been able to --

MR. HEILIG:
Nine, save nine.

DISTRICT ATTORNEY SPOTA:
Nine of them will be saved because they were grant positions. I don't know why that was put in that resolution, I can't figure it out, but that's for you people to figure out. And the dire need in my office is really the Investigators, the Police and the clerical staff, that's where it is right now. It's bad; I can't say it's good, it's bad. I can't -- an Appeals Bureau, think of it. For 17 attorneys I have two secretaries. And it's not a matter -- in my office, as I said before, the person who does -- a secretary who does appeals only knows that issue. I can't say to her, "Well, you go over to Domestic Violence," I just can't do that. And we are also, in our office we are -- with the bump and retreat, some of our best personnel are the ones who will be laid off.

CHAIRPERSON BROWNING:
Okay. Thank you. And to respond, I believe I requested the number of Detectives in the Police Department, I think the number is around 360, and you're saying that anything under 400 is a problem.

DISTRICT ATTORNEY SPOTA:
I'd be shocked if the number was 360. Well, I don't know.

CHAIRPERSON BROWNING:
Is it 318? Do you want to come up and put it on the record? Also, tell us who you are; although we know who you are, (*laughter*), but for the record.

MR. PLANT:
Hi. My name is Bill Plant, I'm the President of the Suffolk Detectives Association. Good morning to everybody here. Thank you, Tom, for your words.

Currently we have 353 Detectives right now the way things stand. However, there is the incentive that was put out there, we're losing 32 Detectives to retirement at the end of April; that takes it to 323.

We're going to be down quite a bit, obviously. And as I was here, I witnessed the Chief of the Department put on a presentation for you as to some of the things and the incentives that he wants to do and initiatives he wants to do; all of those things, as Tom stated, require Detectives. We're beyond critical mass, we're well beyond that. So if you have any questions, I'd be glad to answer your questions.

CHAIRPERSON BROWNING:
Well, I --

DISTRICT ATTORNEY SPOTA:
Could I ask -- I just want to just confirm.

CHAIRPERSON BROWNING:
Sure, go ahead.

DISTRICT ATTORNEY SPOTA:
Am I correct that in the squad, the fifth -- what is it, the 5th Squad or the 1st Squad that we had on one night one Detective working?

MR. PLANT:
That's a regular occurrence, by the way. That's not just unique to the 5th Squad. We have situations where there are one, two, maybe three Detectives working at any one time. These are commands that traditionally had between eight and ten Detectives working at one time. If you have a fatal accident that occurs, wherever it happens to be, usually two Detectives are assigned to that, so those two Detectives were out and that leaves nobody back in the office if something else comes up.

What Tom alluded to before is the fact that a lot of these things are not getting investigated, quite frankly, because all they're doing is walking in the door and handling what happens on that particular day. It's gotten to the point basically where, as Mr. Spota said, the investigation only goes so far as to get them -- get the arrest done. But the follow-up for the prosecution is not necessarily done, and as Tom will tell you, that's where you wind up with problems later on with prosecutions.

CHAIRPERSON BROWNING:
Okay. Thank you. You know, and I have to say of the two Investigators that are slated for layoff, I've actually had personal experience with him in my district and I can tell you, couldn't have asked for a better person. He was very thorough. I know that the people he spoke with were delighted with him and they said, you know, while your office was not able to resolve the problem, you know, he went that step further and went to the Attorney General's Office. So, you know, that's what we need is good Detectives who will, you know, go over and above what their -- what their job is, and I believe that's what he did. So certainly I'm not going to be happy to know that we could lose that person.

I know we have a couple of questions. I believe Legislator Kennedy was first and then, Wayne, you're next.

LEG. KENNEDY:
Thank you, Madam Chair. And thank you, Mr. District Attorney, for being here this morning to talk to us about all the good work that your office does. And again, I don't mean to be a broken record throughout this process, but I think it's very important that we understand the consequences of what this legacy from the 2011 -- I'm sorry, the 2012 recommended budget was that was first put in last September.

So you spoke about 17 clerical positions that provide support throughout all of these critical units, and I believe you said that it is nine of them that are -- you're able to protect or save?

DISTRICT ATTORNEY SPOTA:
That's correct.

LEG. KENNEDY:
Okay. If I can, Madam Chair, I want to ask BRO. So John, this is happening because these 17 civilian positions in the DA's Office evaporate on July 1st? What happens? What's the consequence that triggers this dilemma that the District Attorney is in?

MR. ORTIZ:
It would be my understanding that they would be laid off by July 1st and the position would be abolished.

LEG. KENNEDY:
So we have something that's a bit of an aberration right now. We have things that are called interim positions that were -- salary was calculated for those positions to go 180 days.

MR. ORTIZ:
Correct.

LEG. KENNEDY:
Okay. But if there was an additional amount of salary that was identified, those positions could go an additional number of days?

MR. ORTIZ:
Correct also, yes.

LEG. KENNEDY:
Okay. So then internally the District Attorney is trying to find funds from other things that are equally important to the office, and I guess populate salary; is that correct?

DISTRICT ATTORNEY SPOTA:
Yes.

MR. ORTIZ:
Yes; for the most part, yes.

LEG. KENNEDY:
Okay. So then let me go back to the District Attorney. As you've talked about these many different functions that go on in your office, many of which are time sensitive, I believe, unlike what we encounter in many of our other departments. No mayhem or chaos comes about if a picnic permit doesn't issue on a date certain, but in your case, your ADA's have to do certain things by certain times otherwise there's a consequence; isn't that true?

DISTRICT ATTORNEY SPOTA:
Yeah. We have -- I'll just give you one example. Well, first of all, as you know, we have the State, the courts breathing down our back because they want cases prosecuted as soon as possible, and it's understandable, we have people that are sitting in jail. And I heard what the Sheriff had to say before. But let's say we have a felony, a murder. I have -- the Police makes the -- the Homicide Squad makes the arrest, I have to put the case in, its a number of hours but it basically comes down to five days. So what we have to do is they make the arrest and then we have to be sure we're putting in enough evidence before the Grand Jury in order for a Judge to be able to sustain our Grandy Jury -- our indictment. That -- and it becomes very, very, very critical that we do that. If we don't do it, that individual is released from jail, must be released from jail, it's mandatory; and you can take it to the bank, we're not seeing that person again.

LEG. KENNEDY:
Some of these time frames also go beyond the normal Monday to Friday, 9 to 5. If an individual is arrested and they get brought over to Cohalan or out to Riverhead for arraignment, those functions occur, I believe, Saturdays?

DISTRICT ATTORNEY SPOTA:
Oh, yeah.

LEG. KENNEDY:
Sundays?

DISTRICT ATTORNEY SPOTA:
Oh, no, we -- I see what you're saying. Oh, no, we're working seven days a week. Prosecutors are working -- we work every day of the week.

LEG. KENNEDY:
And from time to time they may even need some support that goes along with some of the functions that they may do as well.

DISTRICT ATTORNEY SPOTA:
Absolutely. For instance, if we have -- we'll take a vehicular homicide -- we won't call it a homicide, an investigation into a death, we have a fatality on the roadways. We have to have -- an ADA has to get what we call a blood warrant, an order in order to obtain the blood; that has to be done immediately. If it's three o'clock in the morning, five o'clock in the morning, whatever time it is, that's when it has to be done, not before then. And as I said before, we then start the process. We grab a cell phone, we have to have an analysis, we want to know, was that person talking in addition to many other things, driving drunk or under the influence of drugs? Was that person talking on the cell phone? For that, we need a lot of labor-intensive time in order to get that done; that has to be done by prosecutors. Many times it's -- especially search warrants, that's done at three o'clock in the morning. We don't just say, "Oh, we'll wait, you know, to get a search warrant," it has to be done. We have to get -- that has to be done right away. That's basically what happens.

LEG. KENNEDY:
Okay.

DISTRICT ATTORNEY SPOTA:
Most of these are emergent circumstances.

LEG. KENNEDY:
Okay. There's just two other areas that I want to go to very quickly; I'll limit it to two more questions and yield, because I know there's many other questions. I need to ask you one question, again, associated with the layoff list that exists now; I guess I'll call it what everybody else is calling it, the Levy list.

DISTRICT ATTORNEY SPOTA:
I could tell you *I'm* calling it the Levy list.

(*Laughter*)

LEG. KENNEDY:
Okay. There are two positions in there, not in your office, but I believe that are integral to your function; they are Medical Photographers and they're associated with the Medical Examiner's Office. Are you familiar with the work that they do?

DISTRICT ATTORNEY SPOTA:
I was the head of the Homicide Bureau for eleven years, I certainly am.

LEG. KENNEDY:
Okay.

DISTRICT ATTORNEY SPOTA:
That's critical. We -- you can't just -- I'm trying to put it the best way without being gory. Let's say it's a stabbing, there may be a claim of self-defense. What these fellas do during the course of the autopsy itself is they're taking very critical photographs that show us, let's say, where a knife was. Was the person standing? Is the stab wound going down? Is the stab wound going straight in?

That's just an example. That's the type of work they have, these photographers, who are, again, specially trained to show us the stab wound itself, where the entry -- not only the entry, but the angle of the entry. That's just a very basic example, but they are critical people.

LEG. KENNEDY:
Okay. And I guess the last question that I would ask you is in your opinion, if the Levy layoffs went into effect, would the public safety or your ability to do your job be impacted or comprised?

DISTRICT ATTORNEY SPOTA:
Well, yeah, that's why I'm here. Surely it would be. But -- and it's -- the public's safety is being compromised not only because of our layoffs, but as I said -- and I'm not here as advocate for the Police Department, they've got some people over there, they can talk better than I can about it, but we're working hand-in-hand with them. I can only do so much. If they can't do the full investigation, I have to pick up the slack. And I -- when I heard the President of the SDA, I -- what was that number?

MR. PLANT:
Which one?

DISTRICT ATTORNEY SPOTA:
Where are you now?

CHAIRPERSON BROWNING:
Three twenty something.

MR. PLANT:
Three twenty-one.

DISTRICT ATTORNEY SPOTA:
Three hundred and twenty-one Detectives is absolutely, I would say, a very dangerous level.

LEG. KENNEDY:
Okay. Well, thank you for the good work that you and your staff do and thank you for being here this morning. I'll yield, Madam Chair.

CHAIRPERSON BROWNING:
Kara, you've got a question?

LEG. HAHN:
Actually, my question was for Mr. Plant. Is it possible for him to come up?

CHAIRPERSON BROWNING:
Okay. Well, what I'd like to do is maybe if we -- Legislator Horsley has a question. Wayne, you have a question? I'll get to Bill afterwards.

D.P.O. HORSLEY:
No, I have a statement. Is that permissible?

CHAIRPERSON BROWNING:
I know we have another question, Legislator Gregory; if you'd let the questions go first, it would be better.

D.P.O. HORSLEY:
Fine. I just wanted to address the Detective Investigators.

CHAIRPERSON BROWNING:
DuWayne?

LEG. GREGORY:
Thank you, Madam Chair. I obviously thank the District Attorney's Office for coming here today. You really brought to light some very serious concerns.

I know as a body that we've kind of taken the approach that public safety would be untouched with the layoffs as much as possible; I think that should extend to support personnel. You obviously have made the case today that some of the support positions that you're possibly going to lose are critical to your operation. It's not just Detectives and Investigators, it's the people behind the scenes that help process, I guess, the warrants and other things that are critical to assisting those personnel from doing their jobs. Again, can you -- there were two numbers. I think originally there was a 17 number and then you said we were able to save eight or nine?

DISTRICT ATTORNEY SPOTA:
Yeah, we had -- we had 17 listed for the -- to be laid off. Nine of them have been resolved because they were all grant-funded. It's not costing the County any money.

LEG. GREGORY:
Okay. And then was it two supervisors, two Detectives Supervisors?

MR. HEILIG:
Detective Investigators.

DISTRICT ATTORNEY SPOTA:
Two Detective Investigators who would be laid off; one is doing our mortgage fraud work and the other is doing elder abuse.

LEG. GREGORY:
Right. So there would be no one that would be able to do fraud or elder abuse, as it stands now.

DISTRICT ATTORNEY SPOTA:
No. What I'm saying is I can't -- I'm stripped to the bone. I'm trying to get -- let's take elder abuse; it's a very specialized area. I can't say to a Detective Investigator who's been doing robberies, "Okay, go over and start doing elder abuse now." It's hard to understand, but talking to victims in these particular areas requires a lot of training. Some of the people just don't have the ability to assist us in that area. I just did a case, announced a case, let's say, where it was a person who was stealing -- making up phony W-2's and submitting them to our State and to the Federal government, to the State of New Jersey on behalf of people who had suffered traumatic brain injuries.

LEG. GREGORY:
Yes, I read about that.

DISTRICT ATTORNEY SPOTA:
Yeah. Many of those people that we talked to, one person in particular was a -- on scholarship to an Ivy League school who was assaulted with a brick and he's brain -- unfortunately, brain damaged. We would -- our investigators would talk to him and not 30 seconds to a minute later he would be asking them, "Who are you and why are you here? What do you want to ask me?" That's the way these cases are. You have to -- you have to really do them to appreciate. I just cannot move a person over and say, "Detective Gregory, go on over there and pick up the slack here"; I can't do that.

LEG. GREGORY:
Right. Okay. You know, these cuts, it really seems like if they were to take effect, it's what criminals and defense attorneys are kind of cheering for quietly, that government can't get out of its way so they won't be able to prosecute a case or at least investigate cases to the level that we would like to, and I think that's just unacceptable.

DISTRICT ATTORNEY SPOTA:
Yeah. Well, I will say that I don't think defense attorneys will be cheering, but certainly the criminals will. (*Laughter*)

LEG. GREGORY:
Right. Well, yes *(Laughter*). Not publicly anyway. Thank you, Madam Chair. Thank you, Mr. DA.

DISTRICT ATTORNEY SPOTA:
Sure.

D.P.O. HORSLEY:
Okay. Legislator Horsley.

D.P.O. HORSLEY:
Yes. Hi. Hello, Mr. DA. I just wanted to maybe be helpful in this conversation. I spoke to the Administration yesterday where, as you know, we're reviewing the list, we're going through them trying to take off the aided positions and the like. But one of the conversations that I had with the Administration yesterday was are all the sworns off there, off the list, and that would include the Detective Investigators, and the answer that I received was yes, they will be dropped from the list and alternate choices will be made. Am I correct on that, Mr. Vaughn; can you speak to that issue?

MR. VAUGHN:
(Silence).

(*Laughter*)

I am not -- I do not have access to those lists.

D.P.O. HORSLEY:
Well, as I left it yesterday, they will be off the list.

DISTRICT ATTORNEY SPOTA:
At least I have not been told that. We have no -- we have a plan that I gave them which, quite frankly, will not cost the County and I can save all of the remaining positions, at least for a six-month period of time. I just haven't heard any --

D.P.O. HORSLEY:
Okay. Maybe what we should do, Mr. Vaughn, maybe we can bring that back to have them call the DA and, you know, confirm that, if that is true. That is my understanding as of yesterday, that all sworns will be taken off the list.

DISTRICT ATTORNEY SPOTA:
That's good news. Thank you. I hope it's accurate.

CHAIRPERSON BROWNING:
Okay. Mr. Vaughn, if you would, I'd like to know the answer, too. We'll get that message out to the rest of the Public Safety Committee.

LEG. HAHN:
That's just a start.

CHAIRPERSON BROWNING:
That's just a start.

Do we have any other questions? Okay. Well, I thank you very much for coming in.

DISTRICT ATTORNEY SPOTA:
Sure.

CHAIRPERSON BROWNING:
We know the important role you play. I can't say enough about the work that you do. And especially with -- you talk about the accident and the two young people that were killed in my district on William Floyd Parkway, which was heartbreaking to see that. We need the investigators. We don't want to see them over worked. We want to make sure that they're able to perform the job that they're required to do. And again, the prosecutors. I see if you have too many cases that you're prosecuting, you're not reading your paperwork properly, you're rushing through too much maybe. Like the issue you talked about going to CI and to Northport and having to get up the next morning; when is he able to review his paperwork? At three o'clock in the morning? That's not a good thing.

DISTRICT ATTORNEY SPOTA:
They do it. The thing that nobody realizes -- and again, this time I will say something about the Police Department. The prosecutors, I have prosecutors making 50,000 -- $55,000 a year, that's what they make. That's the kid -- sorry, not kid. The prosecutor -- or he's a kid to me.

CHAIRPERSON BROWNING:
Some of them to me.

(*Laughter*)

DISTRICT ATTORNEY SPOTA:
The prosecutors who goes, works in the day, on trial over there in CI, and then goes over and gets home -- finishes the trial at two o'clock, gets home at three o'clock; he's making, $55,000 a year.

CHAIRPERSON BROWNING:
And there's no -- you talked about the villages; there's no compensation? You know, there's no service charge on that ticket that goes back to the DA's? That basically comes out of the service provided.

DISTRICT ATTORNEY SPOTA:
Yeah. No, because we're State -- you know, we're mandated by State Statutes, Penal Law violations.

(*Presiding Officer Lindsay entered the meeting at 11:35 A.M.*)

CHAIRPERSON BROWNING:
Okay. Well, I thank you. Thank you very much for all of you coming.

With that, I believe we have some cards. I almost forgot about those. Oh, I'm sorry. Real quick, you had a question for Bill, or do you want to save it?

LEG. HAHN:
Yeah. Do you mind?

CHAIRPERSON BROWNING:
Okay. I'm sorry. Mr. Plant, if you would come up, Legislator Hahn has a question.

LEG. HAHN:
Hello.

MR. PLANT:
Hi.

LEG. HAHN:
I guest in a way I'm a little embarrassed to ask this, but I just want to make sure I have a good understanding of just how we get to Detective. You know, we need -- I mean, it sounds like we're down a good 75. It's not just a simple promotion, right? Like how -- what does it take to get our officers to become -- to get new Detectives?

MR. PLANT:
Well, there had always been a policy in place or a path, career path if you will; usually it went from Patrol to either COPE, then Precinct Crime Section and then on to Detective. That's not necessarily the case in each situation, though. There are individuals who went directly from Patrol to Detective. It is a designation, so there's no test involved, if that's what your question is.

LEG. HAHN:
Yeah, that's part of the question, and training and all the other --

MR. PLANT:
The training, most of the training takes place on the job, although -- and unfortunately the department has gotten away from training. It is something I know the current administration would like to get back to, I've had many a discussion with the Chief about it.

Some of the things that were done in the past, we had what they called an ACI which is an Advanced Criminal Investigation School. Those things have gotten away, we don't see those any longer. You have a basic investigation school, which I believe they still have to a degree, I'm sure these gentlemen from the department can tell you better about that. But a lot of the training, quite frankly, is done on the job, while you're working directly with another Detective.

LEG. HAHN:
I do think, unfortunately, and not just in the Police Department, but unfortunately across the County, training for higher level positions has been eliminated in many cases, and that's very unfortunate. Not that, you know, they can't learn on the job, but I would like to see us get back to train. Where do you see as a path to getting to where we need to be?

MR. PLANT:
Quite frankly, I'd like to see us go back to what we were doing before with the training. The BCI courses where they had these guys come in. You would talk to a Commanding Officer of a unit and find out who are his, you know, applicants and the people that are the best of the best, so to speak, have them come in and do the training and then move on from there.

LEG. HAHN:
And so -- and obviously we're short with Patrol, so all of this is kind of you pull them up to be a Detective and then we need more at the lower level on patrol as well. So we clearly know that. Thank you.

MR. PLANT:
Thank you.

CHAIRPERSON BROWNING:
Okay. So with that, we'll go to ***Public Portion***. The first speaker is Sal Alaimo?

LEG. CALARCO:
He just walked out now.

CHAIRPERSON BROWNING:
Did he just leave the room?

MS. GAMBINO:
I think he did, yeah.

CHAIRPERSON BROWNING:
Okay, we'll put him off to the side. Julia Gambino? When he comes back in, we'll let him come up.

MS. GAMBINO:
Do you want me up here?

CHAIRPERSON BROWNING:
Yes. You have to hold the button. Put your finger on the button and you'll see a green light. Okay, you haven't been here before, and everyone has three minutes.

MS. GAMBINO:
Right. I'm an advocate of the court. Julia Gambino.

CHAIRPERSON BROWNING:
You have to hold it; that's the challenge.

MS. GAMBINO:
I've got to keep my finger there?

MS. ORTIZ:
The whole time.

MS. GAMBINO:
Okay. I'm an advocate of the court. Julia Gambino, Americans for Legal Reform. Mr. Sal Alaimo is one of my members and he came to tell you the story about his son.

CHAIRPERSON BROWNING:
We'll let him speak. You go ahead and speak. When he comes back in, I'll let him speak.

MS. GAMBINO:
Okay. Well, I came here in order for Mr. Fisher, Greg Fisher to get legislation through so that we don't have the problem that we have with children being kidnapped and taken away from the parents, you know, for different reasons other than they should, you know, leave town. So what the parents did to get even with each other, they take the children and they conceal them.

Now, this has been happening quite a bit and I've noticed a lot while I'm in the court monitoring the courts, this is what's happening to our children. So we need some legislation so that this can't happen. And it gives our Police and Detectives and whoever the law so that they can do something about it, because up until now they haven't been able to do anything about it. There are some laws in other states that have advanced themselves to where they can do something if a child is missing, or if there's children missing. So that's what we're here for today.

CHAIRPERSON BROWNING:
Okay.

MS. GAMBINO:
Thank you.

CHAIRPERSON BROWNING:
Well, let me ask you a question. I believe we do have one question, but are there other counties in other states that have these laws; or they're basically State laws, correct?

MS. GAMBINO:
Well, I believe with the Casey Anthony case, they have done something over there, because that baby was missing for 31 days.

CHAIRPERSON BROWNING:
That's a State law, though.

MS. GAMBINO:
Right, right. But we need some kind of law so that we don't -- we're not able to take children out of the state and conceal them.

CHAIRPERSON BROWNING:
Right. But my -- you know, we do have a couple of Police Officers here. I don't know if they're going to be able to -- you can answer that question, we'll get to that.

MS. GAMBINO:
Okay.

CHAIRPERSON BROWNING:
But again, I don't want to -- my concern is us to pass something here in Suffolk County that we have no jurisdiction and the State has the jurisdiction. So basically if we pass something here, it's basically redundant and it has no teeth, and that's my concern. But Legislator D'Amaro has a question for you.

LEG. D'AMARO:
Good morning.

MS. GAMBINO:
Good morning.

LEG. D'AMARO:
Thank you for coming this morning, I appreciate it. And I agree with you that it's an issue, it's a problem that should be addressed and legislation should address it. I wanted to ask you, what's the name of your organization, once again?

MS. GAMBINO:
Americans for Legal Reform.

LEG. D'AMARO:
Okay.

MS. GAMBINO:
I also belong to We The People and Give Me Liberty.

LEG. D'AMARO:
Okay, very good.

MS. GAMBINO:
And the Tea party.

LEG. D'AMARO:
Oh, very good. Okay. Well, the Chair lady is making one of the points that I wanted to make. Were you at the debate when we debated this bill at length before the new year, back in November?

MS. GAMBINO:
Have I debated this?

LEG. D'AMARO:
No. My question is were you here during our debate of this same bill back in November? I'm just curious if you heard that debate.

MS. GAMBINO:
No, this is the first time I'm on this issue with you.

LEG. D'AMARO:
Okay. And again, I appreciate you coming down. We heard testimony from the Police Department that what the Police Department does is there are laws in the New York State Penal Code that the Police Department enforces for this issue and this problem, and it's a question of enforcing that law.

MS. GAMBINO:
Okay.

LEG. D'AMARO:
So there are -- the Police Department and the Chief of Department told us at that time that the laws that are passed by the State of New York, which by the way, only the State of New York has jurisdiction over passing this type of Penal Code infraction or violation, that the laws are on the books to address this problem.

MS. GAMBINO:
Well --

LEG. D'AMARO:
Just let me finish.

MS. GAMBINO:
Well, they don't seem to be enforced.

LEG. D'AMARO:
Right.

MS. GAMBINO:
Okay.

LEG. D'AMARO:
So we can talk about the enforcement issue.

MS. GAMBINO:
Okay.

LEG. D'AMARO:
But what you're here today for is asking us to pass a bill --

MS. GAMBINO:
Right.

LEG. D'AMARO:
-- that we have no jurisdiction. And the point I want to make to you, and I appreciate you being here and being concerned about this issue, as are all of us, is I don't want to give you a false impression and I don't want to give you false hope. Even if we pass this bill, it will have zero impact on this problem. Not only will it have zero impact on this problem, but it may actually be harmful. And I refer you back, if you have a moment, and you seem like you're very interested and informed and I appreciate that, take a look at our minutes from this Legislature. We had a meeting on November 22nd, 2011, last year, look at page 121. Starting at that page is the entire debate about this exact same law. And the Police Department told us -- and many of us concluded because we defeated that law at that time, it did not pass -- that this could actually do harm because it could muddy the waters.

When the Police Department is out enforcing in this area, a very serious area, it's important that they have clarity, that they understand this is the Penal Code, this is what we're enforcing, okay, on a very serious issue. What this law does is it simply says that the Police Department, when they're out there doing their job and enforcing the New York State Penal Code, would have some County Law, another layer added that says you have to consider this other definition, consider. There's all kinds of ramifications to writing something that's more of a gray area. So we don't have jurisdiction. It would be confusing to the Police Department, I believe, to give them this other layer that really has no impact and has really no jurisdiction over this issue, and could actually confuse the department in its mission in enforcing in a very serious area. That's exactly the testimony that the department gave to us. Okay?

So I want to make it very clear that while I share your grave concern over this issue, this is not the forum to present this issue. It was presented back in November, we fully debated it back then and it was concluded that this is not the forum and, in fact, we should not pass this law because it would do more harm than good.
And I just want you -- take a look at those minutes, if you have the opportunity.

MS. GAMBINO:
I need a copy of that.

CHAIRPERSON BROWNING:
We can get you a copy.

P.O. LINDSAY:
Yeah, I was just going to ask Barbara. If she gets this lady's name and address --

CHAIRPERSON BROWNING:
Sure.

P.O. LINDSAY:
-- and gets her a copy of those minutes.

CHAIRPERSON BROWNING:
We can do that. Okay? No other questions. Thank you, Mrs. Gambino. And we will get that information to you. Sal Alaimo. I know you left the room, we'll bring you back up again. Thank you.

MR. ALAIMO:
Hello. My name is Sal Alaimo. I'm a visitor to Suffolk County; I live in Nassau County. My son died one mile from here, seven years -- in 2001, due to the fact of why this law would have been good if you could have enacted it and been recognized. Therefore, I just whispered in Julia's ear to get a copy of that law and go -- and we go up and have a couple of people look it over and go Upstate to New York and see what could be done about improving the State law. We agree with Mr. D'Amaro that if this isn't the place, let's find the place.

LEG. D'AMARO:
Absolutely.

MR. ALAIMO:
My son was deprived of seeing two of his children. They're right here. I have his Heartnet Funeral Home message here. My son was the Chief Pharmacist, Nassau Medical Center in the evenings. He wasn't a slouch, but he was ignored by the Police Department, I'm sorry to say, at the time when Mr. Spota was in the Police Department. He hung himself and had the -- he had the responsibility of a good kid. He paid off his student loans. He sent seven letters out, one to me --

CHAIRPERSON BROWNING:
Put your finger on the button.

MR. ALAIMO:
One to me, one to my wife, one to his fellow workers, one to the Police to pick up his body because he was very close to his home, he didn't want his children or his children's friends to see him. Okay? And I forget where the seventh letter went. Oh, the seventh letter was buried under his mattress so that when we made his bed we would find it.

This is a very serious problem of a wife walking off with the children and abandoning the husband. I haven't seen my grandchildren since then. Okay? She not only abandoned her husband, she abandoned the funeral bill, which she got the house, all the estate, his salary, his savings, everything. Then she had the brass to come back at me for my IRA when I was paying for her education. After he got married he got an IRA in her name. I tell you, this law ought to be done in and send a copy to Julia, and if you could send two I'll read it also. If you'll send it, we'll do something about it, I promise you we will.

CHAIRPERSON BROWNING:
Thank you, Mr. Alaimo. And I'm sorry for your loss.

MR. ALAIMO:
Thank you for your time.

CHAIRPERSON BROWNING:
Thank you.

P.O. LINDSAY:
Again, ask the Clerk to make sure they get a copy.

CHAIRPERSON BROWNING:
Right. Also for Mr. Alaimo.

MR. ALAIMO:
One thing, a suggestion?

CHAIRPERSON BROWNING:
Real quick.

MR. ALAIMO:
A suggestion for your room here. I was sitting here. When you look up at the stars at night, if the moon is out you can't see the stars. Your -- you have that chrome piece, or the brass piece with your name plates; put them down on the lower edge. I can't see your face, I see your hair.

(*Laughter*)

Serious; that's item one. Also, if it's in the front, it will be vertical and there will be no reflection back in people's eyes, because that light overhead reflects back. I'm an engineer, you've got to understand.

(*Laughter*)

I'm offering you the expertise of a guy 80 years in the business.

CHAIRPERSON BROWNING:
Thank you, Mr. Alaimo. Next is David Tyska. Is David Tyska in the room? No? Greg Fisher? Greg Fischer not in the room? Gone.
Elena Yigit? I hope I said your name right. Did you sign two cards?

MS. YIGIT:
No, one card.

CHAIRPERSON BROWNING:
I have two cards with your --

MS. YIGIT:
Probably Greg Fisher sign for me.

CHAIRPERSON BROWNING:
Okay. It's two cards with your name. Go ahead.

MS. YIGIT:
Hi. My name is Elena Yigit, I come months ago here in the last year. I want to speak about -- I'm sorry, I'm emotional. About my two children, Tim Yigit who was abducted by my ex-husband four years ago. In May it's going to be four years I have not seen my children, I have not spoken with them. And unfortunately, I have to go back and forth to the Turkey every month and a half or two months and be in the court there. And I try to do everything as possible to return my children. They're American citizens, they were born here and it's nothing can be done in the United States. You know, I try to do everything possible. I go back and forth in the court, in Islip Court and, you know, unfortunately, International Parental Kidnapping and Crime Act from 1993 is not working very well for me. And I understand for you guys here to try to people and try to save County money, but I want to speak about the children's safety and it's the abduction and kidnapping to fix the problem after it's already happened. And I don't know how long it's going to be in my case to return the children, but I am here to support children. And you know, it's the problem and unfortunately I

believe it's the last year a report of State Department around the United States, more than 4,000 children was kidnapped and abducted in different countries, you know, and not speak about inside the United States, it's around the world. It's the children who is born here who is our citizen who belongs to the United States. It's our future. Please help them with this problem.

CHAIRPERSON BROWNING:
Thank you.

MS. YIGIT:
Any questions?

CHAIRPERSON BROWNING:
No. Thank you. And we have one more speaker, Joanne Sanders.

MS. SANDERS:
Good morning. I'm here today to talk about the 2012 Operating Budget. Domestic violence agencies were here also at the Budget meeting and I came today to talk to you as members of the Public Safety Committee. Domestic violence service providers are providing public safety, and it's very important to look at it in that context.

We have suffered cuts over the past few years on many levels and we're -- our precinct advocacy staff, for instance, has been cut 40% over the past few years. We have two contracts with the County. Actually, we have six contracts with Suffolk County, four of which are 100% Federal funds. The other two contracts are 50% Federal funds.
So most of the money coming to the agency is reimbursed to the County through Federal dollars, so when we receive cuts, we also lose dollars.

The precinct project is unique to our agency because we are working directly with the Suffolk County Police Department. We have advocates in all seven precincts; we had 14, we're down to nine. So we have only two precincts that have two advocates, they work on different days. So the other five precincts have one advocate who's there only three evenings a week.

Most Police Officers tell us that they -- in fact, everyone we talk to in the Police Department feels very pleased that we're there to work with them because we really help the victim who's in crisis, and even if it's just to get her or he in a state where they can explain their situation to the Police Officers, it's a big help to them. And then we follow-up with these clients in court to help them get orders of protection. So this is very important to the safety of themselves, the victims, and their children. So I really hope -- we're all very nervous right now that our funding will be cut again. It really is -- we're working bare bones at this point.

So I appreciate the opportunity to come to you and to explain this to you, because it's so important and you have been so supportive over the years. I'll take any questions if anybody has any.

CHAIRPERSON BROWNING:
Any questions? I believe there are no questions. No?

LEG. GREGORY:
Just more of a statement.

CHAIRPERSON BROWNING:
Okay. Go ahead.

LEG. GREGORY:
Well, actually, no, I do have a question. Good morning, Joanne.

MS. SANDERS:
Good morning.

LEG. GREGORY:
Or is it almost afternoon. So you said that there are advocates in each Police Precinct, your numbers are down. The potential cuts are going to affect what exactly?

MS. SANDERS:
Well, we'd probably lose -- it depends on how much of a cut, obviously. I mean, there are just so many rumors out there. If it is 10%, and that's what I'm hearing, that would mean we'd probably lose another precinct advocate. Our precinct advocates have Bachelor's and Master's Degrees, they make $35,000 a year. You know, it's very difficult to keep them under any circumstances but, you know, for the amount of money that they're being paid, they do an incredible job. So we probably would lose another advocate, which that has another -- that has a great impact, really, on the services.

LEG. GREGORY:
Okay. All right. Thank you. Thank you, Madam Chair.

CHAIRPERSON BROWNING:
Thank you, Joanne. Thank you for what you do.

MS. SANDERS:
Thank you.

CHAIRPERSON BROWNING:
With that, we will move on to the agenda.

Tabled Resolutions

We have the first Tabled Resolution, ***1065-12 - Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).***

LEG. CALARCO:
Motion to table.

CHAIRPERSON BROWNING:
Motion to table --

LEG. D'AMARO:
Second.

CHAIRPERSON BROWNING:
-- Legislator Calarco. Second, Legislator D'Amaro. All in favor? Opposed? Abstentions?
It's tabled.

LEG. GREGORY:
Opposed to table.

LEG. SPENCER:
Opposed.

CHAIRPERSON BROWNING:
Oh, sorry. Two opposed, Legislator Gregory & Spencer. ***Tabled (VOTE: 6-2-0-0).***

1233-12 - Adopting Local Law No. -2012, A Charter Law to clarify the process for distributing public safety sales tax revenues to municipalities outside the Police District (Schneiderman).

LEG. CALARCO:
Motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON BROWNING:
Same motion, same second. I guess it will be the same vote, the same abstentions?

LEG. SPENCER:
Same.

CHAIRPERSON BROWNING:
Or opposition. ***Tabled (VOTE: 6-2-0-0 - Opposed: Legislators Gregory & Spencer).***

1286-12 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained at no cost to the County through the Federal Asset Forfeiture Program into the existing fleet (County Executive). These two bills, I had asked the County Executive to amend them. They have not been amended, but they are going to be reintroduced, laid on the table Tuesday with amendments and will be voted on at the next committee. So there's that one, so I would like to make a motion to table.

P.O. LINDSAY:
Second.

CHAIRPERSON BROWNING:
Second, Legislator?

MR. NOLAN:
Lindsay.

CHAIRPERSON BROWNING:
Lindsay? I didn't know who said that. All in favor? Opposed? Abstentions? ***It's tabled (VOTE: 8-0-0-0).***

1287-12 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained at no cost to the County pursuant to DWI seizures into the existing fleet (County Executive). I will make the same motion, same second, same vote. That one also, there will be a new bill laid on the table Tuesday for that one also with the amendments and we will pass it out of committee next committee cycle. ***Tabled (VOTE: 8-0-0-0).***

<u>Introductory Resolutions</u>

1331-12 - Defining child concealment in Suffolk County (Romaine). I guess, if we could have the Police Department come up. I know we went through this before and I really -- what bothers me is when we put in laws that we can't enforce, that it's the jurisdiction of the State.

And we bring these people to the Legislature wasting their time to sit here, to get up and speak on something that we have absolutely no control over, it bothers me that things like that happen. So if you could explain why we cannot -- why we should not approve this and explain whose jurisdiction and what can be done.

DEPUTY INSPECTOR NIEVES:
Good morning, Madam Chairman, Chairperson, and Ladies and Gentlemen of the committee. I'm Deputy Inspector Ted Nieves, Executive Officer of the Office of the Chief of Department.

Legislator D'Amaro pretty eloquently laid out the stance of the Police Department involving this particular resolution, and it hasn't changed. We find it redundant to State law as written. If the committee will indulge me, I'm going to quickly read a couple of Penal Law Statutes that apply to this particular issue.

"135.45, Custodial Interference in the 2nd Degree. A person is guilty of custodial interference in the 2nd degree when, being a relative of a child less than 16 years old, intending to hold such child permanently or for a protracted period and knowing that he has no legal right to do so, he takes or entices such child from his lawful custody." And the second part of that Statute refers to individuals who are incompetent or entrusted to custody, and that's an A Misdemeanor.

"135.50, Custodial Interference in the 1st Degree. A person is guilty of that when he commits the crime of Custodial Interference in the 2nd Degree with intent to permanently remove the victim from the State, remove such person from the State, or under circumstances which expose the victim to a risk that his safety would be in danger or his health materially impaired." And then there are a number of justifications. And of course, there are also kidnapping and unlawful imprisonment statutes which cover a wide range of issues involved with these particular activities.

So as I stated, the Police Department feels that this issue is, in fact, covered in the Penal Law sufficiently and enables us to take proper action when warranted, and that a County Statute would only be redundant to what's already legally binding.

CHAIRPERSON BROWNING:
Okay. So basically, if they wanted to make it a tougher law, they would have to go to the State.

DEPUTY INSPECTOR NIEVES:
Yes, Ma'am.

CHAIRPERSON BROWNING:
Did somebody have a question? Dr. Spencer.

LEG. SPENCER:
Thank you, Officer. My question that I had, just listening to the testimony, and I appreciate the position and thanks for clarifying that, and I'm in agreement. Within the Police Department, are these complaints handled with a specific procedure, or is there someone that's kind of designated? I mean, could there be something that we could do internally to perhaps address some of these constituent concerns with regards to some specific abduction issues?

DEPUTY INSPECTOR NIEVES:
As I see it, Sir, any violation of law is handled to the fullest extent of the law by the Police Department. So someone who comes to us with a complaint that falls under these statutes, or any statute in the Penal Code for that matter, would be properly investigated, documented and individuals taken into custody, etcetera, if that's warranted. So to answer your question, I would say that we are already doing everything that we can and are legally bound to do involving any violation of these Penal Codes, the Penal Law Statutes.

LEG. SPENCER:
I appreciate that, and you do a great job at doing it. I guess I was speaking more -- I know -- you know, there's sometimes community meetings where you'll see the Inspectors that will, for instance, lay out a particular priority, for instance like gangs, where there's kind of -- I don't know how big an issue this is, where -- is it, I guess, internally, something that attention is being focused at least on a Chief level where it is something that particular resources -- I know sometimes that the Police Officers will have a priority or a focus, and I didn't know if there could be some discussion just with regards to addressing some of these specific concerns.

DEPUTY INSPECTOR NIEVES:
Of course, if it was felt that this was an issue of growing concern and occurrence, then the Police Department would, if it has not already, allocate the resources necessary to address it, as we do with many other issues as you pointed out. So the answer would be yes, if we saw this as a pressing concern, a growing concern, we would allocate whatever was necessary in order to address it.

LEG. SPENCER:
Thank you, Sir. I appreciate it.

CHAIRPERSON BROWNING:
Anymore?

LEG. D'AMARO:
Motion to table.

LEG. CALARCO:
It should be a motion to table subject to call.

CHAIRPERSON BROWNING:
Motion to table by Legislator Calarco.

LEG. CALARCO:
Subject to call.

CHAIRPERSON BROWNING:
Second to call?

LEG. D'AMARO:
I'll second.

CHAIRPERSON BROWNING:
And we have a second, Legislator D'Amaro. All in favor? Opposed? Abstentions? It's ***tabled subject to call (VOTE: 8-0-0-0).***

You might not want to go anywhere.

1334-12 - Approving an increase in fleet for an ammunition disposal trailer for the Suffolk County Police Department's Emergency Services Section through the use of Asset Forfeiture funds (County Executive). Okay. I believe -- did everyone receive a picture of what this is?

LEG. HAHN:
Yes.

CHAIRPERSON BROWNING:
Okay. You know, obviously one of the concerns we have is increase in fleets and making changes and, you know, especially because of the financial situation we're in. I'd like you to kind of give us a little bit of background on what exactly this is, who is going to use it and, you know, what did you do before you had it and what kind of maintenance is involved, and also how much it costs.

DEPUTY INSPECTOR NIEVES:
All right, Ma'am. I have with me today Inspector Stuart Cameron from the Office of the Chief of Patrol, and he is prepared to address those very questions that you've put forward.

INSPECTOR CAMERON:
Good morning. This trailer essentially is a -- I sent you some of the dimensions, I don't know whether you received them or not. It's about a 12-foot long trailer, six feet wide, six feet tall, it's about 3,000 pounds. The usage will not require us to trailer it around the County substantially, it more or less will be kept probably at Westhampton and it will address two persistent issues that have been a problem for us in the past. The disposal of Class C fireworks which are consumer-grade fireworks; the Emergency Service Section is tasked with disposing those fireworks through our Bomb Squad in the Emergency Service Section. So precinct officers will seize them, Detective Squad will seize them. Ultimately they will end up in the possession of the Emergency Service Section, and if they're not needed for prosecution, they will destroy them and ultimately they will destroy all of them.

The manner that we've been using to destroy them is the FBI and ATF recommended method being that we burn them in a pit in the ground at Westhampton. There have been, as you probably are aware, contamination issues that have been -- we've been accused of contamination issues through the Suffolk County Water Authority. A byproduct of burning fireworks is perchlorate salts which have reached out of our pit; we've since addressed that with DPW by sealing our pit so it is no longer soluble and these perchlorate salts can no longer leach through the ground, but this trailer would address that. And essentially, what the trailer is is a transportable incinerator, a robust incinerator so that if the fireworks did spontaneously explode, which has happened to us in the pit in the past, that trailer can withstand the explosion of those fireworks at the quantity that it's rated for.

The other problem that it addresses is, and the other task that the Emergency Service Section has, is taking custody of ammunition that is turned into the County or seized or comes into our possession one way or another and that, again, has to be disposed of. The manner we had been using is fireworks that -- ammunition that seems like it was in good condition, if we have the capability to do it, we will shoot the rounds off and dispose of them just like any other ammunition used at our range. However, a lot the ammunition that comes in our possession is obscure caliber or it's in an unsafe condition and it wouldn't be safe to fire it off. So we would store that and we have several years of ammunition stored up.

Our prior method of disposal was we would put the ammunition in the pit during the burns for the fireworks. Well, what happens is it creates slag, the lead melts and the brass gets deposited in the slag and it's a clean-up issue in the pit for us. What the trailer allows to be done is, again, a stated quantity of this ammunition to be placed in the trailer. It's incinerated, the lead has a different melting temperature as the brass, so the lead will melt and the slag will drop out the bottom of the trailer and the brass will stay inside, so we can separate the metal for a safe disposal.

CHAIRPERSON BROWNING:
Okay. The other question is, obviously, who and how much it's going to cost. Who is going to use this? Is this going to be available for all law enforcement; we have the Deputy Sheriffs that do similar work, and what do they do with anything that they seize as far as ammunition or anything like that? And what was the other question? How much? And maintenance.

INSPECTOR CAMERON:
The cost of the trailer is a little bit over $21,000 and that's going to be funded by our Asset Seizure Account that was already -- the funding was already set aside last year, in 2011, to fund the cost of the trailer. The Suffolk County Police Bomb Squad is the bomb squad for Suffolk County. The bomb squads are controlled by the FBI. So we cover the entire County, all jurisdictions, all agencies, so if there's a bomb call anywhere in the County, our Bob Squad responds. So if any fireworks are seized, they would most likely come into our custody, the same with ammunition, and we would dispose of that in-kind, just like we dispose of fireworks or ammunition that comes directly into the Police Department's custody.

CHAIRPERSON BROWNING:
So it's the Bomb Squad that's going to be operating this thing?

INSPECTOR CAMERON:
Yes.

CHAIRPERSON BROWNING:
Okay.

INSPECTOR CAMERON:
The Emergency Service Section Bomb Squad. And as far as maintenance, the trailer runs on LP gas, so probably the only real maintenance would be the fueling for the trailer to continue the LP operation.

CHAIRPERSON BROWNING:
Okay. And did somebody else have a question; no? Okay. Nobody else?

P.O. LINDSAY:
Will the Sheriff be able to use it?

CHAIRPERSON BROWNING:
Well -- say again?

P.O. LINDSAY:
Will the Sheriff be able to use it?

CHAIRPERSON BROWNING:
Well, that's what I asked. I believe he said yes, the Sheriff can use it. So all law enforcement, it's available to all law enforcement an the Bomb Squad basically has the jurisdiction throughout the County.

The other -- there was one other question I had for you. You mentioned about the pit and having some contamination. So is there -- are we facing that we're going to be told that we're not going to be able to continue doing the pit?

INSPECTOR CAMERON:
There is -- as you're probably aware, there is a Capital Project to replace our pits. You know, this would probably mitigate the necessity for that substantially because as fireworks come in, we could dispose of them as they come in. Storing fireworks is a hazard because when they get wet they become unstable and they are -- to some degree, there's a great difference in quality of the fireworks because many of them are made overseas. And we have had conditions, as I've said, where burn pits have gone high order.

Using the burn pit to dispose of fireworks is a manpower intensive thing. In general, we have the fire department standing by just in case a brush fire is started due to the usage of the pit. Since we had the issue, we've addressed that through DPW and the pit has been sealed with a coating where it is no longer porous and we've had substantial efforts to reduce water infiltration to the pit. There are test wells, but it does take a long period of time for that contamination to move through the test wells, but we feel that we've addressed the perchlorate issues.

The other issue with the burn pit that -- you know, one of the issues we were looking to remove, to move the burn pits to another location is those new town homes that were built on the old drag strip that now are much closer to that area than they were before, to our explosive demolition area.

CHAIRPERSON BROWNING:
It sounds like Belfast (*laughter*). Rob Calarco.

LEG. CALARCO:
How much is that Capital Program, the budget for the replacement upgrades to the pits?

INSPECTOR CAMERON:
I believe it's $500,000, but I believe DPW is looking for another $100,000 to bring it up to 600,000.

LEG. CALARCO:
Have we started that process yet?

INSPECTOR CAMERON:
I believe they got planning money for that, but the construction pits have not been started, no.

LEG. CALARCO:
And if we use this trailer instead, we can forego the pits and basically no longer utilize those?

INSPECTOR CAMERON:
Some of the issues, Sir, are that in the past we have -- in some years we have gotten multiple truckloads of fireworks seizures, and that would be difficult to dispose of with the trailer, but we probably could if we operated over a long period of time to dispose of those fireworks. So I would say we could potentially study whether this would be an effective alternative to reconstructing our pits in a much more cost effective manner.

LEG. CALARCO:
Well, we're talking about money here, and if we can get a trailer with Asset Forfeiture Funds for 21,000 and it's going to mitigate $600,000 in Capital funds to improve the pits, I think that might be a wiser choice.

INSPECTOR CAMERON:
This trailer can dispose of Class C, consumer-grade fireworks, it cannot dispose of higher grade fireworks, aerial motors or technically explosive material like M-80-type fireworks, that has to be disposed of in a different manner.

LEG. CALARCO:
So we'll still need the pits.

INSPECTOR CAMERON:
We may still need the pits. But like I say, this would definitely be a much more cost effective alternative, and I would advocate letting us use this for a while to see if we could forego the pits, yes.

LEG. D'AMARO:
Can we have a smaller pit; no?

(*Laughter*)

INSPECTOR CAMERON:
That's up to DPW, Sir.

LEG. D'AMARO:
I'm just joking.

CHAIRPERSON BROWNING:
One of the things that we talked about is John J. Foley, unused pharmaceuticals, and what would it take for us to be able to use that for the pharmaceuticals that are not needed?

INSPECTOR CAMERON:
The trailer is an incinerator and I would imagine that it would incinerate any combustible material that you put in there, but the manufacturer has specifically made the trailer for the disposal of fireworks and ammunition. An issue that may or may not arise if we're going to dispose of pharmaceuticals in there would be off-gassing that may be created for the operators. So we would definitely want to look into whether that would be an issue. And we could have the operators wear respirators, but I certainly would not want them to combust pharmaceuticals and be exposed to either off-gassing of some type of drug or some type of toxic substance, so we would have to do more research on that before I can give you an answer.

CHAIRPERSON BROWNING:
Okay. Because we also -- you know, we have a contract where now we have the drop-off locations for medications, unused medication, and we have a contract with somebody right now, right, to dispose of that? Well, any kind of narcotics?

INSPECTOR CAMERON:
I'm not certain where those narcotics go. But like I said, that is something we may be able to do with a little further study. We have to do some research and just make sure that there's no harmful byproducts of burning the pharmaceuticals in that trailer.

CHAIRPERSON BROWNING:
Sure. I think that might be a good idea. So with that --

P.O. LINDSAY:
Motion to approve.

CHAIRPERSON BROWNING:
I don't know if I did read it; did I?

LEG. CALARCO:
Yes.

CHAIRPERSON BROWNING:
Okay. Who made the motion?

LEG. GREGORY:
Bill.

CHAIRPERSON BROWNING:
Okay, the motion was to approve by Legislator Lindsay. Did I have a second?

LEG. CALARCO:
D'Amaro.

CHAIRPERSON BROWNING:
D'Amaro? Legislator D'Amaro seconds that. All in favor? Opposed? Abstentions?
It's approved (VOTE: 8-0-0-0).

We have ***Home Rule Message No. 04-2012 - Requesting the State of New York to amend the Tax Law, in relation to requiring a Revenue Distribution Agreement for Equitable Allocation within the County of Suffolk for public safety purposes of sales and compensating use tax (Senate Bill S.2638 and Assembly Bill A.3735)(Schneiderman).***

LEG. CALARCO:
Motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON BROWNING:
Motion to table, Legislator Calarco. Second, Legislator D'Amaro. All in favor? Opposed? Abstentions? ***Tabled (VOTE: 8-0-0-0).***

LEG. GREGORY:
Opposed.

CHAIRPERSON BROWNING:
Okay. Opposed, Legislators Gregory & Spencer. ***Tabled (VOTE: 6-2-0-0).***
And before we finish, I guess, Mr. Ortiz, based on the information that we've received today on the jail, you know, that we could save $14 million if we don't open the jail for the next year, I think what we'd like to do is get the real numbers. Is it a real $14 million or, you know --

MR. ORTIZ:
All I can comment on at this point was those numbers were not produced by Budget Review.
I had questioned the Sheriff's Department on the monthly cost to operate. Obviously, supplies, equipment, utilities, maintenance, fuel costs; those are obviously all monthly costs, but I can't imagine 14 million would be a logical number for seven months.

P.O. LINDSAY:
Madam Chairwoman?

MR. ORTIZ:
Almost $2 million a month. And there would be no savings on Correction Officers because they're just working in the other jail, they're just being transferred. So it's not like we're saving on employees.

P.O. LINDSAY:
Let me cut this short. John, give us your number. That's what we're asking for.

MR. ORTIZ:
And I will.

CHAIRPERSON BROWNING:
He doesn't have it right now.

P.O. LINDSAY:
I know.

CHAIRPERSON BROWNING:
Okay. I appreciate it. Thank you.

With that, I guess I'll make a motion to adjourn.

LEG. CALARCO:
Second.

CHAIRPERSON BROWNING:
Second, Legislator Calarco. We're adjourned.

(*The meeting was adjourned at 12:20 PM*)