

DATE
PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Operating Budget

A special meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, October 21, 2014.

Members Present:

Legislator Kate Browning - Chairperson
Legislator Robert Calarco - Vice-Chair
Legislator Kara Hahn
Legislator William Spencer
Legislator Monica Martinez
Legislator John Kennedy

Also in Attendance:

Presiding Officer DuWayne Gregory - District No. 15
Legislator Tom Muratore - District No. 4
Legislator Tom Barraga - District No. 11
Legislator Robert Trotta - District No. 13
Legislator Kevin McCaffrey - District No. 14
Jason Richberg - Chief Deputy Clerk of the Legislature
Robert Lipp - Director, Budget Review Office
John Ortiz - Budget Review Office
Jill Moss - Budget Review Office
Craig Freas - Budget Review Office
Ed Webber - Suffolk County Police Commissioner
Mark White - Chief of Division, Suffolk County Police Department
Charles Vetter - Suffolk County Police Department
Tom Vaughn - County Executive's Office
Eva Greguski - Aide to Legislator Calarco
Bob Martinez - Aide to Legislator Muratore
Christina DeLisi - Aide to Legislator Schneiderman
Greg Moran - Aide to Legislator Trotta
Michael Caplan - Suffolk County Medical Examiner
Paul Margiotta - Director, Traffic & Parking Violations Agency
Joe Williams - Commissioner, Fire, Rescue and Emergency Services
Mike Sharkey - Suffolk County Sheriff's Office
Mike Franchi - Suffolk County Sheriff's Office
John Becker - President/SC DSPBA
Artie Sanchez - SC DSPBA
Jack Pontious - ShotSpotter
All Other Interested Parties

DATE

Minutes Taken By:

Lucia Braaten - Court Stenographer

Minutes Transcribed By:

Lucia Braaten - Court Stenographer

Kim Castiglione - Legislative Secretary

*(*The meeting was called to order at 3:20 p.m. *)*

CHAIRPERSON BROWNING:

Okay. Good afternoon. We're only almost an hour late. So, anyway, we would like to start the Public Safety Committee Budget Hearing with the Pledge of Allegiance, led by Legislator Martinez.

*(*Salutation*)*

Okay. We'll get moving. So I have two cards, so we'll start with our speakers. Our first speaker is John Becker. Go ahead, John.

MR. BECKER:

Thank you. John Becker with the Suffolk County Deputy Sheriffs PBA.

The review of the 2015 recommended Operating Budget was recently made available, and there are several issues of concern to the DSPBA, the first being the \$4 million, which was deferred by our members as part of a 2011 Memorandum of Agreement with the County. While it is a positive sign that it's addressed in the Budget Review, until those funds are allocated, the DSPBA sees it as another potential costly litigation.

At the last Public Safety meeting on October 2nd, staffing issues for the Deputy Sheriffs were discussed. The number of Deputy Sheriffs has decreased from 270 to 243. I have discussed these concerns with Sheriff DeMarco and Chief Sharkey. It is my understanding that requests for new Deputies will be made shortly. I'm urging that these positions be filled, so that staffing levels do not continue to decline, and we are unable to keep up with the numerous retirements.

As the new year quickly approaches, we will now be entering our fifth year without a contract. I'm hopeful that negotiations with the County will resume and progress can be made.

While it was interpreted that we were bashing the County when we addressed the Legislature, that's simply not the case. I represent my members, who are hard-working County employees, and they deserve to be treated fairly. They certainly do not deserve to be out of contract for this length of time.

Once again, I just want to thank the Legislature for their continued support, and we're hoping that progress can be made. Thank you.

CHAIRPERSON BROWNING:

Thank you, John. I appreciate you always coming in. And obviously, yes, you're doing the right thing, you're defending and speaking up for your membership. And I think this is a message that we've heard since the beginning of this Administration, was to negotiate a contract is better than arbitration. And I am certainly hoping that, you know, we can have this resolved for you, and I know you're not the only ones. I know Corrections, Detective Investigators and Probation are in the same boat. So it would be nice to see settlements before the end of this year.

MR. BECKER:

Right. We're hopeful.

CHAIRPERSON BROWNING:

So I know, Commissioner Williams, you have something that you have to leave for. So, if you could come up. We do have Jack Pontius from ShotSpotter, so -- but we'll -- we'll let you come up and speak your piece.

COMMISSIONER WILLIAMS:

Thank you for letting me come up a little bit earlier. We have another meeting we have to run out to on something that's going on at FRES. I want to thank the County Executive's staff, the Budget Office, the Legislative Budget Office, everybody for working with us on this budget.

Looking at the budget, FRES can operate very well in 2015. I think I've said it before, but I had the great pleasure of working with a great staff of people that has served the County well, and will continue to serve the County well in 2015. And I'm here to any questions you got on the current budget.

CHAIRPERSON BROWNING:

Yeah. I know, Kara, I guess there was -- Budget Review spoke about increasing overtime. However, we did ask about, you know, staffing levels. And, you know, again, I know it's a very stressful job, similar to the 911 Operators, that, you know, you can't have these people continually working overtime and putting a lot of pressure on them. So I don't know if you looked at Budget Review's report, and, you know, I don't -- Kara, were you going to ask the same question, because --

LEG. HAHN:

Yeah, I was going to ask about --

CHAIRPERSON BROWNING:

She's on Working Group, so I'll let her.

LEG. HAHN:

I was going to ask about the FRES Dispatchers, that we feel like they're way understaffed, and I'm hoping you can respond to that.

COMMISSIONER WILLIAMS:

I agree with you 100%. What -- right now, in the County, there is not a Dispatchers list. What happened with FRES is that the 1st of July we had two openings. When we run -- we hire Dispatchers, we have to put them through a six-month training program. It requires me to take four people out of the room to run that program. They need their certification for six months before they can work on the radio.

What happened, three more people retired before the end of July; we made a total of five. The list was not there at the end of July. I could not fill a position unless it was open. The current list ran out at the end of July. There's a test this Saturday for Dispatcher in the County, it's a State-run test. The County Civil Service, we pushed to get it done sooner. But being it's run by the State, they set the date. After this on Saturday, they will try to get them to mark that, establish a list. I have every intention to asking to fill those five positions that we have open right now in the earlier part of 2015. But I think you also have to realize that they have to go through six months of training certification before they can sit behind a radio by themselves. So a period of time, we're still going to have that overtime high in the radio room.

As far as the overtime budget, basically my overtime budget is actually controlled by events. We activated our EOC 12 times this past year. The current overtime budget that we have, the money we have, is an allocation that we can live with, even with some events, where if we have another major event. We're constantly going over that, but we are working on filling those positions. We have talked to the County Executive's staff, they're aware of it. But currently, right now, we do not have a list we could even take people off.

CHAIRPERSON BROWNING:

How long does it take? I mean, I actually got a message from a young man, he's an EMS volunteer. He's -- I don't know if he's going to be able to take the test this weekend, because he has to go for training with EMS. But how long does it take from the time they take the test to actually getting hired to start training?

COMMISSIONER WILLIAMS:

What happens is after they take the test, the test actually has to be marked by New York State, or come down in a group fashion or a list number. They have to go through a series of interviews, and we start calling in by the list members, of a -- even a sight test, things like that, and then we come back with the people we can hire and we hire within that. So I've seen it before, when we were hiring before. It can take anywhere from two to three months after the establishment of that test.

LEG. HAHN:

So, Mr. Vaughn, you may be able to answer this. I remember when this 911 Call Operator came up, there was something called the DART, DERT.

MR. VAUGHN:

DERT.

LEG. HAHN:

Dispatch Emergency Response Team, or something.

MR. VAUGHN:

DERT, CERT.

LEG. HAHN:

Yeah, something, like that. So did --

MR. VAUGHN:

PERT.

LEG. HAHN:

(Laughter) Did we ever find out if there is the ability in those emergency situations to take advantage of that team? Is there a way, because this is a very specific situation where we have a very limited window, where we need people while other folks are getting trained. Can we utilize retirees in a manner? You know, because if these -- because sometimes, you know, when you mandate overtime, it's just so burdensome on the employee. And are we in that situation here where we're mandating overtime?

COMMISSIONER WILLIAMS:

We could -- it probably got -- I'm going to bring up one of my assistants, Joel Vetter, who has a background. But no disrespect to like the P.D. Operators and stuff like that, but our Dispatchers, because of the EMS issue, have to have a certain certification to take that call.

LEG. HAHN:

No. And so -- but the Dispatch Emergency Response Team is a statewide something, I don't know.

MR. VAUGHN:

You know what, Legislator Hahn, I do --

LEG. HAHN:

It's been a while since we've talked about it.

MR. VAUGHN:

Yeah, I know. I do remember us having a conversation about it. I vaguely thought that they did assist during Sandy, correct? So I'm going to bounce that over to Joel. I thought -- my recollection was that they did assist with the FRES -- with FRES operations during Sandy. It was actually a P.D. issue that we were kind of looking into. I don't recall the full extent of how we finally left that, but I'm going to have bounce it over to Joel and let him answer.

MR. VETTER:

So the staff members that make up those communication teams are from other PSAPs, Primary Safety Answering Points. At a point of State Emergency Declaration, we're able to organize and pull those teams from those other areas. That would not be the case currently. We'd actually have to declare a State of Emergency to be able to kind of access those resources, plus we'd also be putting a strain on those other call centers.

As far as the aspect of retirees, the retirees, when they are left, don't maintain their certification. As far as the aspects of provisionals, we can't take the provisionals in and put them through the process. In light of recent, we'll say, world health concerns, the screening process is very specific. We can't afford to have something fall through the crack. So the timeline is at best what we're looking at.

MR. VAUGHN:

And I would just add, I don't think that this was a lack of commitment to the program, it's just bad timing. It was --

LEG. HAHN:

Well --

MR. VAUGHN:

There was a list that expired, and we had some retirees. It was --

LEG. HAHN:

Yeah, but when you allow vacancies, and, you know, you and I are going to argue about this forever, Tom.

MR. VAUGHN:

Right. There were --

LEG. HAHN:

When you allow vacancies to get to a level where you have these kind of operators, they're mandated, they have to sit there, they have to stick around. You know, you're really just playing with fire. And then here we get caught in the same -- why didn't we learn from our other experiences?

MR. VAUGHN:

I think that we've learned a great deal from our other experiences, which is why we're backfilling the P.D. 911 Operators almost immediately. I think that we had every intention of backfilling these positions almost immediately. It was a matter of the fact that the list ran out. It's a timing issue, it's not a -- it's not a policy decision.

LEG. HAHN:

Yeah, but -- so were there people still on the list that we could have hired before July?

MR. VAUGHN:

I'll defer to the Commissioner on that.

COMMISSIONER WILLIAMS:

There were still people on the list. But when we were sitting when the list was active, we had two openings. It would have cost me to take four more people out of that radio room to train two people for six months.

About the overtime, what I would have done is increased overtime, held more people, because the people that were doing the training would not be working in a radio room.

LEG. HAHN:

So how many are close to retirement? Do we have any other that are potential retirees?

COMMISSIONER WILLIAMS:

Right now --

LEG. HAHN:

Like, you know, like we got to look ahead. Maybe we need to fill, instead of five, we need to fill seven, because we don't want the same scenario again.

COMMISSIONER WILLIAMS:

We've been informed there's no paperwork in, but there are two more additional retirees that's going to retire during 2015.

LEG. HAHN:

Right. So we need -- we need to make sure that when we do a class, or whatever it is that you call it, that we're planning for those two, too, right?

MR. VETTER:

And we have. One of the issues is the human factor of they take the job, they come in, they washout at one of the various steps. The other thing, too, is also the throughput ability of our training room, which is in back of the EOC, if you're familiar with it, as well as the actual chair time. Once they finish the classroom portion, they're actually shadowed at each of those different work positions. So it's the amount of volume and capability to sit the extra seats.

COMMISSIONER WILLIAMS:

I could admit to it, it is a tough job in that room, to work. They sit there, they take some pretty hard calls. We lose an awful lot of people throughout the years, a number each year. We lose them to the FDNY, NYPD, EMS. For some of the younger people, it's actually a stepping stone up to another job that they want to go to. The people there are dedicated, but it's not the easiest job. And then sometimes we'll start out with five people in a class, and by the time we get to the end of class, we got three.

LEG. HAHN:

Right. So then you're going to have a class that's bigger than the number of vacancies you need, correct, you need to fill?

COMMISSIONER WILLIAMS:

I can't commit to having a class more than the number of vacancies, because I can't fill a position unless I have a vacancy.

LEG. HAHN:

But if you know they're going to -- they're going to drop out, this is -- I mean, we do this with other things, right? We figure in the drop-out rate, no?

MR. FREAS:

No, it's not like the Army. We don't figure an attrition rate in the training regime.

CHAIRPERSON BROWNING:

Well, we kind of do.

LEG. HAHN:

Well, maybe we should.

CHAIRPERSON BROWNING:

In the Police Academy.

LEG. HAHN:

Yeah.

CHAIRPERSON BROWNING:

If you get somebody that drops out within the first week or so, you can -- they do fill that, so --

COMMISSIONER WILLIAMS:

We have done it also. We've had people that came to work the second day, they didn't like the job, and we filled it within a short period of time, made that up. But, again, I would love to do what you're saying, but I can't.

LEG. HAHN:

Maybe we need to figure it out. We're smart people. This is something that keeps happening to us with these positions, right? You know, we can't get in the situation where -- I mean, this is painful to keep hearing the same kind of stories over and over again. And so I think we need to figure out what we can do to avoid getting back where we're at, where it's like it's painful to train them. Now we don't want to train anymore new ones, because we have to take them off -- you know, we don't have enough, and then you're going to lose two more. So we've got to figure it out, something different.

MR. VETTER:

I mean, we've met with Civil Service. We've started to look at critical timelines of what point we can replace somebody, versus not -- unfortunately, some of it is just the process that's established. It's trying to work within those -- the rules, we'll say, when it comes to Civil Service and the throughput.

LEG. HAHN:

Okay.

CHAIRPERSON BROWNING:

So BRO has it up here. In addition, they have lost five Dispatchers over the last three months and they expect at least two retirements by the end of 2015. And I know that, again, just like the 911 Operators, you know, I know who's had a heart attack. I know the stress and the health related issues that go with the stress of working on the job. So, you know, I know we've gone through this a ton of times. So my question is, okay, you're saying let's -- we're in October. You're talking maybe two, three months, maybe more to -- for this Civil Service test to be scored and be able to hire anybody. So let's say we are looking at January, February, and you're talking six months to train. That brings us up to about this time next year, so -- but we have -- can we roll over -- let's

say we put the extra money in for the overtime. Can we use any of that money for the positions? Can we roll that over into positions if we were to hire new dispatchers?

MR. LIPP:

Well, we've said in the introduction, actually, if you're not looking at the FRES write-up that we did, but in particular the introduction, that it's not -- that there's enough money in the budget globally across departments and all that. What's my point? My point is it would be more challenging for the Administration to work within the context of their budget. But you have the option of either adding the money in, which we think will happen, or just letting them manage the budget and take it from other areas. It could be done either way, you know. The bottom line I think, as we all sort of agree, is that there is upper pressure on overtime because of the short staffing. And as the Commissioner just said, it's largely right now because of the Civil Service test that they're waiting for.

COMMISSIONER WILLIAMS:

I'd also like to mention, in my budget, all my positions are filled for 2015. So we have funding already for every one of those positions when we can get start hiring.

CHAIRPERSON BROWNING:

Okay. And remind me again how many we're looking to hire for next year? Was it five or was it more?

COMMISSIONER WILLIAMS:

When the list is established, the number of positions that I have open, that is positions that I will start talking to the County Executive's Office about getting filled.

CHAIRPERSON BROWNING:

And what's that number? I'm sorry.

COMMISSIONER WILLIAMS:

Right now, I'm sitting at five.

CHAIRPERSON BROWNING:

Sitting at five. However, we're looking at possibly two retirements for next year. So that really -- so let's -- again, you know, you can't predict what's going to happen next year. So you're talking five that you're going to have openings for, but you could wind up losing two on retirement, which makes -- brings you up to seven. And then who else might wind up because of health-related issues, that they're going -- you're going to lose people. And we were going through this with the 911 Operators and falling back into the, you know, "Well, we" -- "you gave us this many, but we're kind of back to where we started." You know, that's what we don't want to see, I think that's what we're trying to say.

COMMISSIONER WILLIAMS:

I understand 100%. We were up to -- you know, the County Executive signed the SCINs. We were full until this went on. The intention would be, is that when the day the list comes out, I will be talking with the Budget Office and the County Executive's Office about filling whatever positions I have those days. We go along. Again, economically, if I'm running a class and I can hire two more, three more, if we can work it out. But, right now, we don't have dates for those people when they're going to retire.

CHAIRPERSON BROWNING:

Well, I know the Dispatchers, I'm sure they enjoy the overtime, but when it gets to a point that they're burned out, it's no longer fun anymore. So I think we should look at maybe upping that number five. So I'm not on the Working Group, but I am asking the Working Group to consider

increasing that number. DuWayne, you had a question?

P.O. GREGORY:

Yes, thank you. So I want to switch gears a little bit to the Auxiliary Police, and I guess the equipment and supply lines. The past several years I've always, I've put in a standalone to fund them for equipment. I'm looking at the BRO report on page 168 that says that the funds for clothing and accessories is less \$91,515. The funding was to be used for the purchase of uniforms for Suffolk County Auxiliary Police Officers. Now, the funding I provided in the past, I think one year it was for -- to buy bulletproof vests for the volunteers, and I think it was appropriated. As a volunteer, you have to pay \$300 to protect yourself. I think the other year was for rain jackets and some other stuff, and I forget the amount.

So how would this impact, because I'm looking at this line. If you looked on Page 167, supplies, 2013, the actual is 1.2 million. The 2014 adopted was 403,000. The 2014 estimated was 11 -- excuse me -- 1.1 million. And now the 2015 requested is 500,000, but the recommended is 413,000. So it seems like we underfund this line by at least \$800,000. So I'm trying to figure out what's the impact going to be.

MR. FREAS:

Legislator, I think that large variance has to do with the fact that grant funding is included in that, those 2000, 3000's line. So if we buy either a lot of little pieces of equipment or one or two big pieces of equipment, that's going to make that line jump up and down like that, regardless of the stuff that I mentioned this year.

P.O. GREGORY:

Okay. So this line, so -- but even the requested, the 2015 requested is \$504,720, the recommended is \$413,205. In the report, it says -- so that all of the difference is going to affect the Police Auxiliary Officers.

COMMISSIONER WILLIAMS:

With that -- when we put in for that request, what that was, the Auxiliary Police fall underneath FRES because of Civil Defense.

P.O. GREGORY:

Right.

COMMISSIONER WILLIAMS:

We just recently had a bill go through recently for bulletproof vests, which was an offset, which we are buying those bulletproof vests. What we -- the budget for the Auxiliary Police was a very small budget within my own department and it was for ammunition, things like that. There was never really a budget for clothing. The way the Auxiliary Police get that, they get that through the Police Department, through us. But we never had -- we never had a budget for Auxiliary Police for clothing in FRES. We had a small budget, again, for -- we bought -- what we used to buy out of that is actually their awards, ammunition, items like that. And recently, we just got the offset to buy the bulletproof vests, but we've never really had a large budget, or any budget, really, to buy clothes.

P.O. GREGORY:

Okay. Because I know I did a standalone, we passed it. So correct me if I'm wrong, if you can look it up, maybe one through the P.D., because I remember having a conversation with Commissioner Webber probably a couple of years ago the first time I did it, I'm not sure. So it might have went through the P.D. somehow. But one year it was for the bulletproof vests, another year is for rain jackets, or whatever. I think it was 20,000 one year, and I think similar, or 10,000 last year or this year.

No. My concern is these people are volunteers. They -- you know, we should outfit them at least. I mean, I think there's 120 of them, at least in the First Precinct. I forget -- I mean, across the P.D. We should at least, you know, get them the equipment that they need, so that they can do the job that we're asking them to volunteer for. So I just wanted -- I saw this and I just wanted to know how it was going to impact them. But you're saying that you don't have -- I mean, the BRO report says the funding will be used for -- specifically for the uniforms for the Auxiliary Police Officers.

COMMISSIONER WILLIAMS:

The years I've been at FRES, there never was a budget line for clothing to any large amount for the Auxiliary Police. They receive all their clothing from the Police Department. And I generally know, when that comes over from that way, they get some clothing from there, but there never was a clothing line in FRES for that.

MR. FREAS:

Prior to this year.

COMMISSIONER WILLIAMS:

Prior to this year. And this year, I know we've been discussing this. We've been discussing it for six months. We've had numerous conversations, even with some members of the Police Department. We're trying to work something out, that maybe that could be -- we're looking at grant funding, we're looking at a lot of different areas. It's not a forgotten issue. It's not something we just put aside now. We realize we want to do this, we want to work together, the same way we worked on the bulletproof vest, we just got done. We are looking at avenues to get this done, but there never was a budget line in FRES for clothing.

P.O. GREGORY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

Done?

P.O. GREGORY:

Yeah.

CHAIRPERSON BROWNING:

Legislator Trotta was here. I don't know if he still has a question. Anybody else have any questions? No? Okay. I know Legislator Trotta had a question for you. I want you to get out of here. Oh, Tom, what do you need to do?

MR. VAUGHN:

Good to see you. Just in terms of, since -- because we have been having this conversation, and I thought it was of interest that back in September of 2012, we were running at about 29 vacancies in the 911 Operators over in the P.D. Today, we are down to 18. Said another way, 2012 staffing levels were at 131; today, we're up to 142. So we have certainly learned from the issues that we had over there, and done a really good job of getting people into places, and trying to eliminate some of the pressures that we can eliminate. As we've all talked about it, it is a very pressureful job, but we have done our part to try and eliminate those pressures where we can.

CHAIRPERSON BROWNING:

Thank you. So let's repeat that with FRES (*laughter*). No pressure.

MR. VAUGHN:

I don't know how many more times we can stress that this was merely a timing issue that came about regarding the Civil Service test.

CHAIRPERSON BROWNING:

Right.

MR. VAUGHN:

It was not a -- this was not a --

CHAIRPERSON BROWNING:

Well, it is --

MR. VAUGHN:

No, I understand.

CHAIRPERSON BROWNING:

It is a shame, but I understand the two people, taking four people to train two, I get that.

MR. VAUGHN:

Right. It was just unfortunate.

CHAIRPERSON BROWNING:

But, again, sometimes I think it's -- you know, it's like we have certain jobs like CPS, we backfill, you know, CPS. We, you know -- and, again, it's -- you don't know. It's very hard to gauge what's going to happen tomorrow with a FRES Dispatcher, you know, what's going to happen with a 911 Dispatcher. So, you know, the importance of their job is making sure that, you know, we have those positions covered, so somebody else isn't getting called in for overtime, that they're just done with the overtime.

MR. VAUGHN:

No one doubts the importance of my -- of their job. Then I'll say -- I'll go on --

CHAIRPERSON BROWNING:

Right.

MR. VAUGHN:

I'll be the first one to go on the record to say that their job is a heck of a lot more important than mine is, so.

CHAIRPERSON BROWNING:

I think we should train you.

LEG. HAHN:

Yeah. You should go do that for a day.

*(*Laughter*)*

MR. VAUGHN:

I'm tempted to respond.

CHAIRPERSON BROWNING:

He'll stay with what he's doing. Okay. Legislator Trotta, you have a question?

LEG. TROTТА:

I just didn't understand why they -- usually a test expires when the new one comes out. But apparently, I checked, it's not the case in this situation. It's gone off the computer. And what's it called, Emergency --

MR. VETTER:

An Emergency Service Dispatcher I.

LEG. TROTТА:

And there's no -- it's off the list. That's odd. Does that normally happen? I thought usually one -- when the new test comes out, the old one dies.

MR. VETTER:

Normally, they're automatic. That did not happen in this occasion.

LEG. TROTТА:

Okay.

CHAIRPERSON BROWNING:

That's a shame. Okay. So, with that, no more questions. And thank you, Joe.

COMMISSIONER WILLIAMS:

Thank you.

CHAIRPERSON BROWNING:

And, again, hopefully this winter will be a more pleasant one than it's been in the past.

COMMISSIONER WILLIAMS:

Thank you.

CHAIRPERSON BROWNING:

Okay. We did have another card. Jack Pontious from ShotSpotter is here. I know we have -- Jack, do you want to have a seat? And, again, I know that we still have two years left in the North Bellport community with ShotSpotter, but the contract expires for the other districts, that's Central Islip, Brentwood, Huntington, Amityville. So, if you'd like to give us a brief presentation on how you're doing.

MR. PONTIOUS:

Thank you, Chairman Browning. Thank you for your introduction.

CHAIRPERSON BROWNING:

Thank you.

MR. PONTIOUS:

Legislators, I appreciate your time here today. I'm here to discuss the go-forward plan for ShotSpotter. We did meet with the -- sorry. We did meet with the Police Commissioner and the command staff recently to discuss enhancements to the program that include some of the things that we've already done, like Train the Trainer Program, as well as introduction of crime analysis tools specifically related to gunfire detection, as well as a new delivery mechanism which enables us to deliver ShotSpotter incident data directly to smart phones, PDAs, iPads, and things like that. So those patrol individuals that aren't necessarily tethered to a computer can now get these alerts, and anywhere else that you want them to go.

More specifically, today's proposal, which you should have in front of you, if you turn to Page 6 of the proposal document, you'll see that what we've done is we've analyzed the data over the last three years, specifically with two years of data in between the three years that we've been here all together, to enable us to recommend expansion of the program, as well as a modification to the coverage areas. So based on the data that we've collected over this time frame, our recommendations are clearly noted in this document individual to each of the jurisdictions that are currently covered.

Ultimately, what we want to accomplish here is to -- with this modification is to deliver a better service. And we want to be able to detect events that not only are currently covered in the area, but also on the boundaries of the current coverage areas in all five communities by extending that coverage area. And as part of our go-forward plan, we want to do this essentially at no additional cost to the County. We want to modify by adding sensors or moving sensors, extending the coverage areas with each one of these jurisdictions, as noted in this document. And, again, to reiterate, ShotSpotter is going to do this at no additional cost to the County. That's really why we're here today, to discuss this, and to see if there were any questions about this proposal.

CHAIRPERSON BROWNING:

Okay. Well, like I say, I know that Bellport still has two more years. Does any of the other Legislators have any questions --

LEG. SPENCER:

I do.

CHAIRPERSON BROWNING:

-- regarding about ShotSpotter? Because I might have a couple, but I'll let you start.

LEG. SPENCER:

Hi. Good afternoon, sir. Thank you. I'm Legislator Spencer, obviously from Huntington, which has been an area that's been of intense concern lately just because of an uptick in violent crime that the vast majority has been related to shootings and some gang activity where ultimately we've had some gains. But it is an area in my community where I have a lot of concerned citizens, and ShotSpotter has come under intense criticism.

So let me try to address at least what the biggest concern is in the community, is that if there's a true activation of ShotSpotter and someone -- you know, we want to try to have as brisk of a response as possible. And the community's perception is that there's been shootings and murders, and that although there's a lot of inside investigations as far as the appearance of solved crimes, that even with the ShotSpotter activation and dispatching police, there still is not enough time to apprehend someone at the scene, that they're escaping. And so if we look at intensifying that response, but we would be utilizing more resources, but when we look at the ShotSpotter reports, there's still a substantial number of false positive activations. And so we're kind of between a rock and a hard place in terms of if we say, all right, as soon as these -- we have to kind of ascertain what is going on and make a decision in terms of what the response is going to be, but that response has to be brisk enough to be able to have some effect at the scene to be able to capture someone if we try to block off all roads, or we send as much -- as much police presence to that scene as possible. But if we're getting upwards to 80 to 90% false positives, we're just -- I know that initially it was calibration issues, but I still see a substantial number of false positives. And there's a very strong outcry in my community to say, "Scrap the program, let's get some more officers there. Doc, this isn't working." And I need some help to be able to -- be able to understand these numbers and, you know, to be able to support this program, because I speak as a representative, although I may have a different personal opinion.

So I know -- I apologize for an extremely long question, but I just needed to kind of lay where I'm coming from, laid it out, if I could.

MR. PONTIOUS:

Yes, sir. Thank you, Legislator. Let me just take those comments in two steps.

First off, let me address the issue of false positives, because we've done a lot of work over the last -- especially last year in working directly with the Suffolk County Police Department to make sure that our reports synch up. Based on the information that I just received from our Operations Chief, this year so far, in all of Suffolk County, that's all five communities, we've detected 276 gunshot alerts. Nine of those have been misclassified, which means that they were sent through incorrectly, and four were missed gunshot incidents. So the issue of false positives I think needs to be looked at again. We're certainly willing to sit down with the Legislature and the Police Department offline and see if we can sort through that again, but we're not seeing that in the data that comes in through our system.

And then the other comment that I would like to make is, you know, essentially what ShotSpotter is is a forced multiplier. If you look at data that comes in traditionally through 911 means and dispatch services based on gunfire that's occurring and terrorizing these neighborhoods, only about -- and this is a national average that we have been able to put together based on the 85 or so communities that we're in around the country, only about one out of every five gunshots ever even gets called in, for whatever purpose, or whatever problem that occurs out in those neighborhoods, whether they're afraid, or terrorized, or just immune to the gunshots that are occurring in their neighborhoods. ShotSpotter provides at least four to five "X" times the number of gunshots that are coming in through traditional means. So you are getting the alerts. And we're not seeing the concerns that you're mentioning here with false positives.

LEG. SPENCER:

What I'll do is I -- I had a report. Actually, I may have it. I'll yield and I'm going to get the information that I'm referencing and see if I can have that addressed while we have -- thank you.

CHAIRPERSON BROWNING:

Okay. Anyone else have questions? No.

LEG. TROTТА:

I do.

CHAIRPERSON BROWNING:

Oh, sorry, Rob. Go ahead.

LEG. TROTТА:

How much does this cost? How much are we paying for this?

MR. PONTIOUS:

Okay. So the --

CHAIRPERSON BROWNING:

I guess we could have our Budget Review -- yeah, there you go.

MR. LIPP:

So the graph is on the board. This is what ShotSpotter contract terms were over the last several years, and what it would be for next year and the year after.

LEG. TROTТА:

What is it next year?

MR. LIPP:

So next year, 2015, is the highlighted one, it would be 334,500, which would include other locations. This middle item here, which is for an extension of the agreement, and that related to two square miles in Huntington Station, two square miles in Brentwood, one square mile in Wyandanch, and one square mile in North Amityville.

LEG. TROTТА:

What page is that?

MR. LIPP:

That would be --

CHAIRPERSON BROWNING:

Page 237.

MR. LIPP:

-- page 237.

LEG. TROTТА:

And the idea -- ShotSpotter person, what is the idea of, you know -- what is the benefit of having the police know the shot went off?

MR. PONTIOUS:

Well, that's a great question, and we get that question all the time and it's kind of answered in a number of ways. First thing, it's critical intelligence that's otherwise unobtainable. There's just no other way to get the incident data that's actually occurring in these neighborhoods because of what I previously mentioned. These people are just not calling this stuff in, they're just not doing it. So, in terms of having that kind of intelligence directly to the patrol, they're able to now act more quickly, more intelligently, more safely. We're able to provide data that not only gives very precise location accuracy like the front yard, or the backyard, or is it a drive-by shooting, which direction, how many shots were fired, we can also give an indication of the types of weapons that are being fired. Are these automatic weapons? Are these shotguns? Are there more than one shooter? Is this an escalation of a gang issue? Information that the police are analyzing very, very quickly, so they can respond with the appropriate tactical force. So, from a response perspective, we're able to provide that type of information quickly and precisely.

Then on the back end, which is really where the tools really start to come into play for those that are doing investigations and crime analysis, we have case law now in over 21 -- 22 states where ShotSpotter evidentiary data has been used all the way through the chain of custody to lead to convictions of criminals that would perpetrate gun crime in our neighborhoods. We have expert witnesses that come in and testify to the science behind this. We can tell you down to a hundredth of a second in a he-said-he-said scenario, who shot first. We've been able to assist officer-involved shooting cases, where officers' stories were corroborated exactly by their testimony by going back and looking at the ShotSpotter data that's come in.

So there's a variety of benefits other than, you know, trying to just look at this as a response tool. But, ultimately, it is, you know, understood that we are looking to help with crime interruption, but also as a crime deterrent. Nassau County, for example, went public with their results last year.

They will tell you that in the ShotSpotter zone, and they have one big zone down there, a little over three square miles, that gunfire in the ShotSpotter zone has been decreased overall by about 82%. So those are the kinds of results that we're looking to see in Suffolk County, too, although in Suffolk County we have more of a challenge because the coverage zones are spread out throughout a large geographical area.

LEG. TROTТА:

Why would that have any effect on the deterrent?

MR. PONTIOUS:

It shouldn't have an effect on the deterrent.

LEG. TROTТА:

What have the numbers been in Suffolk, has it gone down, or up, or stayed the same?

MR. PONTIOUS:

Over the course of the last two years, 957 incidents of gunfire have come in, 764 of those fell inside the coverage, and then the rest of the 193 fell outside the coverage area, which is where we want to modify those coverage areas and extend those boundaries, so you get that additional coverage with the cost that you're paying now. But to answer your question, I'm not sure I have that data with me in terms of what year-over-year results we've seen here.

LEG. TROTТА:

I know a little bit about this. You know, I was a cop for 25 years and I worked in the First Precinct, and there was an incident where we actually got a gun, found it in the bushes, but, you know, where it went off, but there were many more, many, many more, and there was nothing. You know, nothing was found, nothing -- you know, it just sort of -- you know, whether it be fireworks or whatever it was. I mean, I really am stressing to see why we would need this, and I'm, you know, trying to -- some of the things you said make some sense. But, you know, as one example, when I first got here, I had happened to handle the only one that was founded, and it was only founded because the guy's car broke down, and we found a bullet in the trunk, you know, the whole back of the trunk. And if it wasn't -- I think it was like 70, during that time period, and that was the only one that was founded. So, you know, I'm trying to justify 335,000, you know, dollars a year when you can buy guns -- you know, there's the buy-back project for, you know, 100,000 to get more guns off the street.

MR. PONTIOUS:

Understood. Just remember, we're just the tool in the toolkit. It needs to be utilized. And I think what you're seeing from the Suffolk County Police Department is an interest in working with these tools. We've had numbers -- numerous meetings with them over the past couple of years and provided additional best practices. But, ultimately, yeah, the incident date is there. You've got gunshot incidents occurring in somebody's front yard. How do you want to handle that? Do you want to start knocking on doors? Do you want to do a 25-meter radius around that incident and start looking for shell casings? There's a whole lot of data that you can gather that you, again, otherwise wouldn't have had if you were waiting for someone to call 911.

CHAIRPERSON BROWNING:

Done, Rob?

LEG. TROTТА:

Yup.

CHAIRPERSON BROWNING:

Okay. Having the -- having the ShotSpotter in my District, before ShotSpotter, one of the biggest concerns from my constituents was, "I'm afraid to call." Shots went out from the home across the street, they're gang members. I'm not calling 911, because they might know it was me.

There's a couple of issues. You know, it's not just about people not being afraid to call 911. I think it's made a difference, and I do believe there has been more 911 calls. And I guess, you know, the Commissioner and Chief White are here, that could possibly respond that maybe they're seeing more 911 calls come in because ShotSpotter is picking them up, and you're not entirely dependent on the 911 call anymore.

To date, a 15-year old was killed in my District, he was shot. They've never found the person that did it. The child did not survive, he died. Had we 911 -- if we had had ShotSpotter, could the Emergency Services have shown up sooner? Maybe he'd still be alive today, I don't know. I do believe that ShotSpotter can help with that, with the response time.

And I spoke with one of the Gang Unit guys when ShotSpotter first came in, and he said that he saw a gang member in North Bellport. And a guy comes up and talks to him, and, you know, talking about the ShotSpotter and the guns. And at that point, I don't even think ShotSpotter was quite implemented yet. And he told the police officer, you'll not find guns in North Bellport, "You're not going to find me shooting any guns off in North Bellport because I know we have ShotSpotter," so it's a deterrent.

The other thing, I think, is what about our Police Officers? You were a Police Officer, Tom. When you hear a gun, you know, gunshot in a community, in my opinion, I want a Police Officer to know what he's driving into. Is it a single-shot shotgun? Is it an automatic weapon? ShotSpotter does that. It lets you know what that weapon is, how many shots were fired. So I think there's more than one reason why we have ShotSpotter. I still continue to support it. I do have -- you know, I get the report, and when it says "unsubstantiated," it doesn't mean that it wasn't gunfire. And, in fact, I have it on my computer. I happened to turn it on one day, I said, "I haven't listened to it for a while." I put it on. I had to call one of your technicians at ShotSpotter to help me get back in again. And we put it on, and I said, "Oh," you know, there just happened to have been a shots fired not too long ago, and we put it on and he said to me, "Oh, yeah, that was gunfire," you know, so -- but, if there's no shell on the ground, and the police get there, the people have taken off, well, then that's unsubstantiated. It doesn't mean it didn't happen, it's just there's no exact, you know, evidence that it happened. So not every gun that's fired, and I could be wrong, drops a shell, correct?

LEG. TROTТА:

(Nodded yes.)

LEG. MURATORE:

(Nodded yes.)

CHAIRPERSON BROWNING:

So there you go, that's unsubstantiated for you. So I know you have a -- Doc, you have a question?

LEG. SPENCER:

Yes. Legislator Browning, thank you for that. But I said false positives, I mean unsubstantiated. And to me, that's not good enough. That's a real problem for me personally. It's when you -- when I'm looking here at the report of ShotSpotter and I see the results for September, 99% of, you know, the events, or 99.9, out of the 30 events that occurred, 19 were unsubstantiated, five were false, five were confirmed. And not only that, when I look at it broken down by precinct when -- in

Amityville, in the First Precinct, all of the activations there were unsubstantiated and one was false. When I look in my precinct, in the Second Precinct in Huntington Station, I've got two false activations, three unsubstantiated, and one confirmed. When I see unsubstantiated, every time there's an unsubstantiated claim, there are officers that are going to the scene.

And I'm not naive enough to believe that there needs to be a shell casing on the floor, but if someone's fired a weapon in a community, you're telling me that the officers get there and there's no witnesses, there's not one door, not one person that can say that someone fired a gun? Now, you know, it's great to have a tool that is supposed to be a deterrent, but when I'm looking at a success rate, a confirmed confirmation rate of 17.2%, then I'm assuming that every time this is going off, to either get a false or an unsubstantiated, that there are officers that are going to the scene. And I can understand the false, because at least they say, all right, it was fireworks, it was a backfire. But unsubstantiated means that we've got to change something here. When I'm seeing 70% are unsubstantiated, I either need to get my officers there quicker, or there needs to be -- something needs to be adjusted. To me, that's when I see false positives, when I see unsubstantiated.

And, you know, I'm a little more passionate. I've elevated my voice again because the community is eating me alive over these unsubstantiated, so, to me, that's a big problem. They're saying, "Hey, Dr. Spencer, for \$300,000", if 70% of the time the officers are coming to the scene and they have no idea what happened, that just baffles the imagination. I don't know what the response time is, I don't know what is going on, but 70% of the time we're basically are using this third of a million dollars, and 70% of the time we're going to the scene and we're printing our report and we're saying, "I don't know what happened." Well, I get the technology, I can support that, but as a public elected official that's representing my District, the public, you know, I need more. I need a plan to be able to, before I expand this, to be able to address the issue of 70% unsubstantiated claims in this situation.

So that's what my frustration is, that's what my passion is. And I've got to go -- when I leave here, I'm going to a rally for Maggie Rosales. And this was a stabbing, granted, but there's supposedly 1,000 people that are meeting in Huntington Station to protest the crime. And we had a meeting. I appreciate the Commissioner and everyone who was there yesterday. But, you know, this is a big, big, big issue. People are really, really afraid. And ShotSpotter, it's just hard to get them to swallow me supporting something that 70% of the time we have no idea what happened. We need a plan to address that. If -- I apologize, sir. That's not directed to you, but if you have anything to make me feel a little better, I'd appreciate it.

MR. PONTIOUS:

Well, I can tell you this, that doing business throughout the country here in the United States, and in four other countries, one of the great things that we've seen is the reduction in gunfire in many of the communities. That's awesome, but there's another number that I've seen that's even more impressive, and that's in conjunction with really good police work, and that's that, you know, the community policing efforts that are taking place based on individual events that are coming through the ShotSpotter system that are being responded to by officers that wouldn't have had that data before, is putting officers in the community where they wouldn't have been there before. So the community is taking notice, right, that, oh, wow, that officers are showing up at these events now. And when officers are knocking on doors, and they're, you know, doing their jobs on the scene that they're trained to do, the community does take notice.

And going back to Nassau County, yes, 80% or so deterrent, or, excuse me, reductions in gunfire in the ShotSpotter zone. The number that they're showing -- they're telling us is that not one out of ten people call in anymore, nine out of ten people are calling in now, and that's very, very -- that's where we want to be.

LEG. SPENCER:

Thank you.

CHAIRPERSON BROWNING:

Okay. Rob?

LEG. CALARCO:

Thank you. Jack, it's good to see you. A quick question. Your system, I think the issue that we all are talking about when we talk about these unsubstantiated is whether or not we believe they're actual gunshots, right? We can either say, yes, the unsubstantiated is the ones that we can't really prove, where the other, we can either say the system's telling us they're gunshots, we have to approach them as gunshots until proven otherwise, or we can say, "Well, we really aren't sure, we don't have faith in the system".

So my question to you is your system, what's its -- what's its track record in terms of its holding up as being proven as a reliable, effective system that accurately portrays when a gunshot comes off. I mean, are you guys accepted in the Court System as something that is a fact that can be presented in a case of law? I mean, what kind of -- what kind of data do you have to give us that reliance that when you're saying there's a gunshot, there's a gunshot?

MR. PONTIOUS:

That's a great question, and I will take that head-on, because not only do we have case law in New York, but we have case law in 21 other states where we are being used as evidence in case -- in cases almost weekly now. And we're sending our expert witnesses into the courtroom and have yet to be challenged successfully by any defense attorney, whether it be a Kelly-Frye or other defense challenge. So the juries, they eat it up, they love seeing it. The prosecutors are prosecuting these cases with ShotSpotter evidence on a regular basis. So, as far as whether or not the incident data, the gunfire data that we're collecting and how it's being used is real, absolutely.

LEG. CALARCO:

What's the scientific rigor that you have to do to be able to be accepted in the courts?

MR. PONTIOUS:

Well, again, that's a question that is more of an operational issue. I couldn't take that today personally, but I'll get the answer for you in terms of what the expert witnesses that we have to go through before they testify. But they do have, you know, "X" number of months or years of experience just analyzing ShotSpotter data, and we also have PhD's that provide detailed forensic reports for each one of these incidents as well.

LEG. CALARCO:

Okay. So I guess my perspective on this, and what gets me extremely frustrated when we talk about the effectiveness of this system, and I am actually quizzical to why a Police Officer would not want to know when gunshots are taking place in a neighborhood, irregardless of their ability to prove, or disprove, or find shell casings, or anything else, or bullet holes. We have to assume that every time you report a gunshot fired, that there is a gunshot fired. It's not a matter of saying, "Well, we think it might be, but it really might not be because the system is really not reliable." We have to assume that it's a gunshot fired and treat it accordingly and respond accordingly. And gunshots being fired in our residential -- in our neighborhoods is just an unacceptable situation. I don't care if someone has been actually shot or not, the fact that the gun was fired is unacceptable.

And this goes beyond anything that I think you could answer to, Jack, but I think more to the point that Legislator Spencer is making, and even Legislator Trotta, I mean, not for nothing, but the fact

that you're able to document a pattern of gunshots being taking place in a neighborhood, and, clearly, I'm looking at this last report, and while I could thankfully say in Bellport we only have one even recorded incident, although that one is an unsubstantiated incident, you have multiple in Amityville, multiple in Wyandanch. And many of them they do have -- resulted in arrest. So I think, if nothing else, that proves that the system is actually working. And there's a problem. If we have a number of unsubstantiated reports, the problem was not on the end of whether or not the system does or doesn't work, although I think there's always fine-tuning that may need to be available. It's a matter of whether or not we are making the proper type of response and the proper type of investigation into the cases. And I'm not going to say we're going to be able to substantiate each and every shot, that's just probably an unrealistic goal. But if we have 70% unsubstantiated, I think that we have to really fine-tune what we're doing in terms of response to this system, because until the court starts saying that your system is not effective and doesn't meet the scientific rigor needed to be accepted in court, I think we have to go by the premise that these are actual gunshots. And until proven otherwise, we have to accept them as gunshots.

CHAIRPERSON BROWNING:

Thank you, Rob. And I want to jump into the gun buy-back. Rob, you talked about that. Not too long, over the summer we had a gun buy-back --

LEG. CALARCO:

Yup.

CHAIRPERSON BROWNING:

-- in North Bellport. It was -- there was nothing. There was absolutely nothing that came back. And to be honest with you, a gang member is not going to turn in his gun, they're not.

LEG. CALARCO:

That was a second in that neighborhood, and I think we netted on the second gun buy-back four or five handguns and a couple of shotguns.

CHAIRPERSON BROWNING:

Yeah. The return is nothing. And my personal opinion, gun buy-backs don't work.

LEG. TROTТА:

No, I'm not saying gang members, but I'm saying some guy who's got a gun in his house who could be burglarized and it's stolen will now get the gun off --

CHAIRPERSON BROWNING:

However, if you had seen the guns that came back, they were broke, they were old, you know, they were really not anything we're talking about. So, you know, that's the thing, is we're not getting any substantial weapons. And so I just think this is the --

LEG. TROTТА:

I think you're not getting very many with the ShotSpotter either, so.

CHAIRPERSON BROWNING:

Yes, we are, I do believe we are. And I think it helps our Police Officers, when they respond to a call, to know whether it was a gunshot from a shotgun, you know, from a 45, you know, or an automatic weapon. That there -- you know, that they are knowing what that -- how many gunshots, the type of gun that it possibly is.

LEG. TROTТА:

You're right.

CHAIRPERSON BROWNING:

And the safety of a Police Officer, you have to look at that, too. Monica, you have a question?

LEG. MARTINEZ:

Good afternoon. I represent the Brentwood area, and just looking at the report in September as well, there is one that was unsubstantiated where three rounds were shot. Now my question is, I know you want to expand the radius, the coverage. Are some of these unsubstantials because of maybe they were right at the perimeter? Could it be that it wasn't enough to cover the area where it came from? I mean, what are -- are those some possibilities?

MR. PONTIOUS:

Yes, that's exactly right. Let me just back up a little bit. ShotSpotter, as part of our contract, guarantees 80% detection within 25 meters. I think that if you talk to the Suffolk County Police Department, you'll clearly see that we're meeting our specification and some. But to answer your question, there's going to be misses on occasion. We never claimed to be perfect, but we are four or five "X", plus all the additional information that Legislator Browning commented on, based on what you're getting if you didn't have ShotSpotter. So there are also going to be events that occur on the perimeter, which is part of what this proposal is going to address. What we want to do is take the data that we've collected over the last few years and expand the system, and extend those perimeters to cover the areas where we think that there's going to be gunfire, or we've seen gunfire that we may have missed.

LEG. MARTINEZ:

Thank you.

CHAIRPERSON BROWNING:

Okay. Thank you. And I don't think there's any more questions. Jack, I certainly appreciate you, I know it's not around the corner for you, coming out to give us this. And I'm sure probably people in the room are saying, "What does this got to do with the budget?" Well, it's got to do with making sure the Working Group, if they decide whether or whether not to continue to fund this. Like I said, Bellport still has two more years, and I'm hoping that the Work Group will continue to support it for the other communities. So thank you, Jack. And --

MR. PONTIOUS:

Thank you.

CHAIRPERSON BROWNING:

I don't want to bounce around. I know Mr. Sini has to get out of here. You're -- you have an issue going on that you need to leave?

MR. SINI:

Child care issue. About 5:30, I have to head out for child care.

CHAIRPERSON BROWNING:

Okay. Well, I'll tell you what, why don't you come up just to be on the safe side, because I don't know what can come next. I have a funny feeling between Corrections, the Sheriff's Department and the P.D., there may be a lot of questions that will drag on. And I'm sure that things aren't going to take too long for you. If you want to come up front here. Probation, alternatives to incarceration. What do we need? Probation Officers.

*(*Laughter*)*

So with that, go ahead.

MR. SINI:

Thank you very much for accommodating my schedule, I appreciate that.

MS. DLHOPOLSKY:

I guess I could lead off by saying, in terms of the budget that has been presented for the Probation Department, that our Department feels that it can manage within the budget that was set forth. That budget will provide for hiring several more Probation Officers under the new appropriation for alternatives to incarceration, along with Probation Investigators. And I do believe that this budget provides a framework in which the Department can function for the next year.

CHAIRPERSON BROWNING:

Okay.

LEG. HAHN:

Remind us how many positions.

CHAIRPERSON BROWNING:

It was seven positions, right, for Probation?

MS. DLHOPOLSKY:

Seven positions, three Probation Officers, three Probation Investigators, and a Psychiatric Social Worker.

CHAIRPERSON BROWNING:

Okay. So the three Probation Officers are new Probation Officers coming in off the street, right?

MS. DLHOPOLSKY:

Well, yes. I mean, in terms of what we generally do, if we hire in two positions that will now be funded, is that we probably would put experienced people into these spots and put the new ones into other jobs, but we'd be hiring three new Probation Officers.

CHAIRPERSON BROWNING:

Okay. Does anyone have anything questions? Okay. Mr. Sini, do you have anything you'd like to say?

MR. SINI:

No. Just that, you know, this is a major commitment of the Administration, and we've been working with all the stakeholders. And I think the CJCC is a good mechanism to do it since a lot of the stakeholders are there. We've been working with -- obviously, the County Executive's Office has been working with Probation very closely, with the Sheriff, who's been tremendously helpful, both in providing helpful statistics to identify where we can do better in terms of diverting people out of the system. And also, most importantly, we've been working with the courts. They're the consumers, so if they don't have faith in the ATIs, then basically our efforts would be useless. So it's very important to figure out what they think works now and what we can do better. So we've been talking to other stakeholders and we're going to be launching a pilot program starting Monday with respect to supervised release, and hoping to enhance that program, increase the amount of people we can divert from the bail category to supervised release.

CHAIRPERSON BROWNING:

Okay. I'm trying to see. What page is that in the book, Rob, Robert?

MR. LIPP:

241.

CHAIRPERSON BROWNING:

Oh, okay, that's why I couldn't find it. Can you -- okay. And, again, Probation does not have a contract, so that's a question I have. I guess the question that I'm going to ask of you for -- you know, we have Detective Investigators, Probation, we have Corrections and we have Sheriffs, Deputy Sheriffs, do not have a contract. There is no money in the budget to -- with the anticipation of what a salary increase might be for Probation Officers, is there any funding in place?

MR. LIPP:

To our knowledge, there's no funding in the budget. And it wouldn't be appropriate for us to venture an estimate, because we would be interjecting into labor negotiations, which would not be appropriate.

CHAIRPERSON BROWNING:

Right. However, if we were to anticipate that the other four bargaining units were to receive a similar increase like the other bargaining units, is there a possibility that we could anticipate what that amount of money is that we'd need to put in the budget?

MR. LIPP:

Most definitely, in fact, we've -- we did estimates, for instance, for our April budget model presentation, but we -- that part of it we did not mention what our assumptions were, and we couldn't, really. But we have that sort of information, but there are estimates and it's hard to figure out what the actual contract would be, including, you know, what Labor Relations would do in terms of potential givebacks and stuff like that, or deferrals. There's a lot of moving parts.

CHAIRPERSON BROWNING:

Right. But even if we were to say -- let's pretend they all got a 2% increase.

MR. LIPP:

We could talk.

CHAIRPERSON BROWNING:

I just feel we need to put something in place.

MR. LIPP:

Well, we could talk.

CHAIRPERSON BROWNING:

Yeah, I know.

MR. LIPP:

It wouldn't be appropriate for me to come up with numbers in committee.

CHAIRPERSON BROWNING:

Right, right. And what is your caseload? I mean, I guess it depends for the Probation -- I don't want to throw -- if you don't have the numbers, but your caseload --

MS. DLHOPOLSKY:

I do, you asked me.

CHAIRPERSON BROWNING:

-- per Probation Officer.

MS. DLHOPOLSKY:

Well, you had asked me last time to address that issue.

CHAIRPERSON BROWNING:

Right.

MS. DLHOPOLSKY:

So, as you know, we have different kinds of caseloads. We have specialized caseloads based on special needs. We have sex offender caseloads, gang caseloads, mental health, domestic violence, intensive narcotics, alcohol addiction, and the average size on those intense caseloads is 33. That's bodies, not cases. They have other cases, but 33 people. In terms of general criminal supervision, that's rated by the score on a State-approved risk assessment, and you either will score as a high risk, medium risk or low risk. And on those caseloads, for the high risk caseloads, the number is 31, because, again, that's got a lot of requirements for seeing the people, and these are considered people who are more of a risk to the community. The medium risk caseload is 68. The low risk caseload, which is indeed very low risk, is 147.

CHAIRPERSON BROWNING:

Okay. So how does that compare to other counties?

MS. DLHOPOLSKY:

Well, there's a great variety across the counties, and not everybody does things the way we do, where, you know, in Suffolk, we are large enough that we can divide into caseloads for high risk, medium risk and low risk. In some other counties, the numbers on the caseload may be different because they lump everything together, or they take the low risk out, but keep the medium and the high risk together. For the medium risk, I think that the State generally recommends somewhere in the neighborhood of 60-something cases. So, for the medium risk, we're doing fairly well, and for the high risk, you know, you're not going to be able to go lower than the numbers that we have cited.

CHAIRPERSON BROWNING:

Okay. Thank you, Robert. I don't think there's anything you can ask that they don't have an answer already. But I'm looking at the high risk, your -- so you average four hours a month --

MS. DLHOPOLSKY:

We probably --

CHAIRPERSON BROWNING:

-- per client probationer?

MS. DLHOPOLSKY:

Well, I would say at least, sometimes more, yeah.

CHAIRPERSON BROWNING:

Oh, okay. So that's just a -- okay.

MS. DLHOPOLSKY:

I think that's very much.

MR. LIPP:

So what this is is an illustration of what the American Probation and Parole Association provides. It doesn't mean -- it's a rule of thumb, it doesn't mean it has to be.

CHAIRPERSON BROWNING:

That's their recommendation.

MR. LIPP:

And the numbers add up to 120 hours. So it's more intensive, obviously, for the high risk. The low risk ones you can do that many people because it's only one hour.

CHAIRPERSON BROWNING:

Okay. Well, I thank you. And, again, anticipated retirements, do you know how many are eligible for retirement?

MS. DLHOPOLSKY:

We have quite a few eligible. That's not to say they will go. I don't have specific knowledge of more than one or two who I do believe will be retiring in the near future, one this week. However, you know, we do have a good number of our Peace Officer staff who are eligible for retirement.

CHAIRPERSON BROWNING:

Okay. So that, again, are we -- it goes with all of them. You have how many that -- 37 sworn personnel that would be eligible to retire? Thank you, Robert -- with 25 years or more. Usually they don't retire until after the contract's been ratified.

MS. DLHOPOLSKY:

This is correct.

CHAIRPERSON BROWNING:

So that's a lot, that's quite a few. And, again, are we bringing in enough Probation Officers to fill any retirements? That's like anything.

MS. DLHOPOLSKY:

But we have a class --

CHAIRPERSON BROWNING:

We do it with every department.

MS. DLHOPOLSKY:

We do have a class starting. We should be hiring. They should come on in December and the training will take place probably in January. So we have a class coming up. And, of course, in the budget, in the ATI appropriation, that recommends another three Probation Officers, so that would increase the staff. I would say that we should be -- with those numbers, we should be sufficient to meet our needs, assuming that if people retire, that we're able to hire into those funded positions.

CHAIRPERSON BROWNING:

Okay. Well, if you can just kind of try and keep us up on a monthly, quarterly, however, you know, and just keep us updated on retirements, and, you know, those -- and, obviously, possible injuries, because you don't know what happens when they go out on a call.

MS. DLHOPOLSKY:

This is true. We have people who -- the biggest thing, frankly, is people who twist their ankle walking into a house doing a home visit.

CHAIRPERSON BROWNING:

Oh, yeah.

MS. DLHOPOLSKY:

Slip on ice, that kind of thing.

CHAIRPERSON BROWNING:

I've seen some of them. I've been there. I give them a lot of credit for some of the homes that they've had to walk into.

MS. DLHOPOLSKY:

This is true. They do a very good job and they work very hard.

CHAIRPERSON BROWNING:

Yeah, they do. I thank you. And, again, thank you always to our Probation Officers for the hard work they do. And I'm assuming no more questions, so enjoy the rest of your day.

MS. DLHOPOLSKY:

Thank you very much.

CHAIRPERSON BROWNING:

Thanks.

MR. SINI:

Thank you.

CHAIRPERSON BROWNING:

Okay. I see, I guess the Commissioner here? No. We had asked about -- oh, our Medical Examiner is here. Thank you. If you would like -- I don't know where he went.

LEG. HAHN:

Right outside.

CHAIRPERSON BROWNING:

Oh, okay. Sorry. Because I know the Medical Examiner's going to be quick. I know there's a going to be a lot of -- okay. I know the Medical Examiner is going to be quick, so if you want to, come on up. I don't know what happened.

Okay. If you want to just give us a brief -- how the budget's working for you. And I do have a question on turnaround with autopsies and report. You know, are the reports getting done in a timely fashion? What's the average time, you know, when you do an autopsy or -- I'm assuming that's what you call them all. And the time that the report is submitted is -- can you tell me what the average time is?

DR. CAPLAN:

Yes. Thank you, Legislator Browning. I would say that the average time for a report from -- you know, from the time that it's -- the autopsy is performed to completion is somewhere between two and three months. That would probably be the average, the average time.

The recommendations from, you know, the National Association of Medical Examiners are that homicides be completed within 60 days of the time of autopsy, and that, you know, non-homicide cases be completed within 90 days. And what this involves is -- really, performing the autopsy is, you know, although as labor intensive as that is, that's really just the tip of the iceberg in terms of

all the duties that have to be done. What happens is, you know, after you perform the autopsy, then a report is dictated, and then that is corrected. And then all of the ancillary information, looking at slides under the microscope, waiting back for toxicology reports, investigative data, all that has to be integrated, you know, for the final report to be completed, and these can vary greatly in complexity. You know, on the straightforward end would be somebody who has disease limited to, you know, single organ, like the heart for example. On the other end would be somebody, you know, who's been in the hospital for months following a crime in which there are multiple complications. So it can really -- it can really vary. But I would say that those are the general guidelines, and we try to -- you know, our best to adhere to those.

You know, some of the challenges that are in place is that we do have -- you know, there have been some staffing issues. We have addressed those, and so I'm very optimistic that we'll be able to, you know, achieve, you know, the NAME standards, the National Association of Medical Examiner standards. But I -- you know, we've had -- two additional staff have come since I, you know, last sat here before you all in early June, and we have in the budget two -- we're recruiting actually for two additional Medical Examiners, which, you know, we're doing our very best to have those positions filled.

CHAIRPERSON BROWNING:

Okay. Thank you. And Budget Review, do you have any comments?

MR. LIPP:

No.

CHAIRPERSON BROWNING:

Excellent. Any questions? Perfect. I think you're probably the quickest today.

DR. CAPLAN:

Thank you very much.

CHAIRPERSON BROWNING:

Well, thank you. Okay. Still working on scheduling that visit. Okay. I know the Commissioner was here. Is he still here? Oh, there you are. Sorry, Commissioner.

MR. LIPP:

Margiotta is here, too.

CHAIRPERSON BROWNING:

I thought you were just here for the show.

*(*Laughter*)*

MR. MARGIOTTA:

It has been great, yes.

LEG. CALARCO:

This is what it's like if you're waiting --

CHAIRPERSON BROWNING:

Ooh. Does that hurt, Paul? Did he hurt your feelings?

LEG. CALARCO:

Paul does a good job over there.

CHAIRPERSON BROWNING:

Okay. Commissioner, if you'd like to go ahead. I do want to ask you, though, how's things going, because I know you said you're working on the helicopter, and I know it's out of the 2014 budget. How is that going?

COMMISSIONER WEBBER:

It's actually doing very well. It's over at the Purchasing. All the requirements are going over there, so we're moving along.

CHAIRPERSON BROWNING:

Good. Because I know I have -- tomorrow is the FRES Commission meeting, and I know that that's always been an issue with them. So we'd like to at least kind of give them a little update in case any of them need to know. So, if you would like to go ahead, 2015 budget.

COMMISSIONER WEBBER:

Before I start, I would like to thank the men and women, both sworn and civilian, in the Suffolk Police Department for all the hard work you do and in the reduction of crime, and serving the people of Suffolk. I'd also like to thank those of you in the Public Safety for all the support you give us. But I would like to have your thoughts and prayers for P.O. Nick Guerrero, who was recently released from Stony Brook University, but has a long road ahead of him in rehab. So I just hope that you keep him in your thoughts and prayers. He's a very hard worker and an excellent Police Officer.

The Police Department's 2015 budget was put together under ADH 0812014, which says basically no hiring, keep expenses, zero growth. We did that in most cases with the exception of pilot training, speaking about the helicopters. The ammunition, the cost has gone up twice, and the P.O. test that we have to have more advertising and some recruitment expenses. Other than that, the budget is virtually the same as requested by us, as submitted by the County Executive, with the exception of they added some recruits to be hired in 2015. So if you have any -- that's the quick overview. I'm sure you have a lot of questions.

CHAIRPERSON BROWNING:

Yeah. I'd like to start with -- I know you have a class -- a couple of things. You have a class starting, what date, the new class?

COMMISSIONER WEBBER:

The new class is -- we're in the process of vetting the individuals. Hopefully, we'll be having them in the end of November --

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER WEBBER:

-- into the academy.

CHAIRPERSON BROWNING:

And that's a total of 64.

COMMISSIONER WEBBER:

Sixty-five.

CHAIRPERSON BROWNING:

Sixty-five. Plus, you're going to have the -- how many Parks Police?

COMMISSIONER WEBBER:

Thirty-four.

CHAIRPERSON BROWNING:

Thirty-four? And one of the questions I have, which has come to my attention, is the MOA was signed for the Parks Police Officers to transfer over to the P.D. What are you doing? Now you're bringing those Parks Police Officers over to the P.D. What kind of training? How much time? And if you're pulling them out of Parks to start the training, do we have -- and I don't know if that's a Parks Police question or Parks question, or it's -- I guess it's both. Who's doing the public safety at our parks? Are you guys going to cover that while --

COMMISSIONER WEBBER:

Your first question would be they're in the academy as we speak. They're getting nine days of, as I mentioned when we spoke about this, the high exposure areas, those at risk, deadly physical force, firearms training, EVOC, domestic violence, our rules and procedures. They graduate Friday from that refresher course, if you will. They'll go out in the precinct for 40 hours or a week to be reoriented into how -- you know, familiarization, how we handle calls, and how we handle our procedures. Then they're out into the workforce as any other Police Officer would be.

CHAIRPERSON BROWNING:

Okay. Now, another issue is, is that I've spoken to you before in the past, is I know we're doing 2015, but 2016, '17 and '18, what have we -- you know, have you been able to anticipate what you think your retirements might be for '16, '17 and '18? Do you see that you might have an increase, or that -- I mean, clearly, 2018 is the end of the contract, so I would assume that's going to be your largest chunk of retirees. So, in anticipation of an increase in retirements over the next -- you know, from '16, '17 and '18, one of my concerns is, is that we can't wait for them to retire to bring in new people. You're -- and one of my other concerns is that when you are not bringing in a large enough class in anticipation of what your retirements are going to be is how many rookie cops are we going to have on the street, that we just might have too many. I don't want to say too many. There's never too many.

*(*Laughter*)*

There's never too many. I'm trying to figure out how I should say this better, but that you're going to have a lot of new officers on the street, and that's a thing that -- that's something I'm concerned about, is that we wouldn't have enough mentors. And do you understand what I'm saying, Tom?

LEG. MURATORE:

I understand.

CHAIRPERSON BROWNING:

Yeah.

LEG. HAHN:

We used to have classes of 250 at a time.

LEG. MURATORE:

There's not going to be a problem.

CHAIRPERSON BROWNING:

There's not going to be a problem?

LEG. MURATORE:

I was in training. I was in the academy as an instructor for about 13 years.

CHAIRPERSON BROWNING:

It depends on how many that --

LEG. MURATORE:

They'll have it ready. They'll get them out. They'll get them in, they'll get them out, they'll get them trained, and they're going to put the same quality men and women on time.

LEG. HAHN:

But haven't we had a class of 250, 250 officers over the years?

CHAIRPERSON BROWNING:

What?

LEG. HAHN:

We've had classes with large numbers, didn't we at one time?

CHAIRPERSON BROWNING:

No.

LEG. HAHN:

Yeah, I remember.

CHAIRPERSON BROWNING:

I don't remember that.

LEG. HAHN:

Maybe not when you were here, but when I, you know --

MR. LIPP:

According to John, we used to do 100 twice a year, according to John.

LEG. HAHN:

Yeah.

CHAIRPERSON BROWNING:

Right, okay, 100 twice a year.

LEG. MURATORE:

Wouldn't that be nice? Commissioner, that would be nice, 100 twice a year for like three years.

COMMISSIONER WEBBER:

We'll sign up for that.

CHAIRPERSON BROWNING:

The Commissioner is jumping up and down now that you've said that, but --

COMMISSIONER WEBBER:

Thanks, Tom.

CHAIRPERSON BROWNING:

You're on the Budget Working Group, right?

LEG. MURATORE:

Yeah, I am.

LEG. CALARCO:

We don't have that much money.

CHAIRPERSON BROWNING:

Okay.

LEG. HAHN:

Well, do you have that chart, John, of --

CHAIRPERSON BROWNING:

But, to get back, can we -- you know, have you been able to anticipate --

LEG. HAHN:

Sworn Officers' overtime.

CHAIRPERSON BROWNING:

Hold on a minute. To finish, have you been able to anticipate what you think your retirements could be?

COMMISSIONER WEBBER:

It's difficult with a high degree of accuracy, but with the contract the way it is, we had anticipated 65 leaving this year, which, in fact, we have 65 as we speak --

CHAIRPERSON BROWNING:

Already?

COMMISSIONER WEBBER:

-- separating, not just retiring, but termination or death, or whatever the case might be. We anticipate 65 next year, and BRO agrees with us. Just thinking out loud, between 75 and 100 in the following year.

CHAIRPERSON BROWNING:

Okay.

COMMISSIONER WEBBER:

Probably 75 or so the next year. And then when the contract's over, I would venture to say there'll be 100, 125 going.

CHAIRPERSON BROWNING:

Okay. So, in other words, if we are going to anticipate those types of retirements, that's the number of new sworn officers we should have.

LEG. HAHN:

Do you mind repeating that? So 65 this year, 75 next year, 100 the following year, is that what you said?

CHAIRPERSON BROWNING:

Sixty-five in '16?

LEG. HAHN:

No. You said --

COMMISSIONER WEBBER:

Seventy-five to 100. It's difficult to know.

LEG. HAHN:

Right. Because it was 85 at one time, the average retirement. It was, yeah, 85 to 100, right?

CHAIRPERSON BROWNING:

Yeah, but the contract expires in 2018.

LEG. HAHN:

Right.

CHAIRPERSON BROWNING:

So it's --

COMMISSIONER WEBBER:

It's the economics of the --

LEG. HAHN:

The contract, right.

COMMISSIONER WEBBER:

-- community, whether -- why you should leave or not leave.

LEG. HAHN:

How old.

COMMISSIONER WEBBER:

How old you are, how many years you have on the job. All those factors play into it. And it's an individual decision, as some of the members of the committee can tell you.

LEG. HAHN:

And so '14, you expected 65; '15, 75; '16 --

COMMISSIONER WEBBER:

These are just rough estimates.

LEG. HAHN:

Yeah.

COMMISSIONER WEBBER:

You can't hold me to them, because there's no way I can judge what the individual may decide to go or not.

LEG. HAHN:

On the chart on the screen, the high was what year and what number, and where we're currently is what?

MR. LIPP:

This was from 2004, so the high there was 2004 and --

LEG. HAHN:

The current number is?

MR. LIPP:

Current is -- they're all January numbers, 2004 to 2014.

LEG. HAHN:

And so, okay. And the high was what, and the current is what? I can't read. I can't see it from here, I'm sorry.

MR. LIPP:

2726 was the high, and 2256 is the current, at least when we wrote the report. You know, it's a moving target, and it's based on position control. So there are people who go in and out of Workers Comp and stuff, so they might have a better source document than we do, perhaps.

CHAIRPERSON BROWNING:

How are we doing? What page is that? Is that in our book?

MR. LIPP:

228.

CHAIRPERSON BROWNING:

Oh, 228. Did you find it? Are you done, Kara?

LEG. HAHN:

I mean, you know, I'm just stressed about the numbers, and how it's playing out in the patrol cars, and the patrol -- the sectors, and, you know, closing sectors at night, and all kinds of things, what that means to certain communities. And so I think we really need to get a handle on for '15, you know, the size of another class, and if we need, you know, two next year. And we really need to seriously be thinking about that and how to pay for it. It's just -- it's very frustrating to be here looking at that chart as it continues to go downward trend. And we're not really covering what we're losing here from year to year. And this is a true -- I mean, it's true of other departments as well, we heard earlier, so it's very frustrating for us to be here seeing that.

COMMISSIONER WEBBER:

As much as I'd love additional Police Officers, we're not tying any cars up that we don't normally put down at night. For the last 30, 35 years, we have a midnight overlay. However, there are -- in addition to that, every car is up and running every tour, just to clarify it. I think you may have mentioned that we are putting some down. We're not putting any additional vehicles down. They haven't been down for 30, 35 years.

LEG. HAHN:

Yeah, but population grows over that time, as you know. I don't know.

CHAIRPERSON BROWNING:

You're right. I mean, we didn't have -- 30 years ago, we didn't have a Seventh Precinct. And geographically, the Seventh Precinct is pretty large.

LEG. HAHN:

And growing.

CHAIRPERSON BROWNING:

And growing, yes. And a lot of problems, the drug problem, the heroin problem. So, you know, you can't -- when we look at our numbers what we were 30 years ago and what we are today. And I'm sure if I said to Robert, "Can you get me that," no, I'm joking. But, really, our numbers have not changed that much over the past 30 years. And, yes, our population is growing. But I'm not going to -- I do have a couple of more, but, DuWayne, you had some questions?

P.O. GREGORY:

Thank you, Madam Chair. Commissioner, do you have the breakdown by precinct? Obviously, the First Precinct serves my area. We've had a lot of activity lately. But we -- where are we, I guess, in the past three years, our level of Police Officers in the First Precinct? Are we down, up, are we level, do you know? I'm just curious.

COMMISSIONER WEBBER:

Well, we are about to get significant more Police Officers in the First Precinct with the Parks Police, because that's where we're sending a lot of them, so you'll be happy to hear. While they're on the payroll as we speak, they're not on the street, but they will be very shortly, end of next week. We're going down slightly. We have about the same as we had in 210 and a little shorter than we are in '13 in the First Precinct.

P.O. GREGORY:

All right. Right, we got rid of this guy.

*(*Laughter*)*

LEG. CALARCO:

Things are running smoothly.

P.O. GREGORY:

Sure.

LEG. TROTTA:

Did you hear what he said? It got worse after I left.

P.O. GREGORY:

It's a matter of perspective. No. The -- what's the, off the top of your head if you know, what's the average number of years that the average Police Officer serves? Is it 20, 25, 40?

COMMISSIONER WEBBER:

Historically, I would have said 35 for Tier 1 and 32 for Tier II, but we're experiencing, with the females, a large number of females in the Police Department, they're leaving 20, 21 years.

P.O. GREGORY:

Okay.

COMMISSIONER WEBBER:

So that's -- it's a little -- a new wrinkle that we're seeing, as those that we hired 20 years ago are starting to retire.

P.O. GREGORY:

So you're saying around the 20, 22 year mark on average for males --

COMMISSIONER WEBBER:

No, no.

P.O. GREGORY:

Or just females?

COMMISSIONER WEBBER:

Probably, if I had to take a rough average, there's not that many females in the department, I would suggest maybe 27, 28 years.

P.O. GREGORY:

Okay. The reason I ask is my understanding is there's about 900 people that are eligible to retire, but out of that 900, there's about 500 that have over 32 years of service.

COMMISSIONER WEBBER:

It's only 208, because I researched the number.

P.O. GREGORY:

Is it?

COMMISSIONER WEBBER:

They have over 30 years on as we speak.

P.O. GREGORY:

Okay, 208. Oh, I'm sorry, at the end of the contract. Okay. So 208 as of right now.

COMMISSIONER WEBBER:

Yeah. That's available next -- we'll have next year.

P.O. GREGORY:

Next year. So if they are on average four to five years beyond what the average Police Officer serves, are we preparing for their departure, with 60 Police Officers? I know Nassau is doing two classes a year. Would it behoove us to kind of prepare to -- in the same vein to this anticipated or potential, at least, retirement at those levels?

COMMISSIONER WEBBER:

I don't think you'll see a Police Commissioner that would not want more people, but I realize the financial condition of the County. And we're working with the County Executive's Office next year, that there is money in, and hoping that the County has a good financial condition. We'll ask for as many Police Officers that we can have as soon as we can get them.

P.O. GREGORY:

Okay. So I think the budget says we have approximately 60 to start in September.

CHAIRPERSON BROWNING:

Next year.

P.O. GREGORY:

I think next year, right.

CHAIRPERSON BROWNING:

I don't think we have a date on it.

MR. LIPP:

You're asking what the -- I'm sorry, I was --

P.O. GREGORY:

Yes.

MR. LIPP:

You're asking how many people -- how many new recruits, yes.

P.O. GREGORY:

Right.

MR. LIPP:

For 2015?

P.O. GREGORY:

Yes.

MR. LIPP:

Oh, okay. So the budget, the Executive's budget does not venture a number, so we did our own estimate.

P.O. GREGORY:

Right.

MR. LIPP:

And we estimate as an approximation, in September we could do 65.

P.O. GREGORY:

Right, that's what I thought I read.

MR. LIPP:

Well, it wasn't stated.

P.O. GREGORY:

I know there's no number.

MR. LIPP:

Yeah.

P.O. GREGORY:

But based on the amount, you can project how many people --

MR. LIPP:

Right.

P.O. GREGORY:

-- and when they started.

MR. LIPP:

I think there was -- yeah, we wrote that in the review.

P.O. GREGORY:

Yup, okay. So 65, and, you know, according to -- you know, that's about 140 short of, you know, what we may be facing. So we're going to have, you know, significant shortfall that we're going to have to look at addressing in some way. I don't know if we do it this year or in 2016, but we're going to have to do it.

MR. LIPP:

Part of the problem has been that because the ranks are low, we're observing that we don't really save by not hiring right now. I'm not sure what that tipping point is, but the point is that it seems like the overtime is percolating because of the lower ranks. So there is a critical point, I'm not sure where that is, perhaps the Commissioner would know better, where you would save money by not hiring another class. But, you know, just from a -- I'm talking clearly a financial point of view. How dare me talk about service provision? But from a financial point of view, it seems like they're so short-staffed that we're not saving by not hiring.

P.O. GREGORY:

Right, overtime is going up.

MR. LIPP:

Yeah.

LEG. HAHN:

Especially considering the lower starting salary.

CHAIRPERSON BROWNING:

We're up to 36 million.

P.O. GREGORY:

Right. And then were at 25.

CHAIRPERSON BROWNING:

We had budgeted 30, I thought.

COMMISSIONER WEBBER:

That's correct.

CHAIRPERSON BROWNING:

Right.

P.O. GREGORY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

Yeah.

COMMISSIONER WEBBER:

Legislator Gregory, if I may answer. You asked the -- FRES earlier about the --

P.O. GREGORY:

Yes.

COMMISSIONER WEBBER:

I thought I'd come up with it. We, in the Police Department, received 20,000 in '13, and 5,000 in

'14, which was spent, and provided raincoats, miscellaneous pieces of equipment, and we have purchased and given it out.

P.O. GREGORY:

Okay, great. Thank you.

COMMISSIONER WEBBER:

You had a question on it and I did notes while --

P.O. GREGORY:

Yeah. I couldn't remember if I -- I know that they are assigned to FRES, but I remember you and I had a conversation two years ago briefly, that I was letting you know that I was doing it, and how, you know, we were looking to hopefully spend it.

MR. LIPP:

Right. So if I could follow up on that, too. We e-mailed you right after the FRES conversation that we found what the resolution number was, and that it was, indeed, from the resolution in the Police District budget, which is exactly consistent with what the Commissioner is saying.

P.O. GREGORY:

Okay.

MR. LIPP:

So, if you check your e-mails, you'll see that, too.

P.O. GREGORY:

All right. Thank you. Thank you both.

CHAIRPERSON BROWNING:

Commissioner, do you have anything that you want to run with, or you do you want to just leave it open for questions?

COMMISSIONER WEBBER:

No, I'm open for questions.

CHAIRPERSON BROWNING:

Okay. Detention Attendants in the precincts, how are you doing with that, civilian Detention Attendants that man the precincts for the prisoners that come in? Do we -- are we at a good staff level? Do we have somebody for every precinct, or how are we doing?

COMMISSIONER WEBBER:

Precincts One, Two and Seven don't have the massive lockups. They're the old-fashioned precincts, where they really don't have a central localized observation desk with large number of cells around, so they're really not conducive to Detention Attendants. But we do have Detention Attendants in Three, Four, Five and Six.

CHAIRPERSON BROWNING:

Okay. So if you -- if somebody's arrested in the First Precinct, can you ship them and just take them to the Third, or do you have to keep them in the precinct that they're in?

COMMISSIONER WEBBER:

There's observation cameras on the desk to observe the prisoners in the lockup, except for females, which are transferred to the Fourth Precinct, where it's the central location for all females.

CHAIRPERSON BROWNING:

Okay. Does BRO have any recommendations on Detention?

MR. LIPP:

(Shook head no.)

CHAIRPERSON BROWNING:

No? Okay. There -- on the new hires, I know that the Working Group was going through this yesterday, there's two positions, a Secretary and a Neighborhood Aide. I don't believe that was a Department request. I guess that was the County Executive's request. I'm just curious what -- okay, we're going to hire a Secretary and a Neighborhood Aide. What is their job function? What's the plan for these two employees? Does anybody have an answer?

COMMISSIONER WEBBER:

Well, I --

CHAIRPERSON BROWNING:

No?

COMMISSIONER WEBBER:

Speaking to the County Exec's personnel, as I said, we didn't put any additional individuals in because of the ADH, but we were planning -- we lost, as you know, a significant number of civilians over the years, and it would be a title that was noncommittal. It gives us a lot of latitude as to where this individual could work. Other titles are very specific as where you work. PSDs can only work in communications. Those type are very specific. The secretarial is a little more -- can use it more often. The Neighborhood Aide we could utilize in working with the DOJ Agreement. As you know, we are mandated to open up communications with the communities in which we serve, and Neighborhood Aide would go far in that to assist us in our quest to deal with the people.

CHAIRPERSON BROWNING:

Are they Civil Service titles, Robert?

MR. LIPP:

Yes.

CHAIRPERSON BROWNING:

They are? Test, list type, or open competitive, the Secretary?

MR. LIPP:

Those would be open competitive, clearly. I mean, not clearly.

CHAIRPERSON BROWNING:

So there's no test list for those two positions, or there is? A Neighborhood Aide, is that a test?

MR. LIPP:

I would have to check.

CHAIRPERSON BROWNING:

I don't think so. Yeah, I don't think the Neighborhood Aide is. And is the money in the budget for those two positions?

MR. LIPP:

No.

CHAIRPERSON BROWNING:

So there's no money in the budget for them, so, okay. So in anticipation of possibly hiring them, but not putting money in the budget for 2015, I would assume that then we shouldn't -- we don't need them; am I correct?

COMMISSIONER WEBBER:

I'm led to believe that there is money in the budget, Madam Chair, that there's additional monies over that that we, as the Police Department, had requested, and we're -- and my understanding is that there is sufficient funding for these two positions.

CHAIRPERSON BROWNING:

Okay. And do you anticipate hiring anybody to fill those positions? Because, well, I'm just -- again, it's the secretary, what would that secretary do. And what does a Neighborhood Aide do in the Police Department?

COMMISSIONER WEBBER:

We had -- until we had layoffs, we did have some neighborhood Aides; they found other employment. But they -- as I say, they deal with dealing with the various communities, community leaders, and particularly in areas like Wyandanch and North Amityville, Huntington Station, that's the type of work that they do.

CHAIRPERSON BROWNING:

Okay. So we would be looking at a preferred list? If we're going to fill those positions, we'd be going to the preferred list to fill them, right?

COMMISSIONER WEBBER:

If there's a preferred list, yes. By Civil Service Law, you must go to the preferred list.

CHAIRPERSON BROWNING:

Okay. Thank you. I don't think I have any more questions for you. Anybody else have any questions? I guess -- oh, motor carrier, sorry. I know I wrote a list. Motor carrier. Robert, I don't know yourself, or the Commissioner, I believe we're short a team in motor carrier. Now that's a revenue generator. If we were to, in a perfect world, fill that motor carrier, what -- how many on the team? It's like --

COMMISSIONER WEBBER:

Right now, we have two Sergeants and nine POs. At one time, we did have two Sergeants and six POs in each team.

CHAIRPERSON BROWNING:

Okay. So do we have an idea of the kind of revenue that a motor carrier team brings in on a yearly basis?

COMMISSIONER WEBBER:

Unfortunately, I can't quantify what they bring in.

CHAIRPERSON BROWNING:

Okay. That would be nice to know, because, again, it's -- we would be bringing in -- if we could bring that team in, is it going to pay for itself? Do you know what I'm saying? And I don't know if Paul would know the answer to that, being that he's in the Traffic Vehicle Bureau, the kind of money that the motor carrier team brings in. Do you have --

MR. MARGIOTTA:

It is significant for us.

CHAIRPERSON BROWNING:

You don't have a number either?

MR. MARGIOTTA:

I can't separate them by teams, but I can tell you that it's a large revenue generator, more than anything else we do.

CHAIRPERSON BROWNING:

Okay. It would be nice. I'd love to get that number --

MR. MARGIOTTA:

I can get it.

CHAIRPERSON BROWNING:

-- what kind of revenue we bring in on the motor carrier.

MR. MARGIOTTA:

Absolutely.

CHAIRPERSON BROWNING:

Okay. With that I have no more questions. No one seems to. So I appreciate you coming in. I apologize, it's been a long day.

COMMISSIONER WEBBER:

Thank you.

CHAIRPERSON BROWNING:

Thank you. And, again, it's important, since we have no money. Okay. Are we going to do a toss-up on the last two?

MR. MARGIOTTA:

Rock, paper, scissors.

CHAIRPERSON BROWNING:

Say again?

MR. MARGIOTTA:

Rock, paper, scissors.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Okay. Who won?

CHIEF SHARKEY:

I did.

MR. MARGIOTTA:

They got guns.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Okay. Hey, Paul, I think there might just be a lot of questions for you anyway. And I know there's a couple of things that --

MR. MARGIOTTA:

Really.

CHAIRPERSON BROWNING:

-- maybe not one department related, but some of the fee issues.

Okay. Mike. I'm sorry. You're here. I did receive a phone call. I know the Sheriff was planning to be here, and I know he was unexpectedly called away, so I believe you have a statement from the Sheriff.

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

CHIEF SHARKEY:

Yeah. I actually have our budget presentation, and then I also have the Sheriff had wanted to be here to address another budget issue that was outside of our Operating Budget. So if it's okay with you, I'll do our presentation.

CHAIRPERSON BROWNING:

Sure.

CHIEF SHARKEY:

And then before we open for questions, I'll just read the Sheriff's statement for you.

CHAIRPERSON BROWNING:

Sure.

CHIEF SHARKEY:

I'd like to thank the Legislature for the opportunity today and to discuss our Operating Budget, and also the County Executive's Budget Office for the work that they did in preparing their recommended budget and the Budget Review Office for their analysis, which was invaluable to us in reviewing with them and making our presentation today. I'd also like to thank my colleague, Deputy Warden Franchi, who is sitting to my right, for his work in preparing the budget.

The Sheriff's Office 2015 Operating Budget request is 156 million, while the County Executive's recommended Operating Budget is 147 million, a reduction of almost 8.8 million. Of this reduction, 7.3 million is out of the permanent salary lines, and 8.1 million is out of the overall personnel services lines. The Sheriff's Office budget request was constructed to allow it to meet required staffing levels. In the Correction appropriations the Sheriff's Office made the supposition that 2014 would see a second class of 25 Correction Officers hired in September, and another class would be hired early in 2015 to fill any remaining vacancies. We also presumed all promotional vacancies would be filled. In the Deputy appropriations we also assumed all vacancies, promotional or otherwise, would be filled by the end of 2014.

We submitted a 2015 budget request that comes in under our 2014 requested budget by \$850,000, a reduction of .54%. We feel given the constraints of our staffing mandates that this is a reasonable request. However, our analysis shows that this year's recommended budget will not allow us to meet our goals. Not only is it 6% less than our 2015 requested, it's 6.4 million or 4% less than the 2014 approved budget. This level of funding, it's quite clear that the County does not plan on funding the hiring of the number of officers that will allow the office to meet its staffing requirements. On the contrary, it seems more likely it's counting on a fairly robust number of

retirements, as well as doing any hirings much later in the year than anticipated in our requested budget just to be able to stay within the 1100 permanent salary amounts. We do not anticipate we'll be able to achieve full staffing in any of the Sheriff's appropriations this budget cycle.

Under this scenario there's another area of the recommended budget that is a concern to us. As our 2015 requested budget was constructed on the premise that we would at some point in 2015 be able to achieve full minimum staffing, our requested funding levels of the 112 overtime salary accounts reflected that staffing level. Since it's unlikely that will be the case, there will more than likely be an increased need for overtime funding over and above that which we have requested in '15.

Our requested budget took into account the following major factors. 2015 will be the second full year of operation of the Yaphank addition. It will be the first year when all of its functions are operational and will include a full medical staff, opening of the intake booking area as we sought utilizing it for new inmates from District Court. Since we have not yet started booking new inmates in the Yaphank facility, we have been able to forego filling some of the posts in Yaphank, which has been a mitigating factor for our 2014 overtime usage. The hiring of Correction Officers necessary to bring to the required New York State Commission of Corrections minimum staffing levels by the end of 2015, including all backfills of Correction Officer positions that occur from separations and promotions. The intent of -- excuse me, the intent to fill all remaining Correction Officer promotional vacancies by early 2015. The intent to hire the number of Deputy Sheriff I necessary to fill all current vacancies, including all backfill positions that occur from retirements and promotions by the end of '14.

Also, portions of the old Yaphank facility will continue to be closed during 2015 for Capital Project 3009, the renovations of the existing dormitories. This has, and will, continue to mitigate a portion of our overtime expenditures as housing units are closed for renovation and the attendant staff is reassigned. This closure of portions of old Yaphank accounts for savings of over two million dollars in the mandated overtime accounts. This has been factored into our overtime funding request and is the main reason we have not incurred much higher overtime levels due to insufficient staff.

Regarding staffing issues, we are currently short 63 Correction Officers of all ranks from the New York State Commission of Corrections minimum staffing of 982 filled positions. It must be remembered that this staffing level is minimum and already includes a reduction of 10%, which they allow us to cover with overtime. Our 2014 requested budget we asked for a class of 40 Correction Officers to fill vacancies early in '14 and an additional class of 25 later in the year to help us stay ahead of retirements that would occur. Instead, we hired a class of 40 in July of '14, and at this point it seems unlikely an additional class of 25, recommended by the Budget Review Office during last year's budget adoption process, will occur. We started 2014 with 70 vacancies in the Correction appropriations. As of today, we still have 63 vacancies remaining, even after hiring the 40 Correction Officers, as we have lost 36 to retirements and other reasons. It's conceivable that we could end 2014 at exactly the same Correction staffing levels that we began the year with.

If this occurs, we'll start '15 with a shortage of 70 Correction Officers when compared to mandated minimum staffing. Our '15 overtime projections upon which our '15 Operating Budget request was based used a shortage of 32 officers beyond the initial 10% reduction. Therefore, it's very conceivable that our overtime accounts will be underfunded in the Correction appropriations. The story is much the same in the Deputy appropriations, which will leave their overtime accounts also being underfunded.

In our '15 budget request we have again asked all our sworn vacancies, promotional and entry level, be filled before the end of '15. We based our 1000 series funding request on these assumptions. However, an initial review of the recommended Operating Budget shows that it's an unlikely scenario. This is supported by Budget Review Office's own analysis giving the same conclusion.

The effects on overtime for the 2015 Sheriff's Office requested funding across all appropriations is \$20.67 million. While this is undoubtedly a large amount, it is a direct consequence of past hiring decisions and opening the new 440 bed addition. This can also be seen in our current full year overtime estimate for 2014, which we expect to be approximately \$23 million. Our 2014 requested overtime fund was originally 22 million. While we were able to cut our overtime expense from our 2013 amount by over \$2 million, we were not able to meet our 2014 projected amounts, primarily because of the failure to hire as we requested. The good news was that even though we did not hire as requested, we have been able to mitigate our overtime to some extent because of the closure of the housing units and the fortuitous drop in inmate population and redeployment of officers.

Fortunately, for the 2015 Recommended Budget our overtime accounts have been funded as requested by our office. However, the recommended levels of hiring, upon which our estimates for overtime expenses are based, are not consistent with what we requested. Therefore, we agree with the findings of the Budget Review Office report that state there will be insufficient funds in the overtime accounts and that an additional 20 Correction Officers should be added to the planned July 2015 class.

In summary, we ask the Legislature to consider the following Budget Review Office recommendations: In order to avoid overtime cost overruns and properly staff the Sheriff's Office in 2015 and satisfy the Commission of Corrections, the Budget Review Office recommends an additional 20 new Correction Officer recruits be added to the July 2015 class. There are sufficient funds included in the permanent salaries and clothing and accessories to cover the cost of the class.

The second recommendation, an additional 50,000 should be added to appropriation 3151-4560 to pay for local ambulance companies to transport inmates to hospitals when necessary, as well as an adjustment to the 2014 estimate increased to 23,650.

With regard to Budget Review Office's recommendations pertaining to the pistol license fees, while we agree that an increase in licensing fees is overdue, we do not endorse raising the fee to the levels currently charged by Nassau County, as we feel that a 2000% increase is unwarranted and unfair. I can take your questions, but I do have the statement that the Sheriff asked me to make on his behalf --

CHAIRPERSON BROWNING:

Yeah, go ahead.

CHIEF SHARKEY:

-- as he was not able to attend today. The Recommended Operating Budget includes a proposal to move all revenue from the Traffic and Parking Violations agency from the General Fund into the Police District Fund. Should this proposal be adopted, the issuance of traffic tickets would be based on revenue collection and could be referred to as taxation through citation. Law enforcement officers are now being asked to be part of a system to generate revenue where they will derive a direct benefit. Having part of a law enforcement agency's budget tied to ticket revenue will undoubtedly lead to constitutional issues and accusations of illegal ticket quotas.

CHAIRPERSON BROWNING:

You have a point. Okay. So BRO's recommendations, clearly it's always more expensive to send them out of the jail and ship them off than to keep them where they are. And as we know, the Commissioner of Corrections tells you what you've got to have and you're bound by it. So it's a no-brainer. Where do we start? I don't know where to start. Does anybody have any questions, because then I can put myself together and figure out where I need to start. Any questions anyone? Okay.

First of all, \$4 million is not in the budget in anticipation of the lawsuit. I'm just curious why the County Executive would not have thought, and I don't want to put Tom on the spot and ask him why they didn't, because I'm sure -- I don't know if you have an answer. Why wouldn't they put that \$4 million in in anticipation of a lawsuit that, you know. Go ahead.

MR. VAUGHN:

We're not negotiating in public.

CHAIRPERSON BROWNING:

Okay. Okay. And again, let's -- again, I'd like to find out what -- I'm hoping that our Deputy Sheriffs don't wind up in arbitration. We used to have, and I don't know if we have it anymore, there was a Salary Contingency Fund.

MR. LIPP:

Correct. There's no money in that account.

CHAIRPERSON BROWNING:

There used to be a lot of money in that account.

MR. LIPP:

Correct.

CHAIRPERSON BROWNING:

So I guess it's all spent. Okay. Because I knew that we had an account somewhere in anticipation of contracts and all that, so. Okay. That answers that question.

CHIEF SHARKEY:

Legislator Browning, if I could just clarify one small item. You had referenced that \$4 million and a lawsuit. I certainly would never discuss a lawsuit in an open forum, but the \$4 million was not -- that's due and payable next year outside of any legal action.

CHAIRPERSON BROWNING:

Right. However -- so if the Deputy Sheriffs do not go back on the highway, that \$4 million has to be paid to them next year.

CHIEF SHARKEY:

That is due and payable to them next year regardless of whether they go back on the highway or not. That was part of the original agreement they signed.

CHAIRPERSON BROWNING:

Oh, okay. So then that's really not a negotiable item if you ask me. Okay. So then I guess we need to address \$4 million in the budget. There was an issue that came up, and again, you know, the Deputy Sheriffs, the Corrections Officers, the other two bargaining units that have not negotiated and settled on a contract yet, you know, again I think that we really should try to anticipate what their salary increases could be. And I know we don't negotiate contracts. I get what you're saying, but what happens next year if -- let's say 2% increase to Corrections, 2% increase to the Deputy Sheriffs and there's no money in the budget next year. What are we going to do?

LEG. TROTТА:

Write tickets.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Okay.

MR. LIPP:

It's not an easy question to answer because there's so many pieces of the budget, so many line items that, you know, whether or not we would raise recurring revenue or we would cut programs elsewhere, there are all sorts of possible ways of dealing with it that are good, bad or indifferent.

CHAIRPERSON BROWNING:

Or bond.

MR. LIPP:

Yes. That was the first time we bonded for retro pay was the Correction Officers 2008 to 2010 settlement, and it was 37 million we borrowed in the beginning of 2013, and that'll be rolled over for a total of five years till we pay that off.

CHAIRPERSON BROWNING:

So -- okay. So again, I think we need to look at our salary contingency fund and start looking to -- which is zero, but -- and, you know, Mike, you made a good comment. The fees for the pistol permits, I don't know about anybody else, but I think if I was to support doing what Nassau County's doing at this point in time, I'm going to get a lot of phone calls and a lot of very angry people saying how could you do that when I'm used to paying \$10. If I say \$20 or if I say 30, 40, maybe even 50 they may not feel so bad, but I can't imagine raising the fee that much. I know I got a lot of gun owners, I've got a lot of people who love to hunt in my district and I just -- I would have a really hard time supporting that kind of an increase at this time. If we want to do it incrementally over the next five, six years that's great, but, you know, these are legal gun owners. These are not, you know, why don't we try and find those gang members and start racking them up with fees.

MR. LIPP:

As an amusing side story, John called up New York City and asked them what their fee was. They said \$340, and when he told them it was \$10 here the woman said, "Ten dollars! Does everybody in Suffolk County have a gun?"

*(*Laughter*)*

CHAIRPERSON BROWNING:

Almost. However -- no, I get it. I get it that their fees are high but, you know, I agree. I don't think you can hammer people over the head, you know, to try and solve your revenue problems. I can't support hitting people over the head with a hundred dollars when they're used to paying ten. I think small increments over the next few years.

The other issue, Mike, I appreciate the Sheriff bringing some insight and opinion on the shift in the revenue over to the Police District because, again, we, all of us here, Police Officers don't have quotas. And what if our anticipated revenue on tickets does not come in the way we expect, what's going to happen? Are we going to have our Police Officers being called, you know, that they're not writing enough tickets? That's not good, and I have a cop to my left who could possibly respond to that, I don't know, or would want to respond to that.

LEG. TROTТА:

I'm not commenting on that at all.

CHAIRPERSON BROWNING:

No, you have a point, but talking about the money that's being moved over for the Police District between the Traffic Vehicle Bureau, I believe there's money coming from the District Attorney's Office to pay for -- is there money from the DA's Office going to pay for salaries for something? I'm trying to figure out where --

MR. LIPP:

There's some -- I understand there's a small amount of off budget monies that the DA is providing for them to help them with investigations.

CHAIRPERSON BROWNING:

What's off budget mean?

MR. LIPP:

It means you won't -- you don't see it in a budget because it's not there.

CHAIRPERSON BROWNING:

So you're talking asset forfeiture type?

MR. LIPP:

I think so, yeah.

CHAIRPERSON BROWNING:

Okay. Is there -- because I know the Sheriff's Department has asset forfeiture. Is there limitations and restrictions on how you can use your asset forfeiture funds?

CHIEF SHARKEY:

There's extensive Federal guidelines on how you can use those funds.

CHAIRPERSON BROWNING:

Okay. And can it be used for salaries or overtime?

CHIEF SHARKEY:

I would have to research that, but the general rule is that you cannot use it for salaries. There are exceptions, but the overarching rule is it's not for salaries.

CHAIRPERSON BROWNING:

Okay. So I guess we should find out. Robert, do you have an answer? John, do you know what the restrictions are on asset forfeiture?

CHIEF SHARKEY:

Just specifically, I believe one of the exceptions has to do with investigations, but I don't want to give you specific answers.

MR. ORTIZ:

I'll look at it further and get a concrete answer for you.

CHAIRPERSON BROWNING:

Okay. Sounds good. Okay. I don't think I have any questions. Monica, do you have any?

LEG. MARTINEZ:

Just clarification. The licensing, the raise in the fee. Can you just clarify that because I think I just missed that portion of that.

CHIEF SHARKEY:

This current fee is \$10, the licensing fee and the renewal fee. There was a proposal made to raise that fee to \$200, which would represent a 2000% increase in the fee. And, you know, we acknowledge that it's been some time since there's been an increase and so we're probably overdue for an increase, but that seems to be overkill, and it may even have, you know, a dampening effect. You know, I could see it impacting, you know, lower income people more than it's going to impact higher income people, so we may not get as many applications. You may raise the fee and not get as many applications.

LEG. MARTINEZ:

I guess it's good and bad, because then you won't have many being able to purchase, that don't need to purchase.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Well, I think the concern is, is that less people might come in and do the application.

LEG. MARTINEZ:

So what would you want to bring it up to? You don't want to bring it up to -- you want to bring it up to Nassau's?

CHIEF SHARKEY:

No, that's what we're saying that we don't --

LEG. MARTINEZ:

Not to. Okay.

CHIEF SHARKEY:

This was not our initiative. This was Budget Review's initiative. You know, I don't see where it would be that impactful to go from 10 to \$20, but to go to 200 I think is -- there's going to be a backlash on that.

LEG. MARTINEZ:

Yeah, that's a lot.

MR. LIPP:

We didn't do a specific recommendation, we just said if you did raise it to Nassau's, and actually we could have said if you did raise it to New York City, which was \$340. So it's -- we're just trying to open up the debate and the dialogue, so if you want to shoot a hole in it that's okay with us, too.

LEG. MARTINEZ:

No pun intended. Thanks, Rob. Thank you.

CHAIRPERSON BROWNING:

What's the anticipated revenue on the \$200?

MR. LIPP:

So it's 150,000 for the Sheriff, but the Sheriff collects it, correct me if I'm wrong, in the eastern towns, and the PD collects it in the western towns. It's a little over a million dollars for the Police Department piece. So you're talking over a million dollars if you do it overall. We have the same sort of statement in the Police Department write-up.

CHAIRPERSON BROWNING:

Okay. So that's the application fee, just the application fee would be a million, right?

MR. LIPP:

Yes. It's an application renewal fee.

CHAIRPERSON BROWNING:

Okay. There's an application fee, then there's a renewal fee?

MR. LIPP:

Yeah.

CHAIRPERSON BROWNING:

So between the two you're talking a million.

MR. LIPP:

A little over a million with the Police Department; 150,000 would be the Sheriff piece if you raised it all the way to Nassau.

CHAIRPERSON BROWNING:

Okay. And a license amendment, what is that? Oh, just change of address. I mean, \$5 to \$10, that's not a killer. The gunsmith dealer, how many -- how much money would we generate from that? How many gunsmith dealers or dealers do we have?

MR. LIPP:

We don't have a breakdown, we just did a gross calculation.

CHAIRPERSON BROWNING:

Okay. Carry license.

MR. LIPP:

We're basically showing you the comparison of Nassau to Suffolk, that's it.

CHAIRPERSON BROWNING:

Okay.

MR. LIPP:

I mean, you could lower it if you wanted to.

CHAIRPERSON BROWNING:

Yeah. Well, okay. Well, thank you, Mike. The Deputy Sheriffs, I mean, did you have -- let me ask you again. Did you have a recommendation on Deputy Sheriffs, because I know we got a chart from John that shows a reduction in your staff levels for the Deputy Sheriffs, too. Did you have a recommendation or what was your request for next year? I don't remember everything.

CHIEF SHARKEY:

Well, you know, we presented our budget request with levels that would allow us to fill all of our vacancies. There is an anticipated Police Academy class coming up. You know, we're faced with a limitation. We can only hire when there's a Police Academy offered. So if we miss an opportunity, it's likely that it will be a full year until we can hire again. So we will, you know, we'll be discussing with the Sheriff and we will be submitting, you know, for some positions in the anticipated class.

CHAIRPERSON BROWNING:

Okay. Well, obviously for this year there's nothing in this year's budget for Deputy Sheriffs, but for next year, come September. Do you have an anticipation of what -- how much retirements you're going to have? And again, I know it's hard to say.

CHIEF SHARKEY:

Right now I believe we have 26 vacancies and we anticipate probably another seven retirements over the next year.

CHAIRPERSON BROWNING:

And that's in Deputy Sheriffs.

CHIEF SHARKEY:

Yes.

CHAIRPERSON BROWNING:

Okay. So in a perfect world you're talking 33, okay, for next year is what you would like to see.

CHIEF SHARKEY:

In a perfect world.

CHAIRPERSON BROWNING:

Okay.

MR. LIPP:

Just by the way, in their analysis John speaks to the department and we assume 25 Correction Officers and seven Deputy Sheriffs retire.

CHAIRPERSON BROWNING:

So you're just saying to fill the retirements.

MR. LIPP:

No, we're not saying anything. We're just noting what the COC numbers are and how far off we would be.

CHAIRPERSON BROWNING:

Right. Well, that's, you know, the jail. Obviously the Commissioner of Corrections is going to dictate to us, and I don't want to see us have to ship people out because we have gone through this how many times? It costs us much more money to send people away then to keep them in Yaphank or Riverhead. So I can't think of any other questions for you. I certainly appreciate and apologize that you've been here as long. Again, I hope that, you know, the Working Group will do what's right by the Sheriff's Department.

CHIEF SHARKEY:

Thank you.

CHAIRPERSON BROWNING:

Thank you.

Last but not least, is this the good one to the last? You're the one who's going to come and tell us how we're going to resolve all these financial woes. Okay.

MR. MARGIOTTA:

Should I take it personally that everybody left?

CHAIRPERSON BROWNING:

Really, where did they go.

LEG. TROTTA:

I stayed for you.

MR. MARGIOTTA:

Thank you.

CHAIRPERSON BROWNING:

Okay. So I guess if you want to go ahead and start. And, you know, again, Mike came up, you know, should I say, Sheriff DeMarco his comments with regards to shifting the money from Traffic Vehicle Bureau to the Police District is something to think about. So, would you like to give us a presentation?

MR. MARGIOTTA:

A short one. First of all, this is Chelley Gordon. She is my Deputy Director. She's been working with me for a very long time, she's amazing. I want to say that the employees of the TPVA have been amazing. They're all basically union employees, they work unbelievably. Thanks to them, the agency, in my opinion, has been a tremendous success. Obviously it's still new so we're still learning as we go and, you know, estimating money is obviously difficult, but I'm pretty confident in the numbers that I provided or that we provided to the Budget Department. And I know there may be some issues with something that I -- or they're calling revenues that go to the next year, which I really can't speak to. The Budget Department would have to answer how they figured that out. I did not get involved in how the money is credited. I just got involved in how much I would make in a year. Otherwise, it's been going very well.

CHAIRPERSON BROWNING:

Rob, you have a question?

LEG. TROTTA:

My favorite question. What percent of the red light tickets are right on reds?

MR. MARGIOTTA:

Right on red, don't hold me exactly, but it's between 26 and 28% are right on -- I'm sorry, 26 to 28% are straight through; 72 to 74% are right on red.

LEG. TROTTA:

I heard like a 90% figure from somewhere at some point.

MR. MARGIOTTA:

That's what I thought actually, before I got the numbers.

LEG. TROTTA:

Maybe you told me.

MR. MARGIOTTA:

I probably did. That's what I thought it was, and when I did hear the actual numbers I was surprised. It's about three-quarters are right on red and one-quarter is straight through.

LEG. TROTTA:

Or left on arrow or something.

MR. MARGIOTTA:

You know, that's a good question. They didn't differentiate whether it was right on red or a turn versus -- I think it was a right angle turn versus a straight through.

LEG. TROTTA:

Do you have those numbers or those figures? I don't care about now.

MR. MARGIOTTA:

I can e-mail them to you. They did give them to me, though.

LEG. TROTTA:

How much money did we make -- how much money do you estimate we're going to make this year, which all the red light cameras are up, from all the ones that we're going to have, have been approved for are up. So how much do you think we're going to get this year?

MR. MARGIOTTA:

My estimate was I think it was 17,300,000.

LEG. TROTTA:

And next year's budget is 30 million; is that what it is?

MR. MARGIOTTA:

No.

LEG. TROTTA:

Where did I hear \$30 million?

MR. MARGIOTTA:

That might be combined, all of the revenues.

CHAIRPERSON BROWNING:

Speed zone.

LEG. TROTTA:

Speed zone was only 2.5 million budgeted, right?

MR. LIPP:

Four million, for speed, for next year.

LEG. TROTTA:

Where did I hear \$32 million was the red light traffic? Someone told me that.

MR. MARGIOTTA:

The total revenues is 37,378,000.

LEG. TROTTA:

And our portion was?

MR. MARGIOTTA:

I don't have our portion breakdown. I just have the general totals.

LEG. TROTТА:

And we give how much percent to the company that does it?

MR. MARGIOTTA:

It varies. It varies by how many violations there are and they also -- if they send out a third letter they get half of the late fee, so it's hard to determine on which one how much we got, how much --

LEG. TROTТА:

There's got to be an average, right?

MR. MARGIOTTA:

I believe it's 42% they get on a general without getting into how many extra --

LEG. TROTТА:

So at \$37 million that's about 65 -- that's the equivalent of a 65% tax increase to our residents in terms of the General Fund home taxes.

MR. MARGIOTTA:

If we didn't have the program?

LEG. TROTТА:

Yeah. I mean, we're \$50 million, so 37 -- maybe 70% actually. So it's like equivalent of a 70% tax increase to red light cameras.

MR. MARGIOTTA:

Yes, I think you'd have to raise the taxes that much to get to that.

LEG. TROTТА:

That's what I meant, yeah.

MR. LIPP:

There's the revenue.

LEG. TROTТА:

What page is that?

MR. LIPP:

Page 298.

MR. MARGIOTTA:

Is that it? Can I go?

*(*Laughter*)*

LEG. TROTТА:

I'm good.

CHAIRPERSON BROWNING:

Robert, how much money are we transferring out of Traffic Vehicle to the Police District? How much money are we transferring?

MR. LIPP:

So the transfer -- hold on a second -- is 37.6 million to the Police District in 2015. This year the

estimate to the General Fund is 37.4, about the same. So that's basically it's the net. You know, all the revenues minus the expenditures the net is transferred to this year the General Fund. Next year it will be -- starting next year, the Police District.

CHAIRPERSON BROWNING:

And 37.6 -- give me that number again, is what you anticipate the revenue next year from the red light cameras will be?

MR. LIPP:

No. So there are a lot of programs.

LEG. TROTТА:

Yeah, it's not just red light.

CHAIRPERSON BROWNING:

Right, there's the red light --

MR. LIPP:

There's the traffic tickets, the upcoming speed cameras at the school districts, blah, blah, blah.

LEG. TROTТА:

But also that 37 million is the cops who write tickets. That's some of the revenue also.

CHAIRPERSON BROWNING:

Right.

MR. MARGIOTTA:

All the departments, yes.

CHAIRPERSON BROWNING:

Okay. Backup. Okay. Red light cameras, what's that number?

MR. MARGIOTTA:

\$17,303,202.

CHAIRPERSON BROWNING:

Okay, 17.3. And tickets from the Police Department, like from traffic tickets.

MR. LIPP:

Just to clarify a bit, the red light camera revenue, which is up on the board that Mr. Margiotta is speaking to, is 17.3. I have it highlighted. That's the fines. There's also late fee and administrative fee. Not that these numbers will come through, but this is what appears in the budget.

CHAIRPERSON BROWNING:

Well, what's the real number this year?

MR. LIPP:

This year the budget has an estimate and that's the second to last column, which if you add the three pieces to the red light cameras it comes to 29.3 million, 17 million plus 1.6 for late fees and 10.4 for the administrative fee for red light camera. So if you get a fine, like my daughter did a few weeks ago with my car, for instance, it cost \$50 for the fine and -- I think it's great actually. She deserved it, too.

(*Laughter*)

LEG. TROTTA:

Was it a right on red?

MR. LIPP:

No, it was one of the 30% straight ahead.

CHAIRPERSON BROWNING:

Touch wood, not one yet.

MR. LIPP:

It is what it is.

CHAIRPERSON BROWNING:

Okay. So we're --

MR. LIPP:

You want to see the other pieces?

CHAIRPERSON BROWNING:

Red light cameras. Okay, now let's go to --

MR. LIPP:

Here's traffic violation.

CHAIRPERSON BROWNING:

Police Officers, traffic violations, whatever you call them, speeding whatever. How much do we anticipate for that?

MR. MARGIOTTA:

19.8, 2014, total with the --

CHAIRPERSON BROWNING:

19.8.

MR. MARGIOTTA:

With the admin fees.

CHAIRPERSON BROWNING:

Okay. I was thinking it was only a portion of TVB is going to the Police District. It's the entire budget.

MR. LIPP:

Right. So up through this year the interfund transfer, which is a revenue to the Police District from his department is, like I said before, the net difference between all the revenues collected and all of the expenses he incurs and then they transfer the difference to balance the fund and that would be the \$37 million. I'm assuming that the numbers work out according to the way the recommended budget was put together.

CHAIRPERSON BROWNING:

Okay. Now let's -- I'm trying to look at this. Sales tax revenues, how much money will be coming from sales tax revenues for Police District?

MR. LIPP:

For the Police District, okay. So there is a reduction of 42.3 million in sales tax revenue going to the Police District. This year the Police District received \$90.6 million and next year it's recommended to receive 47.8 million or a reduction of 42.8 million. It's a good thing I can read minds.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Yeah, you do that really well. Okay. So we're going -- we were 90 million in sales tax to the Police District, and for next year we're going to take 47, but we're looking at 37 out of the --

MR. LIPP:

Well, here's the --

CHAIRPERSON BROWNING:

Okay, but -- because I'm trying to come up with --

MR. LIPP:

So here's the beauty of -- well, I don't know if beauty is the right word. The recommended budget has some creative changes. I don't want to say that they're good, bad or indifferent from a service point of view or where the money belongs or anything, but we all know that the Police District has some serious financial problems, okay. We even stated that back in April with the budget model and back when we did the memos on the three police union contracts. So what the budget did structurally is it added \$22 million in 2015 just on these items. That is, it increased the tax by almost 12 million, property tax that is in the Police District. It's using for the first time the interfund revenues from the Traffic and Parking Violations Agency, that's the 37.6 million that's highlighted there, and it did the transfer of 69 net sworn officers from Police District to General Fund and that amounted to, based upon our estimates of their salaries and benefits, 15.3 million.

And then lastly, the reduction of 42.8 million still gave them a net of over 22 million extra revenue, and what it also allows to do, is because as you were mentioning, the increase in retirements in the future and the increase in the police contract in the future, which is going to be an increasing burden, the interesting thing here is by reducing down to 47.8 million the sales tax, if the recommended budget is adopted as recommended, what happens is now they have a lot more wiggle room, they being the Police District and the Administration and the County, you guys too, or us, to increase the portion of the sales tax going to the Police District. The maximum amount allowed is three-eighths of a cent, which I believe comes to about \$117 million. So in theory as a worse case scenario they could go from 47.8 million to 117 million in sales tax revenue next year in the Police District. I'm not saying anyone would dare do that, but it gives them that opportunity, A, should we be able to balance the General Fund Budget without having to do that, and B, if the Police District really needs that type of financing.

LEG. TROTТА:

The 69 people they moved --

CHAIRPERSON BROWNING:

Right, I was going to ask. Who are the 69? Is it 69 --

LEG. TROTТА:

Is that total or is there 69 more?

MR. LIPP:

That's the net. So there are more people going -- there are people going both ways, people -- Police

Officers going to the General Fund and also some from the General Fund to the Police District.

LEG. TROTТА:

But it's a net increase of 69?

MR. LIPP:

A net decrease in the Police District of 69 sworn officers and a net increase in the General Fund of a like amount.

LEG. TROTТА:

Maybe we can ask Tom who they are and why.

MR. VAUGHN:

So this was actually an initiative by Commissioner Webber, who has actually been asking for this, to the best of my knowledge, to occur for some time now. What it is is a balancing out. So you have officers that are originally hired and they are working strictly within the Police District, this according to the Commissioner, and our Budget Office is a more accurate reflection of where these individuals are working, so there will be people who are working across both the Police District and on the East End.

LEG. TROTТА:

Do you have a list who they are, all of them?

MR. VAUGHN:

I don't have a list right at this moment but I can see what we can do to get it for you.

LEG. TROTТА:

I would like to know the total number and a list of who they are.

CHAIRPERSON BROWNING:

Yeah. I mean, I'm curious where the 69 came from and how you're getting it out of the General Fund. And let me ask you, Paul, if Deputy Sheriffs are on the East End and they write a ticket in the -- outside the Police District, on a County road, who gets that money?

MR. MARGIOTTA:

The East End, whatever adjudicating Bureau did it, a village court or a town court.

CHAIRPERSON BROWNING:

But if it's on a County road and a Deputy Sheriff pulls somebody over for speeding.

MR. MARGIOTTA:

There is -- the law does provide for minimal to the owner of the road. I don't know what they are, but it would be a very, very minimal amount might come to the County, but the majority would go to the town and if the town is plea bargaining down to something where they keep all the money, then we would get nothing.

CHAIRPERSON BROWNING:

Okay. Now we have not -- speed cameras, as you know, Nassau County's been a bit of a nightmare I know. When do you anticipate rolling out the speed cameras in Suffolk? Because obviously we have a revenue stream up here right now for speed cameras somewhere in the budget. We have -- how much money did we --

LEG. TROTТА:

Four million.

CHAIRPERSON BROWNING:

Four million. When do you anticipate starting that?

MR. MARGIOTTA:

I don't have a date, but I could tell you that we were extremely conservative in the fees, because we're taking a very slow, careful look at how we do this and we want to do it right. So I can't say how long, but I can tell you that we're putting a lot of time and effort into it to make sure it's done right and that people are complimentary about the way we've done it.

CHAIRPERSON BROWNING:

But you're not doing it at night, but you're not doing it on weekends, holidays.

MR. MARGIOTTA:

Yes.

CHAIRPERSON BROWNING:

Yeah. Okay. I certainly appreciate your coming in. You know, and again, I think that's something that maybe Tom you should bring back to -- again, the looking at the Police District and taking all of that money and moving it over to the Police District. Let's say that 37 million doesn't really happen and it becomes, you know, people are getting better about not blowing red lights and we wind up with 27 or 30 million. How are we going to fix that gap?

MR. VAUGHN:

So Legislator Browning, two things. One I would say is that my understanding, and I'll leave the numbers to the budget people, but I was certainly under the impression that the revenues that we were predicting in terms of what was estimated for this year and what was estimated for next year, we're actually -- I do believe are anticipating a decrease in those revenues from year-to-date, a clear sign that we think that the public safety portion is working. And in terms of the speed camera revenue, we, you know, Robert says four million. I thought that the number that we had budgeted was actually 2.5. Maybe the difference is in some type of administrative fee. I'm not positive off the top of my head.

MR. LIPP:

If you look in the budget the fines are the two-and-a-half, you're right, but then there's an administrative fee for the other one and a half.

MR. VAUGHN:

Okay. But I think my point being that in a two point whatever billion dollar budget this is certainly a very conservative number on the speed cameras and not something that we are looking to certainly as that large of a revenue generator in the upcoming fiscal year.

CHAIRPERSON BROWNING:

Okay. And again, I think it was well said. Taxation through citation. I certainly don't want to start hearing --

LEG. TROTТА:

Shh, quiet.

CHAIRPERSON BROWNING:

-- anything like that. I'm sorry, it's a fact. We don't want to hear that. I don't want to hear it. I

don't want to be the first person to get the phone call. I hope you are.

*(*Laughter*)*

MR. VAUGHN:

Legislator Browning I would just --

LEG. TROTТА:

I'll vote no.

MR. VAUGHN:

-- it's late and I don't want to really want to get into a huge debate on this, but I would just say a couple of things. One, the revenue is being generated here in the Police District. I don't think it's unreasonable that the revenue stay here in the Police District. I can certainly from experience, I have been pulled over many times. I have paid fines throughout this fine County. Most of the time they have gone towards the East End because it is where I grew up. I have paid State fines, local fines, and they have all gone to the adjudicating municipality and I would like to say that I paid them with a smile on my face but that's probably not true. As a matter of fact, to continue my world tour of paying fines, I am actually going up to some county in Upstate, New York on Thursday so that I can probably pay a fine up there for a ticket that I recently --

CHAIRPERSON BROWNING:

The speed limit is higher up there, though.

MR. VAUGHN:

No, ma'am, it was not for speeding. I actually failed to move over --

CHAIRPERSON BROWNING:

Oh, absolutely.

MR. VAUGHN:

However, I was --

CHAIRPERSON BROWNING:

Don't drive in the left lane.

MR. VAUGHN:

I was actually not in the left lane, I was in the right lane, and I received the ticket because there was a traffic stop going on at the time and I did fail over to move over to the left hand lane. However, in my defense and the argument that I will use when in God knows where on Thursday, will be that I could not do it safely, and I actually mean that. There was a -- I'm not positive that I could have gotten over safely and that is a prerequisite for moving over.

CHAIRPERSON BROWNING:

It does happen.

MR. VAUGHN:

It was fun and I look forward to probably opening up my checkbook for whatever County that is in the near future.

MR. MARGIOTTA:

Guilty.

MR. VAUGHN:

I'm fairly positive that's what they're going to tell me on Thursday, so I'm not sure why I'm going to drive all the way up there, but you know what? Sometimes I just can't give up the fight.

LEG. TROTТА:

You're going to spend more on gas.

CHAIRPERSON BROWNING:

You can be happy it's not Paul taking care of you. Okay. Robert, do you have any last things, comments?

MR. LIPP:

I would like to say that was a nice day we had and we can start in tomorrow again.

CHAIRPERSON BROWNING:

A nice day. Have a lovely night. Thank you.

MR. MARGIOTTA:

Thank you everyone.

CHAIRPERSON BROWNING:

We are done.

*(*The meeting was adjourned at 5:50 p.m. *)*