

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

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, July 25, 2013 at 9:30 a.m.

Members Present:

Legislator Kate Browning, Chairperson
Legislator Robert Calarco, Vice-Chair
Legislator DuWayne Gregory, Member
Legislator Kara Hahn, Member
Legislator John M. Kennedy, Member
Legislator William Spencer, Member
Legislator Tom Muratore, Member (Excused Absence)

Also in Attendance:

D.P.O. Wayne Horsley, District No. 14
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk, Suffolk County Legislature
John Ortiz, Budget Review Office
Josh Slaughter, Aide to Legislator Browning
Bobby Knight, Aide to Presiding Officer Lindsay
Michael Pitcher, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Legislator Gregory
Lora Gellerstein, Aide to Legislator Spencer
Ali Nazir, Aide to Legislator Kennedy
Kevin LaValle, Aide to Legislator Muratore
Deborah Tinnirello, Aide to Legislator Hahn
Tom Vaughn, County Executive's Office
Marie Berkoski, County Executive's Office
Gerard Hardy, Deputy Inspector, Suffolk County Police Department
Tracy Pollak, Suffolk County Police Department
Vincent DeMarco, Suffolk County Sheriff
Butch Langhorn, Assistant to the Suffolk County Sheriff
Michael Franchi, Deputy Warden, Suffolk County Sheriff's Department
Vito Dagnello, President, Correction Officers Association
John Cowie, Superior Officers Association, 1st Vice President
Christine Larkin, Suffolk County Probation Officer Association
Patrice Dlhopsky, Director, Suffolk County Probation Department
Suzanne McBride, AME Police Emergency Unit President
Laura Ahearn, Executive Director, Parents for Megan's Law
Russ McCormick, Sergeant at Arms/Suffolk Detective's Association
Colleen Ancinelli, CJCC
Arthur Sanchez, DSBA
John Bogack
Other Interested Parties

Taken By:

Lucia Braaten, Court Reporter

(THE MEETING WAS CALLED TO ORDER AT 9:36 A.M.)

CHAIRPERSON BROWNING:

Okay. Good morning. We'll start the Public Safety meeting with the Pledge of Allegiance, led by Legislator Kennedy.

(*Salutation*)

And a moment of silence for those who defend our country every day.

(*Moment of Silence*)

Thank you. Okay. We have a couple of excused absences. Legislator Muratore was not -- is not able to attend, he has an excused absence. And I know our Commissioner from FRES, Mr. Joe Williams, contacted me. He has a meeting with FEMA today, so -- this morning, so he will not be here.

I know, Legislator Kennedy, you have somewhere to be. Something came up for you, so we want to try and get the agenda done, so we'll be doing the agenda. We will do the Public Portion, and then we'll have our presentation.

So we did have the appointment of a Nicholas Luparella III. Nicholas, are you here this morning? Nope. Oh, sorry, go ahead. I thought you were looking for him. Go ahead.

MR. VAUGHN:

No. My understanding, Ma'am, is that he was unable to attend today. We will work it out with him and try and get him here for the next one, okay?

CHAIRPERSON BROWNING:

Okay, no problem.

MR. VAUGHN:

Thank you very much.

CHAIRPERSON BROWNING:

Okay. So we'll go to the Tabled Resolution.

TABLED RESOLUTIONS

1197 - Adopting a Local Law, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman). I'll make a motion to table.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Opposed.

CHAIRPERSON BROWNING:

One opposition, Legislator Gregory. *(Vote Later Amended to: Tabled 4-2-0-1/Opposed: Legislators Gregory and Spencer/Absent: Legislator Muratore).*

I.R. 1448 - Approving the appointment of Nicholas Luparella III as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. I'll make a motion to table.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It is tabled. *(Vote Later Amended to: Tabled 6-0-0-1/Absent: Legislator Muratore)*

INTRODUCTORY RESOLUTIONS

I.R. 1508 - Adopting a Local Law, a Local Law to require the use of safety helmets by all bicyclists in Suffolk County (Barraga). I make a motion to table for Public Hearing; second, Legislator Calarco. All in favor? Opposed? Abstentions? It's tabled for Public Hearing. *(Vote Later Amended to: Tabled 6-0-0-1/Absent: Legislator Muratore)*

I.R. 1509 - Reappointing William J. Sanok as a member of the Suffolk County Vocational, Education, and Extension Board (Krupski). Mr. Sanok does not need to be here since it's a reappointment. But just out of courtesy, are you here? No? Okay. So --

LEG. KENNEDY:

I'll make the motion.

CHAIRPERSON BROWNING:

Motion to approve, Legislator Kennedy.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It is approved. *(Vote Later Amended to: Approved 6-0-0-1/Absent: Legislator Muratore)*

So thank you. So that's it with the agenda.

LEG. KENNEDY:

Thank you, Madam Chair.

CHAIRPERSON BROWNING:

No problem. And -- oh, so we do have the Public Portion. We have John Bogack.

MR. BOGACK:

Good morning. Legislator Browning, I'm here as a follow-up to my appearance last time regarding the Justin Kowalczi case -- Kowalczik case. I was curious as to whether we've heard or you've heard from the State Police about that investigation.

CHAIRPERSON BROWNING:

Actually, I did reach out to the Suffolk County Police Department and, obviously, it's been handed

over to the State Police. There is an ongoing investigation, and, I guess, because of the investigation, they were not able to give me any details, and I respect that. But, believe it or not, he actually said to me that he thought that by the time we would get to committees, that he may be able to -- there may be more or new information, but, as of yet, I haven't heard anything.

MR. BOGACK:

All right. Before I make any recommendations, so what's the position of the Committee? You'll be waiting for the State Police to report; is that what you're suggesting?

CHAIRPERSON BROWNING:

Well, it's not under the jurisdiction of the County. This is County Legislators. You know, if it was Suffolk County Police Department, we might have more jurisdiction. But, being that it's in the hands of the State and it's an investigation by them, you know, we really can't force them to do anything. I mean, I could certainly reach out to our State representatives, but, you know, I have to say, the gentleman was -- you know, he couldn't explain or discuss it with me, so, you know -- and I respect that. It's an ongoing investigation and sometimes things just can't be shared.

MR. BOGACK:

Okay. You know, three minutes is not enough time for me to really -- to articulate a recommendation I'm going to make. I'm going to send yourself a letter indicating why I believe the Legislature can take another course of action with respect to this incident. Thank you.

CHAIRPERSON BROWNING:

Okay. Thank you. If you want to hold.

LEG. CALARCO:

John, just so you know, I've also reached out to Social Services. And while they have indicated to me and they've requested to have a meeting to sit down and discuss some of the matters at hand, I think they have some issues in terms of what they can and cannot share. But they did say that while they have made a determination regarding Justin, they have an open case still for the family. And so that there was more to come from them as well, and I think that they're probably cooperating with the State Police right now on some of this. But I'll be meeting with them in the future as well to get more information.

MR. BOGACK:

Well, that's good to hear. But, you know, the issue that's bedeviling all of this is that everyone in the Department of Social Services, the State Police, have exerted confidentiality -- cloaking their activities under confidentiality. Some of that's probably legitimate. Other parts of it I'm not exactly sure.

If you go back to the -- you know, there's shared membership here between Human Services and Public Safety. If you go back to the beginnings of this case, how the Suffolk County Police got shut out of this case is also a valid question for the Legislature to ask in terms of what policies, procedures and protocols are existing. I, frankly, believe, had the Suffolk County Police been involved in this, as they should have been right from the very beginning, I wouldn't be here and this matter would have been resolved already. Thank you.

LEG. GREGORY:

I would just echo that, you know, I think that we should allow the process to run its course. I have inquired as well with the State Police. They pretty much reiterated the same thing, that it's -- you know, it's under investigation, there's very few things that they can discuss publicly. But I think forward, we should study our processes. And, you know, communication in general, I think there are several agencies that are involved, that communication certainly could have been better, but we

certainly have to respect the -- have respect for the process at this point. Thank you.

CHAIRPERSON BROWNING:

That's right. And, again, I don't want to get into a lot of conversation about it because of the fact it is an ongoing investigation. I don't think it's necessarily a bad thing. I don't think Suffolk County Police Department has been shut out, more that the State has taken it over for good reason. So, like I said, we'll certainly -- you know, we'll try and keep abreast of it and let you know anything that we can tell you. Okay?

So the next one, the next card we have is Christine Larkin.

MS. LARKIN:

Good morning. I am the Vice President of the Suffolk County Probation Officers Association, and I am here to present some facts as to why we need a new class of hires.

There has been a steady decline in the number of probation officers since 2009. In 2009, we had 287 officers, which went down to 275 officers in 2010, which is a 4% decrease. In 2011, we had 269 officers, which went down 15 officers in 2012 to 254, which is a 6% decrease. We then lost another seven officers to have 247 in 2013, which is a 3% decrease. But, overall, from 2009, a 14% decrease. We continued each year to have to cover the caseloads and monitor all the probationers in the community with fewer officers.

We, finally, need to get some help and get some new hires to help monitor probation in the community. The safety of the community is always our goal, but we need more people to help to continue to achieve our goal. Thank you.

CHAIRPERSON BROWNING:

Thank you. Anybody have any questions? No? And I think we're going to have the Sheriff do a presentation on alternatives to incarceration. And, as you know, it's much cheaper to hire a correction -- a probation officer than to, you know, keep somebody in the jail.

MS. LARKIN:

Yes.

CHAIRPERSON BROWNING:

So, you know, if there was a way that we could get the Administration to be creative and work to hire more Probation Officers, I think they certainly should, so.

MS. LARKIN:

Thank you.

CHAIRPERSON BROWNING:

But thank you. I think that's it. Is there anyone else in the room? I have no more cards. Is there anyone else who would like to speak? No? Okay.

So, Sheriff DeMarco, if you'd like to come up and do your Alternatives to Incarceration Programs, and the future of the DWI Program, and your corrections officer staffing.

SHERIFF DEMARCO:

Good morning. There's been a lot of discussion about alternatives to incarceration and how we, as a County, can make significant and long-term reductions to the jail population by diverting certain offenders into corrective programs. As you all know, I've been very vocal about this issue, both from a fiscal standpoint, because the County taxpayers cannot afford the cost of building new jails,

and from the perspective of improving public safety by taking meaningful and deliberate steps to address the underlying issues that prompt many people, such as those with mental illness or addictions, to commit crimes.

I'd like to start with a News 12 piece about this issue that aired on Tuesday evening and then I'll explain.

(VIDEO PRESENTATION)

Okay. As you saw here in this piece, it refers to the idea of addressing the root causes of crime through alternatives to incarceration and reducing the County's inmate population. I will be talking about those issues this morning. But it also refers to the problems in the system, such as inmates with low bail taking up jail beds.

Fortunately, since we took over the Jail Expediter Program a few years ago, we've seen a considerable drop in the lower bail inmates. We used to talk about inmates with 25 and \$100 bails, but now our low-bail population is considered \$2,000 and under. Many of these people fall into a lower public safety risk category, and there are hundreds in the jail every month. I believe that many of them would be good candidates for alternative to incarceration programs if the Judges, and the District Attorney's Office, and Legal Aid and defense attorneys had more confidence in these programs. I'm not saying they don't have any confidence, but they need more confidence, and that has to be backed up with data. That's really what the problem here is in Suffolk County, in my opinion. And it's about time this County had an honest discussion about alternatives to incarceration.

For years the County has been coming out with studies and research, and has given the false impression to the State Commission of Corrections that we have robust ATI programs in this County, but this isn't the case. And we know this to be true by the sheer fact that we are dealing with an overcrowded jail at a time when crime rates are significantly down.

And I would like to make something clear. There are many people in our jails and prisons who pose a real danger to society, those are gang members, violent felon offenders, drug dealers who prey on our young people, rapists, murderers and sex offenders. Those people belong behind bars for many years, and many of them do go to prison. These people are not the focus of today's presentation. However, there are a good number people who cycle through our Criminal Justice System who could be diverted into appropriate treatment or other alternatives to jail, which would be both safe and cost effective. We have seen this model reap tremendous benefits in New York City, where the jail population has been reduced by over 40% over the past two decades. The major question that must be answered by this County is why aren't we seeing similar success in Suffolk County? And what -- and can we be doing more to utilize ATIs to reduce our own jail population?

In some cases, the frameworks for these programs already exist in this County, but they are underutilized. In some cases, I believe some of our programs are inefficient and not well coordinated. In some cases, I believe we have failed to invest in good programs that are working, because we lack the data on their effectiveness. In many cases, we have contracts with not-for-profit agencies to perform case management for people who are mentally ill, or have addictions, or require other services that are involved in the Criminal Justice System, but those agencies, I don't feel, are held accountable for the level and the quality of their work. Are they fulfilling their contractual obligations? I don't think they are. And, finally, I believe that there are good program models that we could implement in Suffolk County, if there is the political will to do so.

Last month, this committee heard a presentation on recidivism and ATI outcomes in Suffolk County,

and I have a copy of their report right here. Ironically, the opening page of the document contains a quote from the author, Oscar Wilde, and it says, "*The pure and simple truth is rarely pure and never simple.*" And that pretty much sums up my thoughts about the last presentation and the information presented here in this report.

I'm not here to discredit the contents, but I would ask all of you to look at it with a discerning eye for what it lacks. For one, I do agree with the opening statements, which more or less states that the sheer size of the criminal-justice-related taxpayer expenditures in Suffolk County requires a, quote, rigorous analysis. You know, last year, it cost on average \$277 per day to incarcerate someone in Suffolk County. That number is inclusive of the Department of Public Works and the Health Department costs related to maintenance of the facilities and health care expenditures on the inmates. This is a tremendous burden on our taxpayers, and this doesn't even include the debt on the new jail construction projects.

The slide that's up there now depicts the fluctuations in inmate population through the years over the course of a 52-week period. This chart is in the packets that I gave you, and we could talk about that more later, if you wish. But I can't state strongly enough that the time is overdue for this County to do all within its power to bring down the County jail population in a safe and cost-effective manner to avoid costly new jail construction in the future.

Alternatives to incarceration have been used in New York City to reduce their inmate population, and crime in the City has simultaneously hit record lows. If it can be done there, it can be replicated here in Suffolk County. But if this report represents the best research that we have to determine how County resources should be allocated to reduce our local jail population, then I would argue without hesitation that any policy-making or budgetary actions would be based on outdated and incomplete information. I do not believe that we should simply rely on analysis conducted by and presented by the same department that is responsible for the management and outcomes of the programs being analyzed.

Furthermore, much of the research outlined in this report is outdated. Some of it relates to studies done in the past decade, and in some instances decades ago. While its title implies that it contains information on recidivism and ATI outcomes, most of the statistics refer to outcomes reported in the 2006 and earlier.

If you look closely at this document, you'll find some impressive statistics on recidivism rates in certain programs. But sometimes what is more revealing is what's left out of a study. It doesn't tell us how many people have participated in each of the County ATI programs relative to the cost of the taxpayers' investment. There isn't even a complete listing of all the County's ATI programs in this document. In some cases, the report contains what I believe to be misleading information.

On Page 27 the writer reports that OASAS gave the County Day Reporting Center Program a five star rating in 2011, and further, it received an excellent performance rating. The fact is that the County's Day Reporting Center reportedly had only 115 participants in all of 2011. And by the end of 2011, the program served 2,182 participants during its entire 19-year history, and the County budgets nearly a million dollars a year for the Day Reporting Center. And I don't see anything about recidivism research in the report.

How can we invest in what works if we really don't know what we have, what it costs, and if it's creating measurable results? What is more concerning to me is that many of us on the Criminal Justice Coordinating Council have been asking for more than eight years to see data on the effectiveness of the County ATI programs. The Judges have been looking for anything that could provide them with solid data about the effectiveness of initiatives. I'm not even sure where this information came from or how the programs were evaluated, and why there hasn't been an effort to

bring this information forward when we've been doing presentations on ATIs to the Judiciary, and Criminal Bar, and what have you.

If we are serious about cutting the County's jail population, if we are serious about performance management and fiscal accountability, then we should get serious about authorizing an independent study to analyze our current alternatives to incarceration, and recommend best practices and advise us on successful initiatives being carried out elsewhere.

I know that Legislator Hahn had a resolution on the agenda to have the CJCC conduct a study, but it never moved out of committee. And while I support that concept, I also believe that any study of this magnitude should and must be done independently from the County itself.

As many of you know, in 2011 I launched the Youth Reentry Task Force in Suffolk County and the Youth Tier Initiative in the jail. And while this is not an ATI program in the traditional sense, it has created a bridge between jail, justice-involved youth, the courts and our educational system, as well as our nonprofit community. The primary goal of the initiative is similar to that of an alternative to incarceration program in that we are working to address the underlying issues that have predisposed someone of criminal behavior. I am pleased to report that the program has recently been honored with an Achievement Award by the National Association of Counties. And some of our District Court Judges have also taken note of the program and have offered alternative sentencing options to those young people who demonstrate a firm desire to change while on the Youth Tier. Some are being sentenced to Hope House in Port Jefferson as an alternative to County and State Time. Timothy Hill Children's Ranch will soon be another option. And Judge Camacho will be launching a new Youth Part at District Court in September with a similar mission. In fact, the courts have been very innovative in this regard. In Suffolk County alone, we have a Drug Court, a Mental Health Court, and a Veterans Court, all of which have been successful in diverting defendants into treatment and reducing time spent in jail.

Studies conducted by MPC Research and the Center for Court Innovation indicate that judicial diversion programs save taxpayers on average \$5,564 per participant, which ultimately results in county jails realizing a significant cost savings. This is the type of information that could prove helpful to the County when it comes to reducing jail population in the long term, but it's not the whole picture. Any good public policy must take into account the cost of reallocating criminal justice resources, the impact on public safety, and the commitment to provide the necessary oversight to realize the intended results.

Arguably, if you look at the investments the County has made in the Day Reporting Center, the cost of the new jail construction juxtaposed to record-low crime numbers here and across the nation, and the success we are seeing in alternative corrections in New York City, we have to ask ourselves how can the County improve its own Criminal Justice System? What are we doing well and what -- and can we make the kinds of system-wide improvements that can bring down costs and improve public safety? Wouldn't it be justified at this juncture to invest in an independent study?

If you're unsure of the need for a study, I would urge you to consider this: The County taxpayers, you, me, our children, the people in the audience here, will be paying off the debt for the current jail construction for the next 18 years. The total cost of that construction, including interest on debt, will total \$255,343,488 by the time it's paid off in 2031. And now we are facing another expansion, yet another unfunded State mandate, another unaffordable burden on the County taxpayer. And, believe me, it would be easier for me to take the position that we need a new jail. My job would become a lot easier, but I have an ethical obligation to the taxpayers who elected me to watch the bottom line, and I believe we can avoid costly new jail construction if we take action now, but it can't be business as usual. This is one of the most expensive capital projects this County has ever faced -- been faced with, and will be faced with in the next two decades.

Aside from a study, there are some steps that we can and should take right now to improve utilization of some of the current alternatives to incarceration programs, but it would take a coordinated effort. Some of the answers may lie in neighboring municipalities. This is a quote from Mayor Bloomberg, and I think it's important, because the vision for these kinds of changes has to come from the top. And, you know, I'll read it because I think it's very important.

"New York's crime rate has gone down more quickly and more steeply than the rest of the country and we are the model for low crime in this nation. But unlike the rest of the country, the number of people we are incarcerating has also gone down. Some people say the only way you stop crime is to incarcerate. We have proven that to be untrue. Successfully preventing crime and breaking cycles of criminal activity can save thousands from a life of cycling through the Criminal Justice System."

And here are some reasons they have been successful and I believe we can replicate here in Suffolk County to achieve similar results. I'll let you read that for a minute.

As I mentioned earlier, we already have a framework for much of what is being done in New York City, but the County needs a strategy to improve coordination and monitor progress. Here are some of the strategies that I believe could be employed at this time, even before we embark on a study to improve utilization of County -- of the County's ATIs and reduce the County's jail population.

You know, number one is to assign a County employee to act as an ATI liaison between the Courts, the Probation Department, the District Attorney, the Sheriff, Legal Aid, to ensure the flow of communication among all pertinent stakeholders.

The second thing is to sanction an ATI work group to drill down on any current roadblocks to utilization, and create an inventory of all available programs. Include program administrators and representatives from various courts, the District Attorney's Office, Legal Aid, Probation, the Police, Health Department and the Correctional Facility.

And one of the most important things is authorize an independent study of existing ATI programs and recommend improvements.

And the last thing there, which is also very important, is to implement a compliance review system to ensure that all not-for-profit agencies contracted to work with offenders meet their stated goals and standards, and make sure they're complying with their contractual obligations.

You know, this is a starting point, but there needs to be a concerted effort to move us in the right direction, and demonstrate to State officials that Suffolk County has a plan to reverse current incarceration trends in the near term.

In closing, I believe it's critical that the Legislature authorize an independent study on the County's alternatives to incarceration. I am also willing to fund this study with asset forfeiture money as soon as I get the letter of approval from the Justice Department saying it's an accepted -- an acceptable expense, so that it's not going to cost the taxpayers a dime. But we do -- I would like it done with a Legislative resolution so we ensure participation of everybody we give money to.

You know, at this point, I'd be -- I do have some other data that I know was asked for at the last meeting, but, for now, I'll just take a couple of questions on this and then I can give you the other stuff.

CHAIRPERSON BROWNING:

Okay. I've got a couple. Legislator Hahn.

LEG. HAHN:

Thank you, Sheriff. Clearly, this is what Kate and I were getting at when we submitted our resolution early last year. We felt that there really was a need to study what we were doing, how we were doing it, and making sure it was effective. So I'm 100% behind this.

I think it would be an excellent idea to have it be independent, and I've already asked George, you know, to draft the resolution. So I believe this committee will be completely supportive.

We clearly cannot afford to build another jail. We've been asking these questions, you know, all year or more about as we plan for what's coming. And I think -- I'm really glad you, you know, took charge and are laying out all of these recommendations that, you know, I'm -- that sound right on target.

So, you know, I really appreciate all of your work on this, and I think that -- you know, I'm just glad that we're here in a place where we have someone of your stature and at your level willing to look at this as seriously as you are, and willing to spearhead this and find a way to fund it.

SHERIFF DEMARCO:

Thank you. And I just want to point out, too, I don't want to come off that -- it may have, that I was picking on the people who worked on this other report. You know, a lot of times it's just the data that we have, and that's the point of having an independent study. We need new data and --

LEG. HAHN:

I think there's -- you know, there's no question that we -- you know, we have a tremendous need for additional staff in those departments, and we have a tremendous -- you know, a tremendous need to reevaluate how resources are allocated, so we wind up in a place where people are rehabilitated and not coming back in a cycle. And I think that we're -- you know, this is the way to get us on to that road, where the people who really need to be in our jails are in our jails, and the people who could benefit from treatment -- that's why I'm here, that's why I think you guys are here, that we are finding a way to get to that place in public safety. So, thank you.

SHERIFF DEMARCO:

And, you know, I will also just add that, you know, one of the best ways to ensure a lower jail population is to have an effective Probation Department. And I know you heard someone from the Probation Officers Union talk about staffing. I cannot say that I'm familiar with the staffing there. I have heard in the past that some people think it's too low, but you can't expect to make the changes that need to be made here, unless Probation has the staff to accomplish its mission.

LEG. HAHN:

So there's no question. Thank you.

CHAIRPERSON BROWNING:

And you're right. I mean, they're horribly understaffed and their caseloads are going up. So, when you start releasing people out of jail into the ATIs, you know, now you're just burdening the Probation Officers with more clientele. And it just makes it -- you're not doing an effective supervision either if their caseloads are too high.

So, like I said, you know, a jail cell, it costs more than a Probation Officer. And, you know, I think there has to be a way to be creative to find the funds to make sure we get more Probation Officers so we're not paying for it in the jail.

But, with that, Legislator Horsley, you have a question?

D.P.O. HORSLEY:

Yes. Thank you, Legislator Browning. Vinny, thank you very much for being here today, and it was a great presentation, I enjoyed it.

I've got a couple of quick questions. One is, as you know, we're entering into the budget season very shortly as a Legislature, and you're -- and I understand that Legislator Hahn is going to be putting in legislation to use alternative monies to fund this study, and I think we should have a local study. That makes a whole lot of sense to me.

Do you -- are you going to -- if there's not enough dollars there, are we going to, you know, put it into the budget? I want you to start thinking about that, because you may -- you may receive a receptive audience from the Legislature. I mean, certainly, the building of the new jail is just so large and so expensive that we're all -- we're driven to distraction over how we're going to pay for that. So, you know, it might be penny wise, penny -- you know, in the future to do something like this. So are you looking at the budget process as a future avenue to get this thing across to us?

SHERIFF DEMARCO:

No.

D.P.O. HORSLEY:

Okay.

SHERIFF DEMARCO:

I expect to get approval from the Justice Department for their -- to be able to use the asset forfeiture funds.

D.P.O. HORSLEY:

Right. And there's enough there?

SHERIFF DEMARCO:

Yeah. Yeah, there's plenty there. So I don't think this will be a budgetary issue at all.

D.P.O. HORSLEY:

Okay, good. That's great. The second question I have involves the Corrections Department themselves. You know, we went through that whole process during the Capital Budget scenario where we had to make sure that it was in the budget, and we were all on the same page, both the Legislature and yourself, on where -- how the money should be spent. We won't get into that, because we don't want to put anything like that on the record. But do you -- if this study gets on the way, how do we stop the train of the Corrections Department coming down on the -- on the County and attacking our variances, and all those types of things? You know, how do we get to -- how do we get them on board with your program?

SHERIFF DEMARCO:

Well, the whole idea is to drop the jail population. So, if the jail population drops, you don't need the variances. And without putting too much on the record, that's what they use to hold over your head, and that's where they really have you, is by pulling your variances, and that's why we have to act now. When I became Sheriff in 2006, I started talking about this, because --

D.P.O. HORSLEY:

We want to get to a position where we could -- where they can threaten to pull the variances and we can say, "Well, we don't have that many people anyway."

SHERIFF DEMARCO:

And, listen, this is not -- you know, while a lot of times a lot of counties, and even I may come off as saying this is an evil agency, the Commissioner of Corrections --

D.P.O. HORSLEY:

No, no.

SHERIFF DEMARCO:

But the fact is --

D.P.O. HORSLEY:

But they are omnipotent (laughter).

SHERIFF DEMARCO:

Listen, they are. They are. They --

D.P.O. HORSLEY:

You know, they have the -- they have the cudgel.

SHERIFF DEMARCO:

Obviously, they can flex their muscles --

D.P.O. HORSLEY:

Right.

SHERIFF DEMARCO:

-- and mandate jail construction. But, at the same time, if we're showing a trend in the near term of lower jail population, then where would the justification be to build more jail cells?

D.P.O. HORSLEY:

So you think that you can persuade with evidence that our numbers are dropping and that, you know, "Hey, give us a shot. Give us" -- you know, this is workable.

SHERIFF DEMARCO:

They're not mandating jail construction because they think in, you know, the year 2100 we're going to have, you know, this number, they're mandating jail construction because we are overcrowded. So, if there's no overcrowding, then why do you need jail construction? So and that's --

D.P.O. HORSLEY:

And you can make that case and that's --

SHERIFF DEMARCO:

Right, and that would be the argument. But let me say --

D.P.O. HORSLEY:

And this Legislature would be behind you.

SHERIFF DEMARCO:

Right. If we don't change the way we're doing things here, and if we keep kidding ourselves and say, "Oh, we're doing so much with ATIs," and we just basically tell everybody that, you know, "Oh, we're doing great, we're doing great." Well, New York State hears that and they'll be like, "Well, listen, you guys are maxed out on your ATIs, you can't do any better." And I don't think that's the

case. So that's why we have to be honest here and say, "Listen, obviously, if you look at surrounding municipalities and what's going on with their jail population, what are they doing different?"

D.P.O. HORSLEY:

Good. Good point. And, lastly, you've made the statement, and, you know, you're going to say some are better than others, and whatever, our contractual agencies involving your -- involving the jail and alternatives, maybe not -- not doing the job that they should be, they're not meeting their contractual obligation. I think that's what you said.

How does this Legislature know which ones are doing the job or not doing the job? How do we -- how do we start that ball rolling to tighten up our act as far as the consultants and contractors that we have? That's got to be done.

SHERIFF DEMARCO:

Well, that would be part of the study as well.

D.P.O. HORSLEY:

Oh, I see. So it's going to come out of the study which ones aren't working, which ones are.

SHERIFF DEMARCO:

Right. And it's not -- and I'm not picking on contract agencies. I know it comes off that way, but I'm not. I'm just saying that the Health Department has contracts, the Department of Mental Health and Hygiene has it. You know, we have contracts, Probation has contracts. We all have these contracts, but, you know, a contract that Mental Health has may have a direct effect on me, but I've never seen the contract and I don't know necessarily what's in it. And you don't -- there could be things in there that could be being done that are not being done, and I would venture a guess that just --

D.P.O. HORSLEY:

So we need a better coordination between your offices and the Health Department.

SHERIFF DEMARCO:

No, not just my office, no. I'm just saying I don't know everything.

D.P.O. HORSLEY:

Okay.

SHERIFF DEMARCO:

And that's what this study would reveal. But I would venture to guess that there are some things written into some of these contracts for services to be provided that are not being provided. And it might not be the contract agency's fault, it might be the County's fault, because we're not expecting them to do something on Page 15 of the contract, you know, for it to be in a courtroom and be a mental health advocate. Maybe we don't know that's in there, or maybe the right people don't know that's in there. Maybe a judge doesn't know that's in there. Maybe I don't know it's in there. I'm just -- I just --

D.P.O. HORSLEY:

You're saying there's a problem in the system and we've got to fix it.

SHERIFF DEMARCO:

Well, simply, put.

(Laughter).

D.P.O. HORSLEY:

Exactly. Well, that's what we're here for, to make things simple. Anyway, Sheriff, I appreciate -- I appreciate your reaching out, because this sounds like something that we all should be involved with as a Legislature, as well as the other departments, and that we need to get -- work together more and more closely. Thanks a lot.

SHERIFF DEMARCO:

Okay.

CHAIRPERSON BROWNING:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. And thank you, Sheriff, for coming here today, and thank you for your continued interest, I mean, for, I would say, during your tenure as a Sheriff. You're really -- in this particular area with ATIs, it's something that you've always had an interest in. I know you had years ago the study with the mental health -- the outpatient program. There was a pilot program that you had worked with, I know Legislator Kennedy, who's not here. So you've looked at these alternatives. You just now, as a Sheriff, have been looking at bigger prisons, that have more people, you know, which would mean more jobs, and etcetera, etcetera.

This particular issue I've been looking at myself as we go into the budget cycle. I've talked to several people and so -- as well as others. I mean, they're -- you know, everyone's very interested in this. I mean, you could save millions of dollars if we do this right.

So I'm particularly -- some of your recommendations have been recommended to me as well with the liaison in the courts to kind of shepherd things along and making sure people are getting into the proper place, particularly I think maybe a focus on the Mental Health Court. You know, there's a lot of activity there, but I think there's more attention that can be done there. And from what I understand, there's a backlog, or the person there doesn't necessarily have the time. I think she's probably doing part-time. So, if we had a full-time person there, we can help put people through the system and then to that court quicker.

SHERIFF DEMARCO:

If I could just --

LEG. GREGORY:

Yes.

SHERIFF DEMARCO:

And just to add on to that, the problem with the inmates with mental health issues that may be going to court and the Mental Health Court is that without some type of community treatment plan put in place for them, and this is the part-time woman you're probably talking about, the Judge has nowhere else -- you know, after a certain period of time, where is this -- where is the Judge going to put this person? And because the deinstitutionalization of the psychiatric patients here, and Suffolk County's been hit disproportionately because of Kings Park and Pilgrim, they wind up in jail, where normally years ago they wouldn't. So, if you don't have the people to go to a Judge with a community treatment plan, they're not going to be brought back to court until that plan -- someone has a plan for them.

LEG. GREGORY:

Right.

SHERIFF DEMARCO:

So you're on the right track.

LEG. GREGORY:

That's my understanding, that this person, part of their job is to find the placement before they can even go through the system, because a Judge won't -- as you just stated, a Judge won't place them in the program. They'll put them in jail if there's no outside placement. So this person who's doing double duty doesn't have the time to really work on those placements.

I don't -- it wasn't kind of -- it wasn't presented to me that there is not enough capacity to accept these people, it's just physical man hours of not being able to do it.

SHERIFF DEMARCO:

There has to be a plan.

LEG. GREGORY:

Right.

SHERIFF DEMARCO:

The Judge wants to see a community treatment plan or something.

LEG. GREGORY:

Right.

SHERIFF DEMARCO:

And if that's not there, you know, they're just -- not just going to release the person.

LEG. GREGORY:

Right. One aspect that I would like to see implemented in the study, incorporated in the study is -- because I have been to the Drug Court graduations. I think it's a wonderful program. I don't see enough -- I'm going to use the word "fairness," but I guess what I should say is probably diversity. Because, if you look at the numbers of the enrollees, I mean, just people arrested, I think minority population several fold is arrested more for drug offenses. But, if you go to the Drug Court graduations, I mean, and I've been to several, and there's probably been maybe 100 that I've seen, and I can't even calculate in my mind, maybe a handful of minorities that participate, so I think that should be addressed. If you have significant numbers of minorities that are being arrested for offenses, but they're not being offered these alternatives, that's an issue for me. So I think somehow that should be addressed in the report.

SHERIFF DEMARCO:

Yeah. Well, you're writing the resolution, or Legislator Hahn, so you put in whatever you want.

LEG. GREGORY:

No. I think it should be understood that that's a part of this that should be looked at.

SHERIFF DEMARCO:

Right.

LEG. GREGORY:

And I'm not putting that burden on you. Obviously, it's not your -- you know, stuff that you do. I

think the courts, and the D.A. --

SHERIFF DEMARCO:

Right.

LEG. GREGORY:

-- and Probation have more to deal with that. But I think, you know, any system, anything that we implement should be fair to everyone.

SHERIFF DEMARCO:

I agree.

LEG. GREGORY:

Right. And I think you're absolutely right on point with the performance measures. I'm actually in consultation with our Counsel here. And, hopefully, if we have it done by Tuesday, I'll be introducing a bill myself that would require the County Executive and the -- well, the agencies and departments on a yearly basis, when they submit the budget, that they put forth performance measures and objectives, and then the following year, March, that they report the prior years, if they were on target, not on target. Because I think, as you've discussed and we've all discussed, with the budget constraints that we face, you know, we're putting monies into programs and we have no measures of if it's meeting goals, if it's under goals, if it's, you know, exceeding expectations. And I think that's a failure on our part.

And, you know, I was just talking to someone yesterday who, you know, asked my opinion about going to competitive basis for contract agencies. I said, "Well, we can't do that unless we have a system in place that establishes how each are, you know, performing." So I think there's a lot of discussion going on behind the scenes, but we need to bring it to the forefront, and I'm glad to see that you're on board with that, so thank you.

CHAIRPERSON BROWNING:

Okay. Legislator Hahn, you have another question?

LEG. HAHN:

Okay. Yes, I had two. I'm trying to remember what the second one is. So I forgot to ask about the low bail. Are there other -- are there options about -- I know I've asked this before and I just want to like get to -- you know, there's clearly been a lot of thinking about it going on. Are there community options that we can pursue, or public/private partnerships that we can pursue to help with that issue of somebody waiting on a \$300 bail that is going to cost us almost \$300 a day?

SHERIFF DEMARCO:

Yeah, there are. And I've had meetings with some community people who are interested in starting a low bail fund. You know, we're working on it with them. You know, the question becomes where's that seed money coming from? And as much as I'm -- it benefits me to get these people out, I don't think it should be a function of government to start a low bail fund. Even though it might make fiscal sense, I just think there's enough private money out there where these groups can get seed money to get this going. And there is interest in it and we are working with some people who are interested in starting something like this up. And they even agree that there's money, that they can raise the money to get it going. But, of course, they ask government first, and that's just my opinion. If you say, "Hey, listen, you know, we're going to give you a couple of thousand dollars, a couple of hundred thousand dollars to get you off the ground," that's, you know, a choice that you can make, but I don't think that's the way to go.

LEG. HAHN:

Once we get the seed money from the donors, or whatever it is, what will it take to establish that?

SHERIFF DEMARCO:

Well, things like this have been done. Judge -- Chief Justice Lippman, the New York State Chief Justice, has been a proponent of this, and there is -- in New York City there are not-for-profits that do this. And the gentleman that I met with with Butch Langhorn, we met in my office, was reaching out to them and setting up a meeting. He was having a hard time getting together with them, because she was in the Bronx, I believe, and they were just trying to -- this summer trying to coordinate, and they were going to help them get off the ground, so --

LEG. HAHN:

Excellent.

SHERIFF DEMARCO:

And they would -- you know, we would be distanced from it. It would be -- they would decide who they're going to bail out, and they'll pay the bail and the money will go back to them once the case is disposed of.

LEG. HAHN:

I think we also have to -- do you have numbers? We also have to talk about treatment, you know, in the community, even after the fact, and just treatment availability all around -- I'm sorry, addiction treatment, primarily mental health treatment and addiction treatment, really. It's just not available, accessible at the levels we need it to be. And when it's not given, you know, we can wind up with many -- with, you know, many people in our jails. I think you've talked about the percentage that, you know, either have a mental health problem or an addiction problem, and we, as a County, have to, you know, seriously look at our investment in treatment, and we have to have that discussion. It's, you know --

SHERIFF DEMARCO:

You know, the other day I had somebody say to me, we were talking about the number of young people in jail for -- because the underlying causes of drug addiction. And they said, "Well, isn't it good for them just to be in jail, because they get to dry out?" You know, and they do dry out, but the problem is, if they get out three weeks later, that addiction is still there.

We have programs in the jail, but because it's such a transient place, a lot of people don't complete programs in the jail, because the average stay there might be eight to 10 days. So there's like a misconception amongst everybody that, "Oh, well, if you dry out, you're clean." No, that's not the case. There's an addiction, and I'm not an addict, so I don't understand it, I'm sure many of you don't understand it, but that person understands it. And you have to -- it's more than just being off drugs for a year. You're not cured. That's why alcoholics go to AA for the rest of their lives, it's an ongoing battle.

LEG. HAHN:

Is there a need for like a real -- is it detox -- a real detox in the jail, or a real like full-fledged rehab?

SHERIFF DEMARCO:

You know, that's not really the function of a jail. And the more you take on, and that is more cost to the County. For instance, the mentally ill, that's, you know, over the last 20 years is new to us. You know, our correction officers, while they do get training in dealing with people with mental illness, they are not -- you know, they don't have Masters Degrees in social work, and, you know, mental health therapy. It's not -- we can't treat drug addicts and people with mental illness in a jail setting properly. It's not really what the role of it is. That's what the whole idea with the

alternatives are and the Drug Court.

You know, if you go to the Drug Court, there are sanctions if -- if you mess up, the Judge might send you to jail for a week, and then you go back to the Drug Court and they try it, and not everybody passes on the first time there. So, you know, a lot of that staff has to happen on the outside, and that's why we're here talking about alternatives to jail. I mean, if you had that, I think you would see more people being sent to the jail. Oh, I could just send them to the jail to get his detox, and is that really what our role is?

LEG. HAHN:

Right, right. Okay, good. So let us know if there's a way to help on the first item, the low bail initiative.

SHERIFF DEMARCO:

Yeah. Once I have my follow-up meeting with them, you know, I'll even invite you, if you want to come. Okay?

CHAIRPERSON BROWNING:

Okay. Doc Spencer, you have a question?

LEG. SPENCER:

Good morning. Thank you. First of all, I can just say, Sheriff, just from the programs that I see that come out of your Department, and just hearing you speak, and just seeing some of the ideas that you have, I think when I see Sheriffs there on the national stage currently, I think that someone such as yourself would be a major refreshing voice in this country. So I'd like to see your ideas expanded on the national stage.

I think that some -- I wanted to -- my thoughts were along Kara's question. But when it comes to if the mentally ill are highly represented in the jail setting, and I have a situation where they're limited by transportation and by finances, I totally understand the point of -- that you don't want to start the trend of sending them to jail to get their treatment.

When I look at our facilities in Yaphank, where we unfortunately have the Foley that is no longer functioning, but it's in close proximity, and then I look at the actual geographic size of the jail, I just have to wonder, is there potential where there's a separation? But since we have all of that space where there could be partnerships with other treatment-providing agencies that would -- I think there would be a lot of conveniences that are there. And I was just wondering if you felt there could be a potential role to utilize the Foley building, or even the massive campus of the new jail facility, where we could enter into partnerships with outside agencies to provide some of these services?

SHERIFF DEMARCO:

Yes, I think that's something that is feasible. And I believe Legislator Browning has filed, or is going to file, a resolution, a study, some alternative uses for Foley. And I took a tour of it with her and threw a couple of ideas out. You know, one of my issues, which I made clear to her, is I'm not an architect. I don't know what you can do with buildings. I look at it, it's, you know -- it looks like a -- looks like a nursing home to me, but I'm sure somebody with a greater mind for architecture could figure out an alternative use, and we might be able to do something like you're saying, or, in the future, maybe turn it into the new DWI facility.

LEG. SPENCER:

Thank you. And, again, thanks for all of your hard work on many, many levels. I admire what you're doing, and we're very fortunate to have you.

SHERIFF DEMARCO:

Thank you.

CHAIRPERSON BROWNING:

The bill was filed and it will be laid on the table on Tuesday. So I'm glad that you're talking about it, so maybe we can get you support.

But, you know, when we talk about looking at ATIs, and if they work, if they don't work, I know when Kara and I first filed it, the Administration did ask us to hold off on it. And we spoke with the Deputy Police Commissioner, because there was a lot of talk about recidivism, you know, and working on these ATIs, and how do we know they're really working. And, you know, I agree, if you go to the ABC contract agency who's, you know, working with the County, you know, to help with these ATIs, I don't want that contract agency to give us an assessment of how they're doing, because, to me, that's not a true assessment.

And one of the things that the Deputy Police Commissioner talked about was -- said, "Well, let's talk to the clients," because who's going to tell you better whether a program is working or not is the person who's going to the program, and, clearly -- Now, when you have people coming to the jail, do you know if they've been through, you know, some kind of a program that they were unsuccessful? I mean, are you able to keep track of that, or is that kind of complicated?

SHERIFF DEMARCO:

No. It would have to be a question we ask, but you don't -- usually don't get honest answers about that at a -- in the booking process, so it's not something we currently ask now. And I don't think -- I don't think you can rely on inmates to give you data that you're going to make policy and budgetary decisions on. That's just my opinion. I think some of them will be honest with you, there's no doubt, but I would say the far majority are not going to be honest with you. They're going to tell you what they think you want to hear because they think it's going to make their life easier. And, unfortunately, I think that's -- that's the truth.

CHAIRPERSON BROWNING:

It's just that I still think, even just talking to a contract agency, you're not necessarily always going to get the truth, because, you know, obviously, they want the contract, so --

SHERIFF DEMARCO:

No. But if they're -- if there's stuff built into their contract, you can get the data, and the contract -- and there has to be compliance review and certain things built in. Or maybe there is -- that's my thing. I don't know, maybe it is built in, but this is what we want to find out.

CHAIRPERSON BROWNING:

Okay. And I know you still have some more information you will provide to us, so do you want to -- do you want to move forward with that?

SHERIFF DEMARCO:

Yeah, let -- yeah, because there might be more questions on it. I know at that last meeting, I think it was Legislator -- I only went through the minutes because I was not here, but I think Legislator Gregory had some questions about census information of people in the jail. Did you -- yeah?

LEG. GREGORY:

I vaguely remember that, yes.

*(*Laughter*)*

SHERIFF DEMARCO:

Okay. Well, I did the best trying to remember what you wanted and I might have left some things out, but whatever. I have some stuff for you. We took a snapshot the other day. Unfortunately, the date's not on here, but it was a couple of days ago. And there's 1533 inmates in the jail; 162 were female and 1371 were male. We had a total of 1,072 unsentenced inmates; 100 were female, 972 were male. Sentenced inmates were 461. These are people sentenced to County time; 399 males, 62 females. State-readies, I think we had 56 males, five females. These are people who have been sentenced and waiting to go Upstate. While that might seem high to you, it's been -- the State has been very good with making beds available and us getting these sentenced inmates out quickly. It used to be a lot worse. The County had to sue years ago to get some movement on that, and I'm not going to complain about that.

But another interesting category, which I know I've spoken to some of you about in the past, are parole violators in the County Jail, and there are two categories. There's a technical parole violator, which is someone who's on parole from a State prison, a State agency out of a State prison, who maybe doesn't report to his parole officer, fails a drug test, whatever the case may be; he's a technical parole violator. He's being held in our County Jail on a technical parole violation at a time when -- and this is going on all over the State, at a time when county jails populations are rising and State prison populations are falling. But there is a New York State law, which I don't know the section right now, that was changed many years ago, that said that parole violators -- there's a time when State prison populations were high. This is going back years ago. The State was trying to push down on the counties, "You will hold our parole violators," because they're entitled to have a hearing in the county that they committed their offense, so now we're stuck with that.

When Elliot Spitzer was Governor, they slowly started chipping away at the reimbursement. They used to give us \$40 a day for a parole violator, even though it costs us much more than that, but we were getting something. Because the State fell on tough times, they cut it down to 35, then they were going cut it down to 30, and now we get nothing, absolutely nothing.

So these are technical parole violators that I've been working with the State Sheriffs Association to change the law back to where technical parole violators can be held in a State prison, and we Sheriffs that are out in the State would bring them back. I'll absorb that transportation cost to bring them back for their parole hearing, and we'll house them in our jail for that time. But they should be held, because these people linger around the jail for a long time.

And then there are people who have parole violations, but they have local charges. They committed or are accused of committing another crime, and that's why they violated their parole. Those people are harder to get rid of because they have a local charge. They're in a local court, they're charged by the D.A., and those people linger around a lot longer because Parole will say "In order for us to have a parole hearing, we need to know a disposition on the charge, we need to know if this person's guilty." And sometimes a judge will say, "Well, I want to know what parole is going to do before I do this." So that's -- sometimes we have issues with that, but that's slowly coming along.

So those are -- I mean, I would ask you to join me and the Sheriffs around the State to lobby New York State to change the law. And I have a sample of a -- of a resolution that can be submitted to New York -- which has been submitted to the New York State Legislature on numerous occasions, to house parole violators in State prisons instead of county jails. I mean, if you look, that's 70 jail beds. And, you know, off the top of my head, I would say that if we had 100 parole violators in the jail, that probably is going to cost us over six million dollars a year, if that's the average. Isn't that crazy? Crazy.

So more numbers. Just trying to find things that you'd be interested in here. People who are in the jail just on vehicle and traffic offenses, sentenced ones, we have 90 males, 13 females. Unsentenced vehicle and traffic, 94 males, nine females. Broken down by race, we have 915 white, 568 black, 49 other. I don't know what the other would consist of here. Ethnicity, there's four -- 324 Hispanic, 1208 non-Hispanic, and gender, which I thought I already gave you, I think I did, is 1367 males and 165 females.

And then I also have a chart of the length of sentence for County, people who are sentenced to County time. It's very long. I don't want to read it. Maybe I'll get you copies of it, because it's broken down by days, 15 or less. It goes to 730 days, so it would be too much for you to read, and you probably wouldn't absorb it anyway. So I'll get you a copy of that, though, okay?

LEG. GREGORY:

If I may, Madam Chair. Thank you. The nexus of my -- the question was just to kind of get in my mind, you know, what's the census, what's the top number, and how many of those people are actually serving County time versus those that are waiting -- you know, that we're holding for parole violations, or their courts for State time, and how we can kind of eliminate that other portion, as you referred to with the parole violators.

SHERIFF DEMARCO:

That's a big deal that we've been working on for years. So I'm going to send you all a copy of the legislation that's been submitted, just so you know. And, hopefully, when you have the opportunity to speak to State representatives --

LEG. GREGORY:

Okay.

SHERIFF DEMARCO:

-- you could help push.

LEG. GREGORY:

All right. Thank you.

CHAIRPERSON BROWNING:

Anymore questions? No? Well, I want to say thank you for coming.

SHERIFF DEMARCO:

One more thing. I just want to mention about the --

CHAIRPERSON BROWNING:

Oh, you've got something else? Go ahead.

SHERIFF DEMARCO:

I'm sorry. I know this is long, but the -- just want to give you an update on the discussion that we're going to have to have eventually on the future of the DWI facility. You know, while it's called the Sheriff's Alternative DWI Program, it's not necessarily alternative. It might be some sort of an alternative sentencing thing, but it's still -- these people are in the custody of the Sheriff in a somewhat secure building. But in a letter I received, I want to say in April, the State Commission of Corrections asked us to have a plan within six months to close the DWI facility because it's old, and they think its useful life is over. And, you know, while it could use some improvements, it's functioning fine.

So now we have a problem. What are we going to do with this program? Do we just take one of

these new pods and turn that into the DWI program and just give up 50-something beds in the DWI facility and just lose them? Then we just spent all this money in jail construction and lost a whole housing area. Or do we look at an alternative place for the DWI facility? Maybe build a new building, build a new trailer, or look at the -- possibly the Foley Center, the Foley building as a -- the new DWI facility. Or do we just look at how many people are served by it on a yearly basis? It is a very effective program, but let's look at the costs. New York State does give us some funding for it, but it doesn't come close to what it costs us. It takes us 15 correction officers at \$83,499 a year. I think we get reimbursed for three of them. We have two civilians that get reimbursed, but not their full salary. There are some counselors, and supplies, and travel expenses for a conference they go to that get reimbursed. But it costs the County \$357,000 to run the program.

In 2012, the program served 176 inmates. But it's my understanding, and I wasn't around in 1985, but from what I'm told from people who were, this program was started in '85, at a time when prison populations were kind of high, and this was -- the criteria to get in this program, it's not your first DWI you go into this program. So these are a lot of times people who would be eligible to be sentenced to State time, and by doing this, these people serve County time. And while it's a good program and it helps people, this is a decision and a discussion we're going to have to have. If we don't have a place to house this program, what do you want to do with it? And I think we need further discussion on it. And I would like to have an alternative building, you know. And if it is billed as somewhat of an alternative, if we move it inside the jail, what kind of alternative is it really, you know? So --

CHAIRPERSON BROWNING:

Yeah. I just actually spoke with George about the first item here, about assigning a County employee as an ATI Liaison. I think it's something that needs to be done. And I know -- I go to the CJCC meetings and I think, you know, there seems to be a disconnect. There's a lot of people who were not attending and who have not been attending the CJCC, which I'm, you know, talking to the County Executive's Office about doing an amendment to that. If there's people not showing up and never show up, then why should we have them on there?

And I know that Errol Toulon has kind of taken the lead with the committee, I think he's been doing a good job. I know he had the Judges come to talk about their programs. And I think, you know, that's an avenue to also work on making sure there's a connection with, you know, the courts, the District Attorney's Office. That's the place to do it, in my mind.

Real quick, on the mental health prisoners, do you get -- if you identify somebody as having mental health problems, obviously, I believe that you do have a medical unit that there's observation of prisoners when they came in, if you believe there's mental health problems. Is there any opportunity for any kind of funding if they're identified?

SHERIFF DEMARCO:

That would probably be a question for -- that I'd have to talk to the Department of Mental Health and Hygiene about. I don't know the answer. But, just so you know, it's not the Sheriff's Office that identifies people that have mental health issues. When they come in, you know, they're -- in some cases, our officers who are booking them can tell that there's something wrong, and -- but everybody gets a mental health screening by the Department of Mental Health, and then they are classified. And because of HIPAA laws, like we've -- when I first became Sheriff, we kind of were trying to get a handle on how many mentally ill were in the jail. And when they -- Dr. Geraci got back to us, the number like blew my mind. I think it was like 60%. But it's very hard, because of HIPAA Laws, to know what the exact underlying mental illness may be. And, in some cases, I think that they might just look at someone who's on some type of psychotropic drug and say, well, he's -- I'd have to categorize him. But there are inmates who take sleeping pills and that is considered a psychotropic, from what I'm told. So it's very hard to get a true -- a true number, so

it --

CHAIRPERSON BROWNING:

Well --

SHERIFF DEMARCO:

Dealing with the mentally ill is a very difficult thing for us and our officers.

CHAIRPERSON BROWNING:

You know, it's just, if we were to look at the Foley Facility and say, okay, you know, that we could have, you know, floors or a floor --

SHERIFF DEMARCO:

Well, studies have shown --

CHAIRPERSON BROWNING:

-- for prisoners with mental health, we could --

SHERIFF DEMARCO:

Studies have shown that people with mental illness do better when they're housed with other people with mental illness. I'm not talking about super severe people, but they just do better. And, unfortunately, because of our overcrowdedness and space constraints, we don't really have the option all the time to try and practice, have the best practice there.

CHAIRPERSON BROWNING:

You know, there might be the need --

SHERIFF DEMARCO:

So having a separate area for people like that would benefit them. They don't really do -- people with mental illness don't do well in confined spaces, and that's another reason while jail is probably not the best place for them.

CHAIRPERSON BROWNING:

It's just if you were able -- if you were able to do that and identify them, you know, then maybe they could fall under some other type of funding stream, because now they're getting help, so -- and, again, I know that there are some people with mental health issues just need to be back on their medication, whether they be paranoid schizophrenic, or whatever, but, you know -- and I know that some commit some serious crimes and probably do belong --

SHERIFF DEMARCO:

Yeah.

CHAIRPERSON BROWNING:

-- I don't want to say locked up, but, you know, incarcerated, or in some type of a controlled environment.

SHERIFF DEMARCO:

Well, there should be something, and it used to be Pilgrim and Kings Park.

CHAIRPERSON BROWNING:

Right.

SHERIFF DEMARCO:

And I think in your packet I put a copy of my testimony at Pilgrim, the Office of Mental Health Listening Tour I went and spoke at, because New York State, again, is looking to -- under the guise of best practices, and centers of excellence, and more community-based mental health treatment, and shrinking down the size of the institutions here in the State. And, I'll tell you, it's just a back-door unfunded mandate again on the County.

So I urge you all to, if you're interested in the mentally ill, and incarcerated mentally ill, and the effects on the County and their budget, please, take the time to read that.

CHAIRPERSON BROWNING:

No. I actually did see your comments and, you know, I agree, it's another way for another unfunded mandate. And we can talk about some of our communities that are being burdened. When they keep saying about putting them in communities, well, I can name you places in my District where it's become a problem.

SHERIFF DEMARCO:

Well, in theory, if you listen to what they're saying, it all makes sense. But, then, when you look at the dollars they're willing to invest, it's impossible for it to work with the dollars that they're putting into it.

CHAIRPERSON BROWNING:

Thank you. Legislator Horsley has a question.

D.P.O. HORSLEY:

Yeah, just real quick. You brought up the DWI Center and the like. When -- and you get this letter back in April. When is the Commissioner of Corrections -- as you say, is a sterling guy -- when is he going to close this; is there a threat there?

SHERIFF DEMARCO:

No, no.

D.P.O. HORSLEY:

Is there no time frame, no --

SHERIFF DEMARCO:

Listen, that wasn't the only thing in the letter. It was like a paragraph in a letter, that, hey, you know, now that this place is open, it's time to -- you know, "We'd like to see in six months a plan to close it." And I did call the Chairman of the Commission yesterday, but I haven't heard back from him, because I want to ask him and the other Commissioners to come down and take a look at the new jail, where we are, and also talk about our future a little bit.

D.P.O. HORSLEY:

Okay. So there's no like --

SHERIFF DEMARCO:

It's not --

D.P.O. HORSLEY:

-- "At the end of October, you better get this place closed, or we're gonna" --

SHERIFF DEMARCO:

Oh, no. It said to come up -- it said to come up with a plan, it didn't say, "You have six months to

close it." I believe, if I'm remembering correctly, it said six months to have a plan to close it.

D.P.O. HORSLEY:

Okay. And you're on schedule to have a plan?

SHERIFF DEMARCO:

Of course I am.

D.P.O. HORSLEY:

Yes, of course. Thanks.

CHAIRPERSON BROWNING:

Actually, Commissioner of Corrections, if you remember, was invited to come down and talk to us about the Phase II. I don't think anybody -- you haven't had a response back.

D.P.O. HORSLEY:

No, I haven't.

CHAIRPERSON BROWNING:

No response. And, out of curiosity, if he was to be aware -- I don't know if you're able to have a heads-up conversation with him to say, "Look, you know, we have, you know, John J. Foley. We're looking to consider that as retrofitting it for part of our Phase II," which could maybe help move things forward faster, and could, you know, close our DWI trailers and maybe put them in there. Would he be more -- I don't know if he'd more receptive to allowing you to keep the trailers a little longer.

SHERIFF DEMARCO:

Well, maybe, if there was a plan in place that they thought was reasonable and attainable. You know, it might be.

CHAIRPERSON BROWNING:

So you can -- you would need us to --

SHERIFF DEMARCO:

I think there was some flexibility in the past, so I --

CHAIRPERSON BROWNING:

Okay. So the bill that I laid on the table, you'd kind of need to see that done?

SHERIFF DEMARCO:

Yes. Yeah, right.

CHAIRPERSON BROWNING:

So that he can see there's a good faith effort?

SHERIFF DEMARCO:

I could show it to them, right. I mean, and that's the whole point of even doing this -- the study that I am recommending, you know, it wasn't my original idea, it was Legislator Hahn's, is -- because you can't just go to them and say, "Well, we don't want to build this new jail," when they say, "Well, you're overcrowded, what are you going to do? We'll take your variances." So you have to show that you are doing business differently, and not just show -- and we have to show results, or else it's very hard. I mean, since -- when I ran in 2005 the first time, Legislator Browning, I think we both ran on the same thing. We were like, this new jail is crazy, it's

tremendous, it's this, we don't need to do it, there's a better way, there's a better way, and, yet, here we are almost eight years later with the same conversation.

So, you know, there was a 2005 study done by people in the CJCC, and there were recommendations made, and I don't remember how many there were in it, but I'd love to sit down with everybody who -- where there's a recommendation and see what we really implemented. I bet you it's not a lot. And it's not any person's particular fault, it's just this whole big monstrosity that we have here in this County, and lack of coordination that we really have to pull together here.

CHAIRPERSON BROWNING:

What was the -- one of the things that -- because it's on the presentation list of issues, and it was corrections officers staffing, we haven't addressed that yet. And, you know, again, out of curiosity, no matter which way you go, the push is still there to do a Phase II. And whether we were able to retrofit John J. Foley or not, either way, and even putting in all the alternatives. And I'm sure they're probably still going to push some level of a Phase II. So how are we doing anyway in staffing for correction officers?

SHERIFF DEMARCO:

Well, you know, we're not looking at staffing at Phase II yet, obviously, but we -- I just want to let -- obviously, everyone knows that correction officers finally got their contract resolved through arbitration after five years. So once they --

CHAIRPERSON BROWNING:

But they're still behind.

SHERIFF DEMARCO:

Yeah, oh, they're still behind.

CHAIRPERSON BROWNING:

Yeah.

SHERIFF DEMARCO:

And I think everybody in the County is behind, but the -- once their contract was resolved, people started retiring. Other people said, "Well, I'm not leaving until I actually get my retro check in my hand." And I believe they got those back in May, maybe, the end of May, and people are leaving like crazy, and more than we predicted would leave. So I just wanted to give you an idea of what we're looking at here.

At the start of 2013, we had 896 filled CO positions. In March, we started a class of 36 new COs. And as of August 1st, we have 894 filled CO positions. So we actually lost two, even with that class, because of the high rate of separation. So, you know, another -- from 2000 to 2012, we averaged 23 separations from service from Corrections Division, and to date, we had 35 in 2013, so we're well above the average. And we anticipate five to 10 more, but, you know, you never know. And we're starting to get to a period where we have a bunch of correction officers who are all coming at the same time where they're eligible to retire. And in the retirement plan that correction officers are in, it's a 25 and out, basically. If they stay more than 25 years, they don't get extra service credit, unless they decide to switch retirement plans, and then they have to stay to a certain age. So that's right, Vito, right?

MR. DAGNELLO:

Correct.

SHERIFF DEMARCO:

Right. So there is an incentive a lot of times --

CHAIRPERSON BROWNING:

Vito. You're welcome to come up, Vito.

SHERIFF DEMARCO:

If you're not planning to -- you know, to work until you reach a much higher age, a lot of times, at 25 years, they're just saying, "Oh, I'm going to go." So it's hard for us to say -- you know, we say five to 10 more. We could -- it could be more.

CHAIRPERSON BROWNING:

Yeah, but -- and I think it's hard. I mean, they do say it's one of the toughest jobs in law enforcement is a corrections officer, the stress and, you know --

SHERIFF DEMARCO:

If you don't have an incentive to stay, why are you going to stay?

CHAIRPERSON BROWNING:

Well, I think spending 25 years in a jail is no better -- no better for them than it is for the prisoners, so I certainly understand why they'd want to leave in 25.

SHERIFF DEMARCO:

This is a chart on the staffing that we'll leave for you here, so in case you have to -- I just want to let you know what -- I know the budget's coming up and stuff, and we had in this year's budget planned for a class in September, but we haven't heard anything yet, so.

CHAIRPERSON BROWNING:

What is your overtime budget right now?

SHERIFF DEMARCO:

Where are we at? Off the top of my head -- where's Mike?

MS. ORTIZ:

We need it on the record. I'm sorry.

CHAIRPERSON BROWNING:

I need him to come up on the record.

SHERIFF DEMARCO:

I'll say it.

CHAIRPERSON BROWNING:

Do you have a class that you -- you know, you're doing investigations and everything right now on a -- for a new class?

SHERIFF DEMARCO:

Yeah, we were planning for September, but, obviously, with what's going on with the budget --

CHAIRPERSON BROWNING:

So you're going through the process.

SHERIFF DEMARCO:

Yeah, we're going through the -- we'll be ready, but it just -- you know, I'm sure the Police Department's waiting for -- to see if they're going to be doing something, too. We're just waiting.

CHAIRPERSON BROWNING:

In a perfect world, how many do you need, or would you -- are you kind of hoping for in September?

SHERIFF DEMARCO:

It was for 50 in September. I think we wanted more even in the March class, but it just -- it's the reality of what's going on right now.

CHAIRPERSON BROWNING:

Right. And so overtime budget?

DEPUTY WARDEN FRANCHI:

My name is Deputy Warden Franchi. Right now, we're projecting between 23 and 24 million for the year.

CHAIRPERSON BROWNING:

Just for overtime?

DEPUTY WARDEN FRANCHI:

(Nodded yes).

CHAIRPERSON BROWNING:

You know, what did we budget for overtime?

DEPUTY WARDEN FRANCHI:

Approximately 17.

CHAIRPERSON BROWNING:

I can't hear you. You might want to bring --

DEPUTY WARDEN FRANCHI:

Approximately 17 million.

SHERIFF DEMARCO:

I mean, we -- just so you know, we did -- that's the adopted number, that's not what was requested. And we were on the record back then that that was going to be low. Just the -- the number, that 17 million dollar number, was also predicated on having classes earlier in the year, which never materialized, and so -- and this happens every year. Unfortunately, it's never what -- never goes to plan. So the -- you know, the opening of the new jail in April costs a lot of money to open, too, because part of the staffing plan that was approved by the State, so we didn't have to hire as many people, was taking some of the officers who work in the old part of Yaphank, when we close those dorms, they would be transferred to the new part while they were being rehabilitated or renovated. But, you know, it took about six weeks to move into the new jail, and so you had both housing areas open at the same time, and that's, you know, the State's plan, so.

CHAIRPERSON BROWNING:

Okay. So you projected 17, and your overtime budget was 23. So how many corrections officers could we get for six million, ballpark? Yeah, I knew I was going to ask you something you wouldn't be ready for.

DEPUTY WARDEN FRANCHI :

First of all, we didn't project 17, we actually projected 25. We're going to come in under what we projected.

CHAIRPERSON BROWNING:

Okay.

DEPUTY WARDEN FRANCHI :

But we were given 17. As far as six million, correction -- a correction officer makes 84,000 a year, approximately.

CHAIRPERSON BROWNING:

So we don't have anybody who could give us a number? John, probably. Pressure. No pressure (Laughter).

MR. ORTIZ:

Seventy-one.

CHAIRPERSON BROWNING:

Seventy-one corrections officers would cost us six million, and you're only asking for 50. So that would have saved us a whole lot of money if we had hired the officers. So I can't -- here we go, bad budgeting. But, anyway, anyone else have questions? Go ahead, Rob.

LEG. CALARCO:

Sheriff. And I wanted to echo some of the comments of my colleagues about the ATI programs and what you're looking to do, and thank you for taking the lead on that.

In regards to the staffing levels, I know one of the issues that has come up, and I've heard a couple of times from some of the employees that have concerns with the new jail, and having the one individual in each pod. Are you looking at that policy right now and considering whether or not it would be prudent to place another officer in there to have, I guess, a set of eyes on each other's backs, so they're not necessarily in there all by themselves?

SHERIFF DEMARCO:

You know, I've been approached by Vito Dagnello to sit down and have a discussion about it, because his officers obviously are complaining to him. You know, this is the staffing that was set by the State Commission. This is direct supervision. You know, the Union's argument is the different types of classification we have in there. And, you know, we just opened this building and, you know, we're still working our way through some issues. It's something that I'm going to talk to him about. And, you know, obviously, the safety of our officers is our number one concern here. We want them to be comfortable. We want them to be able to do their job the way they're supposed to do it. But there is -- you know, this concept is done throughout the country. Some places might have two, but just understand, you know, maybe we might have to do two some day. I don't know. But there is a significant cost to doubling up.

CHAIRPERSON BROWNING:

And, again, I --

SHERIFF DEMARCO:

But, you know, we'd like to try and -- you know, maybe there are -- maybe there are -- the staffing that was set by the Commission is the minimum. So, you know, we do have the ability to say, "Oh, we're going to put two in there," but it would, obviously, cost a lot of money, and that 23 million figure would go up. But there are other posts in that facility that maybe can be reviewed, and

maybe those posts could be eliminated, which I'm sure is not what Vito's plan is, but -- and maybe those people could be better utilized in a different post with somebody else, but, you know, I don't know if that's feasible. I don't know if the Commission would give us that latitude, or, you know, we could just decide to pump more money into it.

CHAIRPERSON BROWNING:

I think what we don't want to see is something serious happen to a corrections officer.

SHERIFF DEMARCO:

No, I agree. No one wants to see that.

CHAIRPERSON BROWNING:

And I know that we -- you know, some of the people that are in there are not the best people in the world.

SHERIFF DEMARCO:

Right.

CHAIRPERSON BROWNING:

A lot of them aren't, because that's why they're there.

SHERIFF DEMARCO:

Yup.

CHAIRPERSON BROWNING:

But, you know, again, it's --

SHERIFF DEMARCO:

In the end --

CHAIRPERSON BROWNING:

You know, somebody could get seriously hurt. I mean, looking at incidents that are occurring now that you have the pod system, I know it's early, but, definitely, I think it's something we have to seriously look at.

SHERIFF DEMARCO:

Well, you know, in the -- you know, we work very well with the Correction Officers Association, and most of the time we're able to resolve things where we both get a little something and everybody's happy, so we'll plan on doing the same thing.

CHAIRPERSON BROWNING:

Okay. And is it just sometimes maybe in a pod you might have a few individuals that you realize they shouldn't be in that pod system, and they need to be moved to a more secure --

SHERIFF DEMARCO:

That happens, yeah, and that's, I think, one of the issues, so, yeah.

CHAIRPERSON BROWNING:

Okay. Well, I appreciate it. There's no more questions? No. So -- well, thank you, Sheriff. I know that Kara and I will both be reaching out to you, because, obviously, the first issue here we're going to -- like I said, I've spoken to George about -- maybe that's something that we should be doing, is putting in a resolution for that. And, also, the ATIs, having an independent study, we can look at that also.

Like I said, we were asked to hold off on it. I think the bill timed itself out, if I'm not mistaken, right? So I think when it's timed out and nothing's happened, and we're not seeing any kind of movement, then maybe it's time to put the bill back in again.

So, with no more questions, I appreciate it, and we'll be in touch.

SHERIFF DEMARCO:

Okay. Thanks.

CHAIRPERSON BROWNING:

I have been asked to take a recess. Oh, actually, I shouldn't -- I do have another issue, if everybody doesn't mind. I know we want to recess. I do have a question, Patrice, if I could. Yeah, does -- do the Police Department have anything that they need to report? No? But I do have a question for Patrice regarding the former SOAR Program. Yes, Tom?

MR. VAUGHN:

Legislator Browning, you asked if the Police Department had anything to report. They do not, but we did just want to make you aware that there's a grant that will be coming forward for, I believe, 1.1 million dollars as a CN on Tuesday to accept some grant funding for the Police Department. So we'll be filing that bill and bringing it forward to you guys. So, as Public Safety, we just wanted to make the Committee aware.

CHAIRPERSON BROWNING:

Okay, thank you. I know that we have had a conversation. I know the RFP went out for the SOAR Program. I was very disappointed that Cornell is no longer able to continue the program. But, you know, I have since spoken to the responder of the RFP, now that it's been awarded. And, you know, we had the SOAR Program move to Cornell, to the Farm specifically, for some of the work that they do. And I'd like to know if we're going to be able to move forward with -- I know we've had a conversation, but to move forward with trying to cooperate with Cornell or coordinate with Cornell to put some of their 4-H Program into this, with the new contract.

I know I've spoken with Legislator Krupski, and I've always said that, you know, my brother-in-law is a farmer and his kids grew up on the farm. There is a totally different level of maturity with kids who live in that type of environment. And I know that with the SOAR Program, these kids love the 4-H Program. It was an incentive to them to get good grades, and I don't want to see the agricultural part being taken away from them. And, plus, the fact that it's at the Farm, I think it's important that we should continue to do something with these kids.

So, if you could kind of give me a little bit of information as to what we can do to make sure this moves forward, what kind of funding might we need to continue it.

MS. DHLOPOLSKY:

Good morning, everyone. There is a tentative award of the contract. There were two bidders. There is one who was tentatively awarded the contract, assuming that the -- there are -- certain issues involved can be resolved. So that is not definitive yet in terms of the person -- the entity that will have the contract; that there are ongoing meetings with the Farm itself in terms of incorporating some of that program into the -- what will be the continuing Juvenile Day Reporting Center, so that will be continuing going forward.

So, at this point, it's, you know, a little preliminary to discuss that, because we have to make sure we have the vendor in place and then go into those discussions. But, yes, there are certainly plans to keep that agricultural aspect continuing.

CHAIRPERSON BROWNING:

Good. I don't know if anybody else here has -- have any of you seen the SOAR Program or --

LEG. CALARCO:

(Shook head no.)

CHAIRPERSON BROWNING:

Okay, because I loved it, I think it's great. And when I met with the kids and talked to the kids about the program and how much they enjoyed being able to grow things from seed, you know, actually having to deal with -- some people may think it sounds crazy, but the fact that they were in touch. Many of these kids have absolutely no experience, and I think it's a life skill for them also.

So, you know, I'd like you to just stay in touch with me, let us know. Like I said, Legislator Krupski, being a farmer, has a big appreciation for that type of work. So I -- you know, I really need you to stay in touch with us to let us know what we need to do to make sure that we keep that going. Okay?

MS. DHLOPOLSKY:

Certainly.

CHAIRPERSON BROWNING:

Thank you. Anything else to report?

MS. DHLOPOLSKY:

We continue to do the best we can. I will say, in terms of the issue that was brought up about probation officers and the number of staff, I will note that in terms of public safety concerns -- as you know, I became Director officially in April, and at the beginning of June we created intensive supervision caseloads, 10 of them within our main supervision offices, to make sure that those who score at the highest risk level on a validated risk assessment instrument receive much closer supervision, and so, you know, we're certainly attentive to the public safety risk. As to the numbers that she cited, I am not going to argue about those, they are the correct numbers.

And, certainly, I cannot help but state that Sheriff DeMarco certainly stated that Probation staffing is essential to the -- being able to well carry out any programs that we plan and put in place.

CHAIRPERSON BROWNING:

Okay. Well, thank you. Any questions from anyone? No? Okay.

MS. DHLOPOLSKY:

Thank you.

CHAIRPERSON BROWNING:

Well, thank you, Patrice. And I know that we all received a copy, I believe everyone received a copy of the Police Department's hurricane preparedness? I know I got an e-mail; I did read some of it. I didn't get to actually look at everything, but there were a few things I had questions about. I don't know if anybody from the Police Department that's here right now has anything. Captain, do you -- who is actually -- do you know who's in charge of the -- overseeing any hurricane preparedness plans.

CAPTAIN HARDY:

Good morning, Madam Chair and Members of the Committee. Yes, that's -- usually, we have a Homeland Security Division in the Police Department that kind of looks at the plans for hurricanes,

and it gets carried out by our Patrol Division.

CHAIRPERSON BROWNING:

Okay. Because, you know, the last incident, I know, DuWayne, your District and mine both, we had a lot of issues with looting. And I know it took everything with the National Guard, it took State Troopers, and Deputy Sheriffs, the Police Department, all working to protect the community. And, you know, at first glance, I didn't see anything about coordination with other levels of -- or other agencies.

So I'm not going to put you on the spot and ask you a lot of questions, because I haven't read the entire plan, but I think that might be something that we -- you know, I'd like to get some answers on, is has there been any meetings. Or, you know, I talked about the towns and villages. You know, has there been any coordination or discussion with them, you know, in the event of something happening?

CAPTAIN HARDY:

Well, I know our Homeland Security people meet regularly, and communication, obviously, is a key on any issue related to a major incident. So I know these guys work regularly with FRES and with other agencies, and communication with the local politicians and governments in the towns is key. But I can look into those issues for you to find out what has been -- being done on those issues.

CHAIRPERSON BROWNING:

Well, I think I'll give the Committee an opportunity to look at it. And if we have any questions, you know, we'll submit our questions to you. Okay? We -- oh, okay. Any questions from anybody? No? Okay. Well, thank you.

CAPTAIN HARDY:

Thank you.

CHAIRPERSON BROWNING:

We are going to recess. There's -- no one in the room needs to stay. There was some Legislators that were actually in the building and didn't get to place their vote, so we'd like to take a recess, so we can reconsider the bills again for their vote, until 12 o'clock. It's 20 past 11 right now, so we'll recess until 12. And, like I said, there really is no necessity for anyone else to stay. So thank you. So I will make a motion to recess.

MR. NOLAN:

No, just recess.

CHAIRPERSON BROWNING:

Don't need the motion? We're recessing.

*(*Recess was taken from 11:19 a.m. to 12:10 p.m. *)*

Okay. I believe we are back on the record. We do have everybody in the room now, I guess, right? This is a great Public Safety meeting this week.

Okay. So we'll go to tabled resolutions. I'd like to make a motion to reconsider ***I.R. 1197 - Adopting a Local Law, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman)***. Do I have a second?

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second to reconsider the motion, Legislator Calarco. All in favor? Opposed? Abstentions?
(Vote: 6-0-0-1/Not Present: Legislator Muratore).

It is now up again for reconsideration. ***I.R. 1197 - Adopting a Local Law, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).*** I'll make a motion to table.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Opposed.

LEG. SPENCER:

Opposed.

CHAIRPERSON BROWNING:

Two oppositions, Legislator Gregory and -- sorry, Gregory and Spencer. The motion is tabled.
(Vote: Tabled 4-2-0-1/Absent: Legislator Muratore)

Okay. ***I.R. 1448***, I'll make a motion to reconsider, second, Legislator Calarco. All in favor? Opposed? Abstentions? It is up for reconsideration.

Okay. I'll make a motion to table ***1448 (Approving the appointment of Nicholas Luparella III as a member of the Suffolk County Fire, Rescue and Emergency Services Commission).***

LEG. SPENCER:

Second.

CHAIRPERSON BROWNING:

Do I have a second? Second, Legislator Spencer, to table. All in favor? Opposed? Abstentions?
(Vote: Tabled 6-0-0-1/Absent: Legislator Muratore). It's tabled.

John, just in case you didn't know, he wasn't here, so he wasn't able to come. It's an appointment.

LEG. KENNEDY:

Oh, yes, that's right.

CHAIRPERSON BROWNING:

So --

LEG. KENNEDY:

Thank you.

CHAIRPERSON BROWNING:

Okay. Introductory Resolutions: ***I.R. 1508***, I'd like to make a motion to reconsider; second,

Public Safety 7/25/13

Legislator Kennedy. All in favor? Opposed? Abstentions? **(Vote: 6-0-0-1/Absent: Legislator Muratore)**

I.R. 1508 (Adopting a Local Law, a Local Law to require the use of safety helmets by all bicyclists in Suffolk County (Barraga). Motion to table for Public Hearing; second, Legislator Calarco. All in favor? Opposed? Abstentions?. It is tabled for Public Hearing. **(Vote: Tabled 6-0-0-1/Absent: Legislator Muratore)**

I.R. 1509, I'll make a motion to reconsider; second, Legislator Kennedy. All in favor? Opposed? Abstentions? It is up for reconsideration. **(Vote: 6-0-0-1/Absent: Legislator Muratore)**

I.R. 1509 (Reappointing William J. Sanok as a member of the Suffolk County Vocational, Education, and Extension Board (Krupski). I'll make a motion to approve; second, Legislator Calarco. All in favor? Opposed? Abstentions? It is approved. **(Vote: Approved 6-0-0-1/Absent: Legislator Muratore).**

And with that, I'll make a motion to adjourn; second, Legislator Calarco. All in favor? Opposed? We are adjourned.

LEG. SPENCER:

Madam Chair, thank you for your consideration. Thank you.

CHAIRPERSON BROWNING:

We love to consider everything.

(THE MEETING WAS ADJOURNED AT 12:13 P.M.)