

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, March 14, 2013 at 9:30 a.m.

Members Present:

Legislator Kate Browning, Chairperson
Legislator Robert Calarco, Vice-Chair
Legislator Kara Hahn, Member
Legislator John M. Kennedy, Member
Legislator Tom Muratore, Member
Legislator William Spencer, Member

Not Present:

Legislator DuWayne Gregory, Member

Also in Attendance:

Deputy Presiding Officer Wayne Horsley, Legislative 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
Tom Vaughn, County Executive Assistant
Katie Horst, County Executive Assistant
Patrice Dlhopsky, Acting Director, Suffolk County Probation
Daniel delValle, Probation Officers Association - Delegate
Suzanne McBride, AME, Police Emergency Unit
Paul Perillie, Aide to Legislator Gregory
Kevin LaValle, Aide to Legislator Muratore
Lora Gellerstein, Aide to Legislator Spencer
Debbie Tinnirello, Aide to Legislator Hahn
Bobby Knight, Aide to Presiding Officer Lindsay
Michael Finland, AME, Executive Vice President
Kevin McEvaddy, AME, Legislative Affairs
Michael Sharkey, Chief of Staff, Suffolk County Sheriffs Office
Russ McCormick, SOA
John Cowie, SOA
Tracy Pollak, Suffolk County Police Department Headquarters
Gerard Hardy, Captain, Suffolk County Police Department
Hank Mulligan, Suffolk County Police Department
David Vidal, Police Civilian, 5th Precinct, SC Police Department
John Skippon, Police Civilian, Suffolk County Police Department
Anthony Prudenti, DSPBA
Other Interested Parties

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Minutes Taken By:

Lucia Braaten, Court Stenographer

Minutes Transcribed By:

Kim Castiglione, Legislative Secretary

(The meeting was called to order at 9:46 a.m.)

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

CHAIRPERSON BROWNING:

Okay. Good morning. We will begin the Public Safety Committee meeting with the Pledge of Allegiance led by Legislator Calarco.

Salutation

CHAIRPERSON BROWNING:

And if we'll stand for a moment of silence in honor of the men and women who protect our country.

Moment of Silence

CHAIRPERSON BROWNING:

Thank you. Okay. I have received correspondence from our Commissioner, Joe Williams, who will not be able to attend. He's attending a FEMA meeting, so I know he's still very busy. We do have one card, I'll start with that. This is David that's going to do the presentation? David Vidal, do you want to get up and speak? David, are you going to join them on the presentation or you just want to --

MR. VIDAL:

I'll also join them on the presentation.

CHAIRPERSON BROWNING:

Okay.

MR. VIDAL:

A little introduction. Okay. Good morning to all the Legislators here today. My name is David Vidal. I'm the First Vice President of AME's Police Civilian Unit. I'm here today to discuss the problems with salary and staffing with the Suffolk County Police Detention Attendants, also known as PDAs. We work in the 3rd, 4th, 5th and 6th Precincts. Our 1st and 2nd Precincts do not have attendants due to the smaller cell blocks.

Due to the grade of our position, which is our number one problem, new PDAs that are being hired are leaving for better paying jobs, which is causing a constant staffing problem in our precincts. I have submitted to Civil Service a classification package back in 2009 that has not yet been heard, and remains stuck in that position. PDAs, including myself with 30 years, have been stuck at the same pay grade for many years now. New PDAs are leaving immediately because the pay grade of the position is only at a grade ten, one of the lowest in the County.

PDAs, meanwhile, save the County thousands of dollars each year by assisting Police Officers every single day. Police Officers remain on the streets and on desk duties knowing that they don't have to watch prisoners because of the PDAs in the cell blocks.

Prisoners are transported to and from court, along with Police Officers, each and every day. And if you watch TV, which you probably have, you see PDAs transporting high profile prisoners to court each and every day.

Most precincts watch about eight to 9,000 prisoners a year with the exception of the 3rd, which gets about -- gets prisoners from the 1st and 2nd Precincts also, and they watch about 11 or 12,000 prisoners a year. The shortage of the PDAs is also creating a safety risk in our cell blocks having

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one PDA watching 10 to 20 prisoners at a time, especially during the busy summer months.

I also want to stress that the cycle of the County titles have -- which have in common. 911 Operators, which take the calls, leads to the Police Officers responding to the calls. After the Police Officers do their process in arresting prisoners, which is a constant stress, it falls down to the PDAs, who search, lodge, guard and transport the prisoners and also have the stress of the other positions. Remember, the cycle will not change and should be fixed as soon as possible. Whether crime is up or down, there will always be prisoners in Suffolk County.

There is a need for PDAs. I believe that the selling salary of the PDAs should start at a grade 13 and be increased to a grade 15, similar to that of the PSD Dispatchers after five years of service. Both positions have great stress levels and are vital positions with the Suffolk County Police Department. I believe our PDAs do a fantastic job with the numbers we have, and I hear from PO's in the other precincts who state to me that they wish they had us by them. I believe this is public safety and I thank you for your time. Thank you.

CHAIRPERSON BROWNING:

Thank you, David. And I'm sorry, what precinct do you work out of?

MR. VIDAL:

I work for the 5th Precinct.

CHAIRPERSON BROWNING:

The 5th, okay.

MR. VIDAL:

In Patchogue.

CHAIRPERSON BROWNING:

Anyone have any questions? No? Suzanne McBride.

(The following was transcribed by Lucia Braaten, Court Stenographer)

MS. MC BRIDE:

Good morning, Ladies and Gentlemen. Most of you know me, I'm Suzanne McBride. I'm President of the AME Police Emergency Unit, representing the 911 workers in the Police Department.

I appeared here back in November to explain to you our short-staffing issues; I'm just here for a quick update. The day I appeared here back in November, immediately 11 SCINs were signed. Five of those were promotional, and the rest were to hire Dispatchers and Emergency Complaint Operators. As of today, those positions are still unfilled. I am told as of yesterday that, hopefully, they'll be starting training in the next two weeks or so.

However, in the meantime, we've had two more retirees. I mentioned one the last time I was here back in January, and we have another Dispatcher who put in her papers and will be leaving us in two weeks. So with the 11 SCINs that we have signed, we'll end up with one less person than we had back in November when I first appeared here.

So I am here today to appeal to you once again to please try and get us more people, and also to work on renewable SCINs for our job titles, because these two that have retired, if we had renewable SCINs, could be filled immediately out of the group of people that they're currently canvassing for the SCINs that we have.

Once again, I thank you very much for your time and your interest and your support.

CHAIRPERSON BROWNING:

It's my understanding, I think I received some information, that you're actually -- we had the meeting here, we were told it was 11 SCIN forms were going to be signed. However, you're four less now than what you were before the SCIN forms were signed; am I correct? There's four.

MS. MC BRIDE:

I believe we are, yes.

CHAIRPERSON BROWNING:

Okay. Legislator Hahn, and Legislator Kennedy after that.

LEG. HAHN:

Okay. They signed the SCINs back then. Now we were under the impression that those individuals -- I mean, we knew it would take a while for training and they'd be in place the beginning of April. So how long is the training?

MS. MC BRIDE:

The training will be approximately four to six months once they hit our floor. They're not even training yet, they're still going through the process to be hired. I'm under the understanding that right now they're waiting for the results of some psych evaluations and background checks, I believe, that are holding things up. And once those go through, they can actually pick the people that will be hired and then begin the process to train them.

LEG. HAHN:

Okay. So we need at least two more SCINs signed immediately for the two retirees.

MS. MC BRIDE:

For the two retirees. They also plan on promoting three Dispatchers, which will leave us three more short, which is --

LEG. HAHN:

Okay, so five. And we also were promised that we would get the tour by members of the Executive's Office, go down there, and the Performance Management Squad to be in there to determine -- because five might not be enough right now. I mean, we were told this would be investigated and we'd have an answer from the Executive's side on what is the real need. It looks like we have someone in the audience from the Executive's side. Do you have any information for us, Tom?

Wait, wait, wait, don't go anywhere. We're not -- yeah, we're not done.

MR. VAUGHN:

Good morning, Members of the Committee. Tom Vaughn from the County Executive's Office. Yes, Performance Management has been over to the Call Center. They have been -- pardon me. They have been working with and talking to Commissioner Webber quite frequently to address this issue. There is --

LEG. HAHN:

So what are the actions you've taken as a result of Performance Management being there? Because it sounds like they're short additional now. We're not -- we haven't improved -- I mean, we had a pretty heated discussion in December about this. We were promised action to -- we understood it would take a little while, but it doesn't sound like we have action really happening here.

MR. VAUGHN:

I actually disagree with that. We have that action. We did sign the SCIN forms immediately. Part of the problem, as I have been told, and I can ask the Police Department to verify this, but the interviewing process does take a long time. If the holdup right now is in background checks and other things, those are -- those things take time to work through the process. We can't speed that up. I'd love to, but I'd also like to make sure that we get the right people in there.

LEG. HAHN:

Okay. So then --

MR. VAUGHN:

Okay? But -- hold on, if you don't mind. I apologize, I didn't mean to interrupt. As I said also, the Performance Management has been there and they are looking to address the issue. One of the ways that they think -- one of the problems that they think might be going on is actually perhaps a technology problem. So we're seeing if there's possible technological reliefs that can be provided as well.

We would all like this situation to be resolved tomorrow. I would like to do it, you would like it, we would all like it. The situation is not being ignored, it's not being -- it's not being swept under a rug. I had a conversation with Mr. Finland this morning who was talking to me, and I believe he could also verify this.

MR. FINLAND:

(Nodded yes.)

MR. VAUGHN:

Given the current pace of the interview process, and my understanding is that one of the busiest seasons that the 911 Operators are going to run into next is the weekend of 4th of July, given the way that the process is progressing, we should be able to be hopefully providing some relief by that point in time. Is that ideal, is that acceptable to this committee? Quite frankly, I don't know. And I understand the concern and the frustration; I'm also concerned and frustrated by it.

The issues about the new retirees that have been brought up today, I will be happy to go back and speak with the -- speak with the Administration about that.

LEG. HAHN:

Okay. I'm sorry, George, I'm going to slightly put you on the spot here, and I know I asked this a while ago. We -- I did ask and look into and want to know more because I really think we have to think this through as a committee, as a Legislature. But I want to understand why we can't have some sort of automatic backfill and/or just -- I mean, we know this is a problem. We're not talking about your average County worker here. These are critical, you know, individuals. What's the term we used during the storm?

MS. MC BRIDE:

Essential personnel?

LEG. HAHN:

Essential personnel. We can't allow a six-month training period to make people have to work and not be able to pee, okay? Like this is ridiculous. We can't live -- they can't live like this any longer. But what we put them through during storms should be extraordinary circumstances, not everyday life for them. And we have to figure out if it's -- we treat them like CPS workers and they are automatically backfilled. We have to figure out if we have extra people working because you can't deal with this -- can't figure out how to deal with this situation. I mean, I just -- I don't get it.

Can we hire back temporarily retirees that may want to help with this load until you, you know, get people on in July? This is very frustrating to us, because I don't think we can make it any clearer how much we support what they're -- you know, making sure that they're properly staffed. And that snowstorm with -- you know, I just -- I'm beside myself now, and I don't -- you know, I don't -- no disrespect intended. However I --

MR. VAUGHN:

None taken.

LEG. HAHN:

I want -- I just want it to be clear how important this is to us. And we're very frustrated that this same problem seems to come up over and over and over again. And we have to have a more systemic solution or a solution that addresses the issues we're talking about and not just let's wait until we have ten fewer people than we need to decide to handle it.

MR. VAUGHN:

If I may, I am -- again, I have never been opposed to following up and have followed up. And I know that it is something being looked at, the idea of systematic refills. But even with systematic refills, there is still going to be a delay. There's a delay in the interview process and there is a delay in the hiring process. It's one of the -- and I don't think that anybody knows that better. Certainly, I would imagine that you know it better than I do, ma'am. Quite frankly, I'm sure that you do, and I'm sure that Mr. Finland knows it better than I do, about how long it takes to make sure that the people go through the background process, that everything is checked up on, because it's also important that we're bringing the right people in here.

And your idea about looking to see if retirees can possibly provide some relief, it's an excellent idea, and, again, I will be happy to speak with the Deputy County Executives about it.

LEG. HAHN:

Temporarily, of course.

MR. VAUGHN:

Of course.

LEG. HAHN:

We can't wait until we're down 10 to decide, or 20, or whatever it is, that we're so understaffed that they're crying and they can't get up from their seat to decide that we have to do something about it. That's, you know, part of the point I'm trying to make here, too.

MR. VAUGHN:

I completely understand. And as somebody who frequently has to get up to use the restroom myself, I can't imagine being chained to the desk under the situations that they are, it sounds pretty horrific.

LEG. HAHN:

I reserve the right to ask more after my colleagues.

MR. VAUGHN:

I say it's coffee.

CHAIRPERSON BROWNING:

Legislator Kennedy.

LEG. KENNEDY:

All right. Ms. McBride, I'm going to start with you. And I guess the first thing that I'll do is, is apologize to you, I guess, because you came to us in November and we gave you the indication that we would use our best efforts to go ahead and make things better for you. Clearly, that hasn't happened. As a matter of fact, they've gotten worse. We failed, I failed. So today what I'm going to do is, is I'm going to ask Counsel to draft a resolution to lay on the table on Tuesday to grant a committee, out of this Public Safety Committee, to use our I.T. resources to identify what's going on. Quite frankly, I think that's a bunch of crap. I don't think there's anything with the technology at all. Or if there is, then guess what? We got multiple millions of dollars that went down the drainpipe.

Secondly, what I am going to say is, is in my Legislative District, during the Nemo Storm, from 8 and 9, February 8 and 9, we had 47 stranded motorists that 911 did not contact to Nesconset Fire Department, I confirmed it yesterday afternoon with the Commission Chief, for an unacceptable 14 or 15 hours.

This goes far beyond you, ma'am. I appreciate you coming here, but, quite frankly, I reached out to both Commissioner Webber and Chief Burke yesterday to let them know I was going to want some kind of answers from the Department. And I believe it goes well beyond where you're at. Your people did an admirable job, an excellent job in that storm. Quite frankly, you're under-resourced, and we were told about the fact that there would be an issue here three months ago. And, as usual, we were asleep at the wheel with no kind of action to go ahead and address and remedy.

As I said, I will work with Counsel, we will put the item in, and we will take control regarding putting the adequate and sufficient number of personnel into that department if we have to go ahead and bypass the SCIN process as well, because it is unacceptable to have that kind of a failure to go ahead and to put people in place.

Let me go to BRO, if I can for a second, Madam Chair. John, how much money do we have in Fund 102 right now?

MR. ORTIZ:

The total amount, I'm not sure. I could get that for you, though.

LEG. KENNEDY:

All right. Well, I understand that the vacancies are what, 10, 11, 12, 14, how many?

MR. ORTIZ:

There are 28 vacancies.

LEG. KENNEDY:

Okay, 28 vacancies. Is there any money in Fund 102 to fill positions?

MR. ORTIZ:

The budgeted 110, or the Permanent Salary Accounts, have a surplus of about \$600,000.

LEG. KENNEDY:

Okay. So it's not the money, we get that. You know, everybody pays their surcharge on a cell phone, they paid a surcharge on the land line, and it's with the expectation that 911 is actually going to work. So here, clearly, the money is there.

I hear about the vetting and the screening of the personnel, but, quite frankly, that's not acceptable. If we want to go through and make sure the right people are in there, absolutely, we should. But guess what, maybe we interview twice as many or three times as many as you normally schedule so we can bring the people in and train them. And the conventional training cycle at this point won't work. We have to go ahead and we have to accelerate the training. Maybe we even have to pay them a little overtime on training so they can go to work with Ms. McBride's section there and do the job. It's just that simple.

I'll be happy to go ahead and work with my colleagues, identify those recommendations, put them in place. And I will not, absolutely will not wait for action from the other side that's not forthcoming. Thank you.

CHAIRPERSON BROWNING:

Okay. Anyone else? I don't think -- I think you heard the message very loud and clear. John, even with a cold, you sound louder. But I have to say, I agree with my colleagues. We sat here and we heard about the shortage. There is a serious shortage. I got to go tour and I sat with I believe it was the Third Precinct Dispatcher, and talking about, "Well, what do you do if you need to go to the bathroom?" And she says, "Well, if there's somebody available to take over for me." That's employee abuse to sit there and be told that you can't go anywhere because there's nobody to relieve you. And, you know, I know there's supposed to be -- Suzanne, there's supposed to be a floater who goes around, right?

MS. MC BRIDE:

There's supposed to be a sufficient number of break people to do meals and to give breaks. However, if we run short on the 911 side, or if the phones are busy because of an extreme amount of calls, we end up pulling our break people to answer phones, so no one can get a break.

And if I could just add one more comment to Legislator Kennedy's. He mentioned all the people that were stranded in -- over by the mall, in that area. We also had one of our 911 Operators on her way to work for the midnight shift, got stranded for 20 hours in her car up in the Rocky Point, Sound Beach area somewhere, so we are not immune to that.

LEG. KENNEDY:

Please, don't let me minimize what happened as far as the magnitude of the storm itself, everybody suffered from that. You know, Smithtown, we had the plowing issues. My friends in Brookhaven, we had the plowing issues. I'm not trying to minimize that it was an extraordinary event, that's for sure. But I've got it in black and white, and I've shared it with a couple of my colleagues, and I'm going to pass it to everybody else, about a very specific, clear breakdown in function from 911 back out to the local department to engage the personnel to do the rescue. We're damn lucky somebody didn't freeze to death. And, clearly, clearly, there is something that was amiss, something that was awry. It goes once again to the fact that you are critical public safety personnel and we are asleep at the wheel. We're not doing the job. My constituents don't expect that, nobody else expects that, and I'm tired of hearing about the Management Team and the hype and the rhetoric and the mumbo, now we'll fix it.

MS. MC BRIDE:

Thank you very much.

CHAIRPERSON BROWNING:

Thank you, Suzanne. So, I guess, no more questions. But, hopefully, you can come back with a response sooner than later and make sure our 911 Operators are -- and I agree, is there some -- there has to be some way, especially if we have the money available, to do some kind of a backfill, an immediate backfill, because, not to minimize any County employee's job, but this is

definitely -- it's a much needed position. So we have the backfill of CPS, which was just said, and we need them. However, this is also another department where we shouldn't be running short.

MR. VAUGHN:

Legislator Browning, I have the deepest respect for this committee, I have the deepest respect for you and the members of this committee. I have the deepest respect for Legislator Kennedy and understand his passion over this issue. I disagree with some of his statements. I don't think that our efforts have been crap.

I do think that even Suzanne spoke about some of the technological issues, for example, 852-COPS, those calls being routed to 911, front desk calls being routed to 911. That -- when we're talking about providing relief, those are some of the solutions that we are actively looking at and pursuing.

Look, every single one of us wants a faster solution to this. None of us are ignoring the problem. The ideas about backfilling, automatic backfilling, the ideas about bringing in retirement, they are all great ideas and all ideas that we will be pursuing and seeing whether or not they can be implemented. And, unfortunately, it is a process that both Civil Service, AME and the 911 Operators themselves can tell us take some time. And nobody wants to hear that it takes some time, and I hate the fact that I have to come to you and tell you that it takes some time, because it's a lousy answer and it's a lousy excuse, but it's not an excuse sometimes. Sometimes facts are just facts and things take too long, this might be one of those cases.

So I do appreciate the indulgence of the committee. Allow me the opportunity to state our position on this. And, again, we continue to try and work towards a solution, because all of us do agree that this is a priority.

CHAIRPERSON BROWNING:

Okay, but taking time to resolve the issue, because when you hire the people, it takes time.

MR. VAUGHN:

Correct.

CHAIRPERSON BROWNING:

So a lot of times what we hear is, it's now a year goes by and we're still sometimes in the same position. I'm hoping that's not what I'm going to hear, is that we're going to have to wait for the whole year. Next year, God forbid, or I should say this year, you know, God forbid, we could wind up with another hurricane. What are we going to do? They're short. You know, snowstorm, anything can happen. So, before we get to that hurricane season, I'd like to know that we have adequate staffing, sufficient staffing.

I know we talked about the other issue with FEMA and getting additional personnel on board when a storm comes, but, again, it's not something that we can wait until next November. I don't want to sit here next year and have Suzanne or somebody from AME come in to tell us that, "You know what, we're still less people than what we were back then." And to say do more with less, that's great, but this is not a more-with-less department.

MR. VAUGHN:

And, ma'am, quite frankly, you've never heard me say "more with less" on this -- in this issue.

CHAIRPERSON BROWNING:

No, you haven't yourself.

MR. VAUGHN:

Absolutely not.

CHAIRPERSON BROWNING:

Kara, did you --

MR. VAUGHN:

Again, thank you very much.

LEG. HAHN:

That being said, and with all due respect, all of those very good ideas that you just outlined were all mentioned the last time we discussed this, but that also brings up another point. Essential personnel, before a blizzard, that we know is a blizzard coming, why was she driving to work? Why wasn't she in early? Why aren't these people brought in early? Why don't we have provisions for where they can sleep and we pay them? Like why -- you know, why don't we do that? I don't understand why we don't prepare for a storm where we have essential personnel. Why do they have to be working for 20-plus hours because relief can't get there, like -- or maybe we do, tell me, but I don't -- you know, I don't -- you know, how do we prepare for this?

CHAIRPERSON BROWNING:

I think Suzanne's got an answer.

MS. MC BRIDE:

I actually met with Commissioner Webber and Chief Burke just yesterday and we did discuss this very topic. I have been advised that there are now cots in the building for future storms. I've also been advised that in the event that we're unable to obtain food on our own because of local businesses being shut down, because we have no cafeteria, no food facilities within the building, that they will make provisions to have food sent over from the jail, which is next door. Those issues are being addressed. I have brought them to the Commissioner and the Chief in the past, and we are working on those issues. But we tried to get some of our members rides to and from work, but the Department was unable to get to us because of the blizzard. There was just too much snow for them to get to us.

LEG. HAHN:

Right, but we shouldn't be waiting until there's too much snow to determine that we need to have people coming in. I mean, we -- while maybe we didn't all understand there would be 32 inches, even 20 inches, which we knew for a very long time was coming, is not the kind of storm you want people driving in that are essential personnel; that, you know, we have to have a better plan, even if we pay a little extra, people's lives -- you know, businesses, and the County is a huge employer, need to let people go early when there is a blizzard coming, so they're not on the road in the middle of it. Did the County close early and tell their employees to go home early that day?

LEG. KENNEDY:

No.

CHAIRPERSON BROWNING:

No.

MR. VAUGHN:

Quite frankly, I don't know.

LEG. HAHN:

You know, there needs to be --

MR. VAUGHN:

Actually, Legislator, pardon me.

LEG. HAHN:

Safety needs to be priority one.

MR. VAUGHN:

I don't disagree with that statement.

CHAIRPERSON BROWNING:

John.

LEG. KENNEDY:

Yeah, I just have one more question for Ms. McBride. I'm sorry to keep getting you back up and back down from the podium.

You know, back in 1978, we had a pretty heavy-duty storm, and my wife was a triage clerk at that point in Mather Hospital. Mather actually sent four-wheel-drives out to pick essential personnel up and bring them into the hospital. Dr. Spencer, I'm sure Huntington Hospital does this as well, nurses and critical personnel. When you have some kind of a significant weather event, you know, they make provisions in order to go ahead and get folks in and then make the provisions for food. And, you know, I hope we put you ladies on something better than cots. But, in any event, was that ever offered or was there any discussion about getting any of your personnel in, you know, with some of our four-wheel-drive equipment? You know, we've got front-end loaders, for God's sake, that shoveled snow.

MS. MC BRIDE:

The only answer I can give to that is in years past, they used to be able to make provisions to get as many personnel in as possible with County vehicles.

LEG. KENNEDY:

Somebody would assist you?

MS. MC BRIDE:

Yes. In the past --

LEG. KENNEDY:

Somebody in the P.D. would accommodate or help if you had an employee that was stranded or that was difficult, whether that was anticipated, one of our people in a four-wheel-drive vehicle would go and pick that person up.

MS. MC BRIDE:

Yes.

LEG. KENNEDY:

Okay.

MS. MC BRIDE:

The past few storms --

LEG. KENNEDY:

It used to happen. Does it happen now?

MS. MC BRIDE:

Used to happen. In the past few storms, unfortunately, I don't know if it's a matter of a lack of resources within the Department or within the County, we've been sadly unable to get to the majority. We've been able to pick up maybe one or two here or there. We've had cases where the Department has sent out a police unit to pick up an employee, only to have that police unit stranded because it's not a four-wheel-drive, or to have our employee have to walk a half a mile, a quarter of a mile or a mile to get to the police unit through the snow. It has not been as efficient as it was in years past. My mother-in-law actually worked for the Department long before I did, and I know during blizzards, she always had a ride. They came and they got her and they took care of them. I think it's a matter of a lack of resources at this point to be able to get to us.

LEG. KENNEDY:

Okay. Well, we'll add that to the resolution for the committee. Thank you.

CHAIRPERSON BROWNING:

Thank you. And, Mr. Vaughn, I guess -- I know you mentioned you would be talking to the Deputy County Executive, and I think -- I don't know if you could do it by Tuesday or maybe by next committee, to come back with a full analysis report to us and let us know what you plan to do moving forward, so that we don't -- again, the snowstorm issue, transportation for the employees, I think you've heard all the questions and all the concerns.

MR. VAUGHN:

I believe I have.

CHAIRPERSON BROWNING:

Okay.

MR. VAUGHN:

Thank you very much.

CHAIRPERSON BROWNING:

I thank you.

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

So I think we will start -- Patrice, we've received something, I'm not going to ask you now because we do have a presentation. I'd like to give them an opportunity to get up and speak. But I did give you a copy of something that we received this morning, so I'd like to ask you about it when we're ready. At this point in time, we will have Mike Finland, AME President, John Skippon, with the presentation on the Police Detention Attendants. Whenever you're ready.

MR. FINLAND:

Good morning, everyone. My name is Michael Finland. I am AME Executive Vice President. Last November I had the opportunity to speak before this committee to address staffing issues at the Police Emergency Unit at the Suffolk County Police Department. I was appreciative of the receptive response to the evolving staffing issue in that unit. The crux of my discussion then was to focus on the critical need to augment the personnel composition in this division. My presentation was in an advisory capacity, and I'm grateful for the enthusiastic response of this Legislative body, in addition to the support from the Suffolk County Police Department and from the County Executive's Office.

Today I'm here on a similar mission. For many years, the Police Department has employed Police Detention Attendants, or PDAs. Similar to 911 Operators, Dispatchers and Police Operations Aides, these employees perform a vital function in Police Department operations. Once a defendant is

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taken into custody and brought to a police precinct, the PDAs role in the process is activated. In a few moments John Skippon, a PDA and also the Fire Commissioner for the Farmingville Fire Department, will put forth a presentation on the day to day job duties of the PDAs.

My role here today is to foster awareness of this critical Police Department function. Similar to police emergency, we need to consider bolstering the staff in this job title in order to ensure proper safety of the PDAs. I'm well aware of the dire economic situation in Suffolk County government and of the fiscal woes we face as a nation. I'm not here today to do finger pointing or to place blame on anyone's shoulders, that's not what I'm about, but rather, I want you to learn about the extraordinary and exceptional efforts of the PDAs. In the long run I'm hoping for the possibility of new hires for people in this title. I thank you for your time and at this juncture I'm turning the reins over to John, who will commence his presentation.

MR. SKIPPON:

Thank you, Mike. Good morning, members of the Public Safety Committee. As Mike had explained, my name is John Skippon. I'm a Police Detention Attendant at the 6th Precinct in Selden. I'm just going to speak about the staffing levels of Police Detention Attendants all throughout the County. All right.

What is a Police Detention Attendant? During the presentation I'm going to be bringing it up rephrasing it as a PDA just to make it a little bit shorter. Police Detention Attendants, we have seven precincts throughout Suffolk County. Police Departments with Detention Attendants is the 3rd, 4th, 5th and 6th, which have about a 20 cell block, 20 holding facility, which the prisoners are held overnight. Without Detention Attendants you have the 1st, 2nd, and the 7th, which have eight to ten cells where there's no -- where the Police Officers watch them from the desk.

Police Detention Attendants, we work seven days a week, 365 days a year, days, nights, weekends, holidays. Our tours work midnight to eight, eight to four and four to 12. We work five days on, two days off. In the 2013 budget, there are currently 20 Police Detention Attendants working, and we have 29 budgeted for this year. We are asking for this committee to at least bring us up to the full capacity of what is budgeted at this time.

In your presentation, I just got this information yesterday so I wasn't able to include it in your packet that was provided to you this morning, but this is just overtime per precinct. I was unable to get the 3rd Precinct, but as you could see, over the years it is slowly increasing.

What does it take to become a Police Detention Attendant? You have to complete a Civil Service application, then from there it goes to canvas and background investigation, your medical and psychological. This can take up to four to six months to complete if not longer, depending on the staffing abilities of your investigator, if there are any medical concerns that come up you may have to get medical clearance from your personal doctor. New York State commercial driver's license, all Police Detention Attendants have Class B commercial driver's license with air break endorsement and passenger endorsement in order to transport the prisoners to court from each precinct.

We have on the job training which takes about three to six months. While we're working at some point within your first term -- first six months you should be going over to the Police Academy for about three to five days. We learn stuff as far as defensive tactics, if a prisoner comes at us how do we react. Rules and procedures of the Police Department. The Police Officers need to know the rules and procedures, and it's a very thick book, over 500 pages, and we need to know the same. Search and control, how to search the prisoners. We don't just take care of a prisoner and say, "Okay, walk into that cell." We actually do a thorough search on them to make sure they don't have any contraband bringing anything into the cells that can hurt themselves, us or the deputies when we bring them over to the First District Court. Handcuffing. There's actually a technique to

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handcuffing somebody. You can't just take them and put a bracelet, you know, as if you were going to put a bracelet, a piece of jewelry, a bracelet on somebody. There's a technique to handcuff. Verbal judo. Verbal judo is if they're out of control we try to talk them down to try to calm them down and make it easy on us and also for them, which could escalate to a safety issue.

New York State Department of Criminal Justice paperwork. Every -- within every half hour we have to fill out paperwork on every prisoner that enters each precinct from the time they're in police custody to the time that we turn them over to the Deputy Sheriffs over at First District Court. And CPR and first aid training. All right.

Our responsibilities, as I said earlier, searching the prisoners for weapons, contraband, drugs and harmful objects. We monitor them inside the cells and in the uniform squad room. Many times they're in two different places and if the Police Officer is not with them in the uniform squad room, we also have to keep an eye on them inside that uniform squad room. Unfortunately, we cannot be in two places at the same time to watch for their safety.

We have to maintain the prisoner activity log, as I said earlier, updating within every 30 minutes. We care for the sick, injured and ill prisoners. If somebody has chest pains throughout their stay at the holding facility, we have to contact 911, help rescue out. Many times what happens is, I know for myself, is I work midnights. There are two light -- two light duty Police Officers and one light duty Sergeant up on the front desk. I'm it until a Police Officer comes off the road to assist me. It's very hard if they're -- someone's complaining of chest pains and then let's say another emergency happens within the cell blocks, I'm the only one there to do it. I have to figure out which one is the higher priority to go to.

We're also responsible for cleaning all of the cells to make sure that, you know, it's clean for the prisoners. You know, you don't want to -- you invite somebody into your house, you don't want to have your house dirty, of course you want to make sure it's clean. So it's our house and we're going to make sure that their cells are clean.

Driving a police bus, as I said earlier, we have the CDLs. If there's under ten prisoners we use the van, and we do transport with a Police Officer. The CDLs are required for our job. We're responsible for the safe operation and safety of the prisoners and any mechanical issues that come up with the vehicle we have to bring up to get fixed.

Clerical duties, that was just recently added. We now enter tickets, accident reports, domestics, complaint reports into the computer, all while keeping an eye on the prisoners.

Cell blocks old to new. On the left there's a single cell, that's what the older cells are like. And as I said, there's ten. On the right is the newer cell blocks, that's actually the 6th Precinct cell block, and there is 20 cells in the 6th Precinct. We watch them. Every 30 minutes we get out, we walk the hallways to make sure that nobody's sick, injured and no emergencies going on. The old way, which happens at the 1st, 2nd and the 7th is a Police Officer watches them from a camera, which is located at the front desk.

We're very personable with the prisoners, you know, we talk, we figure out what's going on, make sure that they're okay, make sure that there's no risk of any safety issues that would come about. All right.

Standard tour for a PDA. We arrive at the shift, review and receive report from the last Detention Attendant on duty. As per the rules and procedures of the Police Department, each prisoner is taken out of their cell, we re-search them to make sure that, again, they don't have any contraband and that nothing was missed on a prior search. Males. Male Detention Attendants search male

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Detention Attendants, watch male Detention Attendants. Female Detention Attendants search females but they are also allowed to watch the males.

We deliver the meals to the prisoners. We continually monitor, again, both by camera and also by walking the cell block within every 30 minutes. We complete the prisoner activity log every 30 minutes or less, perform cell uniform squad room checks periodically. So, as I said earlier, if a Police Officer brings somebody in and they step away we also have to keep an eye on them, and as I discussed already, you can't be two places at the same time. We have to step away from the cell block area, go into the uniform squad room. Even though it's right across, there could be a potential of some incident happening.

Medical issues, as I discussed earlier, heart, respiratory, sick, withdrawals. Safeguarding the prisoners from self-injury. All right? There are times when they do try to do things to themselves and, you know, we have to try to contradict that and, you know, watch out for their safety. And then we transport the prisoners over to court. All right.

Some of the crimes that are committed that had we interact with, all right, domestics, DWI, assault, murder, rape, warrants, any other crime. All right. We're taking the responsibility over from the officers. Usually when they come over to us they're very combative, verbally abusive. They have attitudes, they get violent. It's the first time that they're out of handcuffs from the time the Police Officers puts them into custody and they come over to us for when we search them. We are the first ones to take off the handcuffs. All right.

Some of the prisoners, they lack hygiene, they have serious health issues. They spit, throw urine, feces, garbage, all right. Who's doing this job in the Suffolk County Police Department? You have Police Detention Attendants. The Suffolk County Jail, you have Correction Officers. District Court, they're Deputy Sheriffs. Just to point out, all these positions, with the exception of the Police Department, they're allowed to carry firearms while off duty for their self-defense. And here we are, and we're doing it -- we're worried about our safety at times.

Staffing levels. Minimum staffing, all right, I feel should be two Police Detention Attendants on at all times for the reason of emergency incidents, breaking purposes. As of right now there are some precincts that are only going with only one Police Detention Attendant on duty. As I said earlier, we cannot be at two places at the same time. If we have a little emergency incident in the cell blocks, as I discussed earlier, there's no full duty Police Officers on some tours, and we're it. Suffolk County Police Department staffs the precinct desk with the light duties. And as I discussed earlier, it could take up to five minutes or more for a sector car to come in to assist us if we need their assistance.

Back in 2006, Resolution 433-2006, when the 6th Precinct originally first opened, the resolution was passed to have eight Detention Attendants working at the 6th Precinct. Currently today there is only four Detention Attendants working at the 6th Precinct. Police Detention Attendants, we log thousands of prisoners per year as my colleague, Dave Vidal, had brought up earlier; eight to 9,000 in the 4th, 5th and 6th Precinct, and the 3rd over 12,000 per year. All right.

Who's watching the prisoners? Police Detention Attendants, we are. We are saving the County money watching the prisoners while in police custody. Rather than hiring a Police Officer on overtime, they have the Police Detention Attendants, which we watch them, like I said, physically, not from a camera at the front desk. We do the same type of work as a Correction Officer without the same status, protection, and benefits. And just below there is a picture of the -- an outline of the cell block. All right.

We deal with the same people as the Police Officers, they're just not handcuffed at the time. We usually get them when they're at a higher rate because, like I said earlier, it's the first time they have the handcuffs off. We've gone above and beyond during this time. We do understand the constraints with the money throughout the County, but there's a safety issue here, in fact, and we just wanted to make sure that we brought it to your attention. All right.

We urge that there's immediate filling for the vacancies, vacant spots that are budgeted to the minimum just to -- for the safety of the prisoners. We've worked with the County, I think, for the safety of everybody. It would be great to help us out. Minimum staffing, two per tour. We were doing, again like I said, more with less for the four years that I've worked for the County. I'd like to thank you guys for giving me the time and the opportunity to come speak in front of you. If anybody has any questions I'd be more than happy to answer them.

CHAIRPERSON BROWNING:

Thank you, John.

MR. SKIPPON:

Thank you.

CHAIRPERSON BROWNING:

I'd like to start asking, just ask our Counsel if she would look at this resolution requiring the eight attendants at the 6th Precinct. I don't know if you know the answer, but it does have in the Whereas Clause, "as required by the New York State Commissioner of Corrections that the Suffolk County Police Department shall staff and operate the 6th Precinct detention area and serve post as designed and approved", blah, blah, blah. So basically this resolution is requiring that we have eight. So I've asked her to look into are we violating, you know, by a State law. We're supposed to have eight, we only have four. So is there any kind of violations there under the State law and what is required for our detention centers. Do you know, is there State law requirements on this?

MR. SKIPPON:

I reached out to the Department of Corrections and I'm waiting for them to get back to me. They're trying to pass everything along. As of right now I do not have an answer. I'm looking into it, I just don't have it right now.

CHAIRPERSON BROWNING:

Okay. And has it always been four Detention Attendants or was there eight when it first opened up and then just --

MR. SKIPPON:

When it was first opened up there were eight. Over the years -- we just recently lost one went to Virginia to be a Police Officer down there, but little by little we lose them, but they're not being replaced.

CHAIRPERSON BROWNING:

And, obviously, I mean, I'm looking at your -- the mapping that you have of the cells and I definitely am going to be talking to Corrections to try and kind of do a comparison on how they operate with -- how they would operate with that many cells, how many Correction Officers are required. But also, I see the three precincts don't have Detention Attendants, so obviously there's nobody here I guess to really answer my question on how they really do supervise each of those precincts. And also with one attendant, I mean, you could have up to 20 people at a time, and possibly, I mean, you can't put two in a cell?

MR. SKIPPON:

No.

CHAIRPERSON BROWNING:

Okay. What if you have a really busy night? I know the 5th Precinct is a busy precinct, and Rob and I were just saying, unfortunately it can be very busy and, you know, I'm assuming the busiest times is nights and weekends?

MR. SKIPPON:

For the most part over by us it's usually midweek to on like Wednesday nights. We usually have the Stop DWI team works our precinct, so they come in, they bring a whole bunch of prisoners in. So for the 6th Precinct it's mostly Wednesday nights, but the other precincts I know like the 3rd is always busy. They're constantly going.

CHAIRPERSON BROWNING:

What about when you -- say you have every cell filled up. Where would they go from there if you don't have any cells available?

MR. SKIPPON:

They would either go into the uniform squad room or we would transport them out to another precinct that has Detention Attendants.

CHAIRPERSON BROWNING:

Okay. What about a precinct that doesn't have an attendant, if they get a very busy night and fill up every cell. Do they go ahead and just leave them there and have a Police Officer supervise them or, you know, would they ship them to another precinct where there is a PDA?

MR. SKIPPON:

As long as they're not a DWI or they don't have any harm or threat to themselves. With just a basic domestics they'll watch them in their cell from the desk and check on them every half hour.

CHAIRPERSON BROWNING:

So somebody who -- that they arrest, if they see that that person could pose a threat to themselves they're not going to keep them, they're going to bring them where there's a PDA.

MR. SKIPPON:

Yes.

CHAIRPERSON BROWNING:

Okay. Any questions? Legislator Kennedy.

LEG. KENNEDY:

Thank you, thank you for being here. Just a couple of things. Actually, I was just talking with Legislator Muratore. You do a log, you do a log every 30 minutes?

MR. SKIPPON:

Yes.

LEG. KENNEDY:

Which involves what? Is that an actual -- you're specifically viewing or communicating or having some kind of interaction with the inmate?

MR. SKIPPON:

Yes. Every 30 minutes we have to do a walk around throughout the cell and take a look at them. If they're sleeping we look at them and make sure that they're still breathing, and then we go back in and we --

LEG. KENNEDY:

I want you to stay on that for a second because -- for something that I can't really talk about now that's an issue. You view the inmate in the cell. If they're prone and they appear to be asleep you do the best that you can to actually see that they're still breathing?

MR. SKIPPON:

Yes.

LEG. KENNEDY:

Okay. How long does an inmate typically remain in one of our precinct cells?

MR. SKIPPON:

It should be up to 24 hours depending on what -- if they got locked up. We do a court run at about nine a.m. every day. Once we leave, the cutoff time to bring them to court is ten or 11 a.m., depending on the day of the week, so we would hold -- if they got locked up at nine a.m., they may be there until nine a.m. the next day until we bring them to court.

LEG. KENNEDY:

And they're all going, like right here from the 4th, they are all going down to Cohalan for arraignment?

MR. SKIPPON:

For the most part, unless they have some type of County warrant where they would go directly to the County Jail.

LEG. KENNEDY:

Out to Riverhead.

MR. SKIPPON:

Yeah, they would bring them that night.

LEG. KENNEDY:

And it's your guys' responsibility to do that transfer from the precinct to whatever their next destination is?

MR. SKIPPON:

A Police Officer does the actual transport. If it's only one prisoner the Police Officer will do the transport. If there is more than one we usually double up with a Police Officer.

LEG. KENNEDY:

That was going to be my next question. You all have CDLs so you drive either a van or I see we have a couple of larger vehicles. When you're actually transporting prisoners, they're -- how many -- are there more than one Detention Attendant or is it a Detention Attendant and a Police Officer? How many of our personnel are on that vehicle?

MR. SKIPPON:

There's one Detention Attendant, one Police Officer, and then depending on the number of prisoners, there will be a Police Officer following also.

LEG. KENNEDY:

In a separate vehicle.

MR. SKIPPON:

In a separate vehicle.

LEG. KENNEDY:

But I'm talking on the vehicle that the prisoners are in.

MR. SKIPPON:

Detention Attendant and a Police Officer.

LEG. KENNEDY:

Two individuals, somebody behind the wheel and another individual, a Police Officer, or whomever. And the inmates are shackled? Are they, you know, handcuffed at that point?

MR. SKIPPON:

Yes. There's shackled -- there's two per chain, they are handcuffed behind their back, sitting in the chair.

LEG. KENNEDY:

Okay. Tell me a little bit about the -- when you started with the beginning, and I should have familiarized myself with this, but I just -- I don't know it. Is there a Civil Service exam you take? Is that a list or is this an appointed position?

MR. SKIPPON:

It's an appointed position.

LEG. KENNEDY:

It's an appointed position, so it is based on quals.

MR. SKIPPON:

Yes.

LEG. KENNEDY:

You have an educational and then a physical component, you got to pass some kind of background check, fingerprinting and all that other type of stuff and then presumably you get put on.

MR. SKIPPON:

Yes, sir.

LEG. KENNEDY:

And you told me earlier, how many PDAs do we have in total?

MR. SKIPPON:

We currently have 20 working in the County. There's 29 budgeted. There's, from what I hear, there's going to be a couple retiring come July, so we're going to be even shorter staffed.

LEG. KENNEDY:

All right. And what salary grade are you folks?

MR. SKIPPON:

Ten.

LEG. KENNEDY:

And is it a career ladder, Tom, or is it -- I mean, do you have like a senior PDA or a principal PDA?

MR. SKIPPON:

No.

LEG. KENNEDY:

It's just flat PDA.

MR. SKIPPON:

Yes.

LEG. KENNEDY:

All right. One other question, Madam Chair, now with BRO. John, how are these folks paid? Do they come out of the special district or are they general budget?

MR. ORTIZ:

They're paid out of Fund 115.

LEG. KENNEDY:

Which is -- that's the special district.

MR. ORTIZ:

The police district, yeah.

LEG. KENNEDY:

All right. Let me go back to the gentleman again one more time, then. My understanding is, is that the 4th is the primary location for female prisoner detention?

MR. SKIPPON:

Yes.

LEG. KENNEDY:

Okay. And I also understand that we have inmates detained there that may come out of the East End as well. If there's an arrest out in, you know, Southampton, Southold or something like that, that's going to involve an arraignment the next day, those town departments are transferring to you as well? Is that correct?

MR. SKIPPON:

The local towns are. Out east, I believe, they have their own Detention Attendants.

MR. VIDAL:

We accept from other agencies.

MR. SKIPPON:

We do accept from other agencies. We get State agencies, parole, we do watch them.

MR. VIDAL:

Stony Brook College.

MR. SKIPPON:

Stony Brook Police.

LEG. KENNEDY:

Okay. And again, through the Chair, John, is that something that we get, we meaning Fund 115. Does Fund 115 get any recognition when our people are housing somebody that's coming from another jurisdiction?

MR. ORTIZ:

I don't think so, but that would be a question for the Police Department, really.

LEG. KENNEDY:

All right. I'm going to add that to the list. The other thing that I guess, again, I was just trying to figure it out with Legislator Muratore, it's almost like a similar type of a discussion we're having regarding the 911 Operators. So you're a single Detention Attendant that comes on for an eight hour shift, and you process and watch however many inmates you have and do whatever. You know, the State of New York says that everybody's allowed to get a minimum of a half an hour to have a meal break. It's got nothing to do even with our simple, you know, collective bargaining agreement. New York State and Federal law says individuals are allowed to eat, they're allowed to actually go to the restroom, they're basically allowed to be human beings when they're at work. What happens when you, you know, when it comes to your mealtime? Who takes over for your function?

MR. SKIPPON:

A Police Officer -- they'll take a Police Officer off the road and whose sector will be left empty to have him watch the prisoners while we take our meal. But there are times where it is so busy out on the road that they can't get anybody to come off the road and we get denied our meals.

LEG. KENNEDY:

You what?

MR. SKIPPON:

Get denied our meals.

MR. VIDAL:

We're paid for missed meals.

MR. SKIPPON:

We get missed meal. We get a paid missed meal.

LEG. KENNEDY:

You get paid, but you don't have the option to decide whether you'd accept the pay or go ahead and go someplace and eat and read, you know, the score sheet for the Mets or something like that.

MR. SKIPPON:

No.

LEG. KENNEDY:

Okay. All right. Thank you.

MR. SKIPPON:

Thank you.

CHAIRPERSON BROWNING:

Legislator Muratore.

LEG. MURATORE:

Thank you, Madam Chair. Can you just go back to that overhead who's watching the prisoners? Now what is that a diagram of?

MR. SKIPPON:

That's actually the 6th Precinct cell block. If you see in the center is the viewing room. That's the room that we sit in, and those are all the cells surrounding us.

LEG. MURATORE:

And you have cameras in each cell that monitor the cells and you view them in the viewing room?

MR. SKIPPON:

In the viewing room we have AV TVs and there's a cell for each camera, but again, we still walk the cell block every 30 minutes, so we can view them pretty much constantly.

LEG. MURATORE:

Now, you said they take a cop off the street and off the road and bring him in. They don't use desk personnel to give you a break or give you a meal period?

MR. SKIPPON:

Not necessarily. Again, they put a lot of light duties on the desk so you need a full duty Police Officer. You can't put anybody light duty because of your interaction with the prisoners.

LEG. MURATORE:

Now, John had asked the question, I mean, how many openings do we have for detention?

MR. SKIPPON:

There are currently nine that are budgeted for that are not filled.

LEG. MURATORE:

That are open.

MR. SKIPPON:

Yeah.

LEG. MURATORE:

How many do we have total? How many do we have working?

MR. SKIPPON:

Twenty.

LEG. MURATORE:

We have 20 working. We're budgeted for 29, but we only have 20 working.

MR. SKIPPON:

Yes.

LEG. MURATORE:

So if we hire the nine then you'll be fine with getting your meals and getting your breaks and having enough to cover everything you need to cover.

MR. SKIPPON:

It would give us the minimum to cover everything, yes.

LEG. MURATORE:

Thank you. BRO, do we have the money in the budget to hire the nine people?

MR. ORTIZ:

No, we don't.

LEG. MURATORE:

Oh, so we can't hire them even if we wanted to. Okay. Thank you, Madam Chair.

CHAIRPERSON BROWNING:

Okay. John, I see, because I did -- I shot you a quick e-mail asking you if it was budgeted and do we have unfilled budgeted but funded positions?

MR. ORTIZ:

I thought you were referring to the Dispatchers and the Complaint Operators.

CHAIRPERSON BROWNING:

Oh, okay, okay. Sorry. Other question. Okay. No, I sent you this when they were talking. Okay. So that was a different question. I guess --

LEG. KENNEDY:

I'm sorry. I don't want to step on you.

CHAIRPERSON BROWNING:

I'll get back to you. I'll get back to you. Legislator Hahn.

LEG. HAHN:

My question was answered.

CHAIRPERSON BROWNING:

Okay, good. Legislator Spencer.

LEG. SPENCER:

I just had a quick question with regards to why don't all the precincts have the PDAs, like you had mentioned they're in the 3rd, 4th and 5th but not in the 1st, 2nd and 7th?

MR. SKIPPON:

I'm not positive on the answer to that, but I would have to say because of the number of cells and because not all precincts have a viewing room where a Detention Attendant would sit and watch everybody. Most of their stuff would be at the front desk.

LEG. SPENCER:

Do you have any idea in other precincts where they don't have PDAs how those inmates are handled?

MR. SKIPPON:

They're watched from the Police Officers at the front desk.

LEG. SPENCER:

Okay. Thank you.

CHAIRPERSON BROWNING:

Okay. I believe -- is there -- there is somebody here from the Police Department? Okay. Oh,

that's why I don't know you're here. Somebody just said you're in the hot seat. I don't know. Lieutenant, maybe -- sorry, Captain. Do you know anything about this? Do you have any information that you could provide us? And, you know, obviously, this needs to come to the attention of the Police Commissioner to see what we can do to try and get some funding in place to improve the staffing issues here.

CAPTAIN HARDY:

Good morning, Madam Chair and members of the committee. I am Captain Gerard Hardy. I work in the Chief of Department's Office. I'd be happy to answer any questions you might have with reference to this.

CHAIRPERSON BROWNING:

Well, I think you heard the presentation and, you know, the concern that, you know, sometimes the cell blocks are full, you have one officer. Are you aware, you know, of any law, you know, State laws, Federal laws, that require minimum staffing for the cell blocks?

CAPTAIN HARDY:

No, I'm not familiar with any laws that would require that.

CHAIRPERSON BROWNING:

So I guess we'll get a question -- oh, I'm sorry, John. You did have a question.

LEG. KENNEDY:

I was going to pose it to BRO, but with the Captain here, thank you, Captain, for coming up. And if you'll -- I don't expect you to have the answer to this, but what I'm going to ask you to do is, is if you can bring it back to Chief Burke and Commissioner Webber. One of the statements the gentleman made, which I thought was very telling and for me personally very troubling, is that Police Officers are brought back in from regular sector patrol in order to go ahead and provide the PDA with his basic meal break or the other things that, you know, they're entitled to as employees. Again, as I said, you know very well, this transcends and supersedes the CBA. The State of New York and the Federal Government basically says an individual is allowed to get a 30 minute meal break within a six hour continuous shift. An individual is allowed to go ahead and utilize a restroom as necessary during that work shift without basically having to go ahead and bust a rectum or something. There's --

*(*Laughter*)*

-- the things that I'm hearing at this point go beyond what I would characterize as questionable management to outright deprivation of basic employees' rights in a workplace, and quite frankly that concerns me because that means we are, we meaning the stewards of County government, not fulfilling our responsibility with employees in the workplace. So the question is very simple. How much overtime -- actually no, let me rephrase. How frequently do we have to bring an officer in in order to go ahead and provide relief for a PDA? And this goes to what Mr. Ortiz said, that there may not be money right now that we see in the budget associated with filling PDA positions, but they're grade tens. Our Police Officers are making significantly more than they are, and our constituents support Police Officers being engaged in patrolling communities.

I don't want to minimize this function, but somebody decided that it was prudent to have civilians, highly trained civilians, engage in that prisoner observation function. But it seems like even that's getting undermined. So then we have to question the whole premise. I mean, let's not deceive the public. If we're going to have this function, we have to fund this function and provide this function. So that's the question I'd like to come back and get some input on, how frequently we're seeing this. Does that then trigger some type of an overtime, you know, requirement associated

with officers in the precinct to fulfill precinct patrol? I doubt any Inspector is going to leave a precinct open, but I don't know.

CAPTAIN HARDY:

All I can tell you, I recently was assigned to the 5th Precinct and Dave's familiar with more of the ongoing, he would be able to give you better numbers. It's certainly something I can look into. I can tell you that it is, as the gentleman said, a requirement to have a full duty Police Officer to watch prisoners if these guys were to be relieved for a meal. That wouldn't necessarily mean shutting down a sector car, so to speak. If we have extra patrol units out or we have a full body desk personnel we would utilize those people, too. So it would be up to the OIC, which would usually be a Lieutenant or maybe a Sergeant to make the determination how to do that. And the missed meal concept isn't unique to PDAs. It also happens in the Police Department if for some reason someone is on a fixed post during like a storm or something they might encounter the same situation where they are not able to get relief for a meal. But I can look into the missed meal for both PDAs and the Police Department and kind of come up with a number for you.

LEG. KENNEDY:

Captain, I'm not trying to minimize it. I really am not trying to minimize or trivialize or get out there. Look, every one of us has worked at our desk, I'm telling you. You know, despite the size of my gut, I miss a lot of meals. My point here is, is that has to be the exception, that can't be the rule. If it becomes the rule, we then are in a whole nother area that is improper for us to be in as an employer, as a municipal employer. So that's why I'm asking to get some of this beforehand and to try to quantify what's in -- you know, what's in place here. If it happens once every other month or something like that, exactly, you're right. You know, we get storms, we get this, we get that, we get all kinds of things. And I know our officers go ahead and do full tours and are versatile, and the PDAs I'm sure are as well. But, you know, if it starts happening two, three, four times a week, we have a serious problem and we have to address it. So if you can please carry that message back I would appreciate it. Thank you.

CHAIRPERSON BROWNING:

Thank you. Doc Spencer, you had a question?

LEG. SPENCER:

Sure. Thank you. I was wondering that previous question that I had answered, there aren't PDAs in some of the precinct. How are those detained prisoners handled? And if there aren't -- I mean, we're -- it sounds like there's two different processes that are going on, because I'm sure there are detained individuals in all of the precincts. So could you address that?

CAPTAIN HARDY:

Sure. I also -- I think what the gentleman said was accurate. I don't have the firm grasp on why, but I think it has to do with geography and I think the newer precincts, the way they were designed with an area for PDAs to sit. In the 1st Precinct -- I believe it's the 2nd Precinct and the 7th there's smaller cell block areas that wouldn't have that capability for a PDA to actually be positioned to monitor prisoners. So in the event -- in a precinct where we don't have that setup it would be monitored by the officer on the desk, and there's a requirement to check every 30 minutes. We also have video systems to keep an eye that desk crews actually watch.

LEG. SPENCER:

Would that be a light duty officer at the desk?

CAPTAIN HARDY:

Some of those positions are filled by light duty and they're also in some precincts are full duty positions. It varies from tour to tour and precinct to precinct.

LEG. SPENCER:

I guess what I'm trying to connect here is that if these gentlemen are working and they have to miss meals and, you know, are not able to go to the bathroom at times, if in our other precincts we have a process that exists without them being there, it seems that somehow if we examine that policy that there should be a way to provide the resources because obviously there's a policy in place to be able to exist without them in certain precincts.

CAPTAIN HARDY:

Well, I think these guys hit on it before. In areas where we have a PDA you would have higher risk prisoners or DWIs that require monitoring, so it would vary from time to time. If a PDA was to want to take a meal period on a quiet day if there's no prisoners, that's easy to accommodate. On a busier time on a Friday night where you're in the 5th Precinct and there's 12 prisoners, some of which would be characterized as possibly higher risk, you'd want to have an officer back there to actually physically monitor, which is what the PDA does.

LEG. SPENCER:

I appreciate your answer. I'm the Legislator from the 18th, which is, you know, encompasses Huntington Station, which is the 2nd Precinct, which is very active of -- with all sorts of at risk individuals throughout the time period. So there's got -- I'm curious to see if we could get some information in terms of what procedure they have there, because we've got DWIs, the whole nine yards. Huntington Station is probably a pretty significant crime area that we're focusing on it.

CAPTAIN HARDY:

Yeah. I think that was also covered during the presentation. In the 2nd the low risk prisoners would be lodged there. Females would be moved to the 4th Precinct. Higher risk such as DWIs or maybe someone that's possibly suicidal would be moved to a precinct that has a PDA on staff. They'd be transported from the 2nd to a precinct where someone can actively monitor them. We wouldn't leave them in a cell to be monitored by a closed circuit TV.

LEG. SPENCER:

Thank you. I was listening to that, but I guess -- there's a process to handle it there, then it seems that somehow if we merged and, again, maybe this isn't the proper venue for that, but it seems that there's a procedure in place to be able to exist in precincts where there are all sorts of risk individuals where we're able to accommodate this problem. So it seems that if there is a situation where we don't have the appropriate coverage that there could be a similar sort of transport arrangement. But again, I would be curious to get more information just about how the process works. But thank you.

CAPTAIN HARDY:

You're welcome.

CHAIRPERSON BROWNING:

You kind of answered part of my question. So all the female detainees are taken to the 4th Precinct; is that correct?

CAPTAIN HARDY:

That's the general policy, we try to put them in the 4th Precinct.

MR. VIDAL:

5th and 6th have females.

CHAIRPERSON BROWNING:

So if somebody got arrested in the 7th Precinct or 5th Precinct they have to be transported to the

4th?

CAPTAIN HARDY:

Mr. Vidal just advised me also the 5th has, is it two cells?

MR. VIDAL:

The 5th and the 6th Precinct also have female Detention Attendants that house --

CHAIRPERSON BROWNING:

He needs to come up and speak on the mike so we can have it on the record.

MR. VIDAL:

Sure.

CHAIRPERSON BROWNING:

And I'm just curious, you know, where the women go, and then who transports them when they need -- I'm assuming that would be a Police Officer? Or whoever arrested her would transport?

MR. VIDAL:

Okay. Certain precincts, such as the 5th and 6th, also have female Detention Attendants, so instead of putting the burden all on the 4th Precinct, which receives female prisoners from the 1st, 2nd and 3rd, we hold our females at the 5th and 6th Precincts when we have female Detention Attendants available. They only have two cells in those precincts.

CHAIRPERSON BROWNING:

Okay. So depending on who's working that night you decide where they go.

MR. VIDAL:

Right.

CHAIRPERSON BROWNING:

I'm assuming is that a Police Officer transports them?

MR. VIDAL:

Yes. The POs transport those prisoners.

CHAIRPERSON BROWNING:

Okay. You actually mentioned something about the fact that you don't have peace officer status. And, you know, I'm assuming that you've had some interactions, Dave. I know where you live and it wouldn't surprise me if you've had some interactions with some, you know, at the local grocery store, wherever, when you're out shopping, you know, by yourself, with your family, that you have some kind of an interaction with somebody you've actually had to see or watch over. Just out of curiosity, is that something that's ever been looked at, to get them a peace officer status?

MR. VIDAL:

I have no idea.

CHAIRPERSON BROWNING:

Okay. So I guess that's something we can ask, is how do we do that and is it possible. I know, John, I've asked you if you could provide us with some information. You have some -- a little bit of information on staff levels?

MR. ORTIZ:

Yeah. I looked over the last ten years on the level of PDAs, and going back to 2003 we generally have about 23 to 25 filled. On the last payroll, I know Mr. Skippon said 20, but I have 21 filled. So we are behind historical staffing levels, but that's true countywide right now. We have never had over the last ten years a full 29.

CHAIRPERSON BROWNING:

Okay. John, did you still have a question?

LEG. KENNEDY:

I've started draft of my request for the Commissioner. I thought Dr. Spencer's question was pertinent, but then I was going to try and point out even though we generally think of precincts I guess as somewhat homogeneous, I think in actuality they're really quite different. That female housing function here in the 4th is basically unique amongst all seven of them, and in addition the transport from the Village departments, and I know they're coming from the East End because I've seen them. I've seen Riverhead and Southold Town cars here in the parking lot. So we're taking folks in from different jurisdictions and it must, you know, impact some of how each of the particular precincts go.

Captain, listen, I appreciate you carrying the message back. I'll do a query to the Commissioner as well. But if you can get us some general specifics. Like my colleagues, I think, you know, I want to see some of what the average volume is in the precincts, the impacts associated with it. Because, quite frankly, you know, earlier this week we got presented with, you know, a quarter of a billion dollar budget shortfall and, you know, everyone's pants on fire. So we can't sit here and talk today about the fact that we're just going to be able to hire en masse. Nevertheless, if we're spending money on overtime for officers and, in fact, we haven't put PDAs on, then we're not acting wisely. That's what I'd like to try to get at. Thank you.

CHAIRPERSON BROWNING:

Dave, go ahead.

MR. VIDAL:

I think the sole purpose of this meeting here today is because on the midnights I know in my precinct I have a female who's been working there for about 20 months by herself with how many prisoners, 12, 15 prisoners. It's not only a safety issue for her, but it's a safety issue for the officers also. Don't forget the Police Officers that come back, they're by themselves also, you know? So if something does break out, which it does, we need to look at that part of it also. They work with us and we work with them, you know, and Police Officers are Police Officers, but they're not super heroes either, so.

LEG. KENNEDY:

Which precinct?

MR. VIDAL:

The 5th.

MR. SKIPPON:

He's from the 5th, I'm from the 6th.

MR. VIDAL:

I'm in Patchogue.

CHAIRPERSON BROWNING:

What was that question?

LEG. KENNEDY:

I was asking about the precinct. Again, it's the 5th Precinct that's the one down in Patchogue, right, on --

MR. VIDAL:

Waverly Avenue.

CHAIRPERSON BROWNING:

That's the one in Patchogue.

LEG. KENNEDY:

Okay.

CHAIRPERSON BROWNING:

So, I guess, Captain, if there's a possibility, I think what would be good is if we could get back to the Commissioner and Chief Burke to maybe try and set up -- I'd like to set up a meeting with them regarding this issue to see if we can kind of come up with some kind of resolution to their staffing issues, find the money somewhere. But, you know, clearly there are times where one person just isn't sufficient. So if there's a possibility that we could sit down and have a discussion with them and try and resolve their problem. You know, I know you said there's 23, three people can make a big difference, even just three additional staff members can make a big difference. So with that, I don't think there's any more questions. Thank you, John. It was a very good presentation. We appreciate you taking the time to come in.

MR. SKIPPON:

Thank you for your time.

CHAIRPERSON BROWNING:

Thank you and thank you, Dave.

MR. VIDAL:

Thank you.

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

CHAIRPERSON BROWNING:

We have Patrice. I don't know if you can respond to this at this time. I received this this morning. I shared it with the -- an e-mail, and I've shared it with the members of the committee. And, Mr. Vaughn, if you want to come to that meeting also, that would be great.

MR. VAUGHN:

(Indicated thumbs up).

CHAIRPERSON BROWNING:

If you could kind of explain to me what is meant by this. I'm trying to understand, it's cutting a long story short. What I'm trying to think -- I think what you're saying here is that if a Probation Officer sees one of their probationers, say like he's supposed to be driving with an interlock system and they know what kind of car he's driving, or she, what kind of vehicle they're supposed to be driving, and they see them driving a vehicle that they know it doesn't have the interlock system. What I'm reading here is that now they're being told no, you can't pull them over, you can't do

anything about it, you have to kind of wait.

My concern is, is that like children, you don't wait to punish them. If you did something wrong right there and then, that's when you -- that's when you catch them or that's when you do something about it. You can't wait until the next day or a couple of days later, because to me it's not effective. So I think the rest of the members had an opportunity to read it. Can you explain to me what this is about?

MS. DLHOPOLSKY:

Certainly. Good morning. This was sent out when it came to my attention. I think you probably know that I have been Acting Director of the department for just a couple of months. It came to my attention we need to address violations of the law requiring that people convicted of driving while intoxicated have an ignition interlock device in their vehicle. And what this addressed was the need to take some kind of action when that occurred, that they should address this by making sure that there was a citation that was given for this.

However, Probation Officers, and I have been a Probation Officer for close to 40 years, in that time I have never conducted a traffic stop. Our department has never issued any kind of policy on conducting traffic stops, and typically this was not a duty that was included for Probation Officers. Given that, what I'm stressing here is that what I wanted to impress upon the officers is that this is something that our department needs to address. If the officers have -- somewhere along the line officers began making traffic stops without the department having issued any kind of policy on this. It was clear that this was something that needed to be examined and addressed, especially in light of both officer safety and public safety since this is something that in general did not fall within the duties of Probation Officers in the past.

CHAIRPERSON BROWNING:

Legislator Muratore, you had a question?

LEG. MURATORE:

Yes, Madam Chair, to Counsel. The issuance of a UTT I guess is governed by the State who can issue the summonses, so is this something that we can do to? To Counsel. And the orders have got to be done by the State issuing, you know, saying okay, it's okay for Probation Officers to issue traffic tickets.

MR. NOLAN:

I think on first blush, the first I've heard about it, I'd say that it would have to come from the State, but glad to look into it further to make a more definitive answer to that question, but that's what I believe.

MS. DLHOPOLSKY:

Our department has issued UTTs for the past number of years on 511s and associated traffic issues and that they have been going to court and --

CHAIRPERSON BROWNING:

What's a 511? I'm sorry.

MS. DLHOPOLSKY:

Driving without a license or driving with a suspended license. The 1198 was an addition of when this law came into effect.

The other factor I'd like to mention, I think there are two parts to this. One is issuing citations for traffic offenses, misdemeanors specifically, and the other is the issue of the traffic stop. The other

thing is in researching this I discovered that Nassau County, for instance, they are not authorized at all to make traffic stops. The Probation Officers are not authorized to do this, and I felt that this was something that required further attention. As I say, our department had never addressed this in a policy and clearly it's something that needed further investigation and we're in the process of doing so.

CHAIRPERSON BROWNING:

So can Probation Officers issue a UTT right now under the law?

MS. DLHOPOLSKY:

Yes, we can and we do. We have been for years.

CHAIRPERSON BROWNING:

Okay. So -- but now they're being told if they see somebody with a DWI or the 511, a probationer without a license, and this guy goes flying by and they see him and they say he's one of my guys, and I know he doesn't have a license, God forbid, I mean, I have a bill right now on hit and runs. God forbid this guy takes off and they can't pull him over. He could possibly have an accident, hit somebody, take off. That's one of my concerns. And, you know, again, why can't our Probation Officers get additional training to make sure that -- I'm just a little concerned about not letting them do something. They are peace officers, they are law enforcement, and to see somebody breaking the law and just let them go, I think that's a bit of a concern of mine.

MS. DLHOPOLSKY:

There are actually several parts of concern here. First of all, no Probation Officer should, if they see some dangerous activity occurring, ignore it. It is completely appropriate and falls within the realm of their duties to contact the police by police radio, which all Probation Officers have, or also most of them have cell phones if for some reason the radio was not functional for some reason, which I would not imagine would be the case, so they should certainly keep contact. If they see dangerous behavior they can observe the behavior, they can contact the police and they can also follow from a safe distance so that they're able to give the Police Officer appropriate information on pulling them over.

There is certainly concern for public safety and for officer safety, given that this has not been something that Probation Officers have done, and that the vast majority of Probation Officers, unless they have obtained some outside training or some came from other agencies where they got this, have not been trained to safely conduct traffic stops and we do not wish to create any kind of danger to the public.

CHAIRPERSON BROWNING:

Okay. Legislator Muratore, you have a question?

LEG. MURATORE:

I think Kara was ahead of me.

CHAIRPERSON BROWNING:

Well, you were first, but Kara -- if you want to let her go, let's go ahead. Go ahead, Kara.

LEG. HAHN:

I'm just wondering, I mean, we're talking about people who this is a violation of their probation.

MS. DLHOPOLSKY:

Correct.

LEG. HAHN:

We're talking about cases where this is a violation of their probation. So does that mean different things for different people? But I mean -- no. I mean, so what I'm getting at is what -- I mean, you have arrest powers.

MS. DLHOPOLSKY:

Yes, we do. The question is whether we would pull over a moving vehicle on a County road when Probation Officers, the vast majority, vast majority of Probation Officers have never received any training in safely doing so, and therefore we need to address --

LEG. HAHN:

And following them to where they're going is not an option?

MS. DLHOPOLSKY:

Following them is not a problem, they can certainly follow them. This is a traffic stop we're talking about, whether it is appropriate for Probation Officers to attempt. Consider a car driving down Route 25 going down 55 miles per hour. I have never been trained. I'm a Probation Officer, I have never been trained in doing a traffic stop.

LEG. HAHN:

Right, but this talks about waiting until they get back to the -- - you know --

MS. DLHOPOLSKY:

That is what the Probation Officer needs to do because the probation -- if a Police Officer were not available nearby. If for some reason, and it covers a wide variety of instances, a Probation Officer must issue the traffic citation because it was personally viewed by the Probation Officer. But at the same time, there is nothing at all that would stop a Probation Officer from following a probationer to their ultimate destination and dealing with them at that point.

LEG. HAHN:

I just would think that that would be the procedure recommended because we're talking about individuals who have completely gone around what is their term of probation, either in a car that's not theirs without the device, or, you know, so I mean, again, you guys know best.

MR. VAUGHN:

Well, Legislator Hahn, and pardon me, but I -- and I think that perhaps the members of the Police Department who are here and the members of the Sheriff's Department and certainly Legislator Muratore himself as a former Police Officer, could probably explain far better than myself or Mrs. Dlhopsky could about the dangers of a potential high speed chase. I mean, we've all heard about those types of dangerous situations, and I think that what she's trying to address here, and please correct me if I'm wrong, but that is certainly something that we are trying to avoid. We do not want people who have not been properly trained. This is not a dig or not an insult to the Probation Officers. They've been trained in a whole host of duties and responsibilities, but I think that what we're talking about is going above and beyond. And it's fantastic that people are willing to go above and beyond their job duties, however, in a place where you may --

LEG. HAHN:

Wait, when did anybody say chase? And all that we were saying was, you know, follow and eventually what would happen. Don't they get -- it's not just a citation we're talking about, this is an arrestable circumstance or am I wrong?

MS. DLHOPOLSKY:

The way that this would be handled is that we would issue the citation. They -- if we see it

happening, personal contact, what we would do, if the person is driving on the road we can take several approaches. Probably the most appropriate one might be to follow them. For instance, if I found -- was following somebody or I saw someone on a local road, I might definitely follow them to see, especially if I knew they were -- seemed to be approaching their home or something like that. However, what we would not want, and I'm picturing the instance now, for example, is a Probation Officer driving down a road like Northern State Parkway where the traffic is traveling at 65 miles per hour. First of all, pursuits are not allowed at all ever, under any circumstances, but even in normal traffic conditions for someone to follow for a long distance, this person might be headed who knows where. The idea here specifically that we're saying is don't make an attempt to stop them. We don't want them conducting a stop because this is not something that most Probation Officers, the vast majority of Probation Officers have no training in doing so, and if they attempted to stop a person driving, they would have a threat to both officer safety, since they have not been trained, and to public safety, since we do not know the correct way to pull over a car on a road.

LEG. HAHN:

Agreed.

MS. DLHOPOLSKY:

There's no problem with them following a car and giving the citation at that point. There's also, it's very appropriate if something dangerous is being seen, and I would expect our officers to contact the police and to provide contact with the police as saying, "Yes, I'm viewing this car right now, I can see where they're going, they're on Route 25A, they're headed west", you know, etcetera. There's no problem with that, they should continue to do so. We have a responsibility to act but we want to make sure that Probation Officers aren't acting in a way that might endanger themselves or the public.

LEG. HAHN:

Okay. I didn't hear chase until, you know, Tom said that.

CHAIRPERSON BROWNING:

And I don't think that this necessarily is saying that we want our Probation Officers to be chasing people. I'm just -- my question is, is if they see somebody who is, you know, in violation of their probation, not driving a vehicle that's got an interlock, doesn't have a license, that they're not able to respond immediately. And we talk about even with our Police Department, in the past it's always been, and I hate to repeat my predecessor in Public Safety, it's, you know, we're always being reactive and want our Police Department to be proactive. And I think we would like to see our Probation Officers doing the same. I don't want to see them reacting to something after the fact. I'd like to see them being more proactive. But, again, you had mentioned about -- now they have radios?

MS. DLHOPOLSKY:

Yes.

CHAIRPERSON BROWNING:

And do they have a direct link to the Police Department with the radio or do they have to call 911?

MS. DLHOPOLSKY:

No, they have a direct link to the Police Department and that is what they should do, and they do have the ability to react immediately. The ability to react immediately is to contact the police and to have the police arrest the person. The other problem being that, you know, sometimes Probation Officers may see probationers they know that they shouldn't be driving. Some of these Probation Officers aren't even on duty at the time. This is when it is appropriate for them to contact the police. What we're, again, trying to avoid is a situation where they are conducting a traffic stop.

We would like this addressed, we would like this addressed as quickly as possible. When we see somebody driving who shouldn't be driving, that is our duty. However, what we don't want to do is endanger the public by having Probation Officers pull people over on busy County roads.

CHAIRPERSON BROWNING:

Okay. So there was a policy in place that -- and I know there is a delegate here from the union, but I think I'd prefer to maybe reach out to the President as far as, you know, is this a policy and procedure that's been required, that they've been doing in the past that now it's a change of policy and procedure?

MS. DLHOPOLSKY:

There was never any policy or procedure regarding traffic stops. It was never authorized for Probation Officers to make traffic stops. We have never addressed that. That's what came to my attention. It has never been addressed in a policy or procedure. In fact, it was brought to my attention that Probation Officers were making traffic stops. This was not something that to my knowledge we had done in this department in the past. I know that it certainly wasn't done in all the years that I was a field Probation Officer. We did not do this. It was not considered part of our duties to do so. We were not considered to be authorized to do so.

When it came to my attention that people were doing so, it certainly seemed appropriate to do some research to determine what would be the best method to handle this. In the meantime, again, it is important that Probation Officers enforce the laws, but what is incumbent upon them is to contact a Police Officer when at all able to do so, so that they can have the Police Officer try to pick this person up as they're traveling along the road. That is certainly incumbent.

CHAIRPERSON BROWNING:

Well, I'm thinking about a really busy night in my district where maybe a sector car might have -- it may take some time for that sector car to be able to respond. I mean, obviously they have to make clear it's a dire emergency for them to show up or to get them to respond as quickly as possible. So, you know, I'm not saying that -- I'm not saying that I don't understand where you're coming from. I think I understand where you're coming from. You're looking at the safety of the Probation Officers. However, I just want to make sure that the Probation Officers are not being prohibited from doing something that could prevent them from being able to prevent a serious problem down the road.

MS. DLHOPOLSKY:

They are certainly not being prohibited from doing anything that makes sense in terms of taking appropriate action. Again, it's the officer's safety and beyond the officer's safety, the public safety. I mean, I personally, having not received any training in how to conduct a traffic stop, would not consider myself to be able to safely pull over a car that's going 55 miles per hour on the road, possibly crossing several lanes of traffic. We do not want to inhibit Probation Officers from enforcing the traffic laws, but what we don't want to do is to endanger the public or our officers at that time. And again, this is something that really we are in the process of addressing. This is not the final statement on the topic. This was a statement made when it was realized something that was happening within the department that had never been addressed as a policy.

CHAIRPERSON BROWNING:

You know, I don't think we're going to be able to resolve all this now, but I think training procedures would be something that this could be addressed in. And I'd like us to follow-up on this. And maybe, you know, find out where the Probation Officers union is as far as, you know, what they know the policy and what procedures have been in the past and move them forward. What is -- what's going to be required of them. I just don't want to see, like I said, with the number of hit and runs that we've been having, I don't want to see that or hear that a Probation Officer saw

one of his probationers who didn't have a license that he suspected, you know, was under the influence of something and yes, maybe he called the police, but he's not allowed to pull him over. And in the meantime, between the time he makes the call and a Police Officer shows up, there could have been an accident. So I just want to make sure that we're not going to prohibit them from protecting the public.

MS. DLHOPOLSKY:

Certainly it is our intention to resolve the issue, and if a determination should be made at some point that there is a time at which we should be doing these, at that point we would not be able to have anyone do it unless they had been appropriately trained to do so and equipped.

CHAIRPERSON BROWNING:

Okay. I thank you. And I don't think there's any more questions. But we'll do some follow-up on this and we'll have some more conversation.

MS. DLHOPOLSKY:

Thank you.

CHAIRPERSON BROWNING:

Thank you. Okay. We'll get to the agenda. I see Mike Sharkey's here from the Sheriff's Department. Mike, do you have any comments? I know I reached out to you with some -- to see if you have any comments or concerns about anything, questions. Does anybody have any questions?

MR. SHARKEY:

Good -- it's still good morning. We do have three resolutions on today. They are all capital resolutions that were all vetted during the Capital Budget process and approved by the Legislature last year. That being said, I will ask in regard to Introductory Resolution 1185, appropriating funds in connection with the purchase of heavy duty equipment for the Sheriffs Office. That's regarding a box truck, and I would ask that you table it for at least this cycle. Our intention is to introduce a resolution for the possible alternative method of satisfying that need without expending County funds.

CHAIRPERSON BROWNING:

That sounds great.

D.P.O. HORSLEY:

We like that.

CHAIRPERSON BROWNING:

We do like that.

D.P.O. HORSLEY:

Go team.

CHAIRPERSON BROWNING:

Well, thank you. Anything else? No? Anybody have any questions?

LEG. HAHN:

Will you be here for one of the other bills, like will you be up here, or can I ask you a question now?

CHAIRPERSON BROWNING:

Go ahead and ask now.

LEG. HAHN:

Okay. IR 1184, appropriating funds in connection with the purchase of communications equipment for the Sheriff's Office. I was wondering if you could tell me if these are P25 capable?

MR. SHARKEY:

This project covers radio equipment as well as computer equipment to accomplish our overall communications goal. P25 is the next generation of radio technology. Our existing equipment is upgradable to be P25 compatible and any newer equipment that we would intend to purchase would either be compatible or already equipped as such.

LEG. HAHN:

So the answer is yes. Anything new you're purchasing --

MR. SHARKEY:

The short answer is yes.

LEG. HAHN:

Thank you.

CHAIRPERSON BROWNING:

Now that we all still don't know what a P25 is.

LEG. HAHN:

It's the universal standard for interoperability and it's, you know, we want it. We want everything new we purchase to be that capable for that as we move forward. So I just wanted to make sure that it was. Thank you.

CHAIRPERSON BROWNING:

Okay. That's the fireman's daughter. Okay. Well, I thank you, Mike, and I hope I didn't miss anybody else. With that, we will go to the agenda.

Tabled Resolutions

2014-12 - Directing the Criminal Justice Coordinating Council to study the effectiveness of the County's Alternative to Incarceration Programs (Hahn).

LEG. HAHN:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table. I'll second. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: 6-0-0-1 Not Present: Legislator Gregory)***.

Okay. ***2088-12 - Adopting Local Law No. -2013, A Local Law to set minimum safety standards for recreational boats in Suffolk County (Spencer).***

LEG. SPENCER:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table, Legislator Spencer. I'll second. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: 6-0-0-1 Not Present: Legislator Gregory)***

1087-12 - Adopting Local Law No. 2013, A Local Law to deter motorists from leaving the scene of the accident (Browning). I'll make a motion to approve.

LEG. KENNEDY:

Second.

LEG. HAHN:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

Introductory Resolutions

1155-13 - Appropriating planning funds for the New Replacement Correctional Facility at Yaphank Phase II (CP 3008)(Co. Exec.). Motion to approve. Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1174-13 - Accepting and appropriating a Supplemental Award of Federal Funding in the amount of \$10,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in Operation Northeast Shore Restore II with 78.90% support (Co. Exec). Motion to approve, Legislator Hahn.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1175-13 - Accepting and appropriating Federal Funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's Participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) Fraud Investigation with 78.89% support (Co. Exec). Same motion, same second, same vote. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1176-13 - Accepting and appropriating a grant in the amount of \$259,500 from the New York State Division of Homeland Security and Emergency Services for the State Law Enforcement Terrorism Prevention Program (SLETPP) FFY2012 with 100% support (Co. Exec.). I'll make a motion to approve and place on the Consent Calendar.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1183-13 - Adopting Local Law No. -2013, A Local Law to amend "Suffolk's Safer Waterways Act" (Schneiderman). Motion to table for public hearing, right?

MR. NOLAN:

Uh-huh.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's tabled for public hearing. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1184-13 - Appropriating funds in connection with the purchase of Communications Equipment for Sheriff's Office (CP 3060)(Co. Exec.)

LEG. HAHN:

Motion.

CHAIRPERSON BROWNING:

Motion to approve by Legislator Hahn. Second, Legislator Muratore. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1185-13 - Appropriating funds in connection with the purchase of heavy duty equipment for Sheriff's Office (CP 3047)(Co. Exec.) I'll make a motion to table. Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's tabled. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1190-13 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with improvements to the Suffolk County Fire Training Center (CP 3405)(Co. Exec.).

LEG. HAHN:

Motion.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Motion to approve, Legislator Hahn. Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1194-13 - Adopting Local Law No. -2013, A Local Law to expand exemptions to boating safety instruction requirements (Krupski).

MR. NOLAN:

Table.

CHAIRPERSON BROWNING:

Table for public hearing. I'll make that motion. Second?

LEG. MURATORE:

Second.

CHAIRPERSON BROWNING:

Legislator Muratore. All in favor? Opposed? Abstentions? Tabled for public hearing. **(Vote: 6-0-0-1 Not Present: Legislator Gregory)**

1197-13 - Adopting Local Law No. -2013, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).

LEG. KENNEDY:

Motion to table.

CHAIRPERSON BROWNING:

Make a motion to table for public hearing. Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It is tabled. ***(Vote: 6-0-0-1 Not Present: Legislator Gregory)***.

1198-13 - Establishing active shooter protocols for staff at all County facilities (Hahn).

LEG. HAHN:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table by Legislator Hahn. I'll second that. All in favor? Opposed? Abstentions? It is tabled. ***(Vote: 6-0-0-1 Not Present: Legislator Gregory)***

With that, we have no more on the agenda. I'll make a motion to adjourn. Second, Legislator Hahn. We are adjourned.

(The meeting was adjourned at 11:36 a.m.)