

1. Public Notice

Documents:

[10-6-21 SPECIAL BUDGET MEETING.PDF](#)

2. Legislative Session Meeting Minutes 10-6-21

Documents:

[LEGISLATIVE SESSION 10-06-21 PART 1.PDF](#)

[LEGISLATIVE SESSION 10-6-21 PART 2.PDF](#)



PUBLIC NOTICE

PLEASE TAKE NOTICE THAT

THE NASSAU COUNTY LEGISLATURE

WILL HOLD A SPECIAL MEETING ON

WEDNESDAY, OCTOBER 6, 2021 AT 1:00 P.M.

IN

**THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501**

**AT WHICH TIME THE LEGISLATURE WILL HOLD A PUBLIC
HEARING REGARDING THE 2022 NASSAU COUNTY BUDGET
PERTAINING TO THE POLICE DEPARTMENT, FIRE
COMMISSION/FIRE MARSHAL, SHERIFF'S DEPARTMENT –
CORRECTIONS DIVISION, PROBATION DEPARTMENT, THE
OFFICE OF THE DISTRICT ATTORNEY AND THE DEPARTMENT OF
ASSESSMENT**

As per the Nassau County Fire Marshal's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 100 people. Passes will be distributed on a first come first served basis beginning one half hour before the meeting begins and attendees will be given an opportunity to sign in to address the Legislature. On Committee Meeting days, Public comment will be limited to Agenda items. Public comment on any item may also be emailed to the Clerk of the Legislature at LegPublicComment@nassaucountyny.gov and will be made part of the formal record of this Legislative meeting.

The Nassau County Legislature is committed to making its public meetings accessible to individuals with disabilities and every reasonable accommodation will be made so that they can participate. Please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office for the Physically Challenged at 227-7101 or TDD Telephone No. 227-8989 if any assistance is needed. Every Legislative meeting is streamed live on <http://www.nassaucountyny.gov/agencies/Legis/index.html>

MICHAEL C. PULITZER

Clerk of the Legislature

Nassau County, New York

DATED: September 29, 2021

Mineola, NY

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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

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PRESIDING OFFICER

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LEGISLATIVE SESSION

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County Executive and Legislative Building

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1550 Franklin Avenue

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Mineola, New York

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Wednesday, October 6, 2021

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1:30 P.M.

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2 A P P E A R A N C E S:

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

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12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

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20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

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23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

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5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

10

11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

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14 LEGISLATOR DELIA DERIGGI-WHITTON

15 11th Legislative District

16

17 LEGISLATOR JAMES KENNEDY

18 12th Legislative District

19

20 LEGISLATOR THOMAS MCKEVITT

21 13th Legislative District

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23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

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2 LEGISLATOR JOHN FERRETTI, JR.

3 15th Legislative District

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5 LEGISLATOR ANDREW DRUCKER

6 16th Legislative District

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8 LEGISLATOR ROSE WALKER

9 17th Legislative District

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11 LEGISLATOR JOSHUA LAFAZAN

12 18th Legislative District

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14 LEGISLATOR STEVEN RHOADS

15 19th Legislative District

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17 MICHAEL PULITZER

18 Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: I would
3 like to call this meeting of the legislature,
4 this budget hearing, to order and I'm going to
5 ask Legislator Ford to lead us in the Pledge
6 of Allegiance. Thank you everyone.

7 Why don't we jump right in and I'd
8 like to invite Mike Uttaro, our new fire
9 marshal, to give the presentation with respect
10 to his office and the fire commission.

11 MR. UTTARO: Good afternoon. We
12 would like to thank you for your diligent
13 review of our proposed budget. This proposed
14 2022 budget for the fire commission provides
15 us with the minimum staffing needed to
16 adequately operate our fire communications
17 division fire com. It also adds eight fire
18 marshals for trainee positions and two
19 clerical positions to a very busy fire
20 marshal's office staff, which includes our
21 fire investigations division, our inspection
22 division and our hazardous material response
23 division.

24 The staff for fire com and the fire
25 marshal's office continue the arduous task of

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2 doing more with less over the past year as we
3 do every year. Including COVID enforcement
4 operations, coordinating the fire service
5 vaccine pods with the police department and
6 the Department of Health.

7 We saw an increase in plan review
8 and construction as the county emerged from
9 the slowdown from the pandemic. And we
10 collaboratively worked with the Nassau County
11 fire service at the scenes of major
12 emergencies including a large fire at a
13 garbage transfer station in Westbury, several
14 large warehouse fires, along with serious
15 house fires, an overturned gasoline tanker
16 truck and several severe weather events. All
17 with a staff of 50 uniformed fire marshal
18 staff and 24 uniformed fire com staff.

19 We predict another busy year ahead
20 with an anticipated construction boom mostly
21 again attributed to the fact the pandemic
22 slowed everything down and I'm confident that
23 our dedicated staff is up to the challenge for
24 the future. And I open it up for questions
25 and thank you very much.

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2 LEGISLATOR NICOLELLO: Thank you
3 Mike. I just have one general question and
4 I'll pass it along to the other legislators.
5 Do you feel confident that the funding for
6 VEEB is satisfactory? It's been an ongoing
7 issue with them. I don't believe they have
8 been increased in a number of years, but do
9 you feel the funding is adequate for their
10 purpose?

11 MR. UTTARO: At this time I would
12 say yes. I do understand that ARP funding, or
13 the America Rescue Plan funding, they've
14 identified several areas for reimbursement,
15 which I believe they're going to be reimbursed
16 for through funding from the county to help
17 some of the expenses that they incurred during
18 the pandemic and the shutdown. And I know
19 there's ongoing discussions on increasing
20 their budget over the next couple of years.

21 LEGISLATOR NICOLELLO: Is there
22 other opportunities in the next tranche of the
23 America Rescue funds to finance some of their
24 operations going forward? Not finance but pay
25 for some of the expenses that they have?

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2 MR. UTTARO: I believe they
3 identified several decent size I think to the
4 number of over \$200,000 in reimbursements for
5 things they had laid out from their online
6 courses to other types of things. Supply
7 expenses because of the increased pandemic and
8 things of that nature. And I believe that
9 will carry on into this year as well as we're
10 still basically going through this situations.

11 LEGISLATOR NICOLELLO: But I mean
12 as you as a former chief of
13 Manhasset-Lakeville, you know how difficult it
14 is to recruit and how important it is to have
15 the training that our volunteer fire fighters
16 need. I think you're the right man for the
17 job for that.

18 MR. UTTARO: Thank you.

19 LEGISLATOR FORD: Good afternoon
20 chief. How are you today? And thank you for
21 your presentation. Just a question on the
22 revenues. When you talk about the amount of
23 revenues -- I'm going to have to switch my
24 glasses -- it seems that you put in \$7,200,000
25 and I guess in 2022 it's the same amount. Is

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2 that the revenues that you get like from fines
3 and going out doing inspections? People have
4 to pay to have certain services done by the
5 fire marshal's office or is that revenues just
6 from taxes and whatever?

7 MR. UTTARO: The \$7.7 million,
8 correct me if I go wrong, my budget expert Bo
9 next to me, the \$7.7 million is mostly from
10 all of the fees that we generate. The fines
11 we do not see. That goes to the courts. It's
12 for plan review, permits, site inspections.
13 There's a whole myriad in the fire prevention
14 ordinance. In the last chapter we have a
15 whole fee schedule. So that's where all those
16 fees are derived from. It's a heavy volume of
17 paperwork that comes in.

18 LEGISLATOR FORD: Considering the
19 increase in the number of employees that you
20 have, the people that you're looking for and I
21 think there's like eight or nine or 12 more
22 people. I don't have my glasses on.

23 MR. UTTARO: Yes. There's eight
24 new fire marshal staff coming on.

25 LEGISLATOR FORD: Why are you

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2 keeping the revenues flat? Don't you think
3 that with an increase of fire marshals that
4 they'll be able to accomplish more work and
5 maybe go out and do more inspections that
6 maybe with new businesses coming in that we
7 will be able to see an increase in the amount
8 of fees that we're collecting?

9 MR. UTTARO: I guess the key is
10 some of the fees are new that are going to be
11 coming on board and it's hard to exactly
12 forecast how significant those fee increases
13 will be. Some of these fees are attributed to
14 the television and film production which seems
15 to be really taking off in the county.
16 There's several things we are anticipating. I
17 think we were just being conservative due to
18 the fact of the pandemic and nobody seems to
19 know which turn this thing is taking. So,
20 we'd rather surprise you and have our fees,
21 you know, better than expected than worst than
22 expected.

23 LEGISLATOR FORD: I like your
24 thought process. I agree with you. So there
25 is a possibility, an opportunity that we may

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2 see next year all of us will then be
3 pleasantly surprised to say well, you know, we
4 budgeted for this amount and guess what? we
5 increased it by -- it's an increase of so much
6 more than what we thought we were going to
7 collect, right? I'm not holding you to it.

8 MR. UTTARO: We're definitely
9 hoping I guess the trends are already showing
10 that construction has increased
11 significantly. Things are starting to come
12 back. There's a big boom in the housing
13 market. A lot of buildings are being
14 converted. The television movie film
15 production group. Plus new permits, now with
16 some extra staff, will be actually able to go
17 out and make sure that people are getting
18 their proper permits. And an accountant
19 coming on I think is going to help us move
20 that money around and see that as well.

21 LEGISLATOR FORD: Just a complete
22 aside from all of this because I was reading
23 in the papers that New York State is
24 considering requiring homes, new home
25 construction, to install fire sprinkler

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2 systems rather than just relying upon
3 homeowners to have working smoke detectors,
4 fire detectors. When we do new home
5 constructions and they have like say I know
6 for multifamily, like three or more three
7 families, three families or more, are required
8 to have sprinkler systems or like a certain
9 height distance, certain height. Do our fire
10 marshals go out and inspect that to make sure
11 that those systems are working? Is that
12 something that is an opportunity for us to
13 collect a fee on for that inspection?

14 MR. UTTARO: For the
15 multifamilies yes. For the single family and
16 two-family homes the sprinklers were approved
17 several years ago. For reasons we don't
18 understand it was taken out of the state code.

19 LEGISLATOR FORD: I think they
20 are thinking about putting them in.

21 MR. UTTARO: That's what we've
22 been hearing. If that does actually occur,
23 the plan review and inspection of those
24 sprinklers would fall back on the local
25 building departments, your towns, villages and

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2 cities. But there are village and town
3 building departments, mostly the villages,
4 that have already indicated that they'd like
5 us, under an agreement, to review those plans
6 for them to which we would be able to generate
7 a fee. But they would have request that
8 through us.

9 LEGISLATOR FORD: It would make
10 common sense because you're the experts.
11 Thank you very much.

12 LEGISLATOR NICOLELLO: Anyone
13 else? Legislator Birnbaum and then Legislator
14 DeRiggi-Whitton.

15 LEGISLATOR BIRNBAUM: I think
16 it's great that you're adding additional
17 staff. But can you tell us -- I have a
18 twofold question -- approximately how long it
19 takes for a new establishment to get a
20 permit? And by the addition of more personnel
21 will this speed up the process?

22 MR. UTTARO: I guess for the
23 first for how long it takes, the permit
24 process usually as a set of plans comes in for
25 a fire protection system is what we review.

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2 The fire alarm system, sprinklers, etcetera.
3 Right now we're we running anywhere from six
4 to eight weeks on turnaround as far as plans.
5 But then it also comes in if the plans are
6 rejected they've got to come back around.
7 Usually the wait isn't as long depending on
8 how bad the plans were for look of a better
9 word or explanation.

10 I do anticipate the eight folks
11 that we're going to be interviewing for fire
12 marshal trainee positions, it takes
13 approximately anywhere from a year and a half
14 to two years to actually get them trained to
15 the level that they would make an impact on
16 those. They have to go through code
17 enforcement training, emergency medical. A
18 whole slew of trainings, which takes a
19 significant amount of time.

20 Hopefully without any attrition,
21 that would add to our staffing and be able to
22 bring some of those times down. Right now I
23 have multiple fire marshals in our inspection
24 divisions handling like our school
25 inspections. We have I'd like to say one and

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2 a half fire marshals working on that right now
3 and that's for every school in Nassau. He
4 reviews the plan. He does the site
5 inspections, emergency lighting test.
6 Thankfully, he's very diligent. But the
7 addition of extra people definitely I think
8 would both bring the wait time down a bit and
9 also increase our fees and revenues we would
10 be bringing in.

11 LEGISLATOR BIRNBAUM: Have you
12 noticed as a result of the economy picking up
13 now more applications?

14 MR. UTTARO: Yes. There's
15 definitely been a lot more applications coming
16 in. There's a lot of things that we've never
17 done before. There's tents everywhere. So
18 our tent inspections, our tent permits have
19 gone up significantly. But construction has
20 started to increase. There's been slowdowns,
21 as everyone's aware if you're doing a project,
22 with materials. But projects have been coming
23 on. Site plans for new projects. There's a
24 large project getting ready to go in Long
25 Beach that will probably get underway possibly

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2 within the year. The plans will start coming
3 in. And there's several other large
4 developments both up in the Glen Cove area,
5 Bethpage, all different areas of the county.
6 But we've definitely seen an increase.

7 LEGISLATOR BIRNBAUM: But do you
8 think amount of additional personnel, what did
9 you say how many eight?

10 MR. UTTARO: Yes.

11 LEGISLATOR BIRNBAUM: Do you
12 think that's sufficient?

13 MR. UTTARO: It's sufficient. It
14 will help us. I'm going to be honest, the
15 more staff we have I think the better job we
16 can do. This group that retired as fire
17 marshals it's not just fire inspections. We
18 have a fire investigation division. We also
19 support the fire service with a drone unit.
20 Rehab unit. There's lots of other things they
21 do. And our hazardous materials response team
22 that's a 24 hour operation. Those extra staff
23 they just don't get put into the inspection
24 group. They have to get filtered out into the
25 other divisions as well to make sure they're

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2 adequately staffed and manned. So it becomes
3 a challenge. But I would hope that next year
4 I can say the same thing that we're going to
5 hire another eight and I have my fingers
6 crossed and we'll just continue to show our
7 worth and show what we can do with the staff
8 we have.

9 LEGISLATOR NICOLELLO: Legislator
10 DeRiggi-Whitton. Then Legislator Solages.

11 LEGISLATOR DERIGGI-WHITTON:
12 Actually Ellen asked one of the questions
13 about the turnaround time because I'm sure you
14 know we get complaints. I'm sure you get
15 complaints sometimes with how long it takes.
16 I know you have to do your due diligence and I
17 want you to obviously. But hopefully with
18 better staffing the turnaround time might be
19 even be better than it is now.

20 When you hired the new recruits do
21 you have any problem getting them through the
22 whole background check and everything? Have
23 you gotten to that point yet?

24 MR. UTTARO: The background
25 checks get done by the Nassau County Police

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2 Department prior to them getting affirmed by
3 civil service and the list created. They've
4 been very cooperative. In fact, they got a
5 lot people through pretty quickly for us this
6 time which was great. From there we have a
7 good cooperation with the sheriff's office who
8 does the training for peace officer. Our fire
9 academy with hazardous materials training.
10 And then we have a good rapport, thankfully,
11 with the New York State Codes Division with
12 getting code classes.

13 So, we have some good relationships
14 out there that help expedite the process and
15 great partners. It's a large process and it's
16 a lot of different courses and verticals that
17 they have to complete in order to get to that
18 finish line.

19 LEGISLATOR DERIGGI-WHITTON: I
20 know the police department does a great job.
21 I just know that, again maybe even due to
22 COVID, it's staffing, just the time to get the
23 results back. But it seems that's been a real
24 logjam for a lot of different departments.
25 But you've already gotten clearance for the

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2 eight that you're hiring?

3 MR. UTTARO: Yes. They
4 interviewed several people to give us the list
5 that we are working off of now and they're
6 actually in the process of interviewing the
7 next group of eligible candidates. So,
8 they've been working great for us and they've
9 been helping us a lot.

10 LEGISLATOR DERIGGI-WHITTON:
11 Thank you for all you did during COVID. That
12 was like your second job but you did a great
13 job.

14 MR. UTTARO: Hoping to see it in
15 the rearview mirror.

16 LEGISLATOR NICOLELLO: Legislator
17 Solages. Then Legislator Gaylor.

18 LEGISLATOR SOLAGES: Thank you
19 very much. Good afternoon fire commissioner.
20 How are you doing?

21 MR. UTTARO: Very good. Thank
22 you.

23 LEGISLATOR SOLAGES: The video is
24 not working and I thank the presiding officer.

25 In Elmont recently, last week,

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2 there was a very terrible fire in which a 14
3 year old young lady died. I spoke to her
4 father yesterday and extended my condolences.
5 Technically this is not part of the Third
6 Legislative District. This is part of the
7 legislative district in which Muscarella is
8 the legislator. Nevertheless, I would like to
9 know in your budget what is set aside for
10 outreach. You know it was a very terrible
11 fire and I want to make sure that we can
12 educate the community as to the dangers.
13 Thank you.

14 MR. UTTARO: As far as I guess
15 fire prevention, fire prevention it's not so
16 much a dedication in our budget it's staff.
17 We have several fire marshals, including
18 mostly from our fire investigations unit, that
19 keeps track of trends. We work very closely
20 with the Nassau County fire service academy
21 and the fire fighters museum that educates
22 people to the perils of fire. Fire safety.

23 In fact, this Friday we have a news
24 conference set up with the county executive's
25 office in Westbury which we will be handing

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2 out free smoke detectors and they're going to
3 be advertising that as well.

4 Especially when there's a fatal
5 fire both which we just recently had in Garden
6 City in May and this most recent fire in
7 Elmont, we try to reach out to the community
8 mostly through the fire departments. The fire
9 departments have significant funding of their
10 own that they set aside for their open
11 housing, fire prevention programs, fire
12 prevention programs in the schools. So, it's
13 a collaborative effort of both the volunteer
14 fire service, the fire service academy and the
15 museum who since, well, prior to the pandemic,
16 hundreds of kids and classes and adults
17 through their training course showing people
18 the dangers of fire out, how to get out
19 alive.

20 The biggest thing is to push for
21 smoke detectors. It is the law and sadly, in
22 a lot of these fires there's either detectors
23 that aren't functioning or there's no
24 detectors at all. So we try to put folks in
25 touch with the people who these resources and

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2 get them out to them. Including the Red Cross
3 and other agencies.

4 As far as budgeting, it's not so
5 much a budget as dedicated man hours and
6 making sure we get the word out to people. I
7 think we've done a very good job of that. And
8 unfortunately, I wish the word got out to
9 everybody and we wouldn't have the tragedies
10 like you just had in Elmont.

11 LEGISLATOR SOLAGES: Yes. You're
12 doing a great job and I thank you commissioner
13 for everything you're doing. The last
14 question is that earlier this year we focused
15 on diversity in the police department and I'm
16 hopeful that we can make progress there. I
17 would like to talk to you about minority
18 recruitment within the fire service. Can you
19 please discuss that?

20 MR. UTTARO: It's a little hard
21 for me to discuss overall but I will give you
22 my best shot. The 71 fire departments
23 actively recruit in their communities. What
24 they've been doing and I've seen several of
25 the recruitment videos. In fact, Elmont just

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2 put out a really good video, a recruitment
3 video. It's getting out to the communities
4 and saying that this isn't a secret club that
5 you have to know the secret code to get voted
6 in. It's a community-based volunteer fire
7 department that protects your community. From
8 Syosset to Elmont to Manhasset down to
9 Massapequa they've all been putting very good
10 programs. They've been going to community
11 groups, meeting with community groups that fit
12 the demographic of their neighborhoods to try
13 to get people to join. Joining the fire
14 department brings down response time.

15 We had a fire in Hempstead recently
16 at an apartment complex. We spent some time
17 afterwards talking to some of the local
18 residents and community members about joining
19 the fire department and several of them
20 actually didn't know it was a volunteer fire
21 department and expressed interest in joining
22 to help improve the ranks and get the trucks
23 out faster.

24 We at the fire marshal's office
25 don't have a direct presence in recruitment

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2 and retention. We support the fire
3 departments. But from what we've seen and
4 what we've heard at the commission meetings
5 they've really started to embrace that model
6 and get out into the communities and really
7 let people know it's an all inclusive, all
8 community-based organization and nobody's
9 excluded. You just got to sign up. Get your
10 application in. The training is free. The
11 training is excellent. And we hope that even
12 utilizing the efforts of the legislature to
13 get out into the communities and get these
14 folks to walk in the front doors and give it a
15 try. It's not for everybody but the rewards
16 you get, speaking for myself, are immense. So
17 hopefully we can get more people out there.

18 LEGISLATOR SOLAGES: I agree with
19 you 100 percent. I thank you so much for your
20 service and I concede my time back to the
21 floor. Thank you so much presiding officer.

22 LEGISLATOR NICOLELLO: Legislator
23 Gaylor you have a question.

24 LEGISLATOR GAYLOR: Fire
25 commissioner, how are you today? Two

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2 different areas. The first area you touched
3 upon was the school inspections. Is every
4 school inspected every year?

5 MR. UTTARO: Every school is
6 inspected every year. That is actually a
7 state mandate. The New York State Board of
8 Education mandates that all schools complete
9 an inspection. We do not get into the public
10 schools as they are usually the lead agency on
11 that. As much as we need to, when we are
12 asked to, we assist the state department of
13 education. They have their own safety unit
14 that does these inspections.

15 LEGISLATOR GAYLOR: The county
16 doesn't inspect the state does. You just
17 assist where needed?

18 MR. UTTARO: Yes. The state does
19 through either its official entity or private
20 contractors that are code enforcement officers
21 that they hire. That the individual school
22 districts hire to perform these safety
23 inspections. We get into the private schools
24 and camps and everything of that nature and
25 that gets done once a year.

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2 LEGISLATOR GAYLOR: Are those
3 inspections done when school lets out, before
4 school starts so it's starts all compressed in
5 the June September?

6 MR. UTTARO: No. It's
7 periodically done throughout the year because
8 the sheer volume wouldn't permit us to
9 condense them into a small period of time. We
10 get in when we can. When we're least
11 disruptive. Like I said, the gentleman that
12 oversees that project in our special
13 facilities division does a great job and we've
14 been keeping our head above water with them.

15 LEGISLATOR GAYLOR: The other
16 area of discussion involves around the actual
17 head count. It looks like you're budgeted for
18 91. You have 82 on board as of early
19 September. 82 on board. Budgeted for 91.
20 You're short nine currently?

21 MR. UTTARO: Yes.

22 LEGISLATOR GAYLOR: What actions
23 are you taking to fill those positions now?

24 MR. UTTARO: The fire com
25 positions were the most significant shortage.

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2 We need 25 fire com dispatchers. The guys
3 that work the consoles. Dispatch the trucks.
4 Take the calls in. We need 25 of them. We
5 lost two. One was a sudden passing. The
6 other one was due to COVID. So we lost two
7 additional.

8 So the positions for fire com and
9 two backfill positions that we've been
10 approved for are just to bring them to the
11 minimum manning. We're hoping to build on
12 that. I've already talked to the county
13 executive office about next year's budget,
14 adding additional staff into fire com. So
15 it's more robust.

16 Some of these guys are working long
17 hours and the addition of these new guys will
18 bring that down. We want to put a couple of
19 safeguards in place. They too take upwards of
20 six months to a year to fully trained and get
21 read to work the consoles on their own and
22 make an impact. With attrition, and there's
23 several people out there they have years in
24 and they could retire, we'd rather be ahead of
25 the game than behind it.

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2 As far as fire marshals, these
3 eight definitely add to our staff which gives
4 us flexibility. Like I said those three
5 areas, hazmat, fire investigations and
6 inspections divisions. And I also again have
7 spoken to the county executive's office about
8 increasing those numbers again next year with
9 additional staff instead of just
10 replenishment. The work and the volume is
11 going up and the need for these extra staff
12 members -- and our budget reflects it. For
13 every fire marshal you bring on they
14 definitely increase our revenue. I'd like to
15 say we're self-sustaining but we bring in a
16 significant amount of revenue and those
17 numbers have already been established.

18 LEGISLATOR GAYLOR: I understand
19 what you're saying. I hear what you're
20 saying. I guess, you're short in the overall,
21 the aggregate there, looks like you're short
22 nine positions right now. You're asking for
23 an additional seven. You can't fill the nine
24 that you're short timely. So how are you
25 going to get to the 98 you want to be at?

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2 MR. UTTARO: It's been a constant
3 battle. I'm there 22 years now. When I first
4 started in '99 we had 75 fire marshals. As
5 you can see we're down to 50. We've gotten
6 the number as high as -- my predecessor, chief
7 Tussa, go the number up to I think 60.
8 Unfortunately, because people do become
9 eligible for retirement, we have people
10 leave. It's been a constant battle.

11 LEGISLATOR GAYLOR: I understand
12 that but why should we fund you for 98 when
13 you can't even get to the four year average of
14 88? You don't have it on board now. Why do
15 you need to be funded for the extra seven,
16 eight positions when you can't fill what
17 you're funded for now?

18 MR. UTTARO: I guess what you're
19 asking for -- we're actually conducting
20 interviews tomorrow night for eight.

21 LEGISLATOR GAYLOR: So you're
22 going to bring on eight relatively --

23 MR. UTTARO: I'm sorry if I
24 misinterpreted.

25 LEGISLATOR GAYLOR: That's what I

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2 was trying to figure out if we were going to
3 be able to fill these positions relatively
4 quickly or does it take time by virtue of the
5 specialized training and you need a year or 18
6 months lead time before we're actually going
7 to see these positions filled.

8 MR. UTTARO: Tomorrow we actually
9 are filling, hopefully filling the eight
10 positions through interviews and we have some
11 folks that have retired this year and some
12 folks that are on the bubble later this year
13 and we're hoping to replenish those.

14 LEGISLATOR GAYLOR: So, you're
15 pretty confident by the end of the year you're
16 be back to your full head count and then need
17 the additional going forward because of
18 workload demands?

19 MR. UTTARO: I sure would hope
20 so, yes.

21 LEGISLATOR GAYLOR: Thank you.

22 LEGISLATOR NICOLELLO: Legislator
23 Walker and then Legislator Rhoads.

24 LEGISLATOR WALKER: I'm not going
25 to repeat what's already been said but

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2 tomorrow's interviews how long is the training
3 for those eight people?

4 MR. UTTARO: Like I said, it's
5 approximately a year and a half to two years.
6 Depends on how we line those trainings up. If
7 all the planets line up right we can get them
8 through in a year and a half. Which
9 thankfully my partner next to me, supervisor
10 Pilczak, has been able to make really good
11 inroads with our other agencies such as the
12 sheriff's office, New York State, the fire
13 academy. And if he gets everybody lined up in
14 just a certain way they complete one training
15 and they go right into the next one and the
16 next one and there's no waiting period. If
17 that all works out well, which last class it
18 did, we hope a year and a half. But with
19 COVID you never know.

20 LEGISLATOR WALKER: Those eight
21 new employees will then go to various aspects
22 of your department?

23 MR. UTTARO: Yes. The usual
24 process is for their first year and a half,
25 two years they move around from division to

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2 division so we can evaluate where their
3 strongest points are. Who's best fit for what
4 position. Once their training is complete
5 they would be permanently assigned to a
6 certain division, whether inspections, hazmat
7 or investigations.

8 LEGISLATOR WALKER: I would just
9 hope that if you find that -- we don't want to
10 see that there becomes a bigger backlog. That
11 hurts you, it hurts each and every one of us
12 and certainly hurts our residents, businesses
13 and whatever. Even you notice that hopefully
14 you would come back to us quickly and let us
15 know look, this is something we need to
16 address. Otherwise, we're really going to get
17 behind the eight ball.

18 I know you said you're already
19 talking about next year's budget. Even before
20 then come back to us and let us know that.

21 And I just want to give you a shout
22 out. I'm in the ladies auxiliary in
23 Hicksville. I've been to our signal ten
24 fires. And to see your inspectors there and
25 what they do. Any time we've reached out to

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2 you you've always been very, very helpful. So
3 thank you very much for that.

4 MR. UTTARO: Thank you. We're
5 going to continue to follow the squeaky wheel
6 method and we're hopefully going to keep
7 getting staff and keep augmenting the staff.
8 Thank you.

9 LEGISLATOR NICOLELLO: Legislator
10 Rhoads.

11 LEGISLATOR RHOADS: It wasn't my
12 intention really to ask any questions but then
13 a couple of the answers you gave something
14 popped in my head.

15 With respect to the head count, do
16 you have the authority in your position, I
17 understand obviously you've only been there a
18 couple months at this point, do you have the
19 authority in your position to be able to hire
20 at will? In other words, if you're budgeted
21 at a particular head count do you have the
22 ability to hire up to that head count or do
23 you need clearance from elsewhere in the
24 administration to be able to bring on staff?

25 MR. UTTARO: Any time we have,

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2 for instance, if the requirements occur that
3 we anticipate this year those are already in
4 the budget for 2022. So, yes, we would have
5 to go to the county exec's office for
6 clearance and civil service to get our usual
7 route of permissions through personal request
8 forms. But we would definitely follow that.
9 We wouldn't sit on it and wait.

10 LEGISLATOR RHOADS: In your
11 experience, and again you've been there a
12 short time, perhaps I should have asked chief
13 Tussa this question at a previous hearing, if
14 you've requested from the administration the
15 ability to bring on staff to bring you up to a
16 budgeted head count has that request ever been
17 denied?

18 MR. UTTARO: To the best of my
19 knowledge, no. At least since I've been an
20 assistant chief and following and attending
21 some of these meetings with chief Tussa when
22 he was in charge. But in this budget process,
23 I have to say we were pleasantly pleased with
24 what we received. Fire com brings us up to at
25 least a minimum manning. We obviously want to

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2 build in some cushion. They deployed a field
3 com unit in the field which they have to
4 replenish staff. So having that staff on
5 board, similar to how we have hazmat, that
6 it's constantly staffed that we would be able
7 to get it out that much faster. Which is one
8 of our goals. We know we have to work to
9 that. We also know we have to knock on doors
10 and make phones calls and be a little more
11 aggressive.

12 LEGISLATOR RHOADS: Just changing
13 gears slightly. With respect to VEEB we
14 recently, in the last year, sort of
15 restructured our process in that we issued a
16 two-year contract as opposed to a one-year
17 contract to alleviate some of the issues that
18 they were having with respect to the
19 timeliness of the contracts and they're need
20 to make pension payments. How has that
21 process worked? Has that alleviated those
22 concerns? Is that something that's been
23 beneficial?

24 MR. UTTARO: They're actually
25 still on a one-year contract. They never went

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2 to a two-year contract. There was talk of
3 going actually to a five-year contract. I
4 believe it was NIFA didn't want five year
5 contracts or even multiyear contracts.
6 They're still on the annual contract basis.

7 LEGISLATOR RHOADS: So they're
8 still having the same issues with respect to
9 when the contracts get approved versus when
10 the funding as a result of the new contract
11 passes?

12 MR. UTTARO: In this past year
13 yes. Leftover from last year and some of it
14 you can pin the blame on the pandemic. But
15 this year we're well on our way through that
16 whole approval process. In fact, Bo has been
17 working on that with all the different
18 entities involved. As you know, it's quite
19 extensive getting that rolled along. It is in
20 a good spot right now that we're looking to
21 have this approved before the end of the year
22 instead of sitting here in 2022 in January,
23 February, March going through that approval
24 process which significantly delays their
25 payments and it causes havoc with their

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2 staffing and budget.

3 So, we're hoping right now this
4 will be the first year that we'll have this,
5 at least in my recent memory, that we'll have
6 this to you and hopefully approved by the end
7 of this calendar year so it will be smooth
8 sailing for next year's budgeted year.

9 LEGISLATOR RHOADS: Then
10 ultimately it has to be approved by NIFA which
11 is where we run into some of the issues.

12 MR. UTTARO: Some of them yes but
13 most of them we work out. We're running
14 through a new method, the solicitation method,
15 which is computer system method that it gets
16 uploaded. So far that's been working out
17 okay. NIFA does have a lengthy review process
18 but they also realize this is public safety.
19 And to be honest, they've been actually pretty
20 good to us about that knowing the fact that
21 there really can't be any foot dragging on
22 this. It has to be approved.

23 LEGISLATOR RHOADS: Ultimately
24 what I'm concerned about is you don't run into
25 a situation where you have January, February,

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2 March you've got classes now, they're ongoing,
3 you got additional classes that are starting
4 up for Department of Operations and you're not
5 able to pay your staff. Because we were at
6 that point I believe a couple of years ago
7 where you were robbing Peter to pay Paul
8 basically and you were out of options. I just
9 wanted to make sure that you're confident that
10 this year you're not going to run into that
11 problem.

12 MR. UTTARO: So far we're on
13 target to not have to repeat this year's and
14 the year before and so on and so forth. We'll
15 see you in December and hopefully it will be
16 because we're before you to get that contract
17 approved.

18 LEGISLATOR RHOADS: Thank you.

19 LEGISLATOR NICOLELLO: Any other
20 questions? Thank you Mike. Appreciate it.

21 MR. UTTARO: Thank you very much.

22 LEGISLATOR NICOLELLO: Next
23 presentation is by the sheriff's department,
24 James Dzurenda.

25 MR. DZURENDA: Good afternoon

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2 Presiding Officer Nicoletto and Minority
3 Leader Abrahams and also members of the
4 legislature. I'm James Dzurenda. I'm the
5 Nassau County sheriff. I'm here to answer
6 whatever questions you have. If I cannot
7 answer them I will do the best I could to get
8 the answers for you either today or as soon as
9 possible thereafter.

10 LEGISLATOR NICOLELLO: Do we have
11 any questions for the sheriff? Legislator
12 Ford.

13 LEGISLATOR FORD: Good afternoon
14 sir. Thank you very much for coming here and
15 also thank you very for the tour that both
16 Legislator DeRiggi-Whitton and I were able to
17 go on. I have to say that the two interns
18 that were with me thought it was the highlight
19 of their time here. I guess you probably
20 didn't realize you work in a rather exciting
21 place.

22 But I guess my question would be
23 what is the status -- I'm going to probably
24 jump around and I apologize -- what is the
25 status of the vehicles that are used by

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2 yourself as well as the correction officers
3 themselves?

4 MR. DZURENDA: Right now we're
5 doing pretty well with vehicles. We have
6 quite a few that are very old, just low
7 mileage but it's getting more difficult to get
8 parts for them. They're the old Crown
9 Victorias even from the early -- some of them
10 are 20 years year old and plus. Right now we
11 have three vehicles that have been approved
12 that are ours, but the problem is nationally
13 are these computer chips that the dealers
14 can't get. That they aren't being made. We
15 have three that are just sitting at the dealer
16 now waiting for these chips.

17 But we received in I believe seven
18 new vehicles that replaced the seven worst
19 vehicles we had. That was just regular
20 vehicles. We received a bus. I think,
21 honestly, I think we're doing well but we're
22 going to need them eventually again when these
23 older vehicles start deteriorating more.

24 LEGISLATOR FORD: Hopefully when
25 the chips are available we can get them

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2 quickly.

3 I know that with Raise the Age and
4 I know that like under the law those offenders
5 that are between the ages of 16 and up to 18
6 are not to be housed in the jail facility.
7 They can't go into the juvenile detention
8 center because they're too old. That's going
9 to be a series of questions when probation
10 comes up because I'd like to know where we are
11 with that. Is it under your responsibility
12 that the deputy sheriffs are the ones that
13 transport these young people?

14 MR. DZURENDA: There's two parts
15 to your answer that you probably didn't
16 realize. First of all, I guess there's no
17 room right now in the state for the adolescent
18 offenders. So we do have them in our
19 facility. The state commission of corrections
20 has authorized our facility, is the only one
21 in the state right now to take adolescent
22 offenders. Once we have one of the Nassau
23 County adolescent offenders we take in other
24 counties. So we do have a housing unit that
25 does have adolescent offenders on our

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2 property.

3 But yes, the deputy sheriffs are
4 the ones that do do the transports. Whether
5 there's one that comes in as far as Buffalo.
6 They bring them to Buffalo. The problem is is
7 the statewide room for those adolescent
8 offenders has dwindled.

9 LEGISLATOR FORD: It's
10 interesting. So, I'm glad to hear that we
11 found some spot for our young people. But I
12 guess the preference would be that if they're
13 in Nassau County in your jail and a bed opens
14 up up in Buffalo that young, youthful offender
15 must then be transferred up there? Or if
16 they're already assigned to stay in Nassau
17 County do they stay in Nassau County even
18 though a bed may open up upstate?

19 MR. DZURENDA: They will stay
20 unless there's multiple beds. If a bed does
21 open up and we currently have one the new
22 adolescent offender gets placed in that bed
23 not the one that we currently have.

24 LEGISLATOR FORD: So there could
25 be some consistency?

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2 MR. DZURENDA: Correct.

3 LEGISLATOR FORD: And how many
4 youthful offenders do we have right now?

5 MR. DZURENDA: Here's another two
6 parts to it. We have seven in our facilities
7 but only four that fall into the category of
8 separate housing. There's three that are
9 called adolescent offenders but now they've
10 reached the age. They're still considered
11 adolescent offender offenses but they're in
12 our general population with the adults.

13 LEGISLATOR FORD: Because they
14 turned 18?

15 MR. DZURENDA: Yes.

16 LEGISLATOR FORD: Then we have to
17 allocate a certain number of correction
18 officers to stay with the youthful offenders,
19 correct?

20 MR. DZURENDA: Correct. There is
21 minimum standards that we have to follow under
22 SCOC, the State Commission of Corrections.
23 And just so if you can -- it's hard for you to
24 see it because you can't visualize housing
25 units, but for one housing unit, whether we

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2 have one individual in it or whether we have
3 50, it still is the same amount of staffing.
4 Which comes to about 20 additional staff for a
5 24-7 staffing period.

6 LEGISLATOR FORD: Then that would
7 then contribute to an increase in overtime
8 because you don't have enough personnel.
9 Speaking of that, where are we with the
10 classes? It was great going to the graduation
11 and really nice.

12 MR. DZURENDA: Right now we had
13 two classes this year. I'm not going to give
14 the exact number. It was somewhere around 45
15 total. Closer probably to 50. But it was in
16 that range. We are looking to add on two more
17 classes of the same. Up to 40. We're going
18 to reevaluate once those classes are done and
19 see if there's a need for additional classes
20 after that. Right now we're looking at up to
21 40.

22 LEGISLATOR FORD: When do you
23 anticipate that the classes would start?

24 MR. DZURENDA: The problem I have
25 is even when we get full approval from

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2 everybody it still takes about four months
3 before you can actually go through the civil
4 service process, the backgrounds, the hiring.
5 I was hoping right now but I think we're more
6 looking at closer to January.

7 LEGISLATOR FORD: Is it still
8 because of background checks and all of those
9 other clearances go through the Nassau County
10 Police Department?

11 MR. DZURENDA: They do but that's
12 not the only issue. It's trying to finagle it
13 through civil service as well.

14 LEGISLATOR FORD: Takes that look
15 for civil service.

16 MR. DZURENDA: For the whole
17 process. And calling them. Calling the
18 employers. A lot of times we're going to get
19 no. They failed some physical. Then we go on
20 to the next. To get a full class it takes a
21 while.

22 LEGISLATOR FORD: I know that we
23 talked about when we were at the jail how I
24 guess the implementation of these iPads,
25 tablets, whatever they are, are they now in

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2 the jail now?

3 MR. DZURENDA: No. We have a
4 current RFP that's out for inmate
5 telecommunications. That's what it's called.
6 In that is the production of the tablets or
7 these program devices. What they do will be
8 up to whoever gets awarded the RFP. We're
9 looking at a target date of November 20th or
10 that week of this year for the award of that
11 RFP.

12 LEGISLATOR FORD: Wonderful.
13 Considering also that, you know, because I
14 know that it was something that you touted
15 like how important it would be, first of all,
16 for them, for anybody who was there
17 incarcerated that would be able to take some
18 classes, better their lives and everything. I
19 was impressed when we went to the DA has had
20 community justice reform. Probably saying it
21 wrong. But when we went to that presentation
22 and what really struck me was those that
23 incarcerated I guess they took advantage of
24 the schooling that they had. And there was
25 one gentleman that actually left and had I

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2 think his PhD or his masters or something.

3 To me, so I thought like God bless
4 him. I think that maybe with something like
5 this that it would maybe help especially some
6 of the younger inmates or people that are
7 there that if they can, you know, tap into
8 maybe something more productive it may help
9 them not have recidivism.

10 So then I guess my final question
11 would be with the capital projects. I know
12 we're not to talk about that. That's
13 something separate. But I do want to make
14 sure that we are on target because I think
15 that the importance of the jail is that with
16 the roof, the windows, and I know we had this
17 discussion it was about \$15 million to be able
18 to do these necessary repairs.

19 So, I'm hoping that that is
20 something that is still on target and that
21 soon we will be speaking about this and
22 hopefully you'll be before the Rules with a
23 contract saying that Joe Schmo's business is
24 going to do this and blah, blah, blah, the
25 whole bit. Can you give me an update on

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2 that?

3 MR. DZURENDA: Sure. Right now I
4 believe it still is. DPW could probably
5 answer a little better with that. But right
6 now there's daily meetings with the
7 consultants that are involved in this. What
8 we've done already, just so the public knows,
9 on our main building, which we call it the 832
10 building, all the glazing was redone around
11 the windows of the facility. Which is a big
12 deal because every time it rains and the wind
13 comes those holes that run from the glazing
14 actually bring in all the water from that
15 direction.

16 However, the biggest problem we
17 have now is the roof. What they did just
18 recently is they went around and did temporary
19 repairs on the membranes where they believe
20 they had leaks, holes, rips to correct it.
21 They cannot and they do not hit all of them
22 because there are areas that they can't see
23 that are still bringing in water. They could
24 be the tiniest holes but it's still bringing
25 in water.

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2 We still have housing units that we
3 shut down during certain parts of the rain.
4 We have some that are permanently shut down
5 because we know they get water in them
6 immediately. But my observation less water is
7 coming in. So, so far what they did did make
8 a difference but you really do got to replace
9 that roof.

10 LEGISLATOR FORD: Thank you. In
11 here I see that according to the schedule that
12 you had I guess last year you had an attorney
13 for employee relations that's been eliminated
14 in this budget. Am I reading that correctly
15 or not? On page 109.

16 MR. DZURENDA: We did have an
17 agency attorney that was assigned to the
18 agency that we don't have now. That was
19 transferred out. But we are looking for
20 another. There is a process in place now. I
21 think that's what it's geared towards.

22 LEGISLATOR FORD: I guess it's
23 not in for next year's budget but if it's
24 necessary it can be added, correct?

25 MR. DZURENDA: Correct.

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2 LEGISLATOR FORD: This will be my
3 last question. Where are we with the
4 locksmiths? Remember we were going to then
5 send them down to training?

6 MR. DZURENDA: We did. We sent
7 two maintenance employees to Florida for a
8 training. The training isn't necessarily the
9 same that you would get at going to a school
10 for a locksmith but it trains the individual
11 to be able to do the locksmith work necessary
12 at the facility. So, we have two that are
13 identified that have been trained to do
14 locksmith work at the facility.

15 LEGISLATOR FORD: Thank you very
16 much.

17 LEGISLATOR NICOLELLO: Just
18 wanted to follow-up on Legislator Ford's
19 question with respect to recruitment. You had
20 indicated that last year you brought on
21 approximately 45 to 50 recruits, new
22 officers. Can you provide for me an estimate
23 of how many officers you lost through
24 attrition during the same time period or say
25 since 2019?

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2 MR. DZURENDA: What I use as a
3 number I use 60. It goes up and down
4 obviously depending on the year. Depending on
5 what happens with officers' contract and all
6 that. But if you go back in time 60 seems to
7 be the appropriate number annually that you
8 end up losing for attrition. Sometimes it's
9 40, sometimes it's 80. Right now I use the
10 number of 60.

11 LEGISLATOR NICOLELLO: That's a
12 concern obviously because even if you are
13 bringing on 45 to 50 in a year you're still
14 winding up with less officers to do the job.

15 MR. DZURENDA: That is correct.
16 But it depends on our incarcerated population
17 because if the population goes down you don't
18 even need the 60. If the population went up
19 we even need more than 60. It all depends on
20 the actual population numbers and where we
21 stand at the time.

22 LEGISLATOR NICOLELLO: Another
23 way to gauge that I guess would be overtime.
24 In looking at your overtime budget it was I
25 believe projection for 2022 is \$21 million as

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2 opposed to previous year's projection of \$11
3 million. The overtime seems to be
4 skyrocketing for want of a better word. Is
5 that an indication that you're not staffed
6 properly?

7 MR. DZURENDA: If you take a
8 snapshot of today you are correct. We do need
9 additional if you look at today. If you take
10 a snapshot of August 20th of 2020 we probably
11 had too many. Our population is almost 230 or
12 220 more than it was just that short time
13 ago. It can go up and down that fast. It's
14 very difficult to say and have an exact number
15 that we would need. But if you look at a
16 snapshot today you're correct. However, if
17 the eliminate the AO, the offender housing
18 unit, that reduces that number already. If
19 you look at COVID and that goes away and we
20 have these units that are open for isolation
21 and quarantine those numbers goes down again.
22 I don't want to be stuck with an exact number
23 because it fluctuates so much depending on
24 what we need. But if it looks like today,
25 yes, you're correct.

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2 LEGISLATOR NICOLELLO: So that is
3 troublesome because you are projecting, you
4 and the administration, are projecting an
5 overtime budget of \$20 million which is
6 historically high. You're indicating maybe
7 reasons why the numbers of inmates would go
8 down, obviously less officers are needed to
9 cover fewer inmates. But if you're projecting
10 a \$20 million overtime budget this year it's
11 clear that you're not projecting that that's
12 going to happen in the 2022 cycle.

13 MR. DZURENDA: COVID nobody
14 knows. So I don't know where that's going to
15 go. The AOs will probably be, my guess, is
16 not there in a couple of months. Just because
17 of the concern that's going statewide.
18 Everyone's going to push for this because it's
19 not optune to have them in our facility.

20 Also, we started taking some of the
21 federal inmates. Right now we have 23 federal
22 inmates. And that's bringing in revenue. The
23 numbers you get on the overhead is what we
24 need to pay but we still will be getting
25 revenue in from the AOs that we're taking,

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2 those other counties owe us. The federal
3 inmates, the feds owe us for the federal
4 inmates. So, I don't know what that number is
5 going to totally be on the offset but it's not
6 going to be as high as it that we need to pay
7 because there will be money coming in as well.

8 LEGISLATOR NICOLELLO: We will be
9 looking at this closely in the new year to
10 make sure that the staffing needs are being
11 met.

12 MR. DZURENDA: I appreciate
13 that. Thank you.

14 LEGISLATOR NICOLELLO: But our
15 concern is obviously the money but also it's
16 the wear and tear on our officers. They're
17 working 16 hour shifts in a very stressful
18 environment. You're simply going to wear them
19 out. Bodies will break down from the stress.
20 It's important that there be adequate staffing
21 so that there will be a reasonable amount of
22 overtime and that not too much of a burden is
23 placed on these officers.

24 MR. DZURENDA: I agree.

25 LEGISLATOR NICOLELLO: Legislator

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2 Ferretti.

3 LEGISLATOR FERRETTI: Good
4 afternoon sheriff. Just following up on some
5 of the questions the presiding officer had
6 which I kind of had same questions but
7 something you said spurred another question in
8 my mind. You indicated that as of right now
9 it does seem we're understaffed in terms of
10 correction officers, correct?

11 MR. DZURENDA: Yes. With the
12 COVID and the AOs, that is correct.

13 LEGISLATOR FERRETTI: It's my
14 understanding that there was a class that was
15 supposed to graduate in September, this last
16 month, that was cancelled, is that true?

17 MR. DZURENDA: Not sure it was
18 ever approved. It was all anticipated but I
19 was hoping for it.

20 LEGISLATOR FERRETTI: That was
21 the plan, right? At one point there was a
22 plan to have a class that would come out in
23 September?

24 MR. DZURENDA: It was my plan but
25 I don't know if it was a plan. I was hoping

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2 that we could because we do need these for
3 this coming year, that is correct.

4 LEGISLATOR FERRETTI: Who made
5 the decision to cancel that?

6 MR. DZURENDA: It was all part of
7 the civil service. We couldn't get the
8 employees. We couldn't get them quick
9 enough. We were going to wait until we see
10 what this budget is to start adding in the
11 correction officers. So we were able to cover
12 it. They wanted to wait for me to see what we
13 got with COVID and whether we were going to
14 really do the AOs. So it was more of like of
15 a conglomeration. Let's wait and see if our
16 need is really there.

17 LEGISLATOR FERRETTI: But the
18 need is there.

19 MR. DZURENDA: I think so. Today
20 it is.

21 LEGISLATOR FERRETTI: Today is
22 week ago in September.

23 MR. DZURENDA: But next week
24 might not be. That's why is so hard for me to
25 give you an exact answer.

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2 LEGISLATOR FERRETTI: A month ago
3 the need was there?

4 MR. DZURENDA: That is correct.

5 LEGISLATOR FERRETTI: I don't
6 know who can answer that question as to why
7 that class didn't go forward. But looking
8 forward into next year I see that there's two
9 classes that are scheduled, correct?

10 MR. DZURENDA: Correct.

11 LEGISLATOR FERRETTI: I guess
12 what we found out last year was that doesn't
13 necessarily mean what is projected to go
14 forward is actually going to go forward
15 regardless of whether there's need. But, in
16 any event, those two classes would graduate 20
17 officers in each class?

18 MR. DZURENDA: That is correct.

19 LEGISLATOR FERRETTI: So that
20 wouldn't even cover the attrition that you
21 anticipate?

22 MR. DZURENDA: No, it wouldn't.

23 LEGISLATOR FERRETTI: So, we have
24 an issue right now as we sit here today we
25 don't have enough officers and we're

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2 projecting next year to not even cover the
3 officers that are going to retire.

4 MR. DZURENDA: Like I said, if we
5 eliminate the AO housing that's 20 additional
6 officers. So it will offset it exactly if
7 there still is COVID. So we'll have 60 coming
8 in, 60 that we have an attrition. So it will
9 be a balance, even. The thing that will throw
10 it off is the COVID. We still, when you talk
11 about one housing unit being open for like
12 three offenders, three incarcerated
13 individuals, that's a lot of staff. We need
14 more staff to be able to do that. But if
15 COVID goes away we need less staff.

16 LEGISLATOR FERRETTI: I don't
17 know if COVID is ever going away. In any
18 event, I think that it's alarming that we have
19 a pretty dire need right now and we had a
20 schedule to address that need essentially last
21 month and that was not approved. Obviously I
22 think you and I are in agreement that that was
23 needed. But the powers that be up in the
24 administration I guess didn't see it that way.

25 One last question. What's the

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2 status of the ICE agents on the property? Are
3 they still there?

4 MR. DZURENDA: They are. They're
5 not really there full time because I never
6 really see them. But there is an office on
7 property for ICE. They do have an identified
8 office there. But, like I said, I've never
9 met them. I've never seen them. Once in a
10 while I see a car come in and we identify the
11 individual and we get their identification and
12 they're there and then they're not.

13 LEGISLATOR FERRETTI: But they
14 still have their office?

15 MR. DZURENDA: That is correct.

16 LEGISLATOR NICOLELLO: Legislator
17 DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: How
19 are you? So, I just had two questions. One,
20 do you have any idea if there's some way we
21 can make this background process more
22 streamline and more efficient?

23 MR. DZURENDA: The only thing
24 that I've seen where I used to come from, from
25 Nevada, is we did our own. Right now we rely

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2 on Nassau County PD and when they have 200
3 coming in in a class where does the priority
4 go and how do you separate it? I think the
5 only possible way is if we did our own
6 backgrounds it might go quicker.

7 Civil service, I don't know how
8 much faster they can go. And a lot of it
9 we're working on an old list. You got to go
10 through a lot of people on the list before one
11 says hey, I already got a job or I'm going
12 somewhere else and you just keep going. You
13 leave messages. We wait for calls back. It's
14 a tedious process on that end. But speed it
15 up maybe if we did our own background.

16 LEGISLATOR DERIGGI-WHITTON: You
17 have the capability to do you own
18 backgrounds?

19 MR. DZURENDA: We can do them.
20 But right now it's great that the PD's doing
21 it. They have better resources than us and if
22 they don't have any classes coming in they can
23 do them a lot faster than we can. So when
24 they have classes if can assist or they can
25 help with doing additional then it's

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2 different.

3 LEGISLATOR DERIGGI-WHITTON:

4 Maybe it's worth looking into to see if we can
5 help alleviate their workload. I think that
6 might be an option. Especially if they have
7 so much going on they can't do it and you're
8 capable of it that seems to help with your
9 that situation.

10 MR. DZURENDA: We'd have to see.

11 I don't know if there's some licensure or
12 anything that's required under the NCIC
13 checks. I mean, that would be something maybe
14 the PD can answer a little better than I can
15 that would hinder us from actually doing them
16 in this state.

17 LEGISLATOR DERIGGI-WHITTON:

18 Maybe we can definitely look into that. As
19 far as CSEA, do you have a dedicated person
20 that is your contact in CSEA? How do your
21 requests get handled?

22 MR. DZURENDA: I'm sorry. For
23 what's that?

24 LEGISLATOR DERIGGI-WHITTON: I'm
25 sorry. Civil service. I said CSEA.

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2 MR. DZURENDA: I don't
3 particularly but our human resources captain
4 deals with them directly and he deals with the
5 same individual directly.

6 LEGISLATOR DERIGGI-WHITTON: So
7 there's one person?

8 MR. DZURENDA: Yes, that is
9 correct.

10 LEGISLATOR DERIGGI-WHITTON:
11 Seems like we can make some improvements with
12 that because that's what I hear is the problem
13 a lot of times. You have the class. You
14 can't get the background checks done. Some of
15 them move on. Some of them, you know.

16 MR. DZURENDA: Yes.

17 LEGISLATOR DERIGGI-WHITTON: I
18 think we really could take a look at that
19 process. If you can get us the information as
20 to whether or not you would be legally allowed
21 to do that that would be great.

22 MR. DZURENDA: If I have any
23 suggestions I'll throw them in there.

24 LEGISLATOR DERIGGI-WHITTON: I've
25 been hearing some things as far as overtime.

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2 I'm sure everyone's happy to be making
3 overtime. But is there times when someone is
4 actually ordered to stay?

5 MR. DZURENDA: Yes. Quite
6 frequently actually.

7 LEGISLATOR DERIGGI-WHITTON: So
8 you're ordering --

9 MR. DZURENDA: We don't do --
10 don't read the papers and think we're New York
11 City because we aren't. We do order staff
12 that have to work up to 16 hours.

13 LEGISLATOR DERIGGI-WHITTON: 16
14 is the maximum?

15 MR. DZURENDA: Correct.

16 LEGISLATOR DERIGGI-WHITTON: How
17 often is that? Is it common practice or
18 unusual?

19 MR. DZURENDA: I would say more
20 often than not we probably would have at
21 least, I mean, I would have to get the answer
22 to you but a good guess is at least one person
23 a day. At least. It's probably a lot more
24 than that. I don't know. I would have to get
25 those numbers up.

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2 LEGISLATOR DERIGGI-WHITTON: Is
3 it possible for a guard to be ordered to work
4 16 hours more than once in a week?

5 MR. DZURENDA: There could be but
6 I don't if there really is. There could be.
7 And vacation times are usually.

8 LEGISLATOR DERIGGI-WHITTON: I
9 know there's a lot to manage and a lot of
10 unknowns, but we want to get to a position
11 where -- just one last question. The class, I
12 heard you say 40 then I heard you say 20. Is
13 there a limit to how many people have to be in
14 a class?

15 MR. DZURENDA: There is no limit
16 but when you start hitting 25 or more you're
17 not going to be able to do it successfully with the
18 staff in the room that we have and get the
19 appropriate training in. You would have to
20 increase -- there would to be something to be
21 done. I could manage it and go to two shifts
22 and that's not a problem. But I could push
23 it. If we had to do 40 at once we can do it.

24 LEGISLATOR DERIGGI-WHITTON: So
25 it almost makes sense to me -- you would know

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2 much better -- but to do smaller classes more
3 frequently because you could get the
4 background checks done and get the classes in
5 instead of waiting for these larger classes.
6 Is it cost prohibitive?

7 MR. DZURENDA: Here's the problem
8 you have when you look at the training staff.
9 They're not just doing training for new
10 recruits. They also do in-service training.
11 Any time we do new recruits you have to stop
12 and service training that they do at the
13 academy. It will delay those things. You
14 want to maximize the amount of new recruits at
15 one time. So the off time we can start going
16 over all the in-service training for the
17 correction officers. Unless you hire more or
18 pull people off the lines.

19 LEGISLATOR DERIGGI-WHITTON: If
20 we're short staffed to that point maybe
21 holding off on some of the other training
22 would be the priority.

23 MR. DZURENDA: The problem with
24 that is we're mandated certain minimum
25 standards on it.

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2 LEGISLATOR DERIGGI-WHITTON: Let
3 us know about --

4 MR. DZURENDA: The civil service
5 piece, I will.

6 LEGISLATOR DERIGGI-WHITTON: And
7 if you actually have a contact person that if
8 that person needs extra help or something that
9 we can know about.

10 LEGISLATOR NICOLELLO: Legislator
11 Gaylor. Then Legislator Walker.

12 LEGISLATOR GAYLOR: Thank you
13 presiding officer. Sheriff, thank you. So,
14 following along the line of Legislator
15 DeRiggi-Whitton, I'm concerned on how you get
16 from an actual on board number in September of
17 782 to the 851 in next year's budget.
18 Considering there's only two classes, one of
19 which is scheduled in March of next year and
20 the other almost a full year from now in
21 September. Factoring now attrition of 60 a
22 year takes you down, 782 minus the 60 we're
23 going to lose, how are you going to get the
24 extra 130 people to get to your 851? Because
25 it seems to me just a bridge too far. Maybe a

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2 bit unrealistic.

3 MR. DZURENDA: So, we would have
4 to hire more. But the problem is, like I
5 said, we can't predict the inmate or the
6 offender, incarcerated population.

7 LEGISLATOR GAYLOR: I'm not
8 asking about any predictions on anything. I'm
9 just talking about straight numbers here. You
10 got 782 on board right now. You want to get
11 to 851 in next year's budget. That's 70 some
12 plus. Factoring now 60 you're going to lose.
13 100 whatever, 30, you got to fill and you only
14 got a plan for 40 but it's going to take a
15 full year to get there.

16 MR. DZURENDA: So we're talking
17 about two different things. You're talking
18 about overall staffing. The overall staffing
19 doesn't affect the overtime or the staffing
20 inside the correctional center. You're
21 talking CSEA and the civilian staff and the
22 correction officers. Right now we're at --

23 LEGISLATOR GAYLOR: I'm just
24 talking about correction officers, correction
25 corporals, deputy sheriffs, correction

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2 sergeants and correction lieutenants.

3 MR. DZURENDA: That number is not
4 right. We are short 30 right now. Our budget
5 for the current year is 775. Currently today
6 we're at 745. We're only 30 short according
7 to the approved budget that's in place right
8 now. I think you're looking at CSEA and the
9 civilian staff total. We're looking at an
10 additional to make it to 783 and currently
11 we're at 745.

12 LEGISLATOR GAYLOR: Irrespective,
13 using your numbers or the ones that I have in
14 front of me, which are slightly different, I
15 show you have 782 on the correction side. A
16 total of 879 if I include everybody else. In
17 any case, by your numbers you still don't get
18 there.

19 MR. DZURENDA: We will have to
20 get specifics for you because --

21 LEGISLATOR GAYLOR: Why ask for
22 more staffing at a higher number than you can
23 actually fill? Based on your own testimony
24 that's there only two classes of approximately
25 20 in each it doesn't even get you there. Why

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2 are we asking for such a high number when in
3 reality you can't achieve it?

4 MR. DZURENDA: If we get 40 we're
5 going to be above our head count and we have
6 no attrition, we're going to be above our head
7 count that we're even authorized. If we did
8 40 today additional new recruits that brings
9 us to 785.

10 LEGISLATOR GAYLOR: But you don't
11 get 40 today. You get 40 if you have a class
12 that doesn't get cancelled of 20 in March and
13 if you have a class of 20 in September that
14 doesn't get cancelled, just like this last
15 class in September was cancelled, you don't
16 know what's going to happen a year from now.

17 MR. DZURENDA: That is correct.

18 LEGISLATOR GAYLOR: So we
19 continue then to ask our staff to work
20 overtime. I recently heard there was an
21 officer that worked overtime and then had an
22 accident going home. I think he had to work
23 three eight-hour shifts, not two. I heard it
24 was three. If I'm an officer and I have to
25 work from nine to five today and nine to five

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2 tomorrow and I get mandatory overtime until I
3 have to work an eight hour shift tonight, I
4 still have to come back tomorrow to work my
5 normal shift.

6 MR. DZURENDA: That is correct.
7 With eight hours off.

8 LEGISLATOR GAYLOR: Is it
9 actually fair that we are putting people's
10 lives in jeopardy?

11 MR. DZURENDA: 16 hours is
12 considered, when you look under the labor
13 laws, that's considered effective. Would we
14 want only one shift and nobody ever do
15 overtime? I guess so. But nationally it's
16 not an issue doing 16 hours straight.

17 LEGISLATOR GAYLOR: Why don't we
18 take the \$22 million you're projecting in
19 overtime and figure out a way to train more
20 folks. You have a whole year to figure it
21 out. You're in a leadership position. Your
22 job is to train and recruit. Recruit and
23 train. Figure out how we can train more
24 officers and let's train them and bring them
25 on board. Let's have three, four, five

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2 classes. Let's work with other counties if we
3 have to. We gotta be coming up with some
4 bright ideas here. Thinking outside the box.
5 You got to factor in 60 a year for attrition
6 but you only plan to bring on 40 a year. It
7 doesn't make sense. Because year after year
8 you get into this deeper hole. That's just
9 how I see it. Fair enough.

10 LEGISLATOR NICOLELLO: Legislator
11 Walker.

12 LEGISLATOR WALKER: Thank you
13 sheriff and the rest of your staff that's here
14 this morning. Or afternoon I guess we're in.
15 I had a question regarding the AOs. We do now
16 have a spot in our correction facility where
17 we house them?

18 MR. DZURENDA: That is correct.

19 LEGISLATOR WALKER: Obviously we
20 had to retrofit that spot to make the state
21 agreeable that it worked for them?

22 MR. DZURENDA: Yes. So the state
23 SCOC, the state commission on corrections did
24 come down and audit our location and what we
25 were doing with the adolescent offenders to

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2 make sure we were following minimum standards
3 and they approved it to keep them there.

4 LEGISLATOR WALKER: But they
5 wouldn't have approved it up until this point
6 that's why we had to continue to send them
7 out?

8 MR. DZURENDA: Correct. The
9 belief of the SCOC you still do not want them
10 on grounds with adults because of the
11 atmosphere.

12 LEGISLATOR WALKER: I know that
13 we had tried to have a spot over in our
14 juvenile center or whatever it was called, but
15 they did not agree to that. You got to a
16 certain point and then it kind of went by the
17 wayside. I mean, I really do feel that our
18 young offenders should be home. And obviously
19 it saves the traveling back and forth and so
20 on and so forth. And certainly for their
21 families anything we can do to be able to keep
22 them here. Are we actively searching for
23 someplace that would not be on our grounds?

24 MR. DZURENDA: The county may but
25 not myself. It's not in my purview for the

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2 adolescents.

3 LEGISLATOR WALKER: I have to
4 reach out.

5 MR. DZURENDA: But I agree.
6 Moving these adolescents further away becomes
7 counterproductive.

8 LEGISLATOR WALKER: Aside from
9 the additional monies, going back and forth,
10 any time you have to go to court you're
11 driving back and forth. So I guess we have to
12 see who determines that and what are they
13 doing. Are they actively, really actively
14 looking for a spot?

15 MR. DZURENDA: Right. What I'm
16 being told by the SCOC this is only temporary
17 holding. They're not going to leave them.
18 We're not keeping adolescents permanently. So
19 eventually it's going to be zero.

20 LEGISLATOR WALKER: So, we need
21 to be on top of this. I would have hoped that
22 we would have been on top of it. Perhaps that
23 has not been the case.

24 Now, we house young offenders from
25 out of this area you were saying?

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2 MR. DZURENDA: That is correct.

3 LEGISLATOR WALKER: Say we had
4 another Nassau County resident and there was a
5 bed open in one of the other facilities they
6 would automatically send that person there not
7 move someone who was from out of this area up
8 to that facility and keep our young offender
9 here?

10 MR. DZURENDA: So, they did say
11 and there's room they would go to the other
12 areas unless they are ours. Because it makes
13 more sense, like you're thinking, if it's
14 actually ours to leave them. But if another
15 county's not going to request to move them
16 here if they get new ones in and there's
17 room. Only if it's ours. That is correct.

18 LEGISLATOR WALKER: Then I have a
19 major concern too with the overtime. Not just
20 the amount of monies that we're putting in the
21 budget for it but I do think it becomes a
22 safety issue for our officers. Especially if
23 they have to do it several times in a week.
24 It's a safety issue for them. It's a safety
25 issue for even the inmates. I feel like

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2 sometimes when we're forced to do things and
3 people get tired and they don't know what kind
4 of a day they had before they were asked to do
5 that second shift that's when mistakes
6 happen.

7 We even see that in our own lives
8 sometimes. You say let me just do this for
9 another hour and I can finish it up and then
10 all of a sudden you're messing up. Putting
11 something together and you're doing it wrong
12 or whatever. That's something I would like to
13 see us be able to address. And again, if we
14 have to work together with CSEA, work together
15 with together with our police department to
16 get others on board and to be able to fill
17 those positions. So thank you very much.

18 LEGISLATOR NICOLELLO: Anyone
19 else? Legislator Birnbaum.

20 LEGISLATOR BIRNBAUM: I know in
21 past years we've addressed health issues that
22 have arisen in the jail and I haven't really
23 heard too much dialogue about that. I know
24 COVID struck and impacted all jails. So,
25 could you just fill us in on what happened

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2 during COVID?

3 And also we've heard in the past
4 about consolidation and gang members being too
5 close to one another in the sections that
6 they're put in just to consolidate space. Can
7 you address that as well?

8 MR. DZURENDA: First thing on
9 health. Both with staff's health and the
10 incarcerated individual's health. If you want
11 to know about COVID, currently today we do
12 have one incarcerated offender that is
13 actually COVID positive that's actually not
14 housed at the facility. At NUMC right now for
15 a different issue. And we have three
16 correctional staff that are positive as of
17 today.

18 Overall, even when you're just
19 talking COVID for the correction officers,
20 we've had 330 that actually have tested
21 positive at least one for COVID, which is
22 about 44 percent of our staff. The COBA staff
23 have tested positive for COVID.

24 The incarcerated population that
25 we've had already 360 that have received at

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2 least one vaccine. Some may not have received
3 a second if they came in with a first because
4 there were transferred out before it was due
5 or whatever the issue was. But 360 have been
6 pulled and actually vaccinated.

7 NUMC has been awarded the new,
8 another contract year for services, for health
9 services, and that's all being developed now
10 for the new contract for them. But all the
11 billing for NUMC has all been up to date,
12 which has never been done in years. It's
13 finally up to date on the billing.

14 The gang issues that you're talking
15 about, we did do a lot of consolidating when
16 our numbers were low. However, with our
17 numbers 200 plus more than it was a year ago
18 the consolidation is actually not there. We
19 actually grew. We opened up additional
20 housing that were closed, part of the
21 consolidation, and it actually grew.

22 We don't do, like you hear in the
23 papers about New York City, and we do not put
24 gang members in the same units together. The
25 same gang together. We do a classification

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2 for each of the offenders and we split them
3 up. We split up our classifications based on
4 what the investigation shows or what the
5 background shows or the crime shows and we
6 separate them all. And our gang
7 investigations unit does keep track of them.
8 Monitors them daily and sends out a list of
9 where they are, who are the key players and
10 they do a great job with separating them and
11 keeping them separated.

12 LEGISLATOR BIRNBAUM: Is COVID
13 testing taking place at the jail or do they go
14 to the medical center?

15 MR. DZURENDA: What happens at
16 the jail and still since I would like to say
17 the middle of March of last year when COVID
18 first hit, we've been testing every single
19 incarcerated individual the day they come in
20 the facility and we still do. And if they
21 show symptoms we also do.

22 LEGISLATOR BIRNBAUM: Are you
23 doing rapids or PCR tests at the hospital?

24 MR. DZURENDA: When they first
25 come in they get both. We do a rapid and to

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2 find out if there's immediate concerns. But
3 when they do -- we do not do rapid for those
4 that are showing signs and symptoms. Or NUMC
5 does not, not me.

6 LEGISLATOR BIRNBAUM: Just when
7 they are positive do they get sent to NUMC?

8 MR. DZURENDA: No. Only if they
9 have other symptoms that are detrimental to
10 their health that's related or complications
11 of. We keep them at the facility. When
12 there's really low numbers like there is
13 today, this individual would be placed in the
14 infirmary at the facility. When the numbers
15 get larger we create an additional housing
16 unit to put them there until they're cleared.

17 LEGISLATOR BIRNBAUM: Thank you.

18 LEGISLATOR NICOLELLO: Any other
19 legislators? Hearing none, we do have a slip
20 from the president of the Correction Officers
21 Benevolent Association Brian Sullivan.

22 MR. SULLIVAN: Good afternoon
23 ladies and gentlemen. Brian Sullivan,
24 president Nassau County Correction Officers
25 Benevolent Association. I appreciate the time

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2 to speak a little bit here. I'm going to
3 reiterate a couple of things you've already
4 spoken about. Maybe I can shed a little bit
5 of light on some of it. See things from the
6 union's perspective. I prepared a statement.

7 As I have stated here on numerous
8 occasions, corrections is a far different bird
9 than the criminal justice system. Our job is
10 different. Our needs are different.
11 Particularly since we're hidden from the
12 purview of the public. Our issues are usually
13 only publicized by groups or people with
14 agendas such as a lot of today's reformers who
15 have never stepped inside a correctional
16 facility but have no problem telling us how we
17 should run them.

18 This idea is obviously different
19 with the COVID pandemic, bail reform,
20 discovery reform, budget and philosophies are
21 all being geared around all of this stuff
22 that's going on.

23 Issues that continue unabated at
24 our facility include and are topped with what
25 I talk about every time I come here is

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2 staffing, staffing, staffing. Staffing is the
3 number one issue. I've been here at this
4 podium countless times over the past couple of
5 years and staffing is the number one
6 priority.

7 For informational purposes, since
8 January of 2018 we've hired 131 correction
9 officers. In that same time period we lost
10 191 correction officers. That equates to a
11 net loss of 60 officers in just the last three
12 years. When I bring this up many times to
13 those in the county I'm met with the same
14 reaction that staffing is still an issue
15 there. Didn't we just hire a class of 45
16 officers this year? Yes. That's great. But
17 we're not keeping with attrition, resignation,
18 losses to other jobs and unfortunately a few
19 deaths here and there God forbid.

20 In a little more detail, in 2018 we
21 hired 57 officers and lost 46. In 2019 we
22 hired 23 and lost 42. In 2020, the year of
23 COVID, we hired zero and lost 68. In 2021 to
24 date we've hired 48 and lost a few of those
25 already, new hires, to other jobs etcetera.

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2 But all told to date, aside from those new
3 hires, we've lost 35 so far this year. When
4 normal retirements occur here a lot of people
5 leave in December. December we're going to
6 end up losing several more. To date, we've
7 lost 35. We're going to lose a lot more.
8 We've only hired 48 this year.

9 We definitely have a staffing
10 problem in this department as the sheriff
11 reiterated before. We had a staffing problem
12 this time last year. We had a staffing
13 problem this time two years ago. Our officers
14 many times are forced to work mandated
15 overtime. It's an ongoing issue that never
16 seems to be get resolved here. We have
17 retention problems and certainly we have
18 recruitment problems.

19 This it rolls over also not just
20 into correction officers but it reverberates
21 through the ranks as we go up to the top. A
22 lot of people that are retiring are senior
23 people, senior correction officers. Also a
24 lot of supervisors that retire over these
25 years. And because we don't have the proper

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2 hiring, we're not able to make the proper
3 promotions. So, all through the ranks we have
4 deficits in corporals, sergeants, lieutenants,
5 captains just as we do with correction
6 officers.

7 We have retention problems.
8 Certainly have recruitment problems. We're
9 nowhere near what's going on with our
10 counterparts in New York City corrections but
11 we have to address these issues so we don't go
12 further down the rabbit hole. Yes our
13 department debt has contracted, shrunk due to
14 the insanity of bail reform that we all
15 continue to grapple with at all levels of
16 government and law enforcement.

17 Currently, in our present state, we
18 calculate that we should have over 800
19 officers here. Anywhere from 815 to 820
20 officers including through the supervisory
21 ranks.

22 There's talk about what's going on
23 with our new contract, whenever that gets
24 done. Will that change staffing or hiring
25 needs? Does that change payroll in

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2 particular? No. Either way, contract or no
3 contract obviously we need bodies.

4 As of today we have 117 COBA
5 members with 25 years or more on our job.
6 Once again, our retirement is based on a 25
7 year retirement. We have 117 people eligible
8 to retire right now with the base 25 years
9 in. So those people could go at anytime at
10 their option.

11 We currently have 49 COBA members
12 with 30 or more years on the job and by mid
13 2023 we will have an additional 23 that will
14 hit their 30 year mark. This all has to be
15 taken into account much like it is in the
16 police department as I will outline -- and I
17 hope I don't get dirty looks from my friends
18 in the police department next to me -- but I
19 have to make certain comparisons to what's
20 done here and we go through this every year.

21 For comparison, I point to the
22 public safety summary in the proposed budget
23 where it states clearly that for the dedicated
24 and professional members of Nassau County law
25 enforcement the county has implemented a

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2 program of steady hiring to ensure the police
3 department remains strong in anticipation of
4 attrition through retirements.

5 Under the police department the
6 proposed budget maintains a sworn head count,
7 maintains a sworn head count, that includes
8 additional classes to offset anticipated
9 attrition. Also increases their supervisory
10 head count.

11 For the sheriff department's the
12 budgeted funds two classes up to 40 correction
13 officers. When I first saw that I had high
14 hopes that it was two classes of 40 each for
15 80 officers. Apparently it's two classes
16 totaling 40. That's not enough.

17 In the budget it also says while
18 the inmate population is decreasing, hiring is
19 needed to simply keep pace with attrition.
20 For the police department the language is the
21 budget maintains a sworn head count with
22 classes to offset attrition. For us, it's
23 hiring is needed to keep pace with attrition.
24 There's a lot of fungibility in those words.

25 There are two things to be sure of

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2 here. We have not kept up with attritions
3 here over the last several years as I have
4 stated those numbers. And also the inmate
5 population is not decreasing as is stated in
6 the budget. It is increasing.

7 Under bail reform we went from just
8 under 1100 inmates to 800. When COVID, at the
9 height of it, we dipped to an all time low of
10 550 inmates. We're now over 800 again. And
11 this is before the full opening of courts and
12 adjudication of long outstanding court cases.
13 Our inmate population is most assuredly
14 expected to increase.

15 With that in mind, the approved
16 head count for COBA for the 2021 budget was
17 775. The actual on board head count was 745.
18 And that was only after the hiring of these
19 two classes but not reflective of the few that
20 left.

21 The 2022 proposed head count is
22 783. An increase of eight over last year's
23 proposal that wasn't met then and is most
24 assuredly still not enough now. As outlined
25 in the budget for the police department their

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2 NIFA-approved number, this is for officers
3 only obviously because it's not the full
4 thing, was 1775. Their actually on board was
5 1827 in the budget. 52 more than the approved
6 number. The 2022 proposal is for 1780. So I
7 have to ask again, how is that so easily done
8 or better done with the police department and
9 we continually deal with the disparity with
10 our department?

11 On to a couple of other things.
12 Training has changed here somewhat.
13 Thankfully under the new sheriff with the
14 addition of specialized training regiments
15 that were implemented, including a mandated
16 eight hour block of mental health training,
17 but overall our training regiment continues to
18 remain severely lacking when compared to other
19 municipalities with corrections where a 40
20 hour yearly training regiment is the norm.

21 This applies particularly in our
22 supervisory ranks where training is almost
23 nonexistent and has been for years. This is a
24 holdover from previous administrations and
25 needs to be seriously addressed and the end it

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2 all relates to liability on the part of the
3 county.

4 As I stated last year, this year
5 proposed budget under goals states that the
6 department shall create policies and
7 procedures designed to maintain officer
8 safety, maintain or increase the current level
9 of training in all those policies and
10 procedures and hold officers accountable for
11 their understanding and implementation of
12 them.

13 To be clear, and once again for the
14 record, our training issues here need to be
15 seriously addressed, which goes hand and hand
16 with our policies and procedures unit that was
17 disbanded under former sheriff Sposato and
18 remains disbanded today with the hopes of
19 being restaffed under our new sheriff. But
20 once again, we don't have enough staff.

21 To be clear, we have reviews of our
22 SOPs etcetera along with directives sent out
23 to staff to review their SOPs and be familiar
24 with them. But again, what exactly are our
25 officers expected to understand to be held

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2 accountable with SOPs that haven't been
3 updated in years and if they're not going to
4 be properly trained on an ongoing basis in
5 them.

6 As to other issues. Next year HALT
7 legislation, which is Human Alternatives to
8 Long Term Incarceration, that was imposed by
9 the state will be put into place. This union,
10 along with our downstate correction partners
11 where we represent over 40,000 correction
12 officers in New York State, fought this
13 legislation because it's dangerous. It will
14 promote violence in our jails and, most
15 importantly for our purposes here today, is
16 full of unfunded mandates where we will no
17 longer be able to segregate violent, predatory
18 inmates from the general population.

19 It's our job to protect the general
20 population of inmates from violent predators
21 inside and that job was made almost impossible
22 by the New York State Legislature and signed
23 into law by the former governor. I'm not
24 going to get into the specifics of fault
25 here. It's all about-- I always lose the

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2 thing about -- it's not isolated confinement.
3 Solitary confinement. A little brain thing
4 there.

5 They talk about solitary
6 confinement. Solitary confinement try to make
7 it look like it's Alcatraz. We have inmates
8 buried in holes underneath the jail. There's
9 no such thing. We have administrative
10 segregation that separates people with mental
11 issues, people with protective custody and
12 violent predators in our jails and prisons.
13 Under HALT that's all gone away and you have
14 to mix them together in things that are not
15 funded. Residential rehabilitation units.
16 That all remains to be seen how that's going
17 to come about.

18 We'll no longer be able to
19 segregate these violent predatory inmates from
20 the general population. I won't get into the
21 specifics. If anybody wants to talk about
22 this as this thing goes into next year I'll
23 gladly give a tutorial or give any information
24 for anybody on the legislature. I'll sit down
25 with you and go over it. It's too long to go

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2 over for our purposes here.

3 As for it being budget related, we
4 in the unions have fought to have chapter
5 amendments done to this law to roll back some
6 of the HALT legislation provisions with the
7 previous governor's counsel to make our jails
8 safer. We were minimally successful.
9 Minimally being the operative word. But one
10 amendment that was made by the state and
11 without our agreement was to carve out
12 mandated training both in our academy classes
13 and for yearly in-service training that was in
14 the original law but removed because of
15 associated cost and expenses. Now we're stuck
16 with HALT, its ramifications, its unfunded
17 mandate on the counties. The carve out of
18 associated training. And most assuredly, the
19 civil liability to the county that they will
20 now bear because of increased violence in the
21 jails. We're living in the bizarro world in
22 New York State right now.

23 Under budget goals. Funding for
24 programs in the police department that have
25 the very laudable goal of reducing crime and

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2 protecting the safety of the public are
3 completely antithetical to correctional budget
4 goals of simply reducing the cost of
5 incarceration and overburdening an already
6 overstress probation system that is not fully
7 equipped to monitor many times dangerous
8 individuals released from custody.

9 These budget theories should all
10 work hand and hand but they do not. How do
11 you increase spending to enhance public safety
12 initiatives on the front end of the criminal
13 justice system while reducing everything on
14 the back end? It doesn't make any sense. It
15 flies directly in the face of logic since, for
16 example, in our correctional facilities we
17 have always provided, many times under court
18 order, drug, alcohol and mental health
19 treatment programs. I've spoken here before
20 about sincerely hoping that the recent monies
21 awarded to the county under the settlements of
22 the opioid lawsuits will be provided for
23 programs and training in the sheriff's
24 department where we deal with violent, many
25 times mentally unstable and drug addicted

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2 individuals on a daily basis.

3 As we see every year now, not just
4 in Nassau County but all over the state, the
5 prioritized budget objective with corrections
6 is to get people out of the system and back on
7 the street as soon as possible under bail
8 reform. This is not reform. It's all about
9 an effort to cut the cost of incarceration,
10 get people out of the system while providing
11 no safety nets in the street like drug
12 programs, mental health treatment for that
13 offender. No public safety considerations
14 with the simple release of people who need
15 help in the first place. And absolutely no
16 regard for the victims of crime, obviously,
17 many times violent crime, who we all see as
18 plain as day are completely left out of the
19 conversation when it comes to criminal
20 justice.

21 There was a little bit of an
22 editorial there and I apologize if I go on to
23 it but it is what it is.

24 The main problem that we're here to
25 talk about, that I'm here to talk about today

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2 is the staffing. Staffing, staffing,
3 staffing. We need bodies. The sheriff, I
4 think he's a good man. He's got a lot of
5 experience in corrections. Over 30 years in
6 corrections. He knows we need staffing. The
7 county knows we need staffing. We need to get
8 staffing here. We've kind of danced around
9 the subject a little bit here about how it
10 is. We need to get bodies in. We need
11 supervisors. We need staffing for all of our
12 units, investigative units, internal criminal
13 investigators, gang units. All of that
14 stuff. And none of that happens unless we
15 have staffing and we're short. We're short by
16 a good amount. We could probably use 100 new
17 officers over here and I'm not happy to see
18 that there are only 40 budgeted for next
19 year. That does not help. Thank you for your
20 time.

21 LEGISLATOR NICOLELLO: Legislator
22 Ford.

23 MR. SULLIVAN: There's also one
24 other thing that was in my mind. I'm sorry.
25 You talked about Raise the Age before a couple

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2 of times. I made a note for myself. I just
3 want to say for the record also that there is
4 still litigation that should be taken into
5 consideration about who does the transports of
6 the adolescent offenders. The previous
7 sheriff before sheriff Dzurenda gave that job
8 to the deputies. Transportation of people
9 that age were always under the purview of
10 correction officers. We sued. We had
11 arbitrations. We're still in appeals court
12 right now. I think that should be taken into
13 consideration with regard to any potential
14 staffing down the road also. Thank you.

15 LEGISLATOR FORD: Good afternoon
16 Brian. Thank you very much for the happy news
17 that you just gave us.

18 MR. SULLIVAN: I'm always here to
19 delivering happy news.

20 LEGISLATOR FORD: But I guess
21 it's just based on reality. I do believe the
22 sheriff has done a fairly good job so far, and
23 I think you do agree with us with the
24 staffing. I think in a perfect world I'd love
25 to say that I think if it was up to the

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2 sheriff and you you would put your heads
3 together and the next thing you know we'll end
4 up having 120 new correction officers in the
5 jail.

6 But I guess the question now
7 remains, sheriff, how many people so far do we
8 have on a list that would be ready to go into
9 an academy? Do we know yet?

10 MR. DZURENDA: When we were
11 preparing for a possible class right now we
12 believe we had about 25 that we could get
13 fairly quick. And quick could mean within
14 probably six weeks is a good guess.

15 LEGISLATOR FORD: So, what would
16 then -- knowing Brian, his heart and soul, he
17 grew up in this environment, he knows the
18 needs of the officers and we are all
19 concerned. And I think that also you
20 highlighted something else that's very key is
21 that the people who become inmates, I don't
22 know if we're allowed to call them inmates
23 anymore but --

24 MR. DZURENDA: Incarcerated
25 individuals is the new term.

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2 LEGISLATOR FORD: The fact is
3 that we have to try to rip -- one of their
4 jobs is to help keep these incarcerated
5 individuals safe from violent people. Like it
6 or not, some of those people that are
7 incarcerated happen to be younger people from
8 our neighborhoods. Kids that we know. And I
9 would not want them because I have had calls
10 over the years from parents whose children
11 were, I mean, I know if they were over 18 but
12 still a child, making calls, trying to get
13 things done for them to protect them, put them
14 here, whatever. So, there's a sense of
15 urgency and a concern on the part of parents
16 and I myself being a parent I sort of take
17 that on myself.

18 Now with this new HALT, I mean,
19 it's going to get worse for them. So,
20 probably the only defense that we have is to
21 be able to provide more correction officers to
22 be in the jail so that there is -- if you
23 can't physically put them in a different
24 building or a different wing or a different
25 floor then at least have maybe a certain

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2 number of correction officers that can be sort
3 of be that wall so to speak to protect those
4 that are not as bad as maybe some of the worst
5 that are there.

6 So, right now what is the factor
7 that would keep you from saying in six weeks
8 we have a class? We're swearing in a class?

9 MR. DZURENDA: The difficulties I
10 have now again is I go back to this in-service
11 training. If I have that class we got to stop
12 in-service training which we were mandated to
13 do certain amount of mental health staff
14 training before a certain date. That's going
15 to be postponed which will past the due date.
16 We can do it. We get the approval and we're
17 told we got to do 25 we get that in there
18 right away.

19 The issue that we have with the
20 HALT bill coming up, this is all new to
21 everybody but there are avenues besides
22 staffing that we can do to start helping with
23 protection of the staff and creating better
24 behaviors.

25 There's two things that are done

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2 nationally with violent offenders. And this
3 isn't here this is all nationally. There's
4 two programs that are considered as evidence
5 based that can help reduce incidents, violent
6 behaviors and change those actual behaviors.
7 One of them, if you know any clinicians, one
8 of the biggest ones in the country is called
9 MRT, moral recognition therapy. Another one
10 is called It's a Hustle 2.0. Both of these
11 have been identified by Department of Justice
12 as the number one possibility of changing
13 behaviors of those that are the most violent.

14 We're already looking into how we
15 can do this with those offenders in our
16 population that are considered the behavior
17 management units with the change in the HALT
18 bill and how we can introduce these tablets
19 that you said as incentives for behavior.

20 And intelligence because it works
21 both ways with these tablets. My thought on
22 this HALT bill is we're going to utilize these
23 tablets, which I call program devices, we're
24 going to use them so that inmates have a value
25 of those. That there's actually a reason why

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2 an offender does not want to lose these
3 tablets. We'll use it as corrective
4 behaviors.

5 So, what inmates, again,
6 incarcerated individuals look at is they do
7 not want to lose things that they want.
8 That's like everyone's behavior. If we have
9 these program devices and they do things on
10 those devices that incarcerated individuals
11 will have a problem with losing I'm going to
12 use that as corrective behaviors for them.
13 For incentives or disincentives for their
14 behavior that they do.

15 These other programs, like the MRT,
16 we have a meeting on the 14th of this month
17 for companies that do this on the tablets, how
18 you can do that, and that changes behavior.
19 So I'm hoping that this is going to be other
20 avenues we can do if we don't have more
21 staffing to open up additional housing this
22 might be able to replace that.

23 LEGISLATOR FORD: So, when we
24 look at correction officers, we're short
25 staffed, and all of a sudden you have like an

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2 influx of inmates that come in. So, like you
3 had testified that almost on a daily basis
4 somebody is forced to work 16 hours rather
5 than their normal eight hour tour, which is
6 acceptable by the state department of labor.

7 Those that give the training, for
8 the in-house training, are they the same
9 individuals that will then go into the academy
10 and train prospective candidates in the
11 academy?

12 MR. DZURENDA: So yes and no. We
13 have an identified academy staff which I
14 believe is five. Those are permanently
15 assigned to the academy that will do it. We
16 also have identified up to 20 additional staff
17 that work in regular assignments during the
18 day that have been trained to train. So they
19 get pulled from their areas. If we have a
20 class of 50, like I said, I would be pulling
21 more officers off the line that are trained to
22 train, pull them off and they will be able to
23 produce and do the training.

24 LEGISLATOR FORD: So, is it
25 possible like say we say in the next six weeks

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2 all of these staff people would then do the
3 in-house, mandated in-house training. That
4 even if they have to work sometimes 16 hours a
5 day. I'm not forcing it on them. But we're
6 in a dire situation. We're looking at
7 something that is not going to be sustainable
8 and we need to start taking drastic measures
9 for this.

10 So, if you had for the next six
11 weeks if some of the people can step up the
12 in-house training to get a little bit ahead of
13 it and then we can then start the class in six
14 weeks. We can get 25, hopefully even 30
15 people, that then can be correction officers.
16 Get them start, like, you know, so they go
17 through the academy. And even if they had to
18 teach the academy class during the day but if
19 they had to go and do three or four hours
20 afterwards to do in-house training to fulfill
21 a mandate I think that that might be something
22 that can be doable.

23 I mean I know that -- I was a big
24 person on overtime. That's why I hate to
25 always say this. But if we're forcing, if

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2 we're making correction officers, who have 25
3 or 30 years on the job, telling them after
4 eight hours no, you're not going home. You
5 got to wait. I know people who work there.
6 That sometimes they even do work more than 16
7 hours because of, you know, if people, COVID
8 or if a correction officer -- all of a sudden
9 you have a correction officer that gets hurt,
10 then that person has to go to the hospital
11 then you need somebody there.

12 When we're looking at HALT, I mean,
13 we're talking then about -- and I think it's
14 great with this -- you're going to then have
15 to hire people to administer the new programs
16 for I guess these clinicians, whatever they
17 are, to oversee the iPad, itablet, whatever.

18 But I really think that we honestly
19 have to take a look at this and say that we
20 have to do whatever we have to do to get that
21 class started in six weeks because -- and then
22 we're going to look at civil service. Because
23 it seems to be out of all the departments that
24 I speak with and everybody who talks about any
25 roadblocks that they face for some odd reason

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2 it's civil service. When they finally get the
3 okay to hire people the drag time is civil
4 service.

5 So, Brian, I'm not telling them how
6 they should run the jail but I really think
7 that this is critical. It really and truly
8 is. So I'm hoping that the administration is
9 listening and realizing that this is something
10 that's very important. That we need to take a
11 look at this.

12 And for me, then I would like to
13 know from them, and I know you're heart is in
14 the right place and I'm not going to put you
15 on the spot, but I will put this
16 administration on the spot saying then give me
17 a good reason why you do not think that a
18 class can start in six weeks? Because I think
19 it's unfair to those that are already
20 incarcerated. I think it's totally unfair to
21 our correction officers that are already
22 there. And I think it's unfair to you and
23 your staff because I think you really truly
24 are trying to do your best. Because I saw the
25 improvements when I did that visit. I visibly

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2 saw these improvements. So I think that you
3 are trying. But I think it's now time for all
4 of us to say you know? we're going to join you
5 on this and let's all work together. That's
6 all I'm saying.

7 MR. SULLIVAN: Legislator Ford if
8 I could just add to that? The one thing that
9 we need to do here and we need to do a much
10 better job of in this county is recruitment.
11 As of now, to my knowledge, there is no next
12 correction officer test that's scheduled. We
13 just, to my knowledge, we just finished up a
14 list and broke into the next list but there's
15 not even a thousand people on that list.

16 I hate to say this, 34 years ago I
17 took the test for this job with about 15,000
18 people. When over the last five, six years
19 there's no real recruitment process. There's
20 no advertising process. We've given tests
21 where there's five, six, 700 people taking
22 these tests. Maybe a thousand people take the
23 test. And when you start wading through them
24 with medical, psychs, backgrounds and all that
25 you're lucky to get 50 or 100 viable

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2 candidates out of 750 people that took a
3 test.

4 So, we need to get another test
5 scheduled because they've already broken into
6 this last one that's there and we need to do a
7 much better job in recruitment.

8 LEGISLATOR FORD: And we can like
9 really look to diversify. I mean, when you
10 look at the blending that's happening in
11 Nassau County to a certain degree there's so
12 many opportunities. I think it sends a
13 message to a lot of people, to a lot of young
14 residents, that, you know, when -- we stress
15 the importance of like maybe this Boost Nassau
16 program, we have this, we have to this to help
17 small businesses. We want them to hire
18 people. We want them to give futures to
19 people. And what are we doing? We're doing
20 nothing. Not even to have a test. Let's
21 schedule that test. Let's get the six week
22 class in. Within six weeks I'm sure you can
23 come up with some sort of a test or do a
24 recruitment and let's really be vibrant about
25 it. Because let's send a message to the

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2 residents in Nassau County that we believe in
3 them. We believe that their children can be
4 the next class of correction officers and
5 people that can be contributing members to our
6 communities.

7 MR. SULLIVAN: This job was a
8 great job when I took and it's still a great
9 job now. The problem we have a lot with the
10 recruitment and retention is all the stuff
11 that's going on in the world. The anti-law
12 enforcement sentiment and everything else.
13 The bail reform people see this and they think
14 why do I want to work in an environment like
15 that?

16 Listen, this job has been great to
17 me over the last 33 years. I recommend it to
18 people. I tell people that they're going to
19 do it. But we have to change the overall
20 scope of things here so people will be
21 interested in doing jobs like this.

22 LEGISLATOR FORD: I think on the
23 new recruitment level we can do that. Like
24 really throw a positive spin on it. When you
25 talk about the new ideas that they have, the

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2 very violent criminals and whatever. But I
3 really think -- and I agree with you. I think
4 the message has to be sent because I have
5 friends and relatives that work, they're under
6 your care sir. But I would like to see and I
7 think a number of younger people, young men
8 and women, that probably would love to have
9 this job and I think they would do great at
10 it.

11 I'm hoping that I can get a
12 consensus with everybody sitting up here with
13 me. But I think that this is something that
14 we really have to push. I'm not going to ask
15 Katy to come up and speak but I do hope Katy
16 that you are listening and you understand that
17 this is urgency and I'm not letting it go.
18 Brian, I'm with you on this one.

19 Thank you sir. I appreciate all
20 that you've done so far. And you too, Brian.

21 LEGISLATOR NICOLELLO: Legislator
22 Ferretti.

23 LEGISLATOR FERRETTI: Hello
24 Brian. Thank you for your presentation. You
25 always seem to educate me in some aspect.

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2 Although that might not be a good thing. It
3 keeps me up at night usually what I learn from
4 you.

5 You mentioned some things in your
6 presentation that I was listening to but I
7 didn't actually take down some of the
8 numbers. Maybe you can educate me again. You
9 indicated that before bail reform the inmate
10 number, the head count at what number?

11 MR. SULLIVAN: Over 1,000. Close
12 to about 1,100.

13 LEGISLATOR FERRETTI: Sheriff, do
14 you have the exact number?

15 MR. DZURENDA: The last thing I
16 did see was 1083. I think that was November
17 of 2019. We can get those exact numbers but
18 it is close to what Brian is saying.

19 LEGISLATOR FERRETTI: Then in the
20 beginning, the first quarter of 2020 what was
21 the head count?

22 MR. DZURENDA: What I can give
23 you that I know is a fact was in August of
24 2020 was the very low that the agency ever had
25 was 557. As of today, our numbers -- what you

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2 got to be careful of is what do you mean by
3 our count population. I talk about our
4 in-house which those that are at the
5 correctional center and NUMC or the outside.
6 Hospital not. I'm not talking about the ones
7 that are in Suffolk County that we send or
8 Westchester because we do have other
9 incarcerated that are outside of our
10 facility. I'm talking about just the ones
11 that are physically on my in-house count. 557
12 in August 2020. Today was 753.

13 LEGISLATOR FERRETTI: You knew my
14 next question. Brian, since you brought it
15 up, you had between November of 2019 and
16 August of 2020 a reduction of roughly 50
17 percent? It was cut in half.

18 MR. SULLIVAN: Yes. At the
19 height of COVID.

20 LEGISLATOR FERRETTI: Was that
21 because of COVID or was it because of bail
22 reform or something else?

23 MR. SULLIVAN: It was a
24 combination of both. The main thing was about
25 300 plus inmates that we lost because of bail

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2 reform. They were dribbled out of the
3 facility in the last couple of weeks right
4 before bail reform went in because nobody
5 wanted to see 300 inmates walking up Carmen
6 Avenue at the same time on January 1st when
7 bail reform took effect. So they were
8 dribbled out over the last two weeks or so.
9 But then when COVID hit we lost another 300.

10 LEGISLATOR FERRETTI: What were
11 some of the offenses that those 300 or so were
12 charged with?

13 MR. SULLIVAN: Everything soup to
14 nuts. Especially after bail reform they were
15 not keeping -- I'm on the record many times
16 saying this that before bail reform many of
17 the people that were being released were in
18 for heinous crimes. Heavy duty drug charges.
19 There were sex crimes. There were assaults.
20 Gun charges. Manslaughter. Things like
21 that. After bail reform when those, what they
22 consider to be low level nonviolent crimes --
23 and I'll be damned if they're not violent
24 crimes but they're described that way in the
25 penal law -- we're keeping pretty much the

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2 worst of the worst.

3 LEGISLATOR FERRETTI: When you
4 say nonviolent crimes how about robbery was
5 that considered nonviolent?

6 MR. SULLIVAN: Armed robbery,
7 right.

8 LEGISLATOR FERRETTI: Was that
9 considered nonviolent?

10 MR. SULLIVAN: Yes certain
11 aspects of it. Certain levels of it.

12 LEGISLATOR FERRETTI: How about
13 burglary?

14 MR. SULLIVAN: Burglary was
15 definitely on the list.

16 LEGISLATOR FERRETTI: Thank you.

17 LEGISLATOR NICOLELLO: Anyone
18 else? Thank you sheriff. Thank you Brian.

19 LEGISLATOR NICOLELLO: Department
20 of Probation.

21 MR. PLACKIS: Good afternoon. My
22 name is John Plackis. I'm the probation
23 director. Thank you for your diligent
24 overview of our budget. The probation
25 department is currently satisfied with our

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2 budget this year. We just hired in the last
3 month 12 probation officer trainees and we
4 currently canvass for other open vacancies.

5 Our family and criminal division
6 have appropriate staffing levels to complete
7 their assignments. At the juvenile detention
8 center we have increased our staff there by
9 six youth worker aids and three part time RNs
10 and we continue to canvass for open
11 positions.

12 Our staffing level is currently
13 over 200 which includes probation and juvenile
14 detention staff full time and part time.
15 That's the highest level we've been in years.
16 We are currently open for your questions.

17 LEGISLATOR KOPEL: Anyone? Thank
18 you for your presentation, it was wonderful.
19 Clear, concise. Seriously. I hope it wasn't
20 too strenuous.

21 LEGISLATOR KOPEL: Police.

22 COMMISSIONER RYDER: Good
23 afternoon. Thank you for giving us this time
24 to talk about our budget. Police Commissioner
25 Patrick Ryder. I am here with Inspector Bill

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2 Field from our personnel and accounting
3 bureau.

4 We've gone over the budget as you
5 all have too and we are satisfied with our
6 budget and we're here to answer any
7 questions.

8 LEGISLATOR KOPEL: Any
9 questions?

10 LEGISLATOR GAYLOR: Hello
11 Commissioner.

12 COMMISSIONER RYDER: Good
13 afternoon.

14 LEGISLATOR GAYLOR: Is crime up
15 or crime down here in Nassau County?

16 COMMISSIONER RYDER: Crime is
17 down for the third year in row. We are down
18 about seven percent as of -- six and a half as
19 of this morning.

20 LEGISLATOR GAYLOR: Is that in
21 all categories?

22 COMMISSIONER RYDER: That
23 covers -- murders are down. Murders are down
24 45 percent. Robberies, which is our street
25 robberies, are down 13 percent. Our

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2 burglaries are up by one. Excuse me.
3 Commercial robberies are up by one over last
4 year. Which was a record low last year.
5 Assaults are up 3.3 percent. Burglary
6 residentials are down eight percent.
7 Commercial burglaries are down 28 percent.
8 Stolen vehicles down 15 percent. Grand
9 larceny's down 3.04 with a total of 6.83.
10 That is after last year a record low in just
11 about every category.

12 LEGISLATOR GAYLOR: How are we
13 doing in the gun shooting categories? It
14 seems that I last recall there's a huge
15 increase from the prior year but that number
16 was only through about midyear. I know
17 there's been a rash of gun shootings in my
18 area, my district or very close to my district
19 over the last few months. Green Acres, Valley
20 Stream, Elmont, New Hyde Park. Areas where we
21 haven't traditionally seen those kinds of
22 incidents. It appears that there's an
23 increase. I don't know if there really is.
24 Maybe you could address that. And then what
25 additional resources you need to combat the

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2 increase in gun violence.

3 COMMISSIONER RYDER: If you look
4 at our shooting incidents involving injury we
5 are down as far as the five year average. We
6 are up slightly -- actually we are flat at
7 17. The same as last year, 17.

8 When you look at shooting victims,
9 when a person was hit, last year was 18.
10 We're up to 23. Then individuals killed by
11 gun violence, last year was seven. This year
12 it is three. So, we are actually shootings
13 where gun shootings are involved at each other
14 we are down. Especially across the five year
15 average.

16 What the shootings that is referred
17 to is that when people, and we've seen it more
18 and more this year, step outside their house
19 take out a gun from their house and fire it in
20 the air that's a shooting in Nassau County.
21 If you go to New York City that is not a
22 shooting. If you go out to Suffolk that is
23 not a shooting. We count all shootings.
24 That's why we have Shot Spotters. So in those
25 areas and some of the areas outside of the

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2 Shot Spotter we had seen that slight increase
3 in those shootings.

4 LEGISLATOR GAYLOR: So you
5 mentioned Shot Spotter. Shot Spotter is
6 currently deployed in seven communities I
7 think? Two cities, five other areas?

8 COMMISSIONER RYDER: In Nassau
9 County it's in Long Beach. It's in -- excuse
10 me -- Roosevelt, Uniondale. We are in part of
11 Freeport. Not all of Freeport but a good part
12 of Freeport. We are also in Elmont and little
13 north Valley Stream. Little bit north of
14 Valley Stream. I created a new town.

15 LEGISLATOR GAYLOR: Would it
16 behoove us to expand the program where these
17 additional shootings are occurring? I know
18 there's been in Hicksville, Massapequa,
19 recently New Hyde Park. One of the things I
20 would like to see is the Shot Spotter program
21 expand a little bit throughout the county
22 more. On both ends, the west and the east
23 end. You kind of got the central corridor you
24 kind of got locked up pretty much, which I can
25 understand because that traditionally has been

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2 our drug trafficking avenue, the center of the
3 county, from Long Beach up to Glen Cove and
4 the communities in between. I would like to
5 see it expanded. What are your thoughts on
6 expanding that program?

7 COMMISSIONER RYDER: Every time
8 we looked at expanding Shot Spotter it's
9 gotten more expensive just like any company.
10 One they sell you they got you. They want to
11 raise that fee. Our shootings have gone
12 historically down in Nassau County. Our
13 homicides have gone -- we are record, record
14 lows of homicides. Safest county in America
15 two years in a row. And again we're going to
16 hit a hat trick probably this year because of
17 our low crime numbers again this year.

18 So, every time you look to expand
19 the community gets insulted. When we went to
20 move it into Elmont we took a lot of backlash
21 from that. And to be honest with you, it
22 doesn't prove the value of what it costs to do
23 it. Our cops are responding. They're
24 efficient. We had three bank robberies in the
25 last three days. Between our cops and our

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2 detectives all three bank robbers were
3 arrested in the last three days. So, we're
4 getting better and better at policing. Our
5 shootings are extremely low but Shot Spotter
6 is going extremely high.

7 LEGISLATOR GAYLOR: You talk
8 about responding. Response times are -- let's
9 say calls into precincts. My understanding is
10 that all precincts are similarly manned,
11 equipped. It's kind of a template mode. But
12 not all precincts handle the same amount of
13 workload. For instance -- you can correct me
14 if I'm wrong -- the Fifth Precinct I
15 understand handles about 92 to 95,000 calls a
16 year. The next closest precinct handles 62 to
17 65,000. Yet the Fifth Precinct doesn't have a
18 third more resources than the rest. Why not
19 if they're answering a third more of the calls
20 here in the county?

21 COMMISSIONER RYDER: Because
22 these are union mandated minimum posts.
23 They're not minimum manning. It's minimum
24 posts that we must fill. So we fill all the
25 posts. Then we add plainclothes units, we add

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2 POP units, community affairs. We now have a
3 gun suppression team. We've added to the gang
4 unit.

5 So, when you keep adding to these
6 resources to fill up those gaps, the Fifth,
7 the Third and the First are three of your
8 highest volume call areas. And the reason
9 being the Fifth has the mall, the Third has
10 the mall and the First has the
11 Roosevelt-Uniondale area which has taken a
12 drastic reduction in crime over the last
13 several years. And violence. So that drives
14 our numbers up in those call volumes.

15 But we have assigned additional
16 posts to the mall at Green Acres. Additional
17 posts to the mall at Roosevelt Field. Our
18 busiest mall area. And then, of course, we've
19 had additional resources down in the
20 Roosevelt-Uniondale area. That's what's given
21 us such a reduction. Even though the call
22 volume is always high in those areas and
23 especially last year with COVID, but we've
24 still seen a reduction in crime and been able
25 to handle the volume no issues.

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2 If I was going to increase I'd have
3 to negotiate with the unions to add additional
4 posts in those precincts.

5 LEGISLATOR GAYLOR: But if the
6 service calls are traditionally high in the
7 Fifth Precinct, you would agree they're the
8 highest in the county, why aren't we moving
9 now to make some changes to the template
10 model? Because if they're not going to go
11 down, service calls, they're continue to stay
12 where they are or continue to rise.

13 COMMISSIONER RYDER: We have.
14 We've added, like I said, we went from one POP
15 cop to four POP cops. We have a plainclothes
16 unit in the Fifth. The only plainclothes
17 units that exist in the county are the Fifth,
18 the Third and the First for those same
19 reasons. We have a mall-assigned detail that
20 is at the Valley Stream mall there.

21 So, we have added. Compared to
22 like the Eight Precinct which only has 18 post
23 cars compared to the Fifth Precinct which may
24 have 25, I believe is the number, post cars
25 25. So, we've added additional posts already

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2 in there.

3 Then we take SERT, COPE, BSO and we
4 move them on the board. If I create a post,
5 once I create it I can't move that person.
6 He's got to be filled. It's got to be
7 manned. The other three units I can move them
8 on the board as I need. So COPE, SERT, BSO if
9 there's an uptick in crime issues we'll move
10 them in there.

11 If there's a community need that
12 we'll will them in there. We'll move
13 community affairs in there. We'll have POP
14 address it. We'll have the plainclothes
15 address it.

16 So, the additional resources are
17 there. The call volume is static. It's not
18 going up, it's not going down. You can't
19 count 2020 because it was just a different
20 world. But we have adjusted our pieces and
21 that's why we experienced such low crimes
22 numbers as we have.

23 LEGISLATOR GAYLOR: Thank
24 goodness the crime numbers are low.

25 Similarly to the staffing of the

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2 precincts equipment-wise. I'm a military
3 guy. Inspector was here I think about a month
4 ago talking about replacement engines for the
5 aviation helicopters. To have two replacement
6 engines always available so you can pull and
7 you can plug basically while those go out for
8 maintenance. Great concept to have a backup
9 so you can keep the helicopters in the air.

10 What are we doing on our vehicles
11 though? Do we have a flow pool of vehicles?
12 We're doing these -- you're changing your
13 shifts at the posts. The cars get
14 traditionally 65, 70, 80,000 miles a year on
15 them. So it's a lot of maintenance that's
16 always required. Do we have an adequate fleet
17 and is that mission capable at all times?

18 COMMISSIONER RYDER: We have been
19 extremely struggling in getting vehicles
20 because of the COVID. We have I think it's 38
21 vehicles coming in the next two weeks. But we
22 didn't get anything last year because we
23 couldn't get a car and we're still
24 struggling. We have an order out for 80
25 vehicles but I'm only getting 38 in the next

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2 couple of weeks which is still six months
3 behind.

4 What I do know is that our
5 mechanics will not put a vehicle on the road
6 that is not safe. It may not be the
7 prettiest, it may be a high mileage vehicle
8 but if it's not safe our mechanics do a great
9 job in making sure of the safety of the
10 officer involved.

11 That being said, we definitely are
12 struggling on vehicles. We stay on top of
13 it. The objective is to hire a steady, excuse
14 me, buy a steady amount of vehicles each
15 year. But 2020 just threw us for a loop.
16 We're still chasing it. We finally got word
17 that we're getting the 38 in two weeks.

18 LEGISLATOR GAYLOR: They will be
19 on the road though six to seven months later
20 by the time you have to modify them, outfit
21 them, paint them, equip them. Put long guns
22 in them, which we will talk about in a minute.

23 COMMISSIONER RYDER: We buy more
24 and more vehicles that come with more
25 equipment in them. So now we got to put

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2 lights, stripe them and put the radio
3 communications into it. So, that all gets
4 done.

5 LEGISLATOR GAYLOR: Is all the
6 glass on the vehicles bullet proof?

7 COMMISSIONER RYDER: They are not
8 bullet proof in Nassau County, no.

9 LEGISLATOR GAYLOR: Is that
10 something we should have?

11 COMMISSIONER RYDER: Probably one
12 of the most expensive thing to do is buy
13 bullet proof glass. Not that a cop's life is
14 not as important. But we don't have those
15 shootings. We don't have those crimes thank
16 God. We do lock our station houses now. We
17 do have new security signage and everything to
18 keep people off our property. You got to get
19 buzzed to come into a precinct. Which in not
20 the way we normally service the people in
21 Nassau County. We are open for business. But
22 due to those threats that have occurred over
23 the years we keep the doors locked now.

24 LEGISLATOR GAYLOR: Just moving
25 back to the equipment in the vehicles does

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2 every vehicle have a long gun in it? I know
3 we talked about this in past years.

4 COMMISSIONER RYDER: We are the
5 only police department in the country that has
6 an emergency service unit, which is doubled in
7 size in the last four years. We have a Bureau
8 of Special Operations, which you either have
9 one or the other. We have both. Which we put
10 out several cars a day. We've given our long
11 guns to our POP cops. We've given our long
12 guns to our COPE unit and our SERT unit. And
13 there are additional long guns that are out
14 there. And our Homeland Security officers out
15 there every single day with our schools on the
16 assessments.

17 LEGISLATOR GAYLOR: Thank you
18 commissioner.

19 LEGISLATOR NICOLELLO: We have
20 other legislators. I just wanted to jump in
21 real quickly. First of all, thank you for the
22 abbreviated presentation. Appreciate it. Get
23 right to the point. We always appreciate
24 that. I want to focus on this third to last
25 slide. Nassau County 2021 major crime

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2 numbers. What is robbery com?

3 COMMISSIONER RYDER: Robbery

4 commercial. It's abbreviated form.

5 LEGISLATOR NICOLELLO: Burglary

6 other?

7 COMMISSIONER RYDER: You have

8 residential, burglary residential. Burglary

9 other is commercial burglaries.

10 LEGISLATOR NICOLELLO: I wanted

11 to point out obviously the numbers with some

12 of these categories are great. Fantastic.

13 Murders down almost 50 percent. Even though

14 the total major crimes is down by 6.83

15 percent, you did see an increase in rapes and

16 criminal sexual acts and in sexual abuse,

17 robbery commercial I guess is going up as well

18 as assault felony. In the overall good news

19 there's other aspects of this that I think

20 needs focus.

21 COMMISSIONER RYDER: And they're

22 also single digit numbers. In normal

23 statistical value you wouldn't put a number on

24 it because it stays in the single digits. But

25 they're single digit crime numbers.

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2 We are historic low in every single
3 category last year. So now you're going to
4 see some bumps. When you look at -- I noticed
5 you mentioned on commercial burglaries. It
6 went up by one. We used to average 200 a
7 month five years ago. Now last year we
8 finished under 200 as far as our commercial
9 burglaries go -- I mean our residential
10 burglaries. And if look at right now --
11 excuse me. Talking about robberies. With our
12 robberies now we're at 132 as far as our
13 street robberies showing violence is down and
14 the commercial burglaries went up by one.
15 Again, historic lows over the last several
16 years.

17 LEGISLATOR NICOLELLO: Actually
18 that's a very good point. I think actually as
19 these numbers fluctuate you can probably draw
20 the wrong conclusions if see some of these
21 major crimes going up slightly it's going to
22 be a greater percentage because the numbers
23 are so low. Legislator Ferretti.

24 LEGISLATOR FERRETTI: Thank you
25 presiding officer. Good afternoon

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2 commissioner. Some questions. I want to, of
3 course, thank you for your hard work and of
4 course our men and women in blue who do the
5 best job in the world at protecting us. Thank
6 you for that.

7 You mentioned some bank robberies a
8 few minutes ago, and I don't know for sure but
9 I do know I've seen some pictures of police
10 cars at banks over the last week or so.
11 Specifically this week. I've also been some
12 emails have been sent to me by constituents
13 wanting to know some information about it. My
14 understanding is those three banks robberies
15 were in the vicinity of my district. Very
16 close to my district. I've actually received
17 an email today that there was a fourth today
18 in Bethpage.

19 COMMISSIONER RYDER: I think that
20 was the third.

21 LEGISLATOR FERRETTI: Perhaps I
22 got multiple emails on the same one and just
23 different picture angles. That's obviously an
24 alarming trend that in the last week alone
25 we've had multiple bank robberies. Is that a

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2 crime that is eligible for release with an
3 appearance ticket if they're arrested?

4 COMMISSIONER RYDER: Not an
5 appearance ticket but that would not be an
6 appearance ticket at the station house. It
7 would be a release at arraignment. It depends
8 on if the threat was with a gun and there is a
9 gun, no, he will not get out. Again, if the
10 threat -- let's say he makes a threat that he
11 had a gun and there was no gun but we don't
12 know that and he got away and we arrest him
13 the next day without the gun it's still a
14 threat with a gun. He would not get bail.

15 LEGISLATOR FERRETTI: What if
16 there was no threat of a gun?

17 COMMISSIONER RYDER: If it was
18 just a note he would probably get bail, yes.

19 LEGISLATOR FERRETTI: He would
20 probably get bail, what do you mean by that?

21 COMMISSIONER RYDER: He would get
22 no bail. He'd walk out.

23 LEGISLATOR FERRETTI: So if
24 somebody's arrested for robbing a bank without
25 a gun they'd get out?

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2 COMMISSIONER RYDER: That's
3 correct.

4 LEGISLATOR FERRETTI: So
5 theoretically, since Sunday, this could have
6 been the same person?

7 COMMISSIONER RYDER: Well, we
8 didn't catch him but now we've got him, yes.

9 LEGISLATOR FERRETTI: So we don't
10 know if it was the same person robbing all the
11 banks?

12 COMMISSIONER RYDER: One guy
13 robbed two. The TD bank was robbed by
14 individual. He robbed it twice. And the two
15 individuals that were caught this morning
16 robbed a bank up in Bethpage.

17 LEGISLATOR FERRETTI: The guy who
18 robbed it twice was he arrested twice?

19 COMMISSIONER RYDER: No. He got
20 away the first time and then we got him today.

21 LEGISLATOR FERRETTI: Thank you.
22 It's something that my constituents have been
23 emailing me about because if you look at the
24 banks they're all kind of, I don't know if I'm
25 allowed to say where they are and I don't want

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2 to but they're around my area. So it's a
3 little concerning.

4 Legislator Gaylor talked about the
5 car issue. I think you went over that. So
6 great. How about radios? Where are we with
7 radios? Are all of our radios functioning?
8 Do we have an ample amount of radios?

9 COMMISSIONER RYDER: We had a
10 problem with the radios as far as losing
11 frequency depending on the humidity and
12 temperature in the air. That has now been
13 fixed. There is a backup radio in every
14 single police car now. If this radio is
15 experiencing that ducting as they call it,
16 they can flip now to the new radio. CB will
17 say go to the different frequency and they
18 will use that radio and it works fine.

19 The process of buying these radios
20 and implementing the new system is in place.
21 It's a time and working it's way through
22 purchasing, getting them and installing
23 everything.

24 LEGISLATOR FERRETTI: So, are
25 officers still being asked to use their cell

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2 phone as a backup?

3 COMMISSIONER RYDER: No, sir.

4 They have a backup radio. Each car has a
5 backup radio. So does each cop have a backup
6 radio. If there's a cop that works in a
7 plainclothes they have a backup radio.

8 LEGISLATOR FERRETTI: So they're
9 not being asked to use their cell phones as a
10 backup? I don't know if there's multiple
11 layers of backup.

12 COMMISSIONER RYDER: God forbid
13 your radios don't work. That's a technical
14 world that sometimes -- it's hasn't happened
15 with the second radio. But every car has been
16 equipped with a cell phone. Not just for that
17 purpose. The main purpose is they can access,
18 do photos from there and access other
19 databases in the car now.

20 LEGISLATOR FERRETTI: Just to be
21 clear, every officer has a radio, working
22 radio and a backup in the car?

23 COMMISSIONER RYDER: That's
24 correct.

25 LEGISLATOR FERRETTI: And my last

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2 question. The body cams, are they up and
3 specifically in the Eighth Precinct? It was
4 going to be rolled out in the Eighth Precinct,
5 right.

6 COMMISSIONER RYDER: All the body
7 cameras in the Eighth Precinct from the
8 inspector down to the plainclothes unit,
9 everybody in that precinct has a body camera
10 and working. In the Fifth Precinct we rolled
11 it along the city line. All of those cops
12 along the city line posts have their body
13 camera. Everybody in the Fifth Precinct was
14 trained.

15 The next batch of radios arrive on
16 the 15th, next week. They will be immediately
17 disbursed to complete the entire Fifth
18 Precinct. Two weeks we start training for
19 First and the Third Precinct on the next two
20 rollouts. As then as the cameras come in
21 we'll issue to them.

22 We will be on schedule as of right
23 now unless distribution has an issue. We
24 should outfit the entire police department
25 before January 1.

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2 LEGISLATOR FERRETTI: But
3 specifically the Eighth Precinct, if an
4 officer comes to the scene they will have
5 their body camera on?

6 COMMISSIONER RYDER: And we've
7 had unbelievable success. You're always
8 looking for a problem. Like to see what can
9 break. It's been super successful and the
10 cops are really embracing it. We've always
11 got to change things on when you keep it on
12 when you keep it off. Those things we're
13 working through. We have a meeting with the
14 unions next week to go over and say okay, what
15 are we seeing as an issue that we can make
16 better?

17 We had a fire rescue in it's really
18 Muscarella's area I believe but that fire
19 where the young man died unbelievable video.
20 Not video that we'd show to the public but
21 video that showed the heroics of both the
22 medic, the cops and the civilians. The family
23 members that were using sledge hammers to get
24 into this house. And we rescued one person
25 right behind the door that we pulled out.

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2 Unfortunately that young man lost his life
3 though.

4 LEGISLATOR FERRETTI: Thank you.

5 LEGISLATOR NICOLELLO: Legislator
6 Ford.

7 LEGISLATOR FORD: Good afternoon
8 commissioner. Thank you very much for your
9 testimony. Where are we -- from what I
10 understand I've been following the school bus
11 camera issue and I know that falls under your
12 jurisdiction and it seems that the contract is
13 still with NIFA. I'd like to know how do we
14 get this to move along?

15 COMMISSIONER RYDER: I don't know
16 the decision making at NIFA. But I do know
17 that we've met with the county exec and the
18 chief executive two weeks ago. The program is
19 ours to make sure it's up and running.
20 Sergeant Connelly, as you all know sergeant
21 Connelly from homeland, is responsible for
22 that program. We've met with the vendor, met
23 with the schools. It's now just a process of
24 waiting for the final go from NIFA and then we
25 will start with the process.

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2 LEGISLATOR FORD: I guess do we
3 know how long NIFA has had this contract?
4 Katy you might as well come over.

5 MS. HORST: NIFA has 30 days to
6 approve a contract but they can request more
7 time. My understanding is at the last NIFA
8 board meeting there was not a quorum. So I
9 don't believe they took any action.

10 LEGISLATOR FORD: So then we have
11 to wait 30 days?

12 MS. HORST: For their next
13 meeting. The NIFA board has 30 days to review
14 and approve a contract but they can always
15 request additional time. I'm not aware if
16 they've done that with this contract or not.

17 LEGISLATOR FORD: How long have
18 they had this contract?

19 MS. HORST: I'd have to get back
20 to you on that. I don't know that off the top
21 of my head.

22 LEGISLATOR FORD: So then if they
23 don't have a quorum they can't vote on it so
24 then it would be an additional 30 because they
25 meet once a month, correct?

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2 MS. HORST: They can request
3 additional time. There's not usually an
4 additional 30 days. It's just they request
5 additional time and they're granted that
6 additional time.

7 LEGISLATOR FORD: Are they aware
8 that this is a big safety issue? I know most
9 of them don't live in Nassau County and
10 obviously they don't have school children.
11 It's very important. I have a school district
12 that keeps asking me. They have their own bus
13 transportation. And you've always been so
14 gracious responding to me.

15 But I really, I'm getting to be
16 very disgruntled over this. Because this is
17 something that has been going for way too
18 long. I'm very anxious to get this program up
19 and working because -- thankfully nothing very
20 bad has happened. But I think it's time to
21 start correcting a lot of these drivers.
22 Especially the ones that go speeding. They
23 could care less what's before them. We've
24 seen, unfortunately, a lot of deaths due to
25 speeding.

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2 I'm just really not happy with
3 NIFA. And just even right now this whole
4 process in regard to this because it really
5 is, I don't know, to me it's an
6 embarrassment. But thank you. I will get off
7 the question because you're not administering
8 it just get.

9 Public safety officers. Are they
10 what you consider the security officers in the
11 budget?

12 COMMISSIONER RYDER: Yes. That's
13 correct.

14 LEGISLATOR FORD: How many do we
15 have?

16 COMMISSIONER RYDER: Currently
17 right now the on board is 35. We have a
18 budget for 36. We're one under.

19 LEGISLATOR FORD: Considering the
20 fact that we have our county parks, we've been
21 having issues, and God bless our officers in
22 the Fourth Precinct that have been responding
23 but more and more it just seems to be that
24 there are issues over in that park. It has
25 been expressed to the deputy county executive

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2 at a meeting that the residents are very
3 unnerved by the fact you have people coming
4 from all over that come into this park and
5 then there are situations that there is nobody
6 around.

7 We had a mother who was surrounded
8 by teenagers because she happened to have
9 touched their bikes. It was a very tense 15
10 minutes. And the people who did ultimately
11 respond to a call were two teenage girls in a
12 golf cart.

13 I did advise the people who did
14 speak to me to always call 911. You don't
15 have to look for park personnel. Always dial
16 911 because our officers are always close by.
17 They have been having them patrol the park.
18 They've been doing that.

19 But I think what we need and I
20 think what a lot of my residents are asking
21 for is somebody to always be there. And we
22 can't afford to have a police officer but we
23 do have our public safety officers that can
24 actually fulfill that requirement.

25 So, I'd like to know is there any

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2 way of being able to establish permanent posts
3 in many of our parks? Because they're big.
4 They're in isolated areas in certain
5 instances. I don't know how people find the
6 ones in Bay Park. I don't know how the
7 outsiders find this park but they do. Even
8 when we look at Nickerson, it's along Lido, it
9 is also a vast piece of property.

10 So I'm asking with the public
11 safety officers how do we increase that and
12 give that sense of security to our residents
13 knowing that those public safety officers can
14 contact the police much faster basically than
15 a resident can?

16 COMMISSIONER RYDER: We're
17 talking about Bay Park and it's a huge park
18 with the treatment center right in the
19 middle. The treatment center has its own
20 private security inside the treatment center.
21 When the boat ramp is open there's somebody at
22 the boat ramp. But what happens is because
23 the way the park circles around and obviously
24 the golf course has people in the golf course,
25 we have a roaming post that goes through

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2 there. We've had several complaints that
3 we've gotten and you may be aware of.
4 Inspector Molds is on that. We are assigning
5 our cops in there more regularly and we're
6 also going to look at putting more frequent
7 posts of our public safety.

8 The problem is public safety does a
9 great job but they really become the ears and
10 the eyes of us. To reached out to us. They
11 don't have enforcement powers. They're the
12 watchmen. They make sure that things are
13 okay. So, what we will do is we will increase
14 that time in there. Leslie, Inspector Molds
15 has already increased the cops in there and
16 we're putting a special patrol detail down
17 there.

18 LEGISLATOR FORD: I would
19 appreciate it because with the parks only
20 because you have elderly people, you have
21 mothers and fathers with young children. And
22 then what happens is then there could be
23 confrontation. People are very frightened.
24 They see something. They may react because
25 they think that they're the only sense of

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2 defense that they have. So, I would really
3 like to avoid any type of things getting out
4 of hand. And even like during the day when
5 people are there to just provide a permanent
6 post, public safety, because they integrate.
7 And I know that the cops are always there.
8 They're on bicycles, they're in their cars and
9 everything like that. So that's one thing.

10 The ambulances. How are we with
11 our medics and our ambulances? Because I
12 know -- because we're leaving the police
13 medics, I guess, at the same number, correct?
14 We're not increasing head count?

15 COMMISSIONER RYDER: No, we did.
16 We increased it with the agreement when we did
17 the review that time. So that number went up
18 to 151. We are on board at 135. We are short
19 16 right now because of retirements. We have
20 a PRF that was approved for 16. We have ten
21 that are ready to hired. So we're going to
22 start calling them in the next two weeks and
23 start the class.

24 LEGISLATOR FORD: Perfect. What
25 would be the cause of delay to fulfill the

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2 151? Where do you see the drawback?

3 COMMISSIONER RYDER: It's just
4 their process. We heard several of the
5 agencies before. To give you an example. In
6 the sheriff's department there are currently
7 25 people ready to go. There's another 40 in
8 the pipe. We always have people in the pipe
9 that pass certain things. I've got cops that
10 passed physicals we may never get to but they
11 passed the physical. We always keep people in
12 the pipe and keep it moving.

13 The problem is when you get a
14 massive retirement such as we saw with COVID
15 you're always playing catch up. The medic's
16 training is sometimes even harder then it is
17 for a police officer regarding the fact that
18 we train them as individual medics. They're
19 not a two man ambulance like in New York
20 City. And that's a big time adjustment as
21 you've heard from Chris and Ronnie several
22 times. So, they're in their union
23 discussions, which I am not part of.

24 But as far as the head count goes,
25 we're moving to hire. If we get the other six

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2 they will be about three, four weeks behind
3 them. But we got the approval for the PRF for
4 16 and they're going forward.

5 LEGISLATOR FORD: And then where
6 are we with the ambulance? How many
7 ambulances do we have?

8 COMMISSIONER RYDER: 28 posts
9 during the day. That means you got to have 28
10 buses to put out there. When there was a
11 transition in the mechanics shifting from DPW
12 back to the PD there was an issue of moving
13 bodies. We fell slightly behind. Buses go
14 down constantly. We need new buses. I'm
15 doing the same problem. We're keeping them
16 alive to get them on the street in a safe
17 manner but the problem is we're still behind
18 in the ordering. They're scheduled for ten
19 new buses to come in. I'm just waiting for
20 them to come in and get them staffed.

21 LEGISLATOR FORD: Would they be
22 like because of the chip shortage?

23 COMMISSIONER RYDER: It's not
24 just the chip shortage. In the PDs, in the
25 Explorers, yes, it is. Not so much in the

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2 buses. It's more of the fact the
3 manufacturers not having the resources to
4 create.

5 LEGISLATOR FORD: Would we also
6 then I guess when like everybody is talking
7 about having that one spare part, do you think
8 that we could eventually have one spare
9 ambulance?

10 COMMISSIONER RYDER: If I go back
11 two years ago I would start off -- every day
12 you get a morning briefing from the medics and
13 it will say all posts are staffed, on good
14 days. All posts are staffed. 28 buses out.
15 There are seven buses ready to go. That are
16 stacked and ready to run. The problem is 2020
17 put us behind. So we don't have that
18 reserve. And not that it was the greatest
19 reserve but it was a reserve. The car brake
20 goes down because of the power we switch it
21 out and we put it back on the road. And the
22 medics do a phenomenal job of doing that.

23 LEGISLATOR FORD: When we talk
24 about I guess like different, and I know
25 Legislator Gaylor talked about long guns and I

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2 guess the Shot Spotter, but where are we with
3 the license plate readers? We were going to
4 put them on bridges and on the entrances and
5 exits of the Southern State or whatever?

6 COMMISSIONER RYDER: We had
7 bought a large purchase with asset
8 forfeiture. We got some CRP money from
9 several of the -- and we also got state
10 money. We have just rolled out about 30 brand
11 new locations with new LPRs. They're up and
12 running. We have still a bunch that we're
13 deploying. We have the company doing it. So
14 they're putting them out throughout Nassau
15 County. We're probably going to have a couple
16 of hundred locations covered by the time this
17 is done and that's a lot. Now we also buy in
18 with Freeport's system, Hempstead's system.
19 They have their own. So we're grabbing them
20 and we have them all on one platform. So it
21 continues.

22 LEGISLATOR FORD: Don't forget
23 Long Beach.

24 COMMISSIONER RYDER: Yes. We
25 have Long Beach. And Shot Spotter too.

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2 LEGISLATOR FORD: Just to let you
3 know, probably sometime in November, we will
4 be having a public safety hearing to go over
5 the police reform plan to get updated
6 information as to where we are with all the
7 initiatives that we passed and everything so
8 we can find out like the numbers. I know you
9 were doing data collection.

10 COMMISSIONER RYDER: We are. We
11 are doing all that data collection. We put
12 our six month report up in June. July for
13 June. And the next six month report, I just
14 did a peak at it now, and the numbers are
15 looking really, really good. So in February
16 for January -- excuse me, in January for the
17 end of December we will put the next six
18 months numbers up.

19 We've educated all of our
20 detectives and all of our supervisors on the
21 new diversity training. They've all gone
22 through the training. The PBA is starting in
23 two weeks. We're going to start bringing cops
24 in and get them all through it. By the end of
25 the year we'll have the entire job into the

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2 new diversity training program.

3 Our response for mental aided and
4 stuff working with mobile crisis. We've
5 already started some of that. We're doing the
6 training as you heard earlier through our
7 communications bureau is getting all of that
8 training. They have extra staffing. They are
9 hiring. They've actually responded to several
10 of our calls already to assist us out there n
11 the county. So that's going to get up and
12 work very well for all of us.

13 LEGISLATOR FORD: Because I know
14 with the 911 bureau like one of the things
15 we're looking at in police reform was that the
16 mental health so we can coordinate. I know
17 that we honor our top cops and you
18 demonstrated how these officers through their
19 training did not arrest the person. They
20 didn't come in as gang busters. They were
21 very sensitive to the individual. They were
22 able to calm the person down without any
23 incident and to be able to then get them to a
24 hospital.

25 So, I'm hoping that we can

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2 eventually see the documentation that you give
3 to the 911 operators when they get these types
4 of calls.

5 COMMISSIONER RYDER: That's
6 already done. They already have that. It's
7 the blueprint what they follow. The mobile
8 crisis has hired several of their extra
9 members that they needed. They're just
10 waiting for a couple more and the training
11 process is going on as we speak.

12 LEGISLATOR FORD: With body
13 cameras, I know they were giving them to our
14 sworn officers. Are we anticipating or
15 contemplating allowing the civilian side of
16 the police force? Like whether or not public
17 safety officers and/or our police medics to
18 wear body cameras?

19 COMMISSIONER RYDER: That would
20 be a decision that's contractual. Obviously
21 the unions would have to negotiate that with
22 the county exec's office. I don't get
23 involved in that. My part is to get this
24 thing rolling and I'm getting it done.

25 LEGISLATOR FORD: I don't want to

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2 add on. I'm good at that. I thank you very
3 much. I really appreciate your responses.

4 LEGISLATOR NICOLELLO: Legislator
5 Mule and then Minority Leader Abrahams.

6 LEGISLATOR MULE: Thank you
7 commissioner. I just want to congratulate you
8 on us being named as the safest county two
9 years in a row. It's an incredible
10 accomplishment, and I think I can safely speak
11 for every one up here how much we appreciate
12 you and all of the men and women in your
13 department do to make that happen.

14 I also appreciate your comments in
15 looking at statistics to be careful about how
16 you look at statistics because since we're at
17 record lows, historic lows, but now if we see
18 a bump that perhaps it's not cause for alarm
19 necessarily. We have to look at it more
20 closely. So I appreciate it. I think that's
21 good information for all of us to have looking
22 into the future.

23 I just want to add to something
24 that Legislator Ford said that she's going to
25 be calling a public safety hearing in November

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2 and you said that probably in January you will
3 have your next six month gathering of data
4 from the police reform. Would it be possible
5 to compile something kind of a mid year?

6 COMMISSIONER RYDER: Like we just
7 talk about numbers, the problem becomes now we
8 would get small samplings. Small samplings
9 can work to my favor or kill me. That's why
10 we picked that six. Suffolk does it every
11 year. We do it every six months. Look, we
12 saw an improvement in our numbers that we
13 liked. We were getting comfortable with.
14 From my peek the other day, it's starting to
15 go in that same direction which is a good
16 thing to see. It's policing based on probable
17 cause, based on evidence, based on where the
18 crime numbers are. But it's also policing on
19 what is fair for the community.

20 LEGISLATOR MULE: I hear what
21 you're saying. Will you be able to address
22 any trends that you have seen at the November
23 meeting?

24 COMMISSIONER RYDER: 100 percent
25 I can speak about that.

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2 LEGISLATOR MULE: But what I
3 wanted to really ask you about was the opioid,
4 slash, drug crisis that we had seen great
5 progress and then COVID hit and we saw some
6 really dramatic spikes and we're here to talk
7 about the budget. So, what I want to know is
8 do you feel that we have what you need in
9 order to address that spike in the budget?

10 COMMISSIONER RYDER: I have what
11 I need regarding crisis. What I didn't have
12 was control of it because of COVID. We
13 couldn't do the after care visits. We didn't
14 get them in front of diversion court. Bail
15 reform is what bail reform is. But what
16 happens to me in that world, instead of me
17 bringing the drug user in front of the
18 diversion judge today where he can say you can
19 go this way or that way and he doesn't go back
20 for 30 days and a drug user let out on his
21 own. So, I think the district attorney is
22 trying to work with some ways that we can
23 better address that also. We're working in
24 partner with them.

25 We'll get the numbers back. That

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2 was the one number that we are not happy with
3 because we had so much gain and then we lost
4 it. But there's a lot of money that's coming
5 down from the decisions and that should go
6 into certain areas to help in that.

7 LEGISLATOR MULE: Thank you very
8 much.

9 LEGISLATOR ABRAHAMS: Thank you
10 presiding officer. How are you commissioner?

11 COMMISSIONER RYDER: I'm well
12 sir.

13 LEGISLATOR ABRAHAMS: I want to
14 dive into a couple of different areas but I'm
15 going to be brief. You had talked about the
16 crime statistics a little bit earlier and I
17 just want to make sure because I know the
18 answer to this but just to establish it for
19 the record. When we look at Nassau County
20 crimes statistics we are excluding villages?

21 COMMISSIONER RYDER: That's
22 correct.

23 LEGISLATOR ABRAHAMS: Villages
24 such as Hempstead, Freeport I guess all the
25 villages?

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2 COMMISSIONER RYDER: All the
3 villages we do not include their statistics.
4 We don't police them.

5 LEGISLATOR ABRAHAMS: I wanted to
6 ask you because obviously things that happen
7 in Freeport have a tremendous impact on
8 Merrick. Things that happen in Hempstead have
9 an impact on Garden City. Obviously Garden
10 City has their own police force so I'm
11 guessing you wouldn't capture their numbers
12 either.

13 But I guess what I'm trying to
14 drive at is I would like to see if there could
15 be a coordinated effort so we can see the
16 numbers in their entirety.

17 Just by coincident, just by chance,
18 curiosity I should say, how many people
19 excluding the villages are into the county?
20 When you look at a population of folks that
21 are benefitting from these very low crime
22 statistics what's that number?

23 COMMISSIONER RYDER: I think if
24 you remove the villages, the Town of Hempstead
25 is 55,000 people. So, you're probably

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2 knocking off 200, 250,000. So it's still 1.2,
3 1.1 and a half.

4 LEGISLATOR ABRAHAMS: You said
5 the Town of Hempstead?

6 COMMISSIONER RYDER: I'm sorry.
7 Yeah. The Village of Hempstead.

8 LEGISLATOR ABRAHAMS: You mean
9 the town. I got you.

10 COMMISSIONER RYDER: The village
11 is 55,000 in the Village of Hempstead.

12 LEGISLATOR ABRAHAMS: Does your
13 numbers include the cities? Long Beach.

14 COMMISSIONER RYDER: No, our
15 numbers do not. Where we don't police we
16 don't include those numbers.

17 LEGISLATOR ABRAHAMS: I'm just
18 curious. Have you ever run the numbers to --

19 COMMISSIONER RYDER: Yes.

20 LEGISLATOR ABRAHAMS: If you
21 excluded Long Beach, Glen Cove, Hempstead,
22 Freeport, you went right down the line, how
23 many people are actually benefitting from
24 these low numbers?

25 COMMISSIONER RYDER: Probably

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2 about 1.1 million.

3 LEGISLATOR ABRAHAMS: You did do
4 the numbers.

5 COMMISSIONER RYDER: Yeah. We
6 know what's the residency numbers in there.
7 We know what villages have. Most of your
8 villages are very, very small. I used the
9 Village of Hempstead to give you an example.
10 That's the largest at 55,000. But when you
11 add them up it's about 200,00, 225,000 it
12 comes out of the number. So if we're 1.4
13 knocks us down to about 1.75, something like
14 that.

15 But what I can tell you is we do
16 meet on a monthly basis all the chiefs. Every
17 single village is experiencing low numbers
18 again this year. Every single one.

19 LEGISLATOR ABRAHAMS: So every
20 village is seeing, maybe not the reductions
21 we're seeing, but they're seeing reductions
22 across the board?

23 COMMISSIONER RYDER: That's
24 correct. Now, again, that's comparing their
25 apples to apples. Their numbers to their

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2 numbers not to my numbers.

3 LEGISLATOR ABRAHAMS: Got you. I
4 understand. The next thing I wanted to talk
5 to you a little bit about is obviously we had
6 a very horrific situation with the active
7 shooter at the Stop and Shop in West
8 Hempstead. There's a lot of mixed
9 information. I'm guessing it's still an
10 ongoing case. I know you caught the
11 individual but ongoing in the sense of --

12 COMMISSIONER RYDER: Yes. Still
13 trial and everything.

14 LEGISLATOR ABRAHAMS: If you
15 can't speak of anything at liberty let me
16 know. But there's a lot of mixed information
17 in regards to how the person got away. Some
18 people are saying he got away on a bus. Some
19 people say he ran. Some people say he went to
20 Hempstead. Some people say he went to
21 Queens. Be that as it may, I'm not looking
22 for us to figure out where he went and how he
23 got there.

24 However, one of the things I think
25 is a big benefit, and I know many throughout

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2 the county may not agree with me but I think
3 it's something that creates safety, I heard
4 Legislator Gaylor talk a little bit about the
5 Shot Spotter program. But one of the programs
6 that I've been pushing and I've been looking
7 to try to get your help on is the street
8 surveillance cameras. And I bring that up in
9 the sense with the active shooter because I
10 think if we increase that effort -- and I'm
11 not talking about putting cameras in front of
12 people's homes -- I'm talking about putting
13 cameras on commercial thoroughfares like
14 Uniondale Avenue.

15 My district, that area,
16 overwhelming supports it. Fire district,
17 library district, school district, you name it
18 support it. We would love to be able to move
19 that forward. I think even if you had it
20 along Hempstead Turnpike so you're not relying
21 on private sector cameras and their use I
22 think it's a benefit.

23 I'm not trying to say that we want
24 to give people the feeling or the fear that
25 there's big brother there. But I do believe

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2 when you have community partnership and people
3 know that cameras are there and the police are
4 watching it provides a benefit.

5 I use this analogy that the reason
6 there's no crime in Times Square is because
7 there's so many eyes in Times Square. It's
8 probably one of the most safest places you can
9 feel in regards to being robbed or assaulted
10 because there's so many people there already.

11 Now, we don't have the level of
12 people that live in Times Square on Uniondale
13 Avenue, but I would love to get this
14 initiative off the table. I know we've talked
15 to your office a couple of times about it.
16 Let me know what we need to do to move that
17 forward.

18 COMMISSIONER RYDER: It's
19 financial situation. I believe we gave the
20 numbers last week on the cost of it. It's
21 also the MOUs with the power lines and so
22 forth. We don't have access. We have to ask
23 permission. When we did Shot Spotter, the
24 difference with Shot Spotter is I can put it
25 on top of buildings and it was more

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2 microwaved. It wasn't sitting on individual
3 fiber lines. Every camera has to have a fiber
4 line. So the fiber lines are a cost. Then I
5 have to jump onto the LIPA poles and allow
6 them to give us access.

7 The beauty of it is that when we
8 can use commercial buildings, and the
9 commercial people or on our side, say can we
10 hang a camera here and run it through your
11 network and feed it if we'll do.

12 We did give the numbers up
13 finally. I know there was a delay on it. And
14 again, part of our side of it was also
15 figuring out the cost factor of it. We went
16 as low as we can on that number to get it in.

17 LEGISLATOR ABRAHAMS: If cost is
18 an issue I mean obviously our office with our
19 CFT funds we can probably help with the cost
20 because I want to get it up and running. You
21 mentioned that Uniondale and Roosevelt are
22 benefiting from some of the reductions in
23 crime in certain aspects. I want to keep that
24 going.

25 So, I think this is a big

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2 initiative and everyone in the community
3 supports it. So I'm happy to hear that.

4 Just a quick thing. Body cams have
5 came up a few times. Just want to make sure I
6 was clear. I know Legislator Ferretti
7 mentioned the Eighth Precinct in terms of the
8 pilot program. I just want to make sure I
9 understood what your back and forth was.
10 Everything is moving forward on time with the
11 body cam pilot program?

12 COMMISSIONER RYDER: Yes, sir.
13 Right on time.

14 LEGISLATOR ABRAHAMS: Easy
15 enough. I will move on. The last thing I
16 wanted to discuss with you, earlier this week
17 the legislature passed or I guess reduced the
18 public safety fee, which I'm sure you're
19 aware. The public safety fee had a transfer
20 from the TIPVA budget to the police budget to
21 the tune of roughly about \$23 million?

22 COMMISSIONER RYDER: Yes, sir.
23 24 I think it is.

24 LEGISLATOR ABRAHAMS: \$24
25 million. Now, I know when you stood up before

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2 and said everything is great with your budget
3 you weren't considering that of course because
4 obviously that would poke -- Legislator Kopel
5 corrected me on this the other day not
6 plugged -- poke a hole in your budget to the
7 tune of \$24 million. I'm just curious. If
8 that was a hole that you had to fill what are
9 some of the things that you would have to look
10 to reduce to be able to fill that hole if the
11 legislature couldn't come to some agreement on
12 how they plan to --

13 COMMISSIONER RYDER: So, anytime
14 that we lose money in our budget we're not
15 happy. We're trying to keep everything, the
16 projects running the way they are. Our budget
17 doesn't work like everybody else's budget.
18 It's not a hard line in it. If arrests go up,
19 if I have a pandemic, if I have a bunch of
20 protests my budget blows up and way above what
21 we predicted. On the other side of it, if
22 arrests go down and there are no protests our
23 numbers go down. As you see this year our
24 overtime number is coming down.

25 When you look at a budget and you

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2 look at resources and people, most of my posts
3 are minimum manned posts I must staff by union
4 rules. When you look at our units, our
5 plainclothes units and everything, they're all
6 at full staffing. Our head count is currently
7 at full staffing for the first time. We were
8 short 360 cops at the beginning of the year.
9 We did two very large classes to get them up
10 to get us back up to where we are because we
11 know we're going to see our big attrition
12 coming right now in December.

13 So you cut different items out.
14 You'll start with maybe not being able to
15 staff parades, community outreach stuff,
16 things like that. Again, our budget doesn't
17 work like that because I do budget daily,
18 weekly, monthly and then of course every
19 several months. At the end of every month
20 who's up, who's down. What do we have to pull
21 back on? We're adjusting our budget all the
22 time to make sure we meet, as we have in the
23 last four years, and actually come under.

24 So, it will depend at the time when
25 that starts to affect us what we decide to

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2 cut. Usually that comes from things that are
3 not union staffed minimal manned positions.

4 LEGISLATOR ABRAHAMS: Say, for
5 example, I know you started a tremendous
6 effort to begin the PAL program where it's
7 become more robust than it has been in the
8 past. Something of that nature would be
9 considered to be cut?

10 COMMISSIONER RYDER: No.

11 LEGISLATOR ABRAHAMS: I'm just
12 saying that seems to be more discretionary.

13 COMMISSIONER RYDER: It is. And
14 right now I'm actually putting two more
15 officers in there because of Matt Perlin that
16 died of 9-11 cancer this year. And a second
17 for the academy staff that we need.

18 One thing we've learned is PAL,
19 POP, community affairs, they're the worst
20 things to remove because that affects us in
21 the long run on our crimes. That affects us
22 on our outreach. That affects us in our
23 relationships in building bridges. So, no, I
24 won't touch those.

25 If I got to work it a different way

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2 meaning I cut back on details. Our special
3 attention. When I get a call from anybody
4 here and says look, we got a little problem
5 here. Alright. I'll have the post car IP
6 it. That's not how we do business. We send
7 several people in the area and we handle the
8 issue that's at hand and we get it done.

9 It will all depend on the time and
10 place but it will not be my PAL, my POP cops
11 or my community affairs. I got too much
12 benefit from them. I make cut their details
13 they go to. On a Saturday to go cover a
14 backpack giveaway I'll say no, you got to stay
15 behind because I ain't got that kind of
16 money. It all depends on where we are at the
17 time when that shortages start to affect us.

18 LEGISLATOR ABRAHAMS: Hopefully
19 this issue will sift its way out over the next
20 couple of days or couple of weeks over the
21 budget process. But obviously we want to make
22 sure the police department has everything they
23 need in order to continue to experience the
24 reductions we're seeing in crime and make sure
25 our communities are safe. But thank you.

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2 COMMISSIONER RYDER: So do we.

3 Thank you.

4 LEGISLATOR NICOLELLO: Anyone

5 else? Thank you commissioner.

6 COMMISSIONER RYDER: Thank you

7 very much.

8 (Transcript continued to expedited
9 portion.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of
October 2021.

FRANK GRAY

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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION
EXPEDITED PORTION

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Wednesday October 6, 2021
1:30 P.M.

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2 LEGISLATOR NICOLELLO: The next
3 department is the district attorney.

4 MR. PAINTER: Thank you very much
5 everybody for allowing us to present. I'm Jed
6 Painter, general counsel for the Nassau County
7 DA's office. This is briefer than my normal
8 presentation, I promise, but I figured since I
9 would come I'd come prepared. I always start
10 where I end. We ask for increased budgetary
11 flexibility as you can see. The county
12 executive gave us more budgetary flexibility,
13 which we appreciate, and I'm hopefully going
14 to be able to justify to you why that's
15 needed.

16 We are facing unprecedented
17 challenges, and I will be able to show you
18 some pictures because they will speak louder
19 than my words due to what I would call the
20 co-incidents of COVID and discovery reform. I
21 know people have talked about bail reform a
22 lot. For us it's discovery reform that has
23 caused a work flow change.

24 We will, as we have, we have not
25 sort of given up at any point. We have

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2 short-term and long-term goals that we're
3 deploying and they do cost money. You have
4 given us some support in the past and we
5 appreciate that and I'm going to show what
6 we've done with the money and why we're back
7 asking again.

8 The main ask, of course, are for
9 human capital. Not only is our office
10 prosecutors, but we now have a discovery
11 expeditor corp. We have paralegals of
12 course. IT specialists. In recent times,
13 because IT specialization is -- it's hard to
14 actually get people on a civil service title,
15 we actually have three ADAs, legal staff we've
16 hired and transferred to IT. We've put out
17 postings specifically for that level of
18 expertise. And our CTO in point of fact is an
19 ADA. Which has some good crossovers.

20 Administrative assistants. Our
21 PTLAs is a new program that we do with the law
22 schools. It's our paralegal prosecutor
23 program where we take four or five second and
24 third years from Hofstra or St. John's who are
25 Nassau County residents. We like to keep it

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2 local. And we give them the experience of
3 having a caseload under a practice order. So,
4 that's a program that we have that we can
5 expand with budgetary availability.
6 Especially in the minor offense prosecutions
7 line.

8 Crime victim advocates, we've
9 expanded that as you know and we have a grant
10 that fully covers that expansion, but it's
11 still just some supportive -- it shows up in
12 the budget but you also see the reduction
13 concurrently but if you see why the number
14 went up \$1.5 million it's because of the
15 addition of the crime victim advocates. The
16 grant funded ones.

17 Intelligence analysts and
18 interpreters. Interpreters are very key for
19 us to pull on board.

20 On the technological side, we have
21 much increased cloud storage as we move from
22 paper pile to digital file. Digital case
23 management. We are moving forward with robot
24 process automation. I think that will be the
25 biggest game changer in 2022 and beyond. I'll

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2 explain that a little bit later. And we're
3 trying to secure a grant for that so it does
4 not come out of the county budget.

5 Software licensing and equipment
6 for staff such as if you have more staff of
7 course you need more laptops, scanners, things
8 like that.

9 Network wiring, cyber security. We
10 do not want to be the victims of a ransomware
11 attack. Our colleagues in Albany went through
12 that. And now that everything is moving
13 digital, we, of course, are with the county
14 working very heavily on our cyber security.

15 So, what happened? I took some
16 visuals. This is the most striking visual for
17 our purposes. It's the -- I picked two
18 bureaus in our general litigation division.
19 Some of our larger bureaus. Hopefully, I
20 think you all have screens. I picked two
21 larger bureaus. So, this is not
22 representative of the whole office but it's
23 representative. Things that would not be
24 included in county court bureau would be
25 anything with a specialization. Homicide,

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2 vehicular crimes, sex crimes. But this is
3 your general felonies. And this is what's
4 happened to the caseload there. I'm going to
5 show this graphic a few times. I'm going to
6 kind of introduce it. And then this would be
7 our district court active caseload.

8 So, moving to our county court
9 active caseload. I starred a few different
10 events. You can see when the reforms were
11 passed and the gubernatorial budget bill back
12 in April '19. And then at that time we were
13 right around our low of 407 active caseloads
14 for felony prosecutions. In general felonies
15 of course, not specialization. And our staff
16 count at the time in that bureau when I went
17 into the records was 22 ADAs.

18 You see the next star is when the
19 discovery reforms became effective in January
20 and caseloads started to rise as we moved to
21 comport with those obligations, recertify
22 cases and such. But, unfortunately, two
23 months after that you see the next star
24 whereas the COVID shutdown commenced on the
25 court system and on the DA's office and on the

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2 county and on life generally.

3 Two things have now propelled us to
4 where we are at. This is through August. So
5 if you see the bottom graph you have January
6 19 and then it moves to -- the most recent
7 figures we have are from August. We will have
8 September soon.

9 But we're at the high. We are
10 where we are. We're now 1,550 cases spread
11 out across 21. Where we were 407 spread
12 across 22. So, as I said, my picture I think
13 hopefully speaks louder than any words as to
14 why we had made this ask for increase of
15 staff.

16 We have done other tactics, of
17 course, to bring down our caseload and I'll do
18 a comparison now with our district court
19 active caseload. But at a certain point you
20 just honestly need more prosecutors to spread
21 out the caseload amongst them because it's
22 nearly quadrupled, the caseload.

23 District court it tells a little
24 bit of a different story -- well, it's the
25 same story but I can actually get into this

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2 visual a little bit more. So, you have the
3 same first star where the criminal justice
4 reform is passed. You can actually see that
5 concerted effort starting in August to drive
6 through the end of December 2019 to reduce
7 minor offense prosecutions because we were
8 aware that volume was going to be a major
9 issue with discovery challenges.

10 So any time you can do diversion,
11 ACDs, dismissals, any kind of plea policies
12 that were more favorable that was the time to
13 do it. So, that's why you see the dip that
14 progresses down and then probably by January
15 we had bottomed, between January and March you
16 see very little movement in the 4,000s. We
17 actually hit our low right after COVID at
18 3,952 with a staff count in district court
19 at -- oh, if I didn't explain, district court
20 is our minor offense prosecutions bureau.
21 Misdemeanors that are not specialized would go
22 there. But also domestic violence goes
23 there. DWIs go there. Social host law.
24 Things like that.

25 Our staff count at the low at 3,952

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2 was 34. We have now again we've reached our
3 high recently. I hope it's our high. I think
4 you can see a little curve flattening. But
5 our staff count is now 35 and the high is at
6 10,874. So, again, we're talking triple, well
7 double, more than double of the caseload.

8 But why the county court is such a
9 dramatic quadrupling and district court is
10 more of a doubling -- actually they're both
11 not great graphs to look at from our
12 perspective -- but you can control minor
13 offense prosecutions fairly easier with plea
14 policy. Felonies it's not like you can plead
15 them out right away. Those are very serious
16 offenses.

17 So, something that I want to also
18 impress upon everybody I'm defining what a
19 case is and pretending there was no COVID. I
20 just want to leave COVID out of this for a
21 second. When we had the discovery reforms
22 mandated you had three simultaneous changes.
23 I've been through this in several hearings
24 with this body. The content of our discovery
25 had to go up per case. We had the

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2 acceleration of the production timeline and we
3 had universalization of production across all
4 cases.

5 Substantial production, there's no
6 difference now between material and
7 nonmaterial evidence. The way I would explain
8 it to somebody like a neighbor whose asked me
9 what's going on in the DA's office is, if I'm
10 missing an eyewitness deposition to a crime
11 that has the same value in the criminal
12 justice system now as a missing police blotter
13 that said the person checked in at 12:22.
14 That's when they were booked.

15 So, if I'm missing a pen entry on a
16 police detention desk or the main witness
17 deposition it doesn't matter. We have to get
18 it all.

19 I give another example that the
20 surveillance video that depicts the
21 shoplifting incident has the exact same value
22 for certification purposes as the officer
23 saying 10-4 returning to base. Those two
24 electronic recordings have the same
25 certification value. And finding the

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2 potential criminal record for the star witness
3 of your case so that you can disclose it as
4 Brady or impeachment material for the person
5 has the same value as the potential criminal
6 record of somebody who's a passerby, second on
7 scene of an accident, called 911 to make sure
8 a tow truck was coming.

9 So, the bottom line here on item
10 one is we can't prioritize for purposes of
11 certificate of compliance. Everything has to
12 be collected, sorted, redacted, if
13 permissible, and turned over.

14 To give some examples -- I know the
15 police probably has left us -- but we had
16 recently updated this request. Originally it
17 went out in December 2019 from DA Singas at
18 the time and now acting DA Smith has resent
19 out this request with more specificity and to
20 give just some idea -- I know you really can't
21 read this, it's way too small -- but what I
22 want to impress is it's four pages of titles
23 of documents and categories of documents that
24 we have to get on every single case and the
25 police has to provide to us in original case

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2 through their analyst corp, through their lead
3 detectives, through the arresting officers.

4 As I go through here, you have the
5 obvious arrest reports, crime reports, case
6 reports, supporting depositions. You have
7 field notes. There's an underline in the
8 middle of this page that says all body worn
9 camera footage. That's going to be a major
10 processing issue but we're working with the
11 police through it. Refusal videos, case
12 indexes, everything. I guess it speaks for
13 itself. There's three and a half pages of
14 just police. This doesn't include what
15 civilians would have to produce to us. So if
16 Walmart is robbed we'd have to reach out a
17 drop box, get the Walmart surveillance video,
18 talk to civilians, things like that.

19 The substantial acceleration for
20 production timeline. You know, back in 2019,
21 across the state it was a voluntary
22 discovery. We had a point to provide
23 voluntary discovery in our way by the second
24 court date. That was sort of the Nassau
25 County practice. Case was usually put on for

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2 arraignment. Put on for what was called VDFs
3 at the time. Then we would move on to
4 motions.

5 Our voluntary disclosure at the
6 time did include crime reports, arrest reports
7 and substantial supporting depositions. The
8 surveillance video of a case. But that was
9 it. It wasn't that expanded universe that I
10 just showed you.

11 Now it's 35 days is the out.
12 Twenty days if they're an incarcerated
13 individual. But obviously the hard deadline
14 for us is the 90 days speedy trial time in the
15 event of a misdemeanor and six months in the
16 event of a felony. These are the statutory
17 speedy trial deadlines. So, even if we get an
18 extension on discovery, no matter what, you
19 have to get the discovery done by then and
20 have time to spare because if a witness is
21 sick or you've got any other delay you want to
22 have extra speedy trial time to get your case
23 for trial. So, that's what we're really up
24 against. We're really thinking about speedy
25 trial.

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2 We did provide basic discovery.

3 These are some examples of basic discovery
4 that we would give but now it's everything
5 that's required to be turned over. All known
6 potential witnesses. Another good example is
7 we use to turn over again the statements of
8 the deposed or substantial witnesses but now
9 we have to provide a listing of all known
10 potential witnesses who were deposed or not.

11 We recently had a case dismissed in
12 district court. I'll give just one example.
13 Where it was a music festival and there was a
14 sexual assault inside the bounds of a music
15 festival and, as you know, at these music
16 festivals there's police lining all around the
17 edge and guarding the concession stands and
18 entries and exits. Just lots of security.

19 But a few officers responded to
20 that specific forcible touching or sexual
21 assault event. Those were the officers that
22 the ADA disclosed. I'll fast forward. It's a
23 year later. The case is still percolating and
24 the defense attorney made a demand saying that
25 you didn't turn over all potential witnesses

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2 because there was a lot more law enforcement
3 present at the venue. The ADA says well, I
4 guess I can get that list, the expanded list,
5 turn it over. The defense attorney then said
6 well, now I want the misconduct files for all
7 those officers. The ADA says okay. Dug that
8 up. Here you go. Exhausting. And then the
9 judge dismissed the case because we had not
10 complied with this all known potential
11 witnesses rule.

12 Just to give an idea, it goes from
13 very -- goes to very abstract places very
14 quickly on each and every case.

15 And then the final thing was
16 universalization of production. So, as you
17 know, was then still is now, approximately one
18 to three percent of cases go to trial.
19 Slightly higher percentages go to hearings.
20 While we would produce this core of voluntary
21 discovery on many cases, all cases, the
22 defense would only typically request more of
23 the blotters and radio transmissions and all
24 the other stuff when we couldn't reach a
25 negotiated disposition or they thought it was

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2 going to go trial. And we would get it. We
3 would get it on those cases. That was the
4 give and take.

5 But now that doesn't matter.
6 There's no demands. Every case has to be in
7 your head going to trial. So Article 245
8 eliminated the distinction between a
9 litigation track and a nonlitigation track of
10 cases for discovery. So the outcome of all
11 this, and why I'm coming back to the graph, is
12 that if you're a 2021 NC prosecutor or a state
13 prosecutor, probably should have put in state
14 prosecutor, if you're a 2021 prosecutor you're
15 now required to accumulate significantly more
16 discovery materials on each and every
17 individual case than a 2019 prosecutor would
18 do on the one and 100 trial case.

19 So, when I show this graph again,
20 it's a little bit of a fallacy because this
21 thing, everything to the right of the star, is
22 actually a disjointment because a case started
23 being worth so much more time and hours
24 afterwards. So, while that graphic, that's
25 why we justify our increase in staffing, this

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2 graphic, it's hard for me to quantify exactly
3 besides the words I just said of why it's
4 harder and why the hours are going up. But
5 just know that there is a disjointment. That
6 that's not a true graph that you really should
7 look at that differential from the low of 407
8 to the high of 1550 and actually magnify it
9 some subjective way. Which I wish I could
10 quantify, I cannot.

11 Same thing with the high volume
12 plan. We have cases, assistants in district
13 court trial bureau now with upwards of 400
14 cases. 400, 500 cases. Which does a
15 disservice quite honestly. You can't return
16 that many phone calls in a night. You can't
17 be in touch with the victims that much.
18 You're going to have more trouble with
19 discovery because it's a compounding issue.
20 You're going to fall further and further
21 behind. And we are seeing now speedy trial
22 dismissals that we wish we could avoid.

23 So, now we will incorporate
24 corporate COVID. I'm going to show the graph
25 again but with a different lens over it. So,

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2 this issue kind of, I don't want to say crept
3 up on us because we always knew about it, we
4 planned for it. But really that first bar
5 that I'm showing you there, that first bar is
6 the period of time between the effectiveness
7 of the discovery reforms first time and then
8 the COVID shutdown of courts. And the
9 executive orders of Governor Cuomo that
10 suspended timelines including speedy trial and
11 discovery timelines while the courts were shut
12 down.

13 So, we were wrestling with cases
14 for just a brief period of time before things
15 were suspended and nothing could move anyway.
16 Then what you have in here is a gap of all
17 this unprocessed caseload as it climbs. And
18 what I mean by unprocessed is there's nothing
19 to tell the victim because the case hasn't
20 moved. There's a lot of appearance ticket
21 suspension rules of cases that have been
22 ticketed but have not yet been called. So
23 they're in the total ether. We don't have any
24 motions. We have no plead negotiations.
25 There's just nothing happened. We can prepare

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2 some rudimentary discovery but until the
3 arguments ensue you can't really process the
4 caseload through the court system.

5 The gray shade that's the next is
6 when the executive order is starting to get
7 repealed because -- gradually. So grand
8 juries came back first and then petit juries
9 came back and timelines were one by one
10 reinstated. And finally, was actually not
11 until the late spring, when 30-30 and
12 everything was fully back, fully locked in and
13 it was only this past September, last month,
14 only last month when all the courts came back
15 to full staff.

16 And now what's happened though is
17 with this I guess I'll call it the gray shade
18 from that era until now, that's when these
19 motions to dismiss have come in. That's when
20 the discovery litigation has begun. So now
21 we're really facing what we thought we would
22 face last year. We're facing the brunt of
23 it.

24 So, as I went over this there was a
25 gross intake out flow and balance. That's why

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2 the caseloads are so high. The court system
3 just wasn't there to process them out and
4 after a while the cases become stale and then
5 it's just the better gambit to see if we can
6 actually prove our case or collect the
7 discovery with all this stuff than actually
8 try to engage in negotiations.

9 I'm putting an asterisk on virtual
10 appearances because this is something I
11 usually haven't asked when I come here besides
12 money. One thing that I would call to the
13 legislature's attention is Nassau County is
14 one of the few, one of the only ones south of
15 the Westchester that doesn't allow virtual
16 appearances in the criminal procedure law
17 Article 182.

18 In fact, if you look at the listing
19 of all the counties that are allowed to do
20 virtual court appearances it basically should
21 just say like not Nassau County. Suffolk has
22 it. Queens has it. Everybody has it. And
23 even places like Herkimer County have it. It
24 seems to have been added a little at a time
25 this list in Article 182 of the criminal

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2 procedure law, little bit at a time by the
3 random act of the state legislature. And that
4 was suspended during COVID. That suspension's
5 now been revoked. We can't do virtual
6 appearances in Nassau County anymore. It's
7 something that if this legislative body wasn't
8 aware of and had any desire to talk to the
9 state legislature about that that's an
10 interesting issue that -- just add us to that
11 list. Seems to have been an oversight. There
12 seems to be nothing malicious about it. Just
13 somebody has to ask for it.

14 Delayed process and judicial
15 action. We have internal density issues we
16 had to play down of course just like everybody
17 did during that intervening time. We didn't
18 have grand juries or juries impaneled. And
19 another major thing was we had a staff
20 training deficit. When you don't have in
21 person court, we had a whole year, year and a
22 half of ADAs who joined the job never saw a
23 courtroom. Saw a computer scene. So it
24 caused a promotional lag. You can't really
25 promote somebody to be a felony prosecutor

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2 couldn't when they've never done a misdemeanor
3 hearing.

4 I flash this all the time but I
5 flash it for good reason. We follow or we try
6 to follow the American Bar Association
7 standards for appropriate work load and we try
8 to work through this. I always show C, that
9 the chief prosecutor for jurisdiction should
10 inform government officials of the work load
11 of the prosecutor's office -- which I'm doing
12 right now -- and request funding and personnel
13 that are adequate to meet the caseload. Which
14 I'm doing right now.

15 And we should seek funding from
16 appropriate sources, other alternative
17 sources, which I will show you we have done.

18 B says we should regularly review
19 the work load of the prosecutors and make
20 adjustments and we'll show that we have done
21 that.

22 So, basically everything here where
23 we're worried about quality representation,
24 returning those phone calls from victims,
25 serving the public, not letting the police's

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2 hard work to catch somebody be dismissed
3 because we can't make the case due to
4 something.

5 I'll go through it but I show it
6 for a good reason. This is a standard that's
7 important to lawyers. Nobody want to be found
8 in any sort of ethical breach for having too
9 many cases. As you can see case, you had
10 felony prosecutors with caseloads of 30 to
11 50. Completely manageable felony caseload.
12 Now they have 150 and that's completely not
13 manageable by old standards or new.
14 Especially new.

15 So before we come to you and ask
16 for money, our deploy strategies we did
17 prescreen our outstanding appearance tickets
18 for diversion or dismissal. The logic there
19 was pretty simple. If somebody was going to
20 get an adjournment in contemplation of
21 dismissal or one of those conditional
22 dismissals anyway in 2020 because that was the
23 nature of their offense, that was going to be
24 our offer if they showed up at arraignments
25 and stayed out of trouble we would sort of a

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2 look that. They would say they would be out
3 their conditional dismissal by now and we sort
4 of backdated that and gave them credit for
5 it. So that was a way to alleviate some minor
6 offenses.

7 Warrant clearance events and that
8 was also all buttressed by some of the changes
9 in law, especially regarding marijuana and
10 511's aggravated unlicensed operation of a
11 motor vehicle. So we pulled old warrants and
12 dismissed those as well because we don't want
13 them on our dockets anymore because we can't
14 prosecute them.

15 We've launched prearranged
16 diversion. I believe Commissioner Ryder
17 alluded to this before. In consultation with
18 the police force some of the minor offenses
19 that we can do supportive services without
20 criminal prosecution we will do. They still
21 have to go to the same programing as if they
22 showed up in front of a judge but in they
23 satisfactory complete that we will not file
24 the charges ultimately. If they don't
25 complete that, they file the charge, we're

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2 back at the exact same place we were going to
3 be.

4 So, we've already done that. We're
5 doing that retroactively and with the Nassau
6 County Police Department we will be doing that
7 proactively. And we've worked out an
8 agreement with legal aid that they will have a
9 hotline in case the person wants to talk to a
10 lawyer about this program.

11 We utilized supplemental shift pay
12 for intake to help with our discovery within
13 our existing budget to help with our discovery
14 processing. We formed a discovery compliance
15 bureau. Staffed it with 11 discovery
16 expeditors. We've lost a few, we've gained a
17 few. And now I believe we have budgetary
18 license to go up to 17, 18. So that's a good
19 things.

20 A major thing, it's a major
21 investment of the county, you approved this
22 contract so I want to report on it. We have
23 now finally successfully implemented the NICE
24 investigate system. At long last the Nassau
25 County PD and the NCDA have systems that talk

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2 to each other. What this system does is it
3 pulls in all the different silos of
4 information. Whether it's the 911 operators,
5 the premier one paperwork, crime scene, where
6 ever it's coming from it will suck it up into
7 the police's case management system and then
8 it will be shared with us directly. We can
9 work with it right there to filter and redact
10 it and then we push it directly out of there
11 for electronic discovery.

12 And to somebody's point, I remember
13 hearing a question earlier when Commissioner
14 Ryder was speaking about surveillance cameras,
15 one of the good things about the NICE system
16 not -- it's going to be great for us but on
17 the police side is that businesses can
18 register with NICE. They can register their
19 surveillance cameras. Not public cameras.
20 Although the police should have direct control
21 of those. But if you're at Walmart or Target
22 or a Home Depot or some business that's in an
23 area there's now a big community push, or
24 there will be by the police, to register,
25 preregister with the NICE system so that can

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2 basically upload directly through their
3 portal. All their surveillance systems and it
4 universalizes them.

5 So I think we've all had the
6 problem of watching videos where there's bad
7 Kodak or the wrong file. NICE handles all
8 that. Handles all the virus checks. It's
9 great.

10 So, we're finally deploying it as
11 an electronic discovery solution. And then we
12 have NICE one stream train, multimillion
13 dollar initiative contract finally has come to
14 fruition two years later.

15 Recruitment. We have overhauled
16 that and usually I come here with a sad graph
17 saying recruitment is horrible. We've
18 actually done a lot of good overhaul with it.
19 We have a new director of recruitment. She's
20 really reached into a new program called Apt
21 comstack. It's getting all sorts of civil
22 service. Lateral hiring. New ADA interest.
23 We are already well on the way for a 2022
24 class and we have been able to fill our 2021
25 class. We were not able to fill or our 2020

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2 class last year. So this is a huge
3 improvement that we're really, really
4 concentrating on overhauling our recruitment
5 operations. It's been successful.

6 As I said before we've bolstered
7 our IT staff from even within and moving ADAs
8 there. In fact, one of the members of the new
9 staff was hired just for IT. And we've even
10 hired a consultant to help us with programing
11 on the outside with our case management
12 system.

13 I mentioned this before but one of
14 the biggest things of 2022 was we have issued
15 an RFP for robot process automation. We've
16 already been to the best and final offer
17 phase. We've already been to the selection
18 phase. We're working with the director of
19 compliance -- the director of procurement
20 compliance to finalize that process, issue the
21 award and move the contract forward. And we
22 simultaneously sought a grant, a federal grant
23 to actually finance it. A quarter million
24 dollar grant.

25 So, that will actually take a lot

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2 of the clerical work and replace it with
3 bots. Just like on the online shopping
4 experience whenever you click on something you
5 get email right away that your order has
6 shipped and on its way and you get the update,
7 that's bots doing that.

8 So, we are going to have them do a
9 lot of the data mining in our case management
10 system. Suffolk County DA has been using it
11 for their intake system. We hope that it
12 really alleviates a lot of the redundant
13 functionality of preparing discovery. Because
14 even preparing the cover sheet of discovery
15 can take three hours. Just the cover sheet.
16 So this can have actually fill in that void
17 and reduce minutes.

18 As I say to the ADAs, you have a
19 caseload rolling of 500 cases per year that
20 you experience, if we can take one minute a
21 day away from you that's a whole eight hour
22 work day that we've successfully taken away
23 from you. But this RPA program will be
24 hopefully very good and we'll be on the way
25 with that.

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2 The police disciplinary records.
3 That's one of major challenges but we
4 centralized the accumulation through an MOA
5 process with the police. That hasn't cost any
6 money. That just costs a lot of logistical
7 person hours to get that through.

8 Another major development is we
9 secured the judicial transfer of all the
10 transportation law cases from the district
11 court to the traffic and parking violations
12 agency. That takes a whole swipe, maybe 50
13 percent of the calendar in arraignment B and
14 moves it to TVPA where they can assess the
15 trucker fines even better than we did and
16 frees up more time for us to attack our
17 backlog in arraignment B as an upfront part.

18 We've increased our annual hiring
19 class to 26 and we hope to keep that increase
20 for next year as well to keep our staffing
21 robust. We can't lose people but we ought to
22 do.

23 We've reconfigured the way we
24 progress through the office. Like I said, we
25 had that training deficit. We have to

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2 overcome it a different way because people
3 have to move. They have to be still inspired
4 to stay.

5 We built up our victim services
6 unit through the CVAs and we are doing a
7 shared bridge between the NCPD and the NCDA
8 systems.

9 Now, talking about just the money
10 we got from other sources. We were very
11 successful with that CVA grant, the Voka
12 grant. Like I said, the \$1.5 million it shows
13 up on our pages but it's paid for by Voka. We
14 already got \$1.88 million for the last two
15 years as of today and the upcoming season
16 we're going to get \$1.53 million to cover the
17 staff there. That's a good day's work.

18 Like I said, the RPA grant is going
19 to come from an intelligence-based
20 prosecution. We have every reason to think
21 we're going to get it but I can't report we
22 have gotten it yet.

23 We also helped the county with the
24 discovery grant that came out. New York State
25 launched a discovery grant asking what the

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2 expenses were for 2020. The county was
3 successful. We assisted them with \$3.48
4 million in collection off that grant. \$1.86
5 million was our estimated expenses that we
6 could apply towards that grant. So that was
7 good. And our aid to prosecution grant had
8 basically doubled.

9 The cost synergies that we're
10 trying to bring to the county is that NICE
11 system, besides being a very good effective
12 conduit, it also saves you money. Is saves
13 you basically 50 percent -- half. What would
14 happened before in the digital world is that
15 the police generated a four terabyte file,
16 including surveillance video, and then shared
17 it with us. We'd have to download it in our
18 case management system. Which means that now
19 you're four and four, you have eight terabytes
20 of cloud storage. Because we're all using
21 NICE, we're on the same system, it's the same
22 four terabytes that will be shared, utilized
23 so that way we've slashed storage bills
24 because those are going through the roof.
25 Especially with body worn cameras that will be

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2 huge. It's not all there yet but when they do
3 get there that's terabytes of data that we
4 have to pay for.

5 Then of course the shift of the
6 transportation law cases at TPVA. We think
7 they're going to collect a lot more fine money
8 than we ever could on that. That will be a
9 good cost synergy.

10 So, our primary labor solutions. I
11 went over we want to bolster our litigation
12 staff to reduce our caseload through the
13 distribution. You saw the numbers are out of
14 control. The only way to do it at this point
15 is just have more bodies quite simply and
16 that's what this budget does.

17 And we're going to be basically
18 reorganizing our legal and nonlegal staff into
19 work pods so the CVAs and ADAs and everybody
20 work together to contact victims and maintain
21 our service level.

22 On the technology-based solutions
23 we want to fully convert to that shared
24 platform operation and we want to incorporate
25 the robot process automation.

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2 I always have to say I'm giving a
3 lot of statistical stuff and numbers but cases
4 are not numbers. We know that our main
5 principle is to just get that community
6 trust. We want the community outreach. We
7 want the victim advocacy. We want the reentry
8 programs. We want the conviction integrity
9 reviews. We want the alternative sentences
10 and the diligent misconduct and corruption
11 investigation because that's where the moral
12 compass of a DA is, right?

13 We want to make sure that we are
14 giving our utmost most level of detail to each
15 case. That's why we want the bodies to do
16 that. And I got to say, if not impressed
17 subjectively by that dedication, objectively
18 if an ADA screws up on case, doesn't turn over
19 a piece of evidence, somebody's incarcerated
20 for 40 years, my successor will come see you
21 or your successors about a \$40 million
22 settlement for the screw-up that we did.

23 So, miscarriages of justice do lead
24 to enormous financial settlements and we're
25 very cognizant of that as well. Besides the

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2 fact that it's an egregious violation of
3 ethical obligations and ends of justice.

4 We of course want to comply with
5 the criminal justice reforms and the spirit
6 behind them for a fairer, more expedient
7 system of justice. As of right now with COVID
8 nothing has been more expedient. Hopefully we
9 can get there. And we also want to maintain,
10 retain that quality experienced staff that
11 have that high level of aptitude.

12 So, I end where I began. We
13 appreciate the support from Nassau County
14 government. We are facing the unprecedented
15 challenges due to that two-pronged assault on
16 us pretty much through factors outside of us.
17 And then we'd like to achieve these solutions
18 through investments in our technology and
19 human capital.

20 Thank you very much. I will take
21 any questions about any specific line items
22 that you want.

23 LEGISLATOR NICOLELLO: Thank you
24 very much for the very in depth presentation.
25 I had a question with respect to the different

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2 types of evidence that you had pointed out. I
3 think you used the example of a deposition of
4 an eyewitness to a crime as opposed to a
5 blotter entry. Could either or both, could
6 either type of evidence if not disclosed lead
7 to a dismissal?

8 MR. PAINTER: Yes. Because
9 30.30, 30.30 is the CPL section, it's the
10 speed trial time. There's constitutional
11 speedy trial and then there's statutory speedy
12 trial. Statutory speedy trial on a
13 misdemeanor would be 90 days on any
14 misdemeanor. Now you cannot be ready for
15 trial, you cannot proceed to trial -- it's
16 like a chess clock, right, where you slap it
17 when you're done. The defense can take as
18 many adjournments as they want but the people
19 get 90 days to be ready. And as soon as we're
20 ready, we could be ready on day 30, we slap
21 the clock and the any adjournments thereafter
22 are attributable to the defense but not our
23 inaction.

24 But we cannot be ready until we
25 have certified discovery through what's called

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2 a certificate of compliance and we cannot file
3 the certificate of compliance until we have
4 disclosed all those items that I showed you.

5 LEGISLATOR NICOLELLO: If you had
6 failed to include this blotter entry in the
7 production that was being given to the
8 defendant's counsel that would be enough?

9 MR. PAINTER: Yeah. At the time
10 that we file a certificate of compliance the
11 defense has the right to be heard on the
12 record as to whether they think we did do it.
13 And quite honestly, this is as the law
14 develops, this is not a slighting or faulting
15 of any defense attorney at all, this is their
16 job, and the system, of course, has to be
17 tested, but their job is to basically say I
18 think under the law, which no advanced case
19 law has really come out yet, no appellate
20 level case law, they say I think you're not in
21 compliance because I don't see this memo book
22 entry, I don't see this witness name. Then
23 the judge will consider it.

24 We've actually had two trends of
25 law where our county court judges have

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2 decided, I don't know if you want to call it
3 conservative or liberal because the statute --
4 I don't know what a conservative
5 interpretation or liberal interpretation would
6 be but we have the county court judges
7 deciding certain level of production is
8 acceptable and district court deciding a
9 different way.

10 And we always have to go to the
11 lower denominator. Right now the lower
12 denominator -- the district court seems to be
13 the decisions coming out of there are much
14 more better safe than sorry, include
15 everything, I'm striking the certificate of
16 compliance unless every last item is there.
17 Whereas, substantial compliance seems to be a
18 little bit more the county court flavor. But
19 these are just trends and until we have a
20 second department or any department decision
21 on it we have to play to the lowest common
22 denominator or risk the dismissal of hundreds
23 of cases before that judge who made that
24 decision.

25 LEGISLATOR NICOLELLO: Thank you

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2 for that response. I have a question with
3 respect to bail reform. When a suspect is
4 arrested and then released with I guess a
5 violation or appearance ticket does that
6 automatically get assigned to the DA's office
7 to track?

8 MR. PAINTER: Yes. As of right
9 now, because we want every opportunity to
10 prepare discovery we have a relationship, we
11 actually had this before even criminal justice
12 reform, we have an early case assessment
13 bureau, our intake operation, and the standard
14 operating procedure for all the police in the
15 county is to contact e-cap whether they're
16 holding the person or releasing him on a desk
17 appearance ticket to get the arrest approved.

18 So, we'll get a lot of the police
19 paperwork at that time of arrest whether
20 they're being held for arraignment or the DAT
21 is returnable in 20 days.

22 LEGISLATOR NICOLELLO: The DA's
23 office then would have a record of the number
24 of suspects who were given appearance tickets
25 and just never showed up in court, is that

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2 accurate?

3 MR. PAINTER: We should have a
4 record of the number of the number of warrants
5 that were issued. I know we often go to the
6 court for that data because not every case
7 goes through e-cap. So now I'm going to take
8 back a little of what I said especially on the
9 minor offense prosecutions. We used to have a
10 lot of traffic infractions and things of that
11 nature, maybe trucker cases, environmental
12 conservation, I'm thinking of a lot of
13 categories of cases that don't come through
14 e-cap.

15 So, the more accurate picture of
16 what the warrant record would be would come
17 from the court not the DA's office. Because
18 they're the ones who get filed with
19 everything. Some things we pick up the day
20 of -- it's a substantial percentage of minor
21 offenses.

22 LEGISLATOR NICOLELLO: Here's why
23 I'm asking that. One of the things that was
24 required under the legislation that we passed
25 after bail reform which requires the

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2 production of certain information. How
3 many -- what were the types of crimes for
4 people who were being released without bail,
5 etcetera.

6 But one of the items, one of the
7 categories was how many individuals who had
8 been arrested and released without bail just
9 simply failed to appear going forward and I
10 have not been able to get that information
11 from the police department. We're over a year
12 now. Is it possible for the district
13 attorney's office to produce that
14 information?

15 MR. PAINTER: We would do our
16 level best to produce that information in
17 response to a request from the legislature.
18 My guess would be right now as I sit here we
19 would go to the court for the most accurate
20 figure on that. That would not incorporate --
21 what you're talking about where somebody
22 doesn't appear for arraignment that would
23 strictly be construed as an arrest warrant.

24 Where also the data gets a little
25 bit messy is bench warrants. Somebody who's

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2 been arraigned but doesn't show up for their
3 second court date or their third or fourth.
4 Disappears, come backs, disappears comes
5 back. The bench warrant number is not
6 something that we would be able to easily
7 track. I'm trying to think of the best way to
8 get that information besides the court because
9 I don't think the court tracks every single
10 bench warrant in their system and I don't know
11 if the warrant squad is sent every bench
12 warrant from the Nassau County Police
13 Department.

14 So, I will have to think about it,
15 the best place to get that data, but it comes
16 from two different sources and I don't want
17 you to be under the impression that it's just
18 people don't show up at arraignments. There's
19 also what are called bench warrants during the
20 criminal prosecution.

21 LEGISLATOR NICOLELLO: Can we
22 have a discussion about this and try to find a
23 reasonable way to get some of the
24 information. Obviously, you've made the case
25 of the tremendous burdens that the DA's office

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2 is under. We're not looking to impose any
3 additional burden onto that. But if there's a
4 way to do this fairly easy way then we're
5 going to pursue that.

6 MR. PAINTER: Okay.

7 LEGISLATOR KOPEL: Thanks for
8 that presentation. It was really
9 informative. Interesting. Can we get a copy
10 of it? The electronics?

11 MR. PAINTER: Of course.

12 LEGISLATOR KOPEL: Will you just
13 send them out to the various legislators?

14 MR. PAINTER: Absolutely.

15 LEGISLATOR KOPEL: I would love
16 to have that. Just a few questions. The
17 caseload doesn't refer actually to the actual
18 amount overall that a given person has but it
19 refers to the number of cases, right?

20 MR. PAINTER: Yes. That is the
21 active assigned caseload in aggregate of those
22 two bureaus that I showed, and I also included
23 in that graphic the staff that's handling it,
24 which was about equivalent from the low to the
25 high.

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2 LEGISLATOR KOPEL: So the number
3 of cases overall have -- that's when you said
4 the mismatch -- the number of cases coming in
5 are not that great but the number of cases
6 coming out of the system they're stalling in
7 the system because of the increased demands of
8 the various reforms?

9 MR. PAINTER: Yes. Of course.
10 It's sort of like the I Love Lucy sketch with
11 the chocolates. As there's more it's more
12 difficult --

13 LEGISLATOR KOPEL: You're dating
14 yourself but yes. Couple of questions on the
15 effects of the various I'll call them
16 reforms. Do you see that as a result of these
17 reforms, more specifically the cashless bail,
18 do you see that the recidivism rate is much
19 greater? In other words, the same person
20 committing many more crimes.

21 MR. PAINTER: I always hate to
22 answer these questions in a vacuum. We did do
23 a study, and I don't have it at my fingertips
24 because I came prepared to talk about the
25 budget, but we did do a study about recidivism

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2 in one bureau and we did not an anomaly. But
3 I don't want to give a number off the top of
4 my head.

5 LEGISLATOR KOPEL: I'm asking for
6 an impression let's put it that way.

7 MR. PAINTER: All I have is I'm
8 aware of certain anecdotes from things I
9 personally handled where we had to rearrest
10 people several times. One issue that I was
11 directly involved in that happened really
12 actually at the beginning in January 2020 that
13 I was personally involved in was somebody who
14 was committing actually various different
15 felonies. Criminal mischief and then a
16 burglary and then something else. But kept on
17 getting arrested and kept on getting
18 released. And then eventually I did a hearing
19 to hold her on judicial contempt. Then she
20 was finally held. So, there's anecdotes like
21 that. There's stories about that but I don't
22 have specific aggregate data.

23 LEGISLATOR KOPEL: I get it. So
24 the successful prosecution is just much harder
25 now obviously. Much harder because of the

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2 various discovery requirements and so forth.

3 MR. PAINTER: As of this moment,
4 the discovery requirements are the main focus
5 of my office. We are trying every
6 technological solution to make this easy. I
7 have this feeling in my head, this hope in my
8 head that in another two, three years we'll
9 look back, we'll have a sufficient level of
10 automation, clerical staff, law defining
11 outside parameters that will final reach sort
12 of the new normal. I know everyone talks
13 about new normal with COVID --

14 LEGISLATOR KOPEL: New normal
15 used to be at a much higher level of staffing
16 than in the past.

17 MR. PAINTER: Than in the past
18 absolutely. Yes, I would envision that the
19 new normal would include a much higher level
20 of staffing because as I showed in that graph
21 that disjointment that if we had our way we,
22 of course, would have fewer cases assigned to
23 a particular ADA, a 2022 ADA, than a 2019 ADA
24 because they're worth so much more. So if
25 somebody in the past was assigned 30

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2 caseload --

3 LEGISLATOR KOPEL: More cases are
4 falling through the cracks. They would have
5 to be.

6 MR. PAINTER: Yes. And you lose
7 the community responsiveness. You want, of
8 course, to be able to call your victim and
9 have those relationships established and talk
10 them through every single adjournment. That's
11 what you want. Of course the diligence on the
12 case as well.

13 LEGISLATOR KOPEL: Costs are
14 higher obviously. That follows as you pointed
15 out. How about other states, how many other
16 states have similar -- are you aware of that?

17 MR. PAINTER: I'm aware loosely.
18 I don't know what's happened in the past few
19 years.

20 LEGISLATOR KOPEL: Again
21 anecdotally.

22 MR. PAINTER: I know we are
23 somewhat unique. Texas was pretty close to us
24 but Texas had a
25 as-soon-as-reasonably-practicable standard. We

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2 have a hard deadline standard tied to speedy
3 trial time. As soon as reasonably practicable
4 was the way they drafted theirs.

5 LEGISLATOR KOPEL: As a result of
6 some of these reforms are more people, more
7 cases having to be thrown out altogether?

8 MR. PAINTER: Yes. We have lost
9 several cases on discovery-related grounds.

10 LEGISLATOR KOPEL: It's fair to
11 say you're not a big fan?

12 MR. PAINTER: I think reforms are
13 always a work in progress. Like I said, I'm
14 looking forward to the time that it's two
15 years from now and we have the technological
16 innovation and the clear case law that
17 constructs what the outer parameters are that
18 we can actually then proceed. Because the
19 biggest problem right now, is like I said, we
20 have only local court precedent. So one judge
21 prefers the delivery of documents in a certain
22 way and another one prefers them in a
23 completely different way.

24 LEGISLATOR KOPEL: I get it but
25 the question is, I guess it's a definitional

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2 question. I would prefer to call them changes
3 rather than reforms. Reforms has the
4 connotation of better.

5 MR. PAINTER: I flashed in my
6 final slide that we, of course, want to comply
7 as well with the spirit of reform which is the
8 faster, more expedient. So, as of yet we have
9 not been able to do so. My former boss came
10 here I believe on occasion or submitted
11 testimony on occasion that the one thing we
12 needed to make these reforms work to their
13 potential or what was intended was time and
14 money.

15 LEGISLATOR KOPEL: I understand
16 and as I say, thank you. You've done a very
17 thorough job. You must have spent a lot of
18 time preparing for this. We will definitely
19 look forward to getting those. If you can
20 send them out as soon as you can. I would
21 appreciate it. Who's next?

22 LEGISLATOR SCHAEFER: How are you
23 Mr. Painter?

24 MR. PAINTER: Good afternoon.

25 LEGISLATOR SCHAEFER: I think

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2 Howard just kind of went into what I was going
3 to ask. It was just about that whole 90 days
4 to be ready. As a result of that restricted
5 time frame have cases been dismissed?

6 MR. PAINTER: They have been. We
7 send weekly to the police -- because we have
8 an ongoing dialogue with the NCPD. We are all
9 still trying to work to deliver things. I
10 think you saw that they're getting more
11 analysts. We're getting more expeditors. We
12 try to centralize as much as we can so
13 individual ADAs aren't making phone calls.

14 But there's only so much that can
15 go over a bridge. We need a 12 line highway.
16 We got a two lane highway. These things have
17 to be constructed. These digital platforms
18 have to be constructed.

19 So, as far as dismissals, one of
20 our feedback loops is every week when we get
21 more dismissals because of a discover
22 production issue we now -- we have a direct
23 connection between our general litigation
24 executive and the chief of detectives where he
25 will send them the dismissal list of the week

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2 and then they try to work to alleviate those
3 pressures.

4 In addition, I run a weekly meeting
5 with our CTO, our discovery compliance bureau
6 chief, our litigation operations executive
7 with their personnel on the other side to talk
8 about what's the items of discovery that are
9 clogging up the system. How can we do it
10 better. It is a big work in progress and so
11 that's why we've asked for so much more
12 support staff to help us.

13 LEGISLATOR SCHAEFER: I guess you
14 probably don't have a number in mind of about
15 how many cases you would say have been
16 dismissed?

17 MR. PAINTER: On discovery
18 grounds no because some cases in that list
19 it's cases that were dismissed on 3030. But
20 that could mean in domestic violence
21 prosecutions we sometimes will go all the way
22 to the end of the prosecution trying to get
23 the witness cooperative. It keeps the order
24 of protection in effect a little bit longer.
25 We do everything we can to bring them on

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2 board. But, as you know, those cases are very
3 difficult to prosecute. So, those would be
4 folded into those numbers.

5 I don't have a segregated amount of
6 what the discovery-related issues are but
7 there's a lot now. They're accelerating.
8 Like I showed that one graph that had that
9 gray shade and showed that there was like a
10 few months where we're dealing with this. But
11 that wasn't long enough for anything that 3030
12 out. Then you saw at the end of that gray
13 shade that's when suspensions started to get
14 lifted and that's when we started -- so we're
15 really only at the dawn of motion practice on
16 these cases. We are now getting, in the last
17 few months, just two months, we get more and
18 more decisions from courts dismissing things,
19 demanding things, shaping things, shaping the
20 law.

21 LEGISLATOR SCHAEFER: And is that
22 mainly because of the courts being closed for
23 a while?

24 MR. PAINTER: Yes. The courts
25 have only gone to full -- they were doing an

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2 alternative schedule where half the courts
3 were open, half the court parts were open one
4 week and then another week and only at the
5 beginning of September have they gone fully
6 open.

7 LEGISLATOR SCHAEFER: I agree
8 with you too about the courts not being up to
9 par with other areas and I don't understand
10 why we are always behind as far as doing
11 virtual appearances. I don't know what we're
12 holding out for.

13 MR. PAINTER: That's a creature
14 state law and I bet you the supervising judges
15 and administrative judge would be very
16 supportive of that change too. It's just
17 calling the right person at the right time of
18 year I suppose.

19 LEGISLATOR SCHAEFER: Then my
20 only other question was you were talking about
21 the bench warrants. Now, forgive me, I don't
22 know that process the way that you do
23 obviously. So, the court determines a bench
24 warrant; is that correct?

25 MR. PAINTER: Yes.

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2 LEGISLATOR SCHAEFER: Then does
3 it not go directly to the police department?
4 Because I know you were saying it was
5 difficult to determine a bench warrant --

6 MR. PAINTER: It is difficult to
7 determine. There's a couple of things at play
8 there. Sometimes when a defendant will not
9 show up for a court date what happens is it's
10 effectively called a warrant-ordered stay
11 where the court will give a warning. They
12 didn't show up but I'm staying the execution
13 of a warrant. That would not be caught up in
14 the data.

15 If they don't show up again the
16 judge can always warrant-ordered stay again
17 and that wouldn't show up in the data. If
18 they do issue a bench warrant there's now that
19 48 hour rule which can interrupt the data
20 because somebody can miss a court date, come
21 back the next day or the next two days. The
22 warrants were called. It was never really
23 issued. That corrupts the data a little bit.

24 All these things they play into
25 it. I also don't know what the lag time is

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2 between a clerk in the courthouse getting a
3 warrant and filing it with the warrant squad
4 of the Nassau County Police Department. I do
5 know when we have a real need we ask for a
6 warrant order immediate execution. It gets a
7 special stamp and it goes right over. But I
8 don't know what the processing time is when we
9 don't ask for that.

10 LEGISLATOR SCHAEFER: That's all
11 I had. Thank you.

12 LEGISLATOR BIRNBAUM: So you said
13 there's no such thing as virtual appearances
14 and you're trying to work with the state to
15 amend that?

16 MR. PAINTER: Yes. We've made
17 everybody aware. It's just finding the right,
18 I guess, time of the legislative cycle to put
19 that in. It was a bizarre thing. The
20 executive order had suspended Article 182. So
21 all the counties, regardless of whether they
22 were on or off that list, could do virtual
23 during COVID. But when that last executive
24 order was repealed of Governor Cuomo over the
25 summer that's when we don't have authority for

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2 virtual appearances anymore.

3 LEGISLATOR BIRNBAUM: Then you
4 said you are working with IT to come up with,
5 I guess, some new ways of doing things. But
6 currently are all your caseloads digital?
7 Does everybody have to do it in one particular
8 way?

9 MR. PAINTER: Every single --
10 well, no. Okay. Every case the primary file
11 now is in our digital case management system.
12 It's currently a web-based system and we're
13 migrating to a cloud-based system. But
14 essentially that's where all the stuff is.
15 The videos and the 911 calls and the
16 paperwork. That never fit in a file. And now
17 we've expanded that library and now we have
18 direct connection. So there's no
19 photocopying, no delivering. In fact, we're
20 trying to get rid of any vestiges of a
21 paper-based delivery system.

22 We will always need some aspect of
23 a paper file to catch things. Copies of
24 orders of protection that are real. They're
25 handed to us in court. So we have to put it

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2 somewhere. We'll scan it in. We also have to
3 have like an evidence folder. Items that were
4 marked as evidence in trial or hearing that
5 actually have the sticker on it that it was a
6 court exhibit.

7 So, there will always be an aspect
8 of our prosecution operations that will be
9 paper based but the primary files are now
10 digital.

11 LEGISLATOR BIRNBAUM: To me it
12 seems like, if I do the math correctly, the
13 caseload per attorney it could be what, like
14 30, 40? Is that right? Could it be that many
15 cases?

16 MR. PAINTER: It is much higher
17 than that.

18 LEGISLATOR BIRNBAUM: Like 50?

19 MR. PAINTER: It's much higher
20 than that too. I showed, just in case it
21 wasn't clear, the two bureaus I showed, and I
22 picked them as a sample because I know you
23 don't want to see like nine graphics, I didn't
24 do major crimes, I didn't know homicides, I
25 didn't do sexual assault, I didn't do the

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2 specialization bureaus. I did two main
3 channels of litigation I felt would be
4 representative and that was county court
5 bureau, which are your general felonies.
6 Robberies, burglaries, criminal mischief,
7 vandalism, aggravated harassment. The garden
8 variety felony. And then I show district
9 court which is your misdemeanor prosecutions.
10 All of your misdemeanor prosecutions.

11 So, those were two graphics you
12 saw. And in district court the average
13 caseload now is, if you're in DV, if you're
14 doing domestic violence work, you're way north
15 of 150. Topping is around 200 cases. And if
16 you are in general part, we have ADAs who are
17 handling close to 500 cases. Which is unheard
18 of and that's why I always show that ADA
19 standard.

20 On the felony level we used to have
21 30 to 50 felony assignments per ADA. Now we
22 have 150 per ADA. It depends because we don't
23 just rote robotically. Just say here's what
24 we have, we're distributing it evenly because
25 some ADAs are more senior than others so we'll

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2 give you the pattern robbery case so you can
3 really delve into it. A 12 box case so to
4 speak. You will get maybe five cases.

5 Whereas, the next person who's
6 handling a bunch of aggravated criminal
7 contempts they have a little bit more of a
8 robotic scheme to them. They'll get more.

9 So, we are aware that cases have to
10 be sorted by complexity. So, not every ADA
11 has an even number.

12 LEGISLATOR BIRNBAUM: What is the
13 turnover? Because I can imagine that people
14 who might find employment in the private
15 sector would leave.

16 MR. PAINTER: We have lost about
17 18 individuals. We have lost people -- and we
18 do exit interviews on everybody's who's left.
19 We have lost people who had mental health
20 issues because of the caseload. So that has
21 absolutely happened. So, the caseload is very
22 taxing on these ADAs. And the only way at
23 this point now is to have more of them so that
24 we can diminish the numbers.

25 LEGISLATOR BIRNBAUM: Could you

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2 just go through the figures again how many you
3 have and what you would really like to be at,
4 what number?

5 MR. PAINTER: I believe the
6 numbers are reflective really of what we asked
7 for because we're doing direct hiring and then
8 lateral hiring operations. You'll see that we
9 have a class of 24, it's actually 26, this is
10 old data and then we're looking to add another
11 similar sized class next year. So it will be
12 back to back big classes getting about 50 more
13 in.

14 In addition to that, we have some
15 lateral hiring happening all the time. We're
16 hiring more toward litigation centers than say
17 investigations or appeals at the moment.
18 We're hiring a lot of people for county
19 court. We even hired laterals for district
20 court who've been lawyers for a couple of
21 years to go there.

22 So, yeah, our body count when you
23 see that the projection is supposed to go up
24 and we're asking for, well, lots of different
25 categories we're asking for. We're asking for

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2 more CDAs. We're asking for more discovery
3 expeditors. And there's funding in this
4 budget for our larger classes as well.

5 So, yeah, when you see the head
6 count going up that was my justification for
7 it, and the county has given us that
8 flexibility and I'm just hoping that this
9 legislature also gives us that flexibility.

10 LEGISLATOR BIRNBAUM: Thank you
11 so much for your very thorough presentation.

12 LEGISLATOR SCHAEFER: Sorry, I
13 just have one more question. Do you think
14 that the 90 day time frame to be ready for
15 apparently to bring your case or getting the
16 evidence in, do you think that's impacted an
17 ADA's ability to bring the best case because
18 maybe there was something he couldn't get or
19 like the shortened time? I know it's hard to
20 tell that but have you heard of that at all or
21 is that a new experience?

22 MR. PAINTER: It's interesting.
23 I haven't heard that question before but it's
24 an interesting one because the ADA now is
25 compelled to get absolutely every last bit of

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2 evidence. Whether they're process all that
3 evidence -- let's put it this way. An ADA is
4 now mandated to be on a great scale quest to
5 get every last ditch of documentation.

6 So, in a vacuum, of course having
7 all that information, they should have a
8 better understanding of the case if they had
9 enough time to process all of that
10 information. The problem is getting all of
11 that time 400 how much is really in the human
12 being's head and competency to retain it all
13 and prep it all or are you just panicking and
14 trying to certify discovery and just hold your
15 breath.

16 So, interesting question. Ideally,
17 and I've said this before too, if you had this
18 discovery reforms in a county that had a crime
19 rate of like nothing and you were dealing with
20 15 cases a year, fine. That's exactly what
21 this sounds like it was designed to do. But
22 when you have 400 cases it's a completely
23 different -- it's the I Love Lucy thing again.

24 LEGISLATOR SCHAEFER: So, the
25 individual ADA aside, I mean like physically

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2 getting all the evidence you need to get.
3 That's what I'm thinking more of. Because of
4 the time limit -- what happens, for example,
5 because I don't know, what happens if you're
6 bringing your case, you have the 90 days, and
7 then there's some new evidence. That's okay?
8 You can get that in? Or is there a limit?

9 MR. PAINTER: This is an area
10 where the courts have diverged. There is a
11 mechanism under the law where you can file
12 what's called a supplemental certificate of
13 compliance of evidence that you didn't know
14 about comes into your possession. What's
15 supposed to happen is you're supposed to file
16 that and everybody is supposed to say okay,
17 let's give reasonable time for defense to
18 prepare.

19 Some judges, as I said in county
20 court, are more amenable to that. They will
21 give more time to prepare. Some judges in
22 district court have said no, the supplemental,
23 the filing of the supplemental certificate
24 compliance is an acknowledgment that you
25 didn't really -- you weren't really there in

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2 the first place. I'm striking the original
3 certificate of compliance and I'm dismissing
4 your whole case. So that's the split. When I
5 keep on talking about the judicial frustration
6 that they're going in different ways that's
7 what hasn't been worked out yet by the
8 appellate court. That will take years.

9 LEGISLATOR SCHAEFER: Thank you.

10 LEGISLATOR WALKER: Mr. Painter,
11 thank you so much for your presentation. I'm
12 not going to repeat everything that's been
13 said. But in so much that you're saying,
14 especially with the 90 day time frame and the
15 number of criminals that we could have and so
16 on and so forth, we are really -- I mean there
17 are cases that are being thrown out and they
18 could be for something that should not ever be
19 thrown out just because of these time frames
20 or that you're unable to get every bit of
21 information.

22 It's not only like you said,
23 getting all that information, get every single
24 person that was involved, but then it's not
25 like you don't look at it. It's not like you

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2 just take it all and put it in a box and say
3 here you go.

4 It's, once again, it benefits sort
5 of the bad guy or bad girl. Unfortunately,
6 sometimes it's just impossible to get every
7 bit of that done and the case can be thrown
8 out.

9 MR. PAINTER: It is impossible to
10 get every bit of that done on every case right
11 now. That's why I'm here asking for a labor
12 and technological infusion because I'm
13 hopeful, I have a lot of hope that in a couple
14 of years this will be something that was a bad
15 growing pain but a growing pain nonetheless.
16 And we end up having, as somebody else said,
17 Schaefer said, that we do have ADAs who have
18 everything they ever wanted and need, they
19 have it all in front of them, they have plenty
20 of time to review, they have lower caseloads
21 they can focus on and then you're at that
22 point now we will see the fairer more
23 efficient. Right now it is an adjustment
24 period. It's that time and money thing that
25 my former boss used to come and talk about a

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2 lot about. Time and money to bake it in.

3 LEGISLATOR WALKER: Which is so
4 sad though because it's not like we're saying
5 in a couple of weeks. You're talking a good
6 amount of time here and a number of years.
7 And cases that could be just let go and that
8 person could possibly be committing more
9 crimes or whatever. I don't know. It's just
10 a very sad situation that we've been put in.

11 MR. PAINTER: We are trying, of
12 course, everything.

13 LEGISLATOR WALKER: I don't deny
14 the fact that you are doing all that you can.
15 I just think it's just a very sad situation
16 that we've been put in.

17 MR. PAINTER: We obviously are
18 prioritizing so that public safety is not
19 threatened. If we're going to be losing a
20 case we actually want to focus every possible
21 resource to make sure that -- that's why --

22 LEGISLATOR WALKER: Even as much
23 as you much try and you think you have
24 everything you could possibly not have one
25 thing and --

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2 MR. PAINTER: That is absolutely
3 correct. And categorically, the first big
4 issue was cataloging all the memo books in the
5 police department. We got through that in
6 five or six months. Then the next thing was
7 cataloging misconduct records, which is still
8 ongoing. And then the next thing after that
9 will be now body cameras, which are good,
10 they're going to make a big difference, but
11 that's another thing to now work with the
12 police to catalog.

13 And I say this a lot because this
14 is a county body, we're a county agency, but I
15 also want to make sure that everybody is
16 aware, we don't just work with the Nassau
17 County Police Department. We have 25
18 different local law enforcement agencies that
19 we have to build these bridges with.

20 So while, yeah, 79 percent of our
21 volume comes from the Nassau County Police
22 Department arrests, we have deal with state
23 troopers, park police, SUNY Old Westbury
24 police, Hempstead, Freeport. You name it as
25 they all have different technological

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2 constructs and different paperwork that they
3 consider include this.

4 So, that adds a layer of complexity
5 to the issue that you're talking about. So
6 even if we had it, one thing that we have the
7 disadvantage of to our colleagues in Manhattan
8 or Queens where they're dealing with the NYPD,
9 we have many different agencies that we have
10 to build technological bridges to.

11 LEGISLATOR WALKER: Again, I
12 thank you very much.

13 LEGISLATOR DERIGGI-WHITTON:
14 That's a good point about the different police
15 departments. I also have a lot of concerns
16 about much of the reform and I'm hoping maybe
17 we might have to make some adjustments like
18 they've done in other areas. But have you --
19 maybe to end on a positive note -- have you
20 seen any positivity from these efforts? I
21 know like Legislator Schaefer mentioned maybe
22 we're more prepared at the end of the tunnel.

23 MR. PAINTER: I'm sorry, I
24 abbreviated the presentation a little bit
25 because probation was in and out in three --

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2 but last time I came I think I opened with
3 that. That some of the positives of the
4 reforms is we're getting a real good look at
5 each other, the police, the prosecutors.
6 We're knowing so much more about what they
7 have and what they're capable of. We've got
8 electronic discovery done in this county. It
9 never would have happened.

10 We are doing digital case
11 management now. That would haven't probably
12 happened for another ten years. We're doing
13 these new programs like NICE where eventually
14 the various vendors and businesses of Nassau
15 County will have a direct digital pathway to
16 upload surveillance video and crime and
17 evidence. We're really stepping really boldly
18 forward into the 21st century. It's because
19 we have to. It's because we're mandated to.
20 There will be growing pains.

21 There's a spirit here and that's
22 why to Mr. Kopel's questions I was saying, you
23 know, it's hard. I'm here to say it's hard.
24 It's going to cost some money. It's going to
25 take some time.

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2 But I always say that hopefully in
3 two or three years we are very proud of all
4 the investments we made. Our caseload
5 settles. We have a prearrest diversion
6 program we're proud of. So, there's a lot of
7 hope and forward looking. There's short term
8 and long-term strategies. We're going to get
9 there.

10 LEGISLATOR DERIGGI-WHITTON: I
11 don't know where this is coming from because
12 I'm not always a Pollyanna, but if you
13 document all of the like police history let's
14 say like you were mentioning before, the
15 discipline issues, once you have that done
16 then it's more of maintaining those records,
17 right? So like right now we're doing the hard
18 part of getting it all online, correct? Is it
19 going to alleviate at all do you think or is
20 it always going to be this waive of
21 information that you have to --

22 MR. PAINTER: The police
23 misconduct records is incredibly hard to sort
24 through because it was a system that was
25 not -- we have our own internal struggles with

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2 that as well. We have a corruption bureau.
3 It has its own investigative files. So we
4 know firsthand how it is to go back 25, 30
5 years to old files, catalog them, index them,
6 make them ready for discovery. So that's why
7 we're still in the process with that with the
8 police department.

9 So, you're right, eventually maybe
10 we'll have every last stitch and we're just
11 going to be updating. I was actually just
12 talking to Commissioner Ryder about a glitch
13 right now with the NCPD where every month we
14 now roll and get an 800 page document that has
15 summaries. And I was just asking him for the
16 track changes version because we can't review
17 800 pages over and over again not knowing what
18 the differences are.

19 But you're right, at a certain
20 point everybody will have everything. That
21 won't be an issue. We'll have our own back
22 catalog fully libraried and we'll move
23 forward. But time and money. I keep on going
24 back to that.

25 LEGISLATOR DERIGGI-WHITTON: I've

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2 heard complaints from other areas in the state
3 as well. So, if you could just go back and
4 tell your DAs that we're aware of the moral
5 issue probably that's going on right now with
6 this wave. But hopefully, like we said, let's
7 hope that in the future it will work out to a
8 system that's much more updated and efficient
9 and maybe fair I would love to think. I don't
10 know.

11 MR. PAINTER: On the moral issue,
12 I say around the office --

13 LEGISLATOR DERIGGI-WHITTON:
14 That's it. We're happy. Close up. Next
15 is --

16 LEGISLATOR KOPEL: Thanks a lot.
17 You've done a great job. You've educated us
18 tremendously. Thank you. We will look
19 forward to getting the slides. Thanks.
20 Assessment.

21 MR. MILES: Good evening. Deputy
22 Assessor Robert Miles. I'm here for the
23 assessment budget and I'll answer any
24 questions you have. We are content with this
25 budget.

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2 LEGISLATOR KOPEL: That was a
3 great presentation. Best one today. Any
4 questions?

5 LEGISLATOR RHOADS: You were so
6 close Robert. Look, you waited this time so I
7 want to make it worth your while. First of
8 all, who is the acting assessor?

9 MR. MILES: Ann-Margaret Barriga
10 is the acting assessor.

11 LEGISLATOR RHOADS: When was she
12 actually appointed?

13 MR. MILES: In April.

14 LEGISLATOR MULE: Where is she
15 today?

16 LEGISLATOR RHOADS: She currently
17 attending a conference in Niagara. She is
18 currently maintaining her accreditation. It's
19 continuing education.

20 LEGISLATOR RHOADS: The reason
21 I'm asking that question is I've never had the
22 opportunity to meet her. We've had a couple
23 of hearings here. She's never been here. And
24 not that I don't want to see you, it's always
25 a pleasure to see you, but in almost all cases

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2 when we've been doing these budget hearings
3 we've been speaking with the department
4 heads. And in this particular case when we
5 have questions about assessment it would be
6 nice to have the person ultimately responsible
7 for assessment here to be able to do that.
8 So, I wish you would take back to the
9 office -- I understand that she's in Niagara
10 getting her accreditation, but this is pretty
11 important too.

12 MR. MILES: This was planned
13 months in advance before the budget hearing.
14 She had set everything up.

15 LEGISLATOR RHOADS: She's away
16 just today? This week?

17 MR. MILES: She's been away the
18 last few days. It's a multi-day conference.

19 LEGISLATOR RHOADS: The last
20 few --

21 MR. MILES: Days.

22 LEGISLATOR RHOADS: I thought you
23 said the last few months. So she's been away
24 the last few days.

25 MR. MILES: Yes.

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2 LEGISLATOR RHOADS: Because I do
3 and I don't know if to get answers to those
4 questions it might warrant there being some
5 sort of separate hearing because I would like
6 to hear directly from her. But in any event,
7 I'm going to ask you a couple of questions.

8 MR. MILES: She's just
9 maintaining with the continuing ed. I'm fully
10 prepared to answer all of your questions. I
11 understand your concern but I think we've been
12 doing this for a while.

13 LEGISLATOR RHOADS: We have,
14 there's no question about that. I'm a little
15 concerned not necessarily about the numbers in
16 the budget as far as staffing. Though we have
17 had some issues with regard to staffing.
18 Whether or not we are ever going to attain the
19 number of people that we have allocated in
20 your budget.

21 MR. MILES: We keep recruiting
22 and keep maintaining our efforts and we have
23 continually added and the hope is we continue
24 to add to our department.

25 LEGISLATOR RHOADS: What's the

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2 time frame you might be able to achieve a full
3 head count in the budget?

4 MR. MILES: It's dependent upon
5 circumstances. Right now with COVID it was
6 difficult to recruit. Even though there were
7 a lot of jobs open throughout the country and
8 throughout the state, it was difficult for us
9 to continue to recruit. We did have some
10 interviews the past month. And with those
11 efforts we may have a small handful of people
12 that are interested in the job.

13 So, it's not for lack of effort. I
14 think just the current circumstances, I think
15 a lot of people are staying home and the
16 Department of Assessment is fully back and
17 functioning and we have to for the taxpayers.
18 So, that's kind of the wall that we're hitting
19 right now.

20 LEGISLATOR RHOADS: We have been,
21 to be fair and I understand there is certainly
22 a COVID-related reason, but we've been having
23 this conversation for last four years with
24 regard to staffing in the assessor's office
25 and whether it was adequate to be able to meet

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2 the needs. This is an issue that we've been
3 having obviously well before COVID and I'm
4 concerned because we still get complaints that
5 you can't reach anybody in the Department of
6 Assessment. Nobody answers the phones. You
7 can't get questions answered. For a period of
8 time obviously the office was closed, so
9 residents were unable to physically appear to
10 get their questions answered and physically
11 unable to reach anybody on the telephone which
12 meant nobody was getting answers.

13 MR. MILES: I would like to say
14 that despite the pandemic I think a very short
15 time after the beginnings of the pandemic we
16 had our 4-2 office back on the job full time,
17 and we're proud of that staff and we're proud
18 of the individuals who came in despite the
19 risks.

20 LEGISLATOR RHOADS: I'm also
21 concerned about the fact that it appears as
22 though we continue to make mistakes with
23 respect to the assessment. And the reason I
24 raise that now is because I'm concerned there
25 are potential liabilities out there that were

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2 not accounted for in the budget in terms of
3 refund liability and adjustments ultimately
4 that impact virtually all of Nassau County's
5 taxpayers.

6 I wanted to talk to you a little
7 bit though specifically about the phase-in.
8 Now, you would agree that the assessment
9 website itself, we want to make sure that's as
10 clear to homeowners as possible. That they
11 should be able, based upon the information
12 that's on the county website, to figure out
13 how their taxes were derived, the amount that
14 they actually wind up having to pay and they
15 should be able to figure out the phase-in,
16 that's the goal, right?

17 MR. MILES: Absolutely.

18 LEGISLATOR RHOADS: So, any
19 taxpayer as of right now can go on the website
20 and see the fair market, right?

21 MR. MILES: Yes.

22 LEGISLATOR RHOADS: The assessed
23 value?

24 MR. MILES: Yes.

25 LEGISLATOR RHOADS: The

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2 exemptions, their taxes, all of that
3 information, right?

4 MR. MILES: Yes.

5 LEGISLATOR RHOADS: And because
6 the information that's on there determines the
7 property taxes that every homeowner pays,
8 right? We want them to be able to do that
9 calculation on their own and obviously the
10 understanding is that as one tax impact of a
11 property decreases another one increases.
12 It's a zero sum game, right?

13 MR. MILES: That's right.

14 LEGISLATOR RHOADS: In terms of
15 assessment, somebody goes down somebody else
16 has to go up to make up the difference. I
17 don't know if you've been provided with -- if
18 we can distribute this to my colleagues and to
19 Mr. Miles. I wanted to ask you about some
20 specific examples.

21 MR. MILES: I have not been
22 provided anything.

23 I have been provided with pages of
24 what looks like the land record viewer.

25 LEGISLATOR RHOADS: So this is

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2 information that's publicly available? It's
3 on the land record viewer, right?

4 MR. MILES: Yes, it is publicly
5 available.

6 LEGISLATOR RHOADS: So this is
7 information that taxpayers would use,
8 theoretically, to be able to look up their
9 property and understand the impact that the
10 assessment has on the amount of taxes that
11 they pay?

12 MR. MILES: Yes.

13 LEGISLATOR RHOADS: I want you
14 to, if you can, please direct your attention
15 to the paperwork on 136 Lynbrook Avenue in
16 Point Lookout. Do you have that?

17 MR. MILES: The first page.

18 LEGISLATOR RHOADS: Okay. It's a
19 four -- for the record, it's a four-page
20 document. And I'm going to ask you, if you
21 don't mind, to take a look at page three of
22 that document.

23 MR. MILES: The fair market
24 values?

25 LEGISLATOR RHOADS: Correct.

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2 Actually page three of that document should
3 be -- let me make sure your page three and my
4 page three is the same.

5 MR. MILES: I have a few more
6 than four pages here.

7 LEGISLATOR RHOADS: Not a
8 problem. This is specifically the values.

9 MR. MILES: That's what I'm
10 looking at.

11 LEGISLATOR RHOADS: You're
12 looking at the same thing. Not a problem. So
13 now my understanding is to determine the TPP
14 you would take the fair market value of the
15 property in the 2021 year and you would
16 subtract the effective market value listed on
17 the 1920 year.

18 MR. MILES: The 1008 minus the --

19 LEGISLATOR RHOADS: Well, the
20 4012000 minus 1008000.

21 MR. MILES: It should be the
22 2671.

23 LEGISLATOR RHOADS: But I'm
24 saying in order to determine -- well, it's
25 not. But in order to determine what the

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2 impact of the TPP was, the total amount of the
3 TPP itself, one would take the fair market
4 value from 2021, which is the first year of
5 the reassessment, and subtract what the prior
6 year's actual value was, right? Regardless of
7 what the numbers are that's how you would
8 calculate the TPP.

9 MR. MILES: You would take the
10 2671 minus the 1008. It's hard to do the math
11 right now.

12 LEGISLATOR RHOADS: I understand
13 and we'll go through it together. Is that
14 what was actually done?

15 MR. MILES: Yes. We followed the
16 law as --

17 LEGISLATOR RHOADS: In other
18 words, we took the 2671?

19 MR. MILES: Like I said, it's
20 hard for me to follow everything. I can
21 provide you with better answers once I have
22 more time to review this. This was just given
23 to me today.

24 LEGISLATOR RHOADS: Take a
25 second. You know how to --

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2 MR. MILES: I'm just trying to
3 figure out the relevance to the budget at this
4 point.

5 LEGISLATOR RHOADS: Relevance to
6 the budget is I wanted to illustrate that
7 there is a potential error that has been
8 multiplied by about 18,000 properties which
9 creates liability not only for last year,
10 which hasn't been addressed, but creates
11 liabilities for each of this year and for each
12 of the next three years with respect to the
13 application of the phase-in.

14 MR. MILES: I think the issue is,
15 and like I said, I just received this and I
16 will be able to look at this more and go back
17 to the Department of Assessment and look at it
18 with exemptions experts and accountants.

19 But I believe -- if you don't
20 mind -- from what I understand, and like I
21 said, I haven't been given many examples and
22 this is the first time I'm seeing this, is
23 that the claims that there's 18,000 parcels
24 that had some sort of issue. I don't think
25 there is an issue. I think it's related to

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2 the calendar based on when the tentative
3 assessment is published versus when the final
4 roll is finalized. And for 2021 the tentative
5 assessment is published as of January of 2019,
6 right? But the final roll for the 2020
7 assessment roll is finalized in April of that
8 same year.

9 So, the issue here is, and it's not
10 really an issue it's just based on the reading
11 of the law and the way the law is written, is
12 if the tentative assessment is published as of
13 that January and the final roll is publicized
14 as of that April you're going to have a TPP
15 based on what was published as of that final
16 2020 and what was on the roll for that
17 January. So, it's a time frame where there's
18 a gap.

19 So, in this instance, if you
20 received a reduction from the Assessment
21 Review Commission as of that final 2020, and
22 that's after the roll is published, it's going
23 to decrease that final assessment and then
24 it's going to cap the tentative assessment
25 roll. But you have to use -- I mean, the

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2 tentative assessment. But you have to use the
3 tentative assessment based on how the law is
4 written as of January 2nd pre the capping
5 based on the six and 20 rule.

6 LEGISLATOR RHOADS: You do have
7 two separate issues here. And I certainly
8 agree with you that the use, at the request of
9 the county executive, the use of the tentative
10 roll that was produced on January 2nd as
11 opposed to the final roll, which is the amount
12 that was actually paid in order to calculate
13 the five year phase-in has created a gaps and
14 has created, unfortunately, inaccurate
15 applications that are costing taxpayers
16 money. But there is a separate issue here Mr.
17 Miles.

18 MR. MILES: It's not an
19 inaccurate application because the application
20 is correct under the law. I think it's just
21 this is a circumstance of the assessment
22 calendar as it's laid out currently.

23 LEGISLATOR RHOADS: Except that's
24 not the only issue. I agree with you that
25 that's an issue, the way the law was drafted.

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2 And this is a point that I made at the time --

3 MR. MILES: I can't agree with
4 you on the issue. I mean, it's of your
5 opinion. We follow the law based on how it's
6 written and the TPP was applied based on the
7 application of the law.

8 Based on my understanding of the
9 original publication of the tentative
10 assessment roll, still approximately five
11 percent, maybe less, of the roll was going to
12 be capped once it was published and then
13 probably increased after the Assessment Review
14 Commission's reductions were included later
15 on. And if you take approximately five
16 percent of the 380,000 residential parcels
17 that equates to 18,000 parcels.

18 LEGISLATOR RHOADS: Except that's
19 not the issue that I'm talking about. The
20 issue that I'm talking about is the fact that,
21 first of all, the law said on or about January
22 2nd, right? If you recall in that year you
23 actually produced two different rolls. There
24 was a roll that was released on January 2nd,
25 and you can turn to the Newsday article of

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2 January 3rd, which is also included as part of
3 your packet, where the Department of
4 Assessment acknowledged that there were 18,400
5 errors in the roll that was issued on January
6 2nd and issued a corrected roll the very next
7 day, on January 3rd.

8 MR. MILES: I believe the same
9 day. I believe it was taken down and the roll
10 that was approved by the former county
11 assessor was published following that. The
12 18,000 issue was not approved by the county
13 assessor. We ended up republishing it on the
14 same day with the approved assessment roll.

15 LEGISLATOR RHOADS: If it was --
16 I mean, we're talking about --

17 MR. MILES: I don't know the
18 relevance of it. You have to publish a roll
19 every year.

20 LEGISLATOR RHOADS: We're talking
21 about David Moog being the assessor at the
22 time?

23 MR. MILES: Produced one of the
24 most accurate assessment rolls in the last
25 decade. So, yeah, we're talking about David

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2 Moog.

3 LEGISLATOR RHOADS: What we want
4 to do now is illustrate a pretty significant
5 inaccuracy in that roll that's still being
6 carried forward today and will over the next
7 five years cost taxpayers almost \$50 million
8 in errors.

9 MR. MILES: We've gone back with
10 the accusation that was made and based on a
11 secondary review from the accounting division
12 what the issue that the Majority sees, that
13 was not an issue, is that capping, is the --
14 Assessment Review Commission incorporated or
15 had its reductions incorporated as of that
16 April but the roll is published three months
17 before. And we had a review. I will go back
18 and have the accountants review the examples
19 that you've stated.

20 But I'm not going to perform this
21 task now when I'm not prepared and I've just
22 been given this a few minutes ago. I will go
23 back and have it checked. But we did perform
24 our own internal review and we found that,
25 some reason, it's the same number, 18,000,

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2 that had the capping and that's just the way
3 the law is applied.

4 LEGISLATOR RHOADS: Residents are
5 supposed to be able to figure this out on
6 their own, right? And what you're telling
7 them is that sitting here today you, as the
8 representative of the Department of
9 Assessment, can't figure it out.

10 MR. MILES: I'm not saying that I
11 can't figure it out. I'm saying I received --

12 LEGISLATOR RHOADS: Let's try and
13 do this together. I think that what we're
14 talking about is about a \$16 million annual
15 error that is going to be carried forward for
16 the five years of the phase-in. That has
17 significant budgetary impact.

18 LEGISLATOR NICOLELLO: I would
19 just add that we went through a length
20 presentation just preceding this one with the
21 DA's office that was clearly not restricted to
22 budget.

23 MR. MILES: That's okay but I
24 will have this checked by the accountants in
25 the exemption division. But it's funny how

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2 18,000 parcels was the 18,000 parcels that was
3 passed and we have this 18,000 number here and
4 we did an internal review and we found that we
5 correctly applied the law. But I will have it
6 checked for you legislator, I promise.

7 LEGISLATOR RHOADS: Here is what
8 your internal review may have missed. The
9 reality is that for the TPP I agree with you.
10 You do have the issue that you used the
11 tentative roll as opposed to the final roll
12 that came out in April. But apparently you
13 also used the first version of the tentative
14 roll that came out on January 2nd instead of
15 the corrected roll to calculate the TPP. I
16 will go through the math with you to
17 demonstrate that. Just so you can take it
18 back to your experts and verify that that
19 information is correct.

20 MR. MILES: Legislator, I'm not
21 going to go through the examples one by one.

22 LEGISLATOR RHOADS: Why?

23 MR. MILES: Because I want to go
24 back and do my research and I want to do an
25 internal review. An internal review, you

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2 know, that's half baked is not right for the
3 taxpayers.

4 LEGISLATOR RHOADS: But,
5 Mr. Miles, I'm not going to be part of that
6 internal review and I want to make sure that
7 you understand what it is that I'm attempting
8 to illustrate so when you go back for your
9 internal review you can explain exactly what
10 we think the mistake is. I'm not an expert.
11 I've been struggling with this, as have staff,
12 as have other legislators trying to figure out
13 how it is that we have multimillion dollar
14 properties that are paying zero in taxes. How
15 it is that we have multimillion dollar
16 properties that are paying way lower than what
17 they should be paying in terms of property
18 taxes. While we have residents in modest
19 homes in our respective districts that are
20 paying more.

21 So, I think it's important that we
22 flesh that out. And I don't want you to go
23 back and ask them to rereview what you've said
24 you've already had them review and come up
25 with the same conclusion. I think it's

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2 probably a better idea for me to explain what
3 we think the issue is so that you can take
4 that back to them and ask them to look at it.

5 MR. MILES: So, I will take this
6 back and have it reviewed. But like I said,
7 I'm not going to partake in a half-baked
8 analysis. I would like to have a thorough
9 review of this.

10 LEGISLATOR RHOADS: Not a
11 problem. I encourage you to have a thorough
12 review of it. But I want you to understand
13 what it is that we're suggesting is the issue
14 so that you can take that back and have them
15 review whether or not what we're suggesting is
16 accurate. Okay?

17 So, with this particular property,
18 and I think we can agree that you would
19 determine what the -- in order to determine
20 what the TPP is you would take the fair market
21 value, right, from 2021 and you would subtract
22 what the effective market value was in 1920.
23 That gives you an equation of \$3,004,000.
24 From that \$3,004,000 that would be the TPP.
25 Year one of the phase-in would have 20 percent

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2 of that TPP, which is 600,800. Year two would
3 have 40 percent of that TPP, which would be
4 approximately 121,600.

5 Looking at this particular property
6 in '21-22 -- and by the way, in 2021 this
7 particular property paid zero in property
8 taxes because the high exemption ate up the
9 taxable value for that property. Because in
10 addition to that, as you suggested in April,
11 there was also a further reduction separate
12 and apart from the application of the TPP
13 because they grieved their taxes and won. So,
14 as a result their final taxable value was
15 around 201. And as a result they wound up not
16 having to pay taxes.

17 But the effective assessment for
18 2021 is \$2,123,000. So, to get to the taxable
19 value you would subtract \$3,004,000 from 2123,
20 or \$2,123,000, and that would give you a value
21 of minus \$881,000. And to that you would add
22 40 percent of the TPP which is the \$1.2
23 million -- one point two million one thousand
24 600.

25 MR. MILES: I'm still going to

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2 take this back. I listened. I'm not agreeing
3 to anything. I said this already. Thank you.

4 LEGISLATOR RHOADS: But that's
5 gives a taxable value of 321. When you go
6 through all the math that gives you a taxable
7 value of 321. Working off of the initial fair
8 market value back in 2021 published as part of
9 the initial tentative roll at \$4,012,000.
10 That 321, by the way, if you go into the
11 notice of tentative assessment, that 321, if
12 you go into page four of the document, is the
13 actual 321 taxable value that our department
14 produced and is available on the website as
15 having been the taxable value for the '21-22
16 year. That 321 figure. That 321 figure is
17 based off the initial value of \$4 million. We
18 just walked through the mathematical equation.

19 MR. MILES: Okay. But what's
20 published for '21?

21 LEGISLATOR RHOADS: So here's the
22 issue. The figure that you gave, and you were
23 right, the figure that you gave of \$2,671,000,
24 was the corrected roll for this property that
25 was produced either later in the day on

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2 January 2nd or early in the day on January
3 3rd. Whenever it was done. But the TPP as
4 calculated by the Department of Assessment was
5 based off of the \$4 million figure which was
6 the first roll that contained the 18,400
7 errors.

8 MR. MILES: I'm not looking at
9 anything. You're saying this is not the
10 published as of today? The four million
11 twelve?

12 LEGISLATOR RHOADS: No. What I'm
13 saying is, that the 4 million 12 is what was
14 listed as the value, the initial value, the
15 fair market value, on the initial 2021 roll.
16 That was the figure that was published on
17 January 2nd that the TPP is based off of.
18 Later in the day or early the next day that
19 value was corrected to \$2.671 million. So the
20 TPP --

21 MR. MILES: You're talking about
22 the cap.

23 LEGISLATOR RHOADS: The effective
24 market value.

25 MR. MILES: But this was the one

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2 that received -- this is part of the group
3 that received the reduction.

4 LEGISLATOR RHOADS: Right. But
5 my point to you Rob --

6 MR. MILES: We talked about this
7 last April.

8 LEGISLATOR RHOADS: Robert, my
9 point to you is that we just walked through
10 the calculation for the application of the
11 TPP. Me basing that calculation off of the \$4
12 million figure resulted in the taxable value
13 of 321 that's produced in today's roll. So
14 that means that the phase-in is calculated off
15 of the \$4 million figure not the corrected
16 \$2.67 million dollar figure.

17 MR. MILES: Legislator, I have to
18 go back and look at my own notes because I'm
19 getting confused as to what day was produced
20 for what. I have all these notes. I'd really
21 like to go back and check.

22 LEGISLATOR RHOADS: By the way,
23 when you look at this property, because they
24 won their reduction, their actual taxable
25 value turned out to be just over \$2 million.

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2 MR. MILES: I'm going to go
3 back. I think you and I are at an impasse but
4 I will go back and have it fully analyzed and
5 we will give your office a full briefing.

6 LEGISLATOR RHOADS: Just so you
7 can understand the context of the budget.
8 There are significant tax consequences,
9 assuming that I'm correct, and I know you
10 dispute that and you can take it back and
11 check, assuming that I'm correct, there are
12 significant tax consequences to that.

13 So, as a result, based on
14 information we received, if that took place
15 for the 18,400 properties that were included
16 as part of that correction you're looking at,
17 broken down by school district, in the Town of
18 Hempstead a shift of tax liability of eight
19 and a half million dollars annually. You are
20 looking at in the Town of North Hempstead a
21 shift of four and a half million dollars
22 annually. In the Town of Oyster Bay you are
23 looking at a shift of three and a half million
24 dollars annually. And in the City of Long
25 Beach you are looking at a shift of about

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2 \$100,000. Countywide per year that's \$16
3 million. \$16.6 million. If we're accurate,
4 that's \$16.6 million that the homeowners, the
5 18,400 homeowners are not paying that's being
6 shifted on to other residents in that school
7 district.

8 So, if that 18,000, the mistake
9 involving those 18,000 properties is impacting
10 about 362, 363,000 other homeowners in Nassau
11 County that have absorbed that \$16.6 million
12 in liability. That means we have a massive
13 problem that we were told had been corrected.
14 But apparently, if we're still using the old
15 TPP figures and that's being carried forward
16 each year, you are seeing in each year that
17 same \$16.6 million error.

18 MR. MILES: Like I said, I'm
19 going to stand by what was performed in our
20 internal review which was this looks to be the
21 six and 20 being applied. But, like I said, I
22 will have this reviewed. As of now, my stance
23 is, I support what the staff has provided me.
24 But I will go back and have it reviewed.
25 You're throwing numbers at me. I'm just

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2 saying, I just got this now.

3 LEGISLATOR RHOADS: This is
4 something that the average homeowner is
5 supposed to be able to calculate on their own,
6 isn't it?

7 MR. MILES: But the issue is when
8 you hand me something as, you know, I'm
9 walking into the room and there's an
10 accusation, a significant accusation, and
11 you're claiming that there's \$50 million, I
12 can't base it on anything other than what
13 you're saying, I think that it's reasonable to
14 say I am not going to comment further on this
15 until I have not a half baked review of this
16 but a full analysis and I will provide your
17 office with the findings. Right now, as it
18 stands, I'm not going to perform an exercise
19 where --

20 LEGISLATOR RHOADS: I think it
21 would be a wonderful idea for your office to
22 conduct that review and for us to come back at
23 a separate hearing and for us to hear, not
24 from you, but from the staff and from the
25 assessor so that we can get answers directly

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2 from -- and again, no disrespect intended to
3 you. You come here and you try and provide
4 information that you can but we would like to
5 speak to the people that are actually
6 performing the analysis so that we can have a
7 conversation about their calculation.

8 MR. MILES: I just wish this was
9 provided, you know, if this was being mulled
10 about or mulled around the past couple of days
11 it would have been nice to have been provided
12 this earlier than surprised. And I could have
13 given you the full review, the results of the
14 review today. But now seeing this as I walk
15 in I'm not able to do that and that's somewhat
16 unfortunate. It would have been nice to, you
17 know -- I'm sorry. We should have had the
18 examples. I've always said my office is
19 open. Your office has provided me the
20 examples and I work well with your staff and
21 counsel. It's just unfortunate that now I'm
22 provided this now and I'm just unable to
23 present on it. I wish we got this earlier.

24 LEGISLATOR RHOADS: Mr. Miles, at
25 the end of the day we're talking about math.

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2 MR. MILES: That's great.

3 LEGISLATOR RHOADS: I'm no more
4 of a qualified expert to talk about math than
5 you are. I would say that we're properly
6 equalled qualified. But we're dealing simply
7 with subtraction, multiplication, fractions.
8 And that's the attempt to try and walk through
9 this together. But if you're not comfortable
10 doing that I understand that.

11 MR. MILES: I would have loved to
12 have been to -- because then I really would
13 have liked to have talked freely with you
14 about this instead of being surprised by it.
15 But it's alright. I'm going to take it back.
16 We're going to get the examples and will
17 provide you with the information. What you do
18 with it is up to you obviously.

19 LEGISLATOR RHOADS: We, I'm sure,
20 would be willing to have a separate hearing on
21 that issue so that we can get the responses.

22 MR. MILES: I'll try to provide
23 you with whatever this body decides, hearing
24 or not, well before that so you know what's
25 going.

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2 LEGISLATOR RHOADS: I appreciate
3 that.

4 MR. MILES: Absolutely. Then our
5 offices, legislator, your counsel we have a
6 great relationship.

7 LEGISLATOR RHOADS: Just to sort
8 of illustrate the issue, because of that we a
9 \$14 million home in Center Island that in 2021
10 paid \$16,151 in taxes. Whereas, in 1920 they
11 paid \$120,000 in taxes.

12 MR. MILES: But we're still going
13 back to the they received the reduction from
14 ARC or SCAR. There's a capping issue and then
15 TPP, right? So it seems like we're choosing
16 the same examples that had the same thing that
17 we addressed back in April.

18 But legislator, I think the point
19 has been made that you would like me to review
20 this and I will. But it's really the same
21 issue over and over again. I see the same
22 examples where I explain that there was a
23 capping situation because of a reduction that
24 occurred after the roll was published. That's
25 what I'm holding to because of the review.

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2 But, because I received this now, I'm going to
3 take this back and have it reviewed by the
4 staff. I promise to have that done.

5 LEGISLATOR RHOADS: I'm just
6 looking to find out, and if you take that back
7 to them, I'm just looking to find out how it's
8 possible that a home in Oyster Bay in Center
9 Island worth \$14 million can pay \$16,000 in
10 taxes, when another home in Oyster Bay school
11 district that's worth \$900,000 is paying
12 more?

13 Why another home on Capital Heights
14 Road in Oyster Bay is paying \$25,000 in taxes
15 when this \$14 million house is paying
16 \$16,000.

17 I'd like to find out why it is that
18 the Wilpons, for example, are paying less in
19 taxes than many of the people in my own
20 district on a \$6 million home. Again, not the
21 Wilpons' fault. They're paying the bill that
22 they were sent. It seems to be that it's our
23 fault and I'd like to understand why and to be
24 perfectly honest I've got taxpayers that would
25 like to understand why that's the case as

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2 well.

3 MR. MILES: I think I explained
4 this in April about the seven parcels and
5 that. It because of the reduction that
6 occurred after the roll is published and the
7 TPP is established. Happy to go back again
8 and confirm that. But we also stated back in
9 April that the county attorney's office is
10 working on a solution to the rare anomaly. I
11 believe something's in the works.

12 LEGISLATOR RHOADS: It's not a
13 rare anomaly. You're talking about 18,400
14 properties. You're talking about 18,400
15 properties that has an annual impact and shift
16 of \$16 million in liability errors.

17 MR. MILES: But it's a naturally
18 occurrence from the six and 20 law that is a
19 state law. We have to follow the laws as they
20 are prescribed to us. So, I will take this
21 back. If there are any other questions
22 regarding other issues but I would like these
23 examples examined by the staff.

24 LEGISLATOR RHOADS: Sure. I
25 appreciate that and I'm sure we will have the

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2 opportunity to talk about that further at a
3 hearing.

4 LEGISLATOR NICOLELLO: We will
5 get a transcript of this and provide it to you
6 as well. So you will have the documents in
7 front of and you will have the questions and
8 answers as well.

9 MR. MILES: Much appreciated.
10 Thank you.

11 LEGISLATOR NICOLELLO: Then in
12 all likelihood we will be back at a hearing.
13 At that point we would request that we will
14 schedule around Ms. Margaret's schedule so
15 that we have the acting assessor here.

16 LEGISLATOR RHOADS: She'll be
17 back this week from classes?

18 MR. MILES: Yes.

19 LEGISLATOR RHOADS: I did just
20 have a question though for you, not to --
21 getting off this particular topic of the TPP
22 and I want to talk to you about veterans
23 exemptions. The errors that were made with
24 respect to the calculation of the veterans
25 exemptions has that been fixed?

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2 MR. MILES: Yeah. As I stated, I
3 believe in January there was a glitch in the
4 Adapt system but it has been reprogrammed and
5 corrected.

6 LEGISLATOR RHOADS: So those
7 errors were not duplicated this year?

8 MR. MILES: No.

9 LEGISLATOR RHOADS: How certain
10 are you about that?

11 MR. MILES: I'm certain that it's
12 been reprogrammed and with that correction
13 there should no longer any issues. It's a
14 complex taxing jurisdiction. Probably the
15 most taxing jurisdiction in the state and it's
16 an older program and we have to reprogram it
17 for the exemptions.

18 LEGISLATOR RHOADS: I'll yield to
19 Ms. Birnbaum and then I'll just circle back.

20 LEGISLATOR BIRNBAUM: I know
21 you're going back to get the answers but I
22 understand fair market value, I know level of
23 assessment, I know TPP. But could you define
24 what the effective market value is.

25 MR. MILES: The effective market

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2 value is the value that would be applied as a
3 taxable value before exemptions are applied.

4 So, in these instances where a parcel's fair
5 market value is, let's say, a million dollars
6 but Article 18 of the Real Property Tax Law,
7 as we all know, says you can only raise an
8 assessment by six percent per year 20 percent
9 over five years.

10 So, although though the fair market
11 value may be a million you cannot raise an
12 assessment over six percent. So, if the
13 assessment is, you know, cannot be raised to
14 \$1 million it will be raised to the assessment
15 from the previous year plus six percent. That
16 is the effective market value. That is what's
17 used as the taxable value minus any exemptions
18 that anyone receives.

19 LEGISLATOR BIRNBAUM: The TPP,
20 the Taxpayer Protection Plan is based on which
21 number?

22 MR. MILES: Effective full market
23 value.

24 LEGISLATOR BIRNBAUM: That's the
25 number. So you look at the tax year before.

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2 MR. MILES: Right.

3 LEGISLATOR BIRNBAUM: Before any
4 exemptions.

5 MR. MILES: That's correct.

6 LEGISLATOR BIRNBAUM: And you do
7 six percent?

8 MR. MILES: That's the most we
9 can do. That's correct. That's effective
10 full market value.

11 LEGISLATOR NICOLELLO: Legislator
12 Walker has a quick question. Actually
13 Legislator Ferretti's been asking too. So,
14 why don't you jump in, Rose you go first and
15 then let John go.

16 LEGISLATOR WALKER: Just very
17 quickly.

18 MR. MILES: Good evening
19 legislator.

20 LEGISLATOR WALKER: Why doesn't
21 assessment put the TPP, give the amount?

22 MR. MILES: It was up there for
23 '21 and it's being placed up there I believe
24 in the next few days.

25 LEGISLATOR WALKER: Then the

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2 homeowners wouldn't have to --

3 MR. MILES: It will be up.

4 LEGISLATOR NICOLELLO: John, did
5 you say you wanted to go or wait until after
6 Steve's done?

7 LEGISLATOR FERRETTI: I'm ready
8 to go now if Rose is done.

9 LEGISLATOR NICOLELLO: Go ahead.

10 MR. MILES: Good evening
11 legislator.

12 LEGISLATOR FERRETTI: Actually,
13 Rose kind of stole my thunder a little bit.
14 My question is about the savings due to the
15 exemption numbers that's required by law after
16 the adopted Resolution 186-2020 was passed and
17 signed by the county executive that's required
18 to be there. Why is it not there now?

19 MR. MILES: It's going up. It's
20 a complex calculation between applying the TPP
21 and not applying because it's a countywide
22 exemption. But that is going up. Our first
23 focus was trying to get the school tax rolls
24 to this body to approve so that the towns
25 could start printing their bills. But within

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2 the next few days that number will be up.

3 LEGISLATOR FERRETTI: But in
4 order to do that you had to figure out this
5 complex calculation already. Like the number
6 is already figured out, right?

7 MR. MILES: The TPP is already
8 applied. We don't create the tax rolls
9 without the TPP. There's no reason to create
10 that other than for this law. So we have to
11 go back, create the roll -- we create an
12 almost entirely new roll without the TPP and
13 then try to find the differences between the
14 TPP and without the TPP.

15 LEGISLATOR FERRETTI: Right. But
16 essentially what you're posting is the value
17 of the exemption, correct?

18 MR. MILES: Yes. That's what's
19 being put up.

20 LEGISLATOR FERRETTI: And that
21 number has already been calculated, correct?

22 MR. MILES: The TPP exemptions is
23 calculated but the savings has to be
24 calculated based on the TPP being applied and
25 the TPP as if it did not exist.

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2 LEGISLATOR FERRETTI: Okay. But
3 the number that you are posting on the
4 website, whenever you get to it, is already
5 calculated; isn't that correct?

6 MR. MILES: The exemption is
7 calculated but we have to -- the exemptions
8 are already applied but now you have to create
9 a separate individual roll where the TPP is
10 not applied. So, obviously the TPP
11 exemption's already applied so it will be up
12 there. But you have to create a non-TPP roll,
13 a whole new entirely different roll and then
14 find the differences. So that's what it is.

15 But those numbers will be up in a
16 few days. Just because the main focus is to
17 try to get the rolls to this body because you
18 and I and everybody here are obligated to get
19 that passed so that the school tax bills reach
20 the taxpayers.

21 LEGISLATOR FERRETTI:
22 Absolutely. But I would just remind you a
23 couple of minutes ago like you told Legislator
24 Rhoads when he was asking about 6-20 you said
25 we have to follow the law. The law is that

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2 that exemption number, that savings due
3 exemption, county law is that that has to be
4 posted.

5 MR. MILES: It will be.
6 Absolutely. It's going to be.

7 LEGISLATOR FERRETTI: Right. So,
8 what we have right now is a situation where
9 residents are looking at their tax numbers on
10 the website now, this is where most people go
11 look at it because they know it was just
12 released, and they don't see this number
13 there. Do you have an estimated time as to
14 when this will be up? I know you said in
15 coming days. But do you think it will be up
16 sometime this week? Sometime next week?

17 MR. MILES: I believe so. I will
18 go back and check with accounting and I'll
19 talk your staff and give them updates.

20 LEGISLATOR FERRETTI: If you
21 could please let us know.

22 MR. MILES: Absolutely.

23 LEGISLATOR FERRETTI: Thank you.

24 MR. MILES: No problem. Thank
25 you legislator.

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2 LEGISLATOR RHOADS: Thank you
3 Mr. Deputy Presiding Officer. Since we're
4 having a hearing if you could also ask the
5 information that we're receiving is that there
6 have not been corrections made with respect to
7 the veterans exemptions. So, we believe that
8 that error has now been duplicated in the
9 bills that just went out. So if you could go
10 back, check that as well, we'd certainly
11 appreciate that and we can bring that up at
12 the subsequent hearing that we're planning on
13 having.

14 Just out of curiosity, obviously
15 the administration acknowledged that there was
16 an error with respect to the application of
17 veterans exemptions and those overexemptions,
18 again, similar to what we were talking about
19 before, the financial burden for those
20 exemptions was transferred on to other
21 individuals in those taxing jurisdictions,
22 correct?

23 MR. MILES: I believe the
24 veterans did not get the exemption they were
25 supposed to get. I thought it was less than

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2 that. It was provided -- we provided the
3 veterans with more exemption. Because of the
4 application of the Adapt system with the TPP
5 in relation to the special districts because
6 there's 300 special districts in the county.

7 LEGISLATOR RHOADS: The issue is
8 actually, in this particular case and there
9 were other issues as well, the issue in this
10 particular case was that the exemptions for
11 veterans were calculated based upon the .25
12 level of assessment and when the level of
13 assessment was dropped it was never
14 recalculated. So the exemptions were either
15 30, 50 or 100 in terms of the actual points.
16 Whereas, it should have been 18, 30 or 60
17 based upon the .15.

18 MR. MILES: I don't think that
19 point was made to me but I will have that
20 reviewed.

21 LEGISLATOR RHOADS: But if you
22 could have that checked out as well.

23 The other -- again the issue is,
24 what efforts were made since we had this error
25 and it was theoretically corrected, it still

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2 resulted in an overcharge for everyone else
3 that made up the difference for those
4 exemptions? What efforts have been made by
5 the county to make taxpayers whole for the
6 money that was overpaid?

7 MR. MILES: I'm sorry legislator,
8 we're talking about -- I think it's two ships
9 passing in the night right now. I think the
10 hearing that was had in January that had to do
11 with the veterans and clergy needing to
12 receive a greater exemption because the Adapt
13 system failed to apply the exemption to
14 certain special districts. So, there was a
15 petition applied to this body and everyone
16 reviewed and agreed to it that we deliver the
17 exemption to the veterans based on the money
18 that was missing because the Adapt system
19 didn't apply the exemption to the special
20 districts. So that's what we did.

21 LEGISLATOR RHOADS: Correct.
22 There was a whole separate issue. This is a
23 different issue with respect to the
24 applications and the exemptions.

25 MR. MILES: There's no issue in

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2 terms of overages. It will be reviewed. But
3 we perform quality control reviews before the
4 rolls are submitted to this body for review
5 and approval. And we do that for every roll.
6 And we do that for the publication of the
7 tentative and final rolls as well.

8 LEGISLATOR RHOADS: The issue is
9 that school districts -- and just to let you
10 know about the issue that I'm talking about --
11 school districts have the option to opt in to
12 give veterans a benefit on their school
13 taxes. The school districts opted in to
14 provide a benefit in the form of a reduction
15 in the taxable market value.

16 At the time, due to the level of
17 assessment being a .25, a \$12,000 reduction
18 would equate to a reduction of 30 points in
19 assessed value. \$20,000 would equate to 50
20 points reduction. \$40,000 reduction would
21 result in a 100 point reduction in assessed
22 value.

23 When we change from .25 to .1 those
24 reductions were never recalculated at a .1 or
25 really a .15, which was the effective rate

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2 after grievances, the ratio would have been or
3 the reduction would have been 18 points, 30
4 points or 60 points based on that 12,000,
5 20,000 and 40,000 example.

6 So in these circumstances you
7 actually see some getting a greater reduction
8 than they should have because we didn't
9 recalculate based upon the .1 and as a result
10 that burden is now shifting to everyone else.
11 So there are two parallel things going on at
12 the same time. That's the one that I'm
13 talking about.

14 MR. MILES: I haven't seen that
15 issue. I will go back, like I said to you,
16 and review.

17 LEGISLATOR RHOADS: We'll address
18 it at the subsequent hearing.

19 MR. MILES: And we also abide by
20 whatever resolutions are adopted by school
21 districts. If they change their resolutions
22 we abide by the change.

23 LEGISLATOR RHOADS: I don't think
24 the school districts change the resolutions.
25 I think we changed the level of assessment and

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2 didn't adjust reductions in assessed value.

3 MR. MILES: I'll take a look.

4 Thank you.

5 LEGISLATOR RHOADS: I appreciate
6 it.

7 LEGISLATOR BIRNBAUM: I did the
8 math and it seems that it did change from the
9 assessed value by six percent and it looks
10 correct to me doing the math.

11 MR. MILES: Yeah. That's what
12 the application of the six and 20 once there's
13 a reduction, you know. But anyway, like I
14 said, we'll go and check it again but that's
15 what happens when you have the reductions
16 occur after the publication of the tentative
17 roll.

18 LEGISLATOR RHOADS: I'm happy to
19 compare figures with my colleague on the other
20 side.

21 LEGISLATOR KOPEL: I guess we will
22 close the hearing.

23 MR. MILES: Thank you
24 legislator. Appreciate it.

25 (Hearing adjourned at 6:10 p.m.)

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CERTIFICATION

I, FRANK GRAY, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this tenth day of
October 2021.

FRANK GRAY