

1. 12-14-2022 Public Safety Notice

Documents:

[12-14-22 PUBLIC SAFETY HEARING.PDF](#)

2. 12-14-2022 Public Safety Agenda

Documents:

[AGENDA - 12-14-22.PDF](#)

3. 12-14-2022 Public Safety Minutes

Documents:

[NC PUBLIC SAFETY HEARING JAIL 12.14.2022.PDF](#)



PUBLIC NOTICE

PLEASE TAKE NOTICE THAT

**THE NASSAU COUNTY LEGISLATURE WILL HOLD
A HEARING OF THE PUBLIC SAFETY COMMITTEE
REGARDING
THE
NASSAU COUNTY CORRECTIONAL CENTER
ON**

WEDNESDAY, DECEMBER 14, 2022 AT 1:00PM

IN

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

As per the Nassau County Fire Marshal's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 200 people.

Attendees who would like to address the Legislature must submit a slip to the Clerk's office staff. Public comment is limited to three minutes per person. At meetings of the full Legislature, public comment will be heard only during the pre-calendar public comment period and during public hearings that are on the calendar. At meetings of the Legislature's committees, there is no pre-calendar public comment period. Public comment will be heard on agenda items. Public comment on any item may 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 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. Additionally, those for whom English is not their primary language, or for those who are Deaf or hard-of-hearing, language and communication assistance technology will be available at public meetings.

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: December 7, 2022
Mineola, NY**

**Scan the QR code to submit written public comment,
which will be incorporated into the record of this meeting.**





NASSAU COUNTY LEGISLATURE

THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE OFFICE BUILDING
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501

Public Safety Committee Hearing

December 14, 2022

1:00 PM

AGENDA

- 1. DPW Commissioner**
Ken Arnold
- 2. Civil Service Commissioner**
Hon. Carnell T. Foskey
- 3. Civil Service Executive Director**
Martha Krisel
- 4. Deputy County Executive**
Tatum Fox
- 5. Acting Sheriff**
Anthony LaRocco
- 6. OMB Director**
Andy Persich
- 7. Public Comment**

NASSAU COUNTY LEGISLATURE

PUBLIC SAFETY HEARING

NASSAU COUNTY JAIL

DENISE FORD

CHAIRWOMAN

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

Wednesday, 2022

1: P.M.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

LEGISLATOR DENISE FORD CHAIR
LEGISLATOR STEVEN RHOADS VICE CHAIR
LEGISLATOR MAZI MELESA PILIP
LEGISLATOR JOHN FERRETTI
LEGISLATOR DELIA DERIGGI-WHITTON RANKING
LEGISLATOR SIELA BYNOE
LEGISLATOR DEBRA MULE

MICHAEL PULITZER
Clerk of the Legislature

A L S O A P P E A R E D:

KEN ARNOLD, PW

HON. FOSKEY, CIVIL SERVICE

EXECUTIVE DIRECTOR KRISEL, CIVIL SERVICE

DCE TATUM FOX, ADMINISTRATION

ACTING SHERIFF LAROCCA

ANDY PERSICH, OMB

PUBLIC COMMENT:

BRIAN SULLIVAN, PRESIDENT CODA

SUSAN GOTTEHRER, NY CIVIL LIBERTIES UNION

KEVIN MCKENNA

1
2
3 CHAIRWOMAN FORD: Thank you very
4 much, sir. Good afternoon, everybody.
5 Thank you very much for joining us today
6 for this public safety hearing on the
7 Nassau County Jail. I will ask everybody
8 to please rise and Legislator Ferretti
9 will lead us in the pledge.

10 (Whereupon, the Pledge of
11 Allegiance is said.)

12 CHAIRWOMAN FORD: We have an agenda
13 that was set for the public hearing, but
14 there have been some changes. We are
15 going to open the hearing with comments
16 from Correction Officer President Brian
17 Sullivan, then followed by public
18 comment. Then, as we go through the
19 hearing, through the agenda, we will
20 first hear from Commissioner Ken Arnold
21 and the representatives, commissioner and
22 the executive director of civil Service
23 and then Deputy County Executive Tatum
24 Fox, Acting Sheriff Anthony Larocca and
25 OMB director Andy Persich. What we'll do

1
2 is, after each of those individuals speak
3 on their specific responsibility with the
4 jail, I will ask the legislators if they
5 have any questions or comments in regard
6 to the testimony that was given for that
7 particular subject. So when we hear from
8 the the DPW commissioner, we can ask
9 questions at that time so that we're not
10 jumping back and forth. We'll try to keep
11 it so we stick to basically the topic at
12 hand.

13 With that, I will ask President
14 Brian Sullivan to please step up.

15 MR. SULLIVAN: Good afternoon,
16 everybody. I appreciate the time and
17 ability to speak. I have a prepared
18 statement that I would like to do. It's
19 going to be a little bit similar to the
20 the meeting that I was here about a month
21 ago, a few weeks ago. It's going to sound
22 a little bit familiar, but if you listen
23 closely there's changes, because some of
24 the statistical numbers and things have
25 changed.

1
2 Brian Sullivan, President, Nassau
3 County Correction Officers Benevolent
4 Association. November 21st, I spoke here
5 along with the full support of my entire
6 Board of Governors to bring attention to
7 what's going on at the Sheriff's
8 Department Division of Correction. To
9 recap, months ago Sheriff Dzurenda was
10 moved out as Nassau County Sheriff, a new
11 acting sheriff was appointed and former
12 sheriff Michael Sposato was brought back
13 as Correction Commissioner and given the
14 job of running the day-to-day operations
15 of this facility. Many times to my own
16 detriment, over the years I try my best
17 to work with everyone that's running this
18 department. No one can say that I'm not a
19 reasonable person, but I'm at a point
20 that my career now, especially after 34
21 years of being in corrections, that I'm
22 pretty much done with banging my head
23 against a wall about issues that are
24 going on in this place, repetitive issues
25 that go on in the Department of

1
2 Corrections. Issues that I have stood at
3 this very podium countless times about,
4 that still aren't addressed. That's why
5 I'm here again today, not only with my
6 Executive Board but also my delegates
7 representing our entire membership,
8 several of which who actually joined us
9 here today, and I'm happy to see them
10 here, to hopefully devise a path forward
11 to putting this Department on some track
12 of accountability, professionalism, and
13 respect. These issues are by no means a
14 one way street. To be clear, and to our
15 main point, Mike Sposato's previous
16 tenure as sheriff here was marked by
17 acrimony and draconian cuts to this
18 facility, leaving a gutted department, a
19 demoralized workforce, and the
20 infrastructure of this facility visibly
21 decaying into the ground. The almost five
22 years since his departure saw two
23 separate sheriffs appointed, both of whom
24 did little, or, more likely, were allowed
25 to do little, to properly staff or run

1
2 this facility.

3 Then there was COVID. Over 600 cases
4 of COVID among my members who all worked
5 diligently through the pandemic in this
6 petri dish of facility during a staffing
7 crisis without complaint or skipping a
8 beat. After COVID eased, there was
9 supposed to be a light at the end of the
10 tunnel. Turns out, it appears that that
11 light is a train driven by Mike Sposato.

12 What we are here today addressing
13 and demanding to know as Nassau County
14 correction officers are numerous. First
15 and foremost is why the County and the
16 Department cannot stay on top of and
17 properly hire staff units, maintain the
18 facility and run this Department as the
19 professional law enforcement agency it
20 should be.

21 Again, as I've stated numerous
22 times, new police precincts have been
23 built, a \$40 million academy was built --
24 \$40+ million dollars -- new Social
25 Services buildings, new buildings all

1
2 around the county, nonessential
3 departments that all have new vehicles,
4 and nonstop hiring in the Police
5 Department. I've said before: 1400 new
6 police officers have been hired in Nassau
7 County since the NIFA freeze contract in
8 2014. None of that has occurred in the
9 Sheriff's Department; in fact, just the
10 opposite. Our department is routinely
11 ignored, underfunded, understaffed and
12 then blamed for these same problems that
13 are thrust upon us. This all while at the
14 same time state laws were changed that
15 have dramatically altered the landscape
16 in corrections; first, with bail reform,
17 but most notably for us, HALT. Again,
18 briefly, HALT is the Humane Alternatives
19 to Long Term solitary confinement law
20 that was put into place in April of this
21 past year, which is basically bail reform
22 in jail. When somebody commits a crime in
23 jail, you can't segregate or separate
24 them from the general population. The
25 most we can do after the initial due

1
2 process is separate them for 15 days.
3 Then they have to be put back into the
4 general population where, if they are
5 violent or mentally unstable, tough luck
6 to the other inmates and the staff that
7 have to watch over them.

8 In numerous meetings and
9 conversations with County and Department
10 officials we've been told that due to
11 mismanagement here -- which I kind of
12 chuckle a little bit because it
13 acknowledges that very mismanagement --
14 we need someone to manage this place.

15 Overtime costs have skyrocketed and
16 again no one can give me an accurate
17 number of what those costs are that
18 justify the return of Mike Sposato as
19 that manager whose sole claim to fame
20 over the course of 10 years here was
21 maniacal cost-cutting. I've been told
22 it's \$30 million, 35, 40 and 60 million
23 dollars. I have not been able to get an
24 accurate number to justify going back
25 over five years in this depleted and

1
2 demoralized department to bring back the
3 man who created most of these issues in
4 the first place.

5 The actual numbers I do have are
6 startling and should be startling. This
7 year's budget, 2022, called for the
8 hiring of 80 correction officers to get
9 us to a head count of 790; two classes of
10 40 each, and that doesn't take into
11 account the attrition. Myself and
12 representatives from the County, the
13 Department, Civil Service, the PD,
14 conducted numerous meetings over months
15 detailing a hiring protocol to get our
16 staffing back to safe levels to
17 adequately run this department, and I
18 appreciate all the help that was done.

19 A new test was given and there is
20 still another full test available from
21 2020, which is in and of itself absurd
22 because it's been sitting there since
23 2020. But from what I can see, there are
24 plenty of available candidates.

25 To date and now, since our last

1
2 appearance here, we have not hired that
3 80 or 100. We hired 27 new recruits that
4 are working in the facility. At that last
5 meeting I said we lost 37 officers to
6 date. A month later that number has now
7 grown to 49 that have left this
8 department since January first, with more
9 on tap to retire at year's end. Some of
10 that 27 hired were already lost to other
11 jobs, 23 more were hired a little over a
12 month ago, but those recruits are going
13 to be in the academy until the middle to
14 the end of January. So for the year 2022,
15 a year that we were promised 80 to 100
16 new hires, we actually hired a usable 27
17 and due to unaddressed attrition, are now
18 minus 22 officers from where we started
19 this whole process in January. From
20 January to now we're down 22 more than
21 where we started. Our head count is now a
22 staggering 714. That's everybody in all
23 of our ranks; the lowest in my 34-year
24 career, with more to come before year's
25 end.

1
2 Once again, due to shortages that
3 never get addressed, the new academy
4 class is working 10 hour days. Several
5 times they're asked to work eight and
6 nine hours Saturdays to get them out of
7 the academy faster to help cut overtime
8 costs. Train them faster, get them out
9 sooner, as was done the last several
10 times in the past when we hired new
11 academy recruits. That is an absurd way
12 to train recruits and do business,
13 especially in the Sheriff's Department
14 Division to Correction, where you have
15 people's lives at your fingertips. How is
16 it logical to repeatedly train people in
17 that type of environment as fast as you
18 possibly can, drill whatever it into
19 their heads, and then throw them to the
20 wolves?

21 Now, again, with all this
22 dysfunction going on, the answer is to
23 rehire Mike Sposato to run the day-to-day
24 operations. I ask: To do what? To save
25 the place, manage it, rebuild it by using

1
2 the very same person who was part of
3 driving this facility into the ground in
4 the first place, hitting an already
5 demoralized workforce over the head by
6 again concentrating only on the cost of
7 overtime and cutting this place to
8 ribbons. This is the answer? This is
9 what we're telling our correction
10 officers?

11 With that, initially came an
12 immediate return to his old ways of
13 cutting and redeploying. Commissioner
14 Sposato, upon his return, immediately
15 implemented a redeployment schedule that
16 takes investigators, medical personnel,
17 rehab personnel, HR personnel, visiting
18 security personnel, housing and
19 operations personnel, and numerous others
20 away from performing their integral
21 duties to work security posts in other
22 areas for meal relief, church services
23 and the like, because there is not enough
24 staff here, while leaving their important
25 work neglected on a daily basis.

1
2 The Department may tell you that
3 when some of these personnel go on
4 vacation, normally they're not
5 backfilled. So what's the difference if
6 they get redeployed? That's not an
7 answer. They should be backfilled. These
8 units need to be filled. There are not
9 enough people in these units to begin
10 with. Now not only is there not enough
11 staff, nor are they backfilled for time
12 off, now they're taken away from their
13 jobs even further.

14 Initially, upon Sposato's return, a
15 series of cuts were implemented in our
16 security areas that not only created risk
17 for officers and inmates but also put the
18 Department at risk of liability, all in
19 the name of saving on overtime. Cuts that
20 the Union fought successfully to have
21 receded only after a liability review,
22 only to have new things thrown at us
23 every few days and weeks, all in the name
24 of saving money. My members are coming to
25 work every day like abuse victims,

1
2 wondering where the next hit is going to
3 be coming from.

4 Then we have blatant violations of
5 our contract, manipulation of job
6 postings, and supervisory assignments
7 outside of our strict seniority clauses
8 in the contract. We've been running a
9 printing press of grievances since
10 Sposato's return and lawsuits, as well as
11 our union members being pitted against
12 each other and against the Union to
13 divide this membership from within. To
14 me, this is management by chaos.

15 So where do we go from here? What's
16 the game plan for this Department to
17 properly serve our county residents in
18 our sworn law enforcement capacity? From
19 my perspective, I don't see a plan. It's
20 all about saving money. That's not
21 supporting law enforcement. We deserve
22 leadership in this department that wants
23 to move ahead with care and
24 professionalism and proper resources. How
25 do we stand here, adjacent to a police

1
2 department that runs like clockwork, is
3 nationally respected where their leaders
4 are recruited to head other nationally
5 respected agencies, like Commissioner
6 Sewell in New York City, while the needs
7 of this Department and its workforce are
8 ignored, disrespected, and treated with
9 contempt year after year.

10 You don't see the Police
11 Department's Unions here talking about
12 stuff like this, arguing about these
13 types of issues. No grievances, no
14 worries about hiring, no staffing issues,
15 no HR issues. And just as a side note,
16 when Mike Sposato was previously the
17 sheriff and he cut through this place
18 like a hot knife through butter, our
19 department annually sent \$10 million per
20 year to the Police Department to pay for
21 police overtime. I've said that here on
22 numerous occasions. Resources cut from
23 here, sent there when no resources were
24 cut there. That's insanity to me. Why is
25 this always the order of the day here in

1
2 a place that is already seriously
3 depleted?

4 To recap, since bail reform and HALT
5 -- I said this at the last meeting, but
6 the numbers changed a little bit --

7 - use of force incidents in 2018,
8 with 1100 inmates here. This was prior to
9 bail reform. There were 191 uses of force
10 by our staff. Again, to clarify a use of
11 force, because sometimes that has a
12 negative connotation to it, it's when
13 officers need to use force to stop an
14 inmates violent actions against either
15 another inmate or an officer, there's use
16 of force. Reporting all of that stuff
17 that we have to do, we call it a use of
18 force. I just want to make sure that
19 people understand what I mean. Use of
20 force again: 2018, with 1100 inmates, a
21 191 uses a force.

22 - use of force incidents in 2022 to
23 date, with 750 inmates, just surpassed
24 250 incidents. With 350 less inmates,
25 there have been over 60 more violent

1
2 incidents requiring the use of force, the
3 majority of which we can attribute now to
4 HALT that went into effect April 1st.

5 - Injury statistics for officers and
6 inmates:

7 - Officer injuries in 2018,
8 1100 inmates there were 214 officer
9 injuries.

10 - Officer injuries in 2022 are
11 now approaching 200, with again 350 less
12 inmates.

13 - inmate injuries in 2018, 1099
14 inmate injuries. That encompasses
15 everything from getting a hand caught in
16 a gate to being assaulted. I'll clarify
17 that, with 1100 inmates there were a 1099
18 injuries. To date in 2022, today, with
19 750 inmates, there are 1282 injuries, 183
20 more injuries, with 350 less inmates in
21 this facility. These numbers are very
22 telling.

23 With regard to regular business. We
24 have to sue or grieve to get anything
25 done in this department regarding job

1
2 assignments, equipment, infrastructure,
3 etcetera. We have to sue to have the
4 workplace violence, law and county policy
5 adhered to.

6 Budgetwise, we have 60 less people
7 on staff than what's budgeted. This has
8 to be translated into overtime costs and
9 not given as a reason to cut more. That
10 to me is crazy.

11 Today we have 39 officers on the
12 disabled list from injuries due to
13 violent acts by inmates. These are staff
14 members put out of work as per county
15 doctors or medical; 39. There is an
16 additional 20 recently out hurt, not yet
17 on the disabled list, again in direct
18 correlation to the increased number of
19 violent incidents.

20 Staff that are hurt and creating
21 overtime being out because of HALT and
22 the dangerous nature of this job to begin
23 with, but now accountable under overtime
24 budgetary concerns that is being
25 addressed by cutting more and more

resources; again, management by chaos.

I have a constituency, as all of you do. Many of them are here today. In many regards we have the same constituency. We need your help, attention and participation. We need to work together. Mike Sposato as Sheriff oversaw the greatest decline in the history of this department. Now this nuisance of a department is at a crossroads. Staffing, increased violence because of HALT, contraband, infrastructure; you name it. We all know full well there is a contraband problem in this jail. There's a drug problem everywhere in this country, but we have a well-documented, a well-publicized drug and contraband problem here. Our SERT team has been pulling contraband out of this place on a routine basis for quite some time. I blame this on the repeated staffing problems we have been facing, because we don't have the bodies to do what needs to be done to root out this problem. My

1
2 greatest fear is having one or more of
3 our officers exposed to Fentanyl and
4 dying or becoming incapacitated because
5 of it. The case that just happened
6 recently in the news, his cause of death
7 has yet to be determined and it's an
8 ongoing investigation, so I won't comment
9 on any of that. But what am I supposed to
10 tell our officers and their families who
11 knowingly have to work on resuscitating
12 an inmate like that, who may very well
13 turn out to have been in contact with
14 Fentanyl?

15 Going back to when Sheriff Vera
16 Fludd was here. The same issue came up
17 and with Dzurenda and all through, going
18 back to when Spasota was here last time.
19 What's the plan? Where's the training?
20 How is it being addressed? It isn't; it
21 is not being addressed. Our current plan
22 for coming into contact with unknown
23 substances -- you'll love this -- was put
24 in place by Sheriff Fludd and is actually
25 to step away. If you come across an

1
2 unknown substance in the facility, step
3 away and call your supervisor, and then
4 the supervisor shows up and that
5 supervisor was never trained in what to
6 do with these unknown circumstances.
7 That's still in effect today.

8 Who's investigating these issues?
9 It's our understanding that everyone
10 involved wants this addressed and a hard
11 stance taken. But where is the
12 accountability? Who's addressing? Who's
13 investigating where this stuff is coming
14 from? There's no special plan in the jail
15 and I know of no others. What's the game
16 plan? Cutting with no investment is not
17 the answer. Downsizing to meet arbitrary
18 and unrealistic budget numbers is not the
19 answer. Our budget numbers have been
20 sitting here relatively flat, for God
21 knows how long now. We just had a little
22 bump in the budget this year. But these
23 are completely unrealistic budget numbers
24 to me. When you have a police department
25 that takes up a third of the County's

1
2 budget, \$3.2 billion budget in Nassau
3 County, almost a third of that is police
4 cost. And yes, they do a lot of different
5 stuff and it's a much larger department
6 than ours. But we are the ones that get
7 the residue of everything that comes
8 through the Police Department and our
9 budget is routinely in a \$150 million
10 dollar range, down from almost a billion
11 in the police department.

12 Downsizing to meet, like I said,
13 realistic budget numbers is not the
14 answer. Deliberate violations of our
15 contract cannot and will not be
16 tolerated. Bad labor relations will not
17 be tolerated.

18 I have an idea: A while ago, after
19 bail reform was put into place, this very
20 body instituted something along the lines
21 of statistical reporting for crimes. Who
22 gets rearrested? Who doesn't get
23 rearrested? What's the statistics of what
24 goes on? I propose doing a safe staffing
25 initiative with the Sheriff's Department,

1
2 either as a local law or a procedure, as
3 was done, like I said previously, with
4 crime reporting statistics in the county.
5 Our department should be required to
6 report on a quarterly basis the following
7 to address this stuff that I have been
8 doing on and on appeared to be the only
9 one:

10 - information on current staffing
11 levels as related to the budgeted head
12 count;

13 - the ongoing attrition rate,
14 including resignations and retirements;

15 - steps taken to actively recruit
16 staff;

17 - steps taken to properly staff
18 ancillary and investigative units;

19 - statistics on assaults and
20 injuries to staff and the corrective
21 action taken to prevent it in the future;

22 - the mixing of classifications of
23 inmates and housing areas and in
24 congregate settings. This is something
25 that gets a little technical because it's

1
2 with the New York State Commission of
3 Corrections. They can put the monitor of
4 special housing on something and you can
5 mix cats and dogs and special housing;

6 - the commingling of different
7 classifications or the use of special
8 housing designation, is it being done
9 necessarily or just being done merely to
10 save money? That's an ongoing issue we've
11 had for years here. If it's being done to
12 save money, it's unsafe and it's stupid;

13 - Use of force statistics. What
14 corrective actions were taken to prevent
15 future incidents; and

16 - Active waiting lists for recruits?
17 How old they are? What's in effect?

18 All of this stuff should be reported
19 on a quarterly basis, by the Department,
20 by the County, to you, to me and to the
21 public. Reporting on these issues once a
22 year. Me standing here like I joke about
23 like Kruschev banging my shoe on the
24 podium once a year at a budget hearing
25 does not address corrective actions to

1
2 take to any of these issues.

3 We currently have over 200
4 identified gang members in our facility.
5 Bloods, Crypts, MS-13, Trinitarios, Latin
6 Kings, Folk Nation, Five Percenters; you
7 name it. We have 36 inmates positively
8 identified as assaultive to staff.

9 Everybody in this room knows that
10 this place is not Romper Room. It's a
11 very, very, very serious place to work.
12 We need serious law enforcement minded
13 people running it correctly, not trying
14 to figure out how to run it as cheaply as
15 possible with as few people as possible.
16 That is all a recipe for disaster.

17 Ladies and gentlemen, I appreciate
18 your attention to these issues. I
19 wholeheartedly ask everyone involved to
20 help us resolve these issues. It cannot
21 be allowed to continue the way it is. How
22 do we get there? I hope today is the
23 start of a new chapter. We need to make
24 public the absurdity of this Department
25 and how it's been run for far too long.

1
2 Thank you very much. That's my
3 speech and I would appreciate later on if
4 there's any ability to rebut anything
5 that's brought up with the other speakers
6 (applause).

7 CHAIRWOMAN FORD: Before we call the
8 next speaker, I'm going to ask the Clerk
9 to call the roll.

10 CLERK PULITZER: Thank you,
11 Chairwoman.

12 Legislator Debra Mule.

13 LEGISLATOR MULE: Here.

14 CLERK PULITZER: Legislator Siela
15 Bynoe.

16 LEGISLATOR BYNOE: Here.

17 CLERK PULITZER: Ranking Member
18 Delia DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON: Here.

20 CLERK PULITZER: Legislator John
21 Ferretti.

22 LEGISLATOR FERRETTI: Here.

23 CLERK PULITZER: Legislator Mazi
24 Melesa Pilip.

25 LEGISLATOR PILIP: Here.

1
2 CLERK PULITZER: Vice Chairman
3 Steven Rhoads.

4 LEGISLATOR RHOADS: Present.

5 CLERK PULITZER: Chairwoman Denise
6 Ford.

7 CHAIRWOMAN FORD: Here.

8 CLERK PULITZER: We have a quorum.

9 CHAIRWOMAN FORD: Thank you. Susan
10 Gottehrer.

11 MS. GOTTEHRER: Good afternoon. I'm
12 going to ask a little indulgence on the
13 timer, please maybe a minute more.

14 I just want to say that -- I'll read
15 my comments and I'm going to be talking
16 about visitation and cuts. But it's very
17 clear that the disdain that people have
18 for incarcerated people in general
19 extends into the institution where
20 they're housed, and that means budgetary
21 and the value system that is reflected by
22 the budgets and that is then felt by the
23 people who work there. So this all makes
24 sense and it needs to change, right?

25 I always say, you know the advocates

1
2 and the corrections officers are sort of
3 on the same page. So you know, I'm not
4 technically saying we're really on the
5 same page, but anyway you get the idea.

6 My name is Susan Gotthrer. I'm the
7 director of the Nassau County New York
8 Civil Liberties Union and also a member
9 of Nassau County Jail Advocates. It was
10 not clear to me today what this meeting
11 exactly was about, because there has
12 recently been a death at the jail. Then I
13 heard about visitation and I know that
14 the appointment of Michael Sposato and
15 cost-cutting has been a big issue. So I'm
16 going to be talking about visitation and
17 then also about medical.

18 For those of us who have been
19 tracking the Nassau County jail for quite
20 some time, including under the Mangano
21 administration and the reign of Michael
22 Sposato, we know that he has been focused
23 on cost-cutting as was said, we know that
24 he would shut down entire sections of the
25 jail for days at a time, which would keep

1
2 people in their cells for days at a time
3 as well, which is known as keep lock,
4 which HALT addressed.

5 Now it seems to me that the entire
6 system needs to be revamped. As far as
7 what to do about HALT. It doesn't mean
8 that HALT was a bad law, it means our
9 system just is not set up to deal with it
10 at this point, and I think that you need
11 to think about that.

12 We know that visitation has been
13 cut. We know that visitation is now
14 scheduled only for during the week. We
15 know people have to go online to schedule
16 visitation. We know that under Sposato,
17 visitation was cut arbitrarily and at the
18 last minute, very often at times.

19 We know that people who are
20 supported by family have more of a chance
21 of success at life, and visiting a loved
22 one in jail is exactly the kind of
23 support that people need in order to be
24 successful when they get out. So we're
25 asking that you guys take a real look at

1
2 the visitation hours. There needs to be
3 weekend visitation so that children can
4 see their parents, because if children
5 don't get to visit their parents and
6 there is not that reciprocal support, you
7 have generations going on here. And let's
8 not forget that about 70% of the people
9 in the jail are pre-trial.

10 So the other thing is, I just wanted
11 to talk about SCOC reports from the past,
12 when Michael Sposato was in charge. Here
13 some of the things that were on those
14 reports, and I would ask each one of you.
15 Have you looked at these reports and have
16 you investigated the jail recently to see
17 if any of the recommendations have been
18 met on these reports? If not, then it's
19 going to happen again and there's been a
20 culture of negligence, and there is.
21 These are some of the components that
22 were read that were found during the
23 deaths:

24 - information was not transcribed
25 into medical logs;

- 1
- 2 - critical medications were not
- 3 given;
- 4 - there were incomplete admission
- 5 assessments;
- 6 - medical providers lacked the
- 7 knowledge required to make diagnoses;
- 8 - forms were not completed, signed
- 9 or written legibly.

10 So I would suggest that if you have
11 not visited the SCOC reports and have not
12 visited the jail and have not looked at
13 the processes behind medical provisions,
14 under Michael Sposato, this is going to
15 get bad again and this is very
16 frightening. And as a Public Safety
17 Committee, again you've heard me say
18 this: Oversight, oversight, oversight
19 over the executive branch. Thank you

20 CHAIRWOMAN FORD: Thank you very
21 much.

22 I'm going to ask DPW Commissioner
23 Ken Arnold to please come up and speak.

24 COMMISSIONER ARNOLD: Good afternoon.
25 Ken Arnold Commissioner of Public Works.

1
2 A brief summary of the projects
3 going on at the jail. Currently, there's
4 two projects that are in design. One is
5 for the 832 Building. The 832 Building
6 was recognized as having issues with
7 water infiltration. We brought on a
8 consultant, LIRO Engineering. LIRO
9 Engineering had finished their study. We
10 worked with the previous jail
11 administration, with the new
12 administration bringing on Acting Sheriff
13 Anthony LaRocca, we sat with him and
14 we've gone over a plan to put this
15 project out to bid. We are focusing on
16 the replacement of the roof, which also
17 requires a total rehab of all the
18 mechanical equipment that are in the
19 building. The Sheriff's Department was in
20 the process of replacing the HVAC units
21 on the roof. We've taken that away from
22 the Sheriff's staff and we're putting
23 that in this construction document.

24 Currently, because of the long lead
25 time to get mechanical equipment in the

1
2 market place, we are looking to pre-order
3 all the mechanical equipment. The final
4 specifications for that work is currently
5 under review by my office and the
6 Sheriff's Office. We expect that to go
7 out in January. That will be followed by
8 a complete bid package for the
9 replacement of the roof and the
10 installation of this equipment. Design
11 documents will be going out to bid
12 sometime in February. We are discussing
13 internally right now with the County
14 Attorney's office and my procurement
15 folks whether we can declare an emergency
16 to expedite this work, which will help us
17 get from bid package to notice to proceed
18 quicker. That is an ongoing conversation.
19 If that is the path we take, we expect to
20 be able to issue a notice to proceed some
21 time in April or May of '23. If we need
22 to go to the traditional path and bidding
23 the documents, we're probably talking
24 notice to proceed somewhere in October of
25 '23. In either case, the duration of the

1
2 contract will probably be somewhere
3 around 12 to 18 months. We're working on
4 those details as we speak. The estimate
5 for this work is in the eight to nine
6 million dollar range, but those final
7 estimates are being developed as we
8 speak. The current pending Capital Plan
9 includes the funding for this work.

10 The second project, which is being
11 designed by my inhouse staff, is
12 associated with B Building. We're
13 looking to replace the windows and
14 upgrade the lighting in the building.
15 That job has been delayed for design
16 because we've had trouble getting
17 specifications out of window
18 manufacturers because these are
19 specialized windows. We've overcome that
20 hurdle and we're currently putting the
21 final plan specs together. We expect to
22 have that done sometime in March or April
23 of 2023. Again, the duration for this
24 contract is probably in the 18 month
25 duration because of lead time for

1
2 equipment, but we'll finalize that as we
3 get to the final package. The estimate
4 for this work is five million dollars and
5 again we have included this funding to
6 make sure that it's in the pending
7 Capital Plan.

8 I'm here for any questions.

9 CHAIRWOMAN FORD: Thank you very
10 much. With the declaring of emergency --
11 I would consider the roof and this water
12 infiltration a definite emergency. Who
13 makes that decision as to determine if it
14 is or not?

15 COMMISSIONER ARNOLD: It's a
16 collective decision between the County
17 Attorney, Procurement and the Department.

18 CHAIRWOMAN FORD: I don't know as a
19 Committee I think that maybe we could
20 lend our voices because, ever since I
21 came into office, I know that we've
22 replaced the roof at one point, but since
23 we seem to keep having roof problems,
24 especially in the 832 Building, that I
25 think it's something that needs to be

1
2 addressed. I was out there on Monday just
3 to go around the grounds and I know it
4 was explained to me the water
5 infiltration, that it may be between the
6 top roof and the sub roof or something
7 like that, and I'm probably saying it
8 wrong. So there are some difficulties and
9 I think, Legislator Bynoe, I know you and
10 I were there just a couple of years ago
11 and we were told that this roof was going
12 to be started on then, and so here we
13 are.

14 So I think at this point I'm hoping
15 that if the Administration is listening,
16 that they understand that this needs to
17 have an emergency declared and that we
18 streamline this project. Because I know
19 that you've done a lot of work, a lot of
20 research on this, Commissioner. I'm sure
21 that you would agree with us that this
22 truly needs to be done in a very fast
23 fashion. All right.

24 When I went out with B Building, I
25 know that you're looking to replace the

1
2 windows and the lighting, and I
3 understand the constraints that you have
4 like trying to get the right measurements
5 and stuff like that. But one other issue
6 that came up and I know that it has been
7 discussed, was that on the outside of the
8 building, one portion of it, there is
9 like discoloration and there is a concern
10 that that could be mold. I believe,
11 though, that has it has been tested.

12 COMMISSIONER ARNOLD: Yes.

13 CHAIRWOMAN FORD: And it's proved not
14 to be so. Then the simple fix, I guess,
15 would be to wash the building.

16 COMMISSIONER ARNOLD: We're looking
17 at that to add to that contract.

18 CHAIRWOMAN FORD: And how long would
19 that take? I mean, is there any way to
20 expedite that? Because you know it's
21 scary to people.

22 COMMISSIONER ARNOLD: My staff is
23 telling me that without doing the window
24 work, if you power wash, we may actually
25 infiltrate water into the building. It

1
2 should be done as part of that work.

3 CHAIRWOMAN FORD: All right. My
4 other questions that I have is that with
5 the vehicles, it was my understanding
6 that we're still waiting on vehicles.
7 Does that fall under you or is that a
8 different department?

9 COMMISSIONER ARNOLD: On the capital
10 programming, there is \$4.4 in the pending
11 Capital Plan for vehicles for the
12 Sheriffs. If you remember, the amendment
13 that was passed in June of this year
14 included expediting the money that was in
15 the '22 plan that was not voted on. That
16 the amendment went through, but the bond
17 ordinance did not go through at that
18 time. So we are hopeful that the pending
19 Plan and bond ordinance once approved,
20 will have more than enough money for the
21 Sheriff vehicle needs.

22 CHAIRWOMAN FORD: And then we can
23 move forward on these projects as well as
24 the vehicles. Okay.

25 I know that when we were there last,

1
2 one of the issues, and I know that has
3 been brought up in the past, was the
4 issue of the locksmith that are at the
5 jail. That these locks are like a certain
6 design and you have to be trained. I
7 believe that we did send people down for
8 training. How many fully trained
9 locksmiths do we have currently at the
10 jail?

11 COMMISSIONER ARNOLD: I'd have to
12 defer to Corrections. I do not maintain
13 those buildings, all facilities
14 maintenance is done by corrections'
15 staff. My guys will assist on occasion,
16 but I would defer any questions on that
17 to them.

18 CHAIRWOMAN FORD: Thank you very
19 much for the clarification.

20 Over at the jail, a lot of the
21 routine maintenance not necessarily done
22 by your DPW people, but by civilians or
23 officers at the jail.

24 COMMISSIONER ARNOLD: They have
25 their own maintenance shops for all that

1
2 work.

3 CHAIRWOMAN FORD: All right. That's
4 all the questions I have.

5 Legislator DeRiggi-Whitton.

6 LEGISLATOR DERIGGI-WHITTON: Hi,
7 Kevin. How is the HVAC system at this
8 point?

9 COMMISSIONER ARNOLD: The 832
10 Building, Corrections has had replaced a
11 number of units. They were in the process
12 of replacing additional units. Different
13 parts of that building, they were going
14 to get that work done this winter.
15 Because of the roof project, it's not
16 efficient for them having a contractor
17 there and have me have a contractor
18 there. So we've taken that specification
19 that they were working towards and we're
20 incorporating into our project.

21 LEGISLATOR DERIGGI-WHITTON: So I
22 mean I also support the emergency status.
23 But let's say, for instance, it didn't
24 happen. What -- I know you're saying,
25 you're timeline. I know I understand

1
2 about the equipment being an issue, but
3 if you're hoping to start it in the
4 spring it sounds of '23; do you have any
5 any rough ideas to when all these
6 projects would be completed? Phase I and
7 Phase II and the HVAC?

8 COMMISSIONER ARNOLD: If we do not
9 declare an emergency, we're probably
10 talking in order to proceed in September
11 or October '23 and the completion
12 probably a little bit later than a year
13 because of ordering the equipment I'd
14 have to factor in. If I don't preorder
15 the equipment, the lead time on
16 mechanical equipment could be months. So
17 it all has to be worked in. If I preorder
18 the equipment and get that in front of
19 the bid, then that helps me. But that's
20 why the Department's recommending moving
21 as an emergency and because of the
22 condition of the building, of course. I
23 mean there are issues with water
24 infiltration.

25 LEGISLATOR DERIGGI-WHITTON: I know

1
2 there was a lot of money -- I believe it
3 was six million dollars for upgrades. Do
4 you hear about that?

5 COMMISSIONER ARNOLD: Currently, the
6 Capital Plan has an appropriation of like
7 eight million dollars.

8 LEGISLATOR DERIGGI-WHITTON: And we
9 we did six million, I think back in 2017.
10 Does that sound right? That we have we
11 have allocated funding. That's been like
12 my little pet peeve, like there's a lot
13 of money that's already been improved by
14 this Body that's that's there. I don't
15 know if you can use some of that money to
16 go ahead and pre-order.

17 COMMISSIONER ARNOLD: That's what
18 our intent is. Yes.

19 LEGISLATOR DERIGGI-WHITTON: It
20 doesn't have to go out for bond, it's
21 already all set.

22 COMMISSIONER ARNOLD: Currently,
23 Capital Project 51037 has available
24 appropriation of \$7.9 million.

25 LEGISLATOR DERIGGI-WHITTON: Okay.

1
2 So why don't we order the equipment from
3 that?

4 COMMISSIONER ARNOLD: Well, that's
5 that what our intent is. That's why we're
6 putting the packages together to go out
7 to be using that money.

8 LEGISLATOR DERIGGI-WHITTON: Right.
9 So you should be able to do that pretty
10 soon, right?

11 COMMISSIONER ARNOLD: Right, but the
12 two projects we're speaking of, 832 is \$8
13 million, and then the B Building is
14 another five. So the additional requests
15 in the Capital Plan will get us all the
16 money we need for both those projects
17 plus money for some unforeseen thing that
18 could come up at the jail.

19 LEGISLATOR DERIGGI-WHITTON: I
20 understand that, but I say let's go ahead
21 and order the equipment. We expect to
22 pass the Capital Plan.

23 COMMISSIONER ARNOLD: Well, we are
24 working towards that, regardless of the
25 Capital Plan.

1

2

LEGISLATOR DERIGGI-WHITTON: Right.

3

So let's do that, and then if we could do

4

it in an emergency way --

5

COMMISSIONER ARNOLD: There's the

6

timeline, the design, there's processes I

7

have to follow.

8

LEGISLATOR DERIGGI-WHITTON: But I'm

9

just saying, you just said before it

10

would. It would expedite things if we

11

could order the equipment. So do you see

12

any reason why we can't order the

13

equipment right now with that funding?

14

COMMISSIONER ARNOLD: All depends on

15

once we've done work with Procurement in

16

and the County Attorney's office on what

17

the declaration is, what the benefit of

18

pre ordering the equipment is. If

19

there's no emergency, then it may not be

20

worth preordering the equipment. So that

21

is what we're working on right now. I

22

expect we'll get there, but there is a

23

process I have to follow.

24

LEGISLATOR DERIGGI-WHITTON: I feel

25

foolish asking this question, but I think

1
2 we have to find out if the Legislature
3 can order an emergency. I don't think
4 anyone here from the County Attorney's
5 office would feel comfortable chiming in
6 on that. Probably not. All right. Let's
7 keep that conversation open as quickly as
8 possible.

9 COMMISSIONER ARNOLD: We're at the
10 point now that this has to be resolved
11 before the end of the year. That's where
12 I am with the --

13 LEGISLATOR DERIGGI-WHITTON: All
14 right. But you at least have enough
15 money, in your opinion, to order the
16 equipment with the prior bond?

17 COMMISSIONER ARNOLD: We will have
18 enough money to proceed with the project.

19 LEGISLATOR DERIGGI-WHITTON: So
20 let's do that and then once that's in the
21 Capital, we'll take it from there.

22 Just one last question: Do you
23 regularly check the air quality?

24 COMMISSIONER ARNOLD: We did have
25 our consultant go in and do air

1
2 monitoring in 832 a couple of months ago
3 when this first came up again and was
4 found to be acceptable.

5 LEGISLATOR DERIGGI-WHITTON:
6 Acceptable.

7 COMMISSIONER ARNOLD: There was some
8 follow-up that had to be done. I'm not
9 sure what the status of that is, but it
10 was found to be acceptable.

11 LEGISLATOR DERIGGI-WHITTON: Thank
12 you.

13 CHAIRWOMAN FORD: Legislator
14 Ferretti.

15 LEGISLATOR FERRETTI: Hey, Ken. How
16 are you doing?

17 COMMISSIONER ARNOLD: Good
18 afternoon.

19 LEGISLATOR FERRETTI: The last five
20 years working backwards, what capital
21 projects for the jail were passed and
22 what were actually completed?

23 COMMISSIONER ARNOLD: The jail is
24 unique in that it has one single capital
25 project that deals with all facility

1
2 needs, which is the master plan 51037.
3 Work done off the top of my head over the
4 last five years includes a couple of
5 million dollars on HVAC equipment for
6 832, we upgraded the Jail Visitors'
7 Center. Outside we put in a kiosk and an
8 area for people to wait so they're in the
9 weather conditions. We have the master
10 plan we were working on. And I think
11 we're currently working on the visiting
12 area in B Building to improve that
13 facility.

14 LEGISLATOR FERRETTI: Not the ones
15 you're currently working on, the ones
16 that were actually completed the last
17 five years.

18 COMMISSIONER ARNOLD: The last five
19 years it would be the the outside
20 visiting area so people can stage and not
21 wait in the weather. We've done the
22 master plan investigation and we've done
23 the had 832 preliminary investigation and
24 design and the HVAC work I mentioned.

25 LEGISLATOR FERRETTI: The one that's

1
2 complete is the visiting area.

3 COMMISSIONER ARNOLD: And the HVAC
4 work at 832 that was completed.
5 Replacement of existing units. I mean
6 there was some emergency work that was
7 done here and there using that capital
8 money. I believe sewer ejections had to
9 be replaced, but none of that was big
10 money.

11 LEGISLATOR FERRETTI: You had
12 mentioned earlier, there are currently
13 two projects that are under way. Can you
14 again tell us what they are?

15 COMMISSIONER ARNOLD: The first
16 project is the replacement of the roof
17 and mechanical equipment on the 832
18 building, and the second is the window
19 replacement and lighting upgrades for the
20 B building, and we're actually looking --
21 like Legislator Ford mentioned, we're
22 looking now the condition of the exterior
23 surfaces of that building also.

24 LEGISLATOR FERRETTI: When did both
25 of those projects begin?

1
2 COMMISSIONER ARNOLD: 832 building
3 we brought on LIRO the contract was
4 executed with LIRO, that RFP went out in
5 late 2019. Also, the one item I did miss
6 is we did do work on 832 Building to do
7 temporary interim repairs to the roof.
8 That was done in 2021 using our on-call
9 contractor. We spent a little over a
10 quarter million dollars doing remedial
11 repairs on that roof.

12 LEGISLATOR FERRETTI: Thank you.

13 LEGISLATOR BYNOE: Thank you,
14 Chairwoman Ford. Hi. Good afternoon,
15 Mr. Arnold. So there were some other
16 upgrades that were supposed to happen at
17 the jail, and so I'm just going to ask
18 you if you could give me an update based
19 on your best recollection. There were
20 supposed to be some patient equipment
21 upgrades?

22 COMMISSIONER ARNOLD: That's not
23 under my control. There was capital
24 funding approved. That was part of the
25 Medical Center taking on the medical

1
2 needs of that. That money was to be
3 handled by the Medical Center directly.
4 So I really have no update on where that
5 project is.

6 LEGISLATOR BYNOE: Is there somebody
7 here from the jail that can give us an
8 update on that?

9 DEPUTY COUNTY EXECUTIVE FOX:
10 Legislator Bynoe, Hi. Tatum Fox, Deputy
11 County Executive for Public Safety. Those
12 upgrades are part of the contract that we
13 have with NUMC. The term for NUMC is a
14 five-year term that goes until 2026 with
15 two 2-year renewals. So somewhere in the
16 term we have to address those upgrades
17 pursuant to the contract. I can get you
18 an update on that, absolutely. I just
19 don't have that specifically right as I
20 sit here now.

21 LEGISLATOR BYNOE: Can you remind me
22 when the contract was first indicated?
23 Yes, because I have a letter here that I
24 authored February 2019, regarding those
25 upgrades.

1
2 DEPUTY COUNTY EXECUTIVE FOX: So it
3 was commenced in 2017. Currently we're
4 under a term of 8/1/21 to 7/31/26.

5 LEGISLATOR BYNOE: So we didn't
6 think that between 2017 to where we are
7 sitting, currently, in 2022, that we
8 needed to make any of those upgrades.

9 DEPUTY COUNTY EXECUTIVE FOX: I'm
10 assuming there were plenty of
11 discussions. I just don't have that to
12 provide you right now.

13 LEGISLATOR BYNOE: I think we're all
14 going to need that. Because, in part of
15 of approving this contract, it was
16 because we understood that we'd have the
17 proper equipment to be able to provide
18 services and testing and everything else
19 that needed to happen at NUMC for those
20 inmates and keep them secured in a
21 specific space and relegated so that
22 they're not interfacing any harm to the
23 general public. And so it was our
24 understanding that was necessary and we
25 approved funding for all that to happen,

1
2 and it's --

3 DEPUTY COUNTY EXECUTIVE FOX: So I
4 can just shed a little light. We had
5 been doing a walk-thru with DPW and the
6 hospital during that time. When COVID
7 hit, they needed the area that was used
8 for inmates for cardiac treatment. There
9 is a medical term for it, forgive me. So
10 we had to reconfigure where inmates were
11 because of that reason and I don't
12 believe the hospital has yet decided that
13 they don't need that area still for
14 COVID. I have to get an update on that.

15 LEGISLATOR BYNOE: And so is that
16 going to be the same? Because that was
17 equipment. You're more so talking to me
18 about building upgrades.

19 DEPUTY COUNTY EXECUTIVE FOX: I'm
20 talking about location.

21 LEGISLATOR BYNOE: There was also
22 equipment that was supposed to --

23 DEPUTY COUNTY EXECUTIVE FOX: Right.
24 I know there were conversations, and
25 forgive me, about the MRI. I know there

1
2 were conversations about electronic
3 medical records and they have to -- I
4 just need to get refreshed on that for
5 you.

6 LEGISLATOR BYNOE: If you could
7 provide me with an update, along with
8 this full Committee, I think we all want
9 to know where we are in those endeavors.

10 In that same letter of 2019, I
11 inquired about sheriff vehicles. Where
12 are we?

13 DEPUTY COUNTY EXECUTIVE FOX: I
14 believe Commissioner Arnold addressed
15 that.

16 COMMISSIONER ARNOLD: Vehicles, back
17 June, the capital amendment that was
18 passed included, I believe, little over
19 two million dollars for sheriff vehicles.
20 Unfortunately, the bond ordinance did not
21 go through at that time. The current
22 pending capital plan that we are
23 finalizing has \$4.4 million of budget --

24 LEGISLATOR BYNOE: How much was
25 needed --I'm sorry, for the vehicles?

1
2 COMMISSIONER ARNOLD: What was
3 included was, I think, a little over two
4 million back in June. I have to double
5 check the exact number. Currently,
6 there's \$138,000 of appropriation
7 available for sheriff vehicles. Last
8 year, just before the amendment was
9 filed, they had expended all their
10 funding. That's why we filed the
11 amendment to include additional funding
12 because the 2022 plan did not go through.

13 LEGISLATOR BYNOE: When do we plan
14 for the 2022 plan to come to us? Because
15 that plan was filed and we should have
16 voted on it by now. It was filed, it was
17 re-filed and it was supposed to come to
18 this Body. I think it made it to
19 Committees and it never got the Full
20 Legislature.

21 COMMISSIONER ARNOLD: We are working
22 with both sides on the 2023 plan. That is
23 ongoing.

24 LEGISLATOR BYNOE: But what about
25 2022 plan?

1
2 COMMISSIONER ARNOLD: It's going to
3 be included as part of the 2023. Because
4 '22 is not acted on, it's going to be
5 2023 plan.

6 LEGISLATOR BYNOE: So when is that
7 coming? Because it already passed
8 Committees? Do you know anything about
9 that?

10 COMMISSIONER ARNOLD: Yes, and then
11 the hearing I think it was put in recess,
12 so I expect it to be called between now
13 and sometime in January.

14 LEGISLATOR BYNOE: And so what about
15 jail body scanners?

16 COMMISSIONER ARNOLD: Body scanners,
17 there's currently appropriation of half a
18 million dollars in the Capital Plan. I
19 can't speak to where they are in that
20 process of ordering equipment. I don't do
21 that.

22 LEGISLATOR BYNOE: Because, this is
23 again from a letter from 2019.

24 DEPUTY COUNTY EXECUTIVE FOX: It's
25 my understanding that there are two Tech

1
2 84 scanners in place.

3 LEGISLATOR BYNOE: So they were
4 installed.

5 DEPUTY COUNTY EXECUTIVE FOX: Yes.

6 LEGISLATOR BYNOE: Thank you. And
7 what about the phone system? Was that
8 installed?

9 DEPUTY COUNTY EXECUTIVE FOX: So
10 there is a contract with Securus. I
11 believe that has not been routed yet, but
12 we'll look back and see where that is in
13 the process. I believe it was awarded. I
14 just have to check with Procurement where
15 it's at.

16 LEGISLATOR BYNOE: What about the
17 installation of the CCTV equipment?

18 DEPUTY COUNTY EXECUTIVE FOX: With
19 the court?

20 LEGISLATOR BYNOE: Supposed to be at
21 the jail, installation of CCTV cameras
22 and monitors.

23 ACTING SHERIFF LAROCCA: We're in
24 the proces, trying to get the vendor to
25 install the cameras. The issue is that

1
2 wifi-type cameras may not operate with
3 all that concrete and steel. So they're
4 looking into how it would be hard-wired
5 to make it work properly.

6 LEGISLATOR BYNOE: But that should
7 have been all part of the spec when we
8 put it out for bid to determine whether
9 we were doing it --

10 DEPUTY COUNTY EXECUTIVE FOX: It
11 was, it took into account the facility.
12 Again, everything came to a screeching
13 halt. We're picking back up on all the
14 projects that -- we weren't letting
15 people in the jail during COVID.

16 LEGISLATOR BYNOE: But those cameras
17 help.

18 DEPUTY COUNTY EXECUTIVE FOX: We're
19 not debating the validity of the cameras.
20 I just want to be able to give you --

21 LEGISLATOR BYNOE: It helps capture
22 so much information. I mean to say that
23 we're not letting people in the jail and
24 and then be able to take a back seat. I
25 don't think it is appropriate. I'm left

1
2 to ask why? It's like everything is in
3 process, like why does it take so long?
4 Because even these vehicles, we'll talk
5 about it being 2022 capital money. This
6 is something that I was asking for
7 updates because they were part of plans
8 prior to 2020. They were part of plans
9 and that I was following up on from 2019.
10 February 4, 2019, I authored this letter
11 asking about every single bulleted item
12 that I just spoke to. And I'm a little at
13 a loss as to why we can't move projects
14 forward quicker, especially because we
15 know that you know we're talking about a
16 facility that should be secured. And so
17 phone system, CCTV, monitoring, you know
18 these are things that having secure areas
19 in the health facility, to making sure
20 that the equipment is there, so that we
21 do keep those inmates secured while
22 they're having to have these tests and
23 procedures.

24 All of these things, we cannot allow
25 them to be shelved. It's just critically

1
2 important that we move these forward. I
3 think there's a disconnect. It's clear
4 that you understand where these projects
5 sit sitting in the jail or they're
6 sitting at public works. But for us as a
7 Body, I don't think we really care where
8 they are. We just want them to be
9 streamlined and implement and completed.
10 And at the end of the day, if it sits all
11 in Public Works so we can get it all done
12 more timely so folks aren't stretched too
13 far within the jail framework to do and
14 we can get it done quicker, then that
15 might be something we need to consider
16 doing. But at the end of the day to have
17 these important projects sitting out
18 there where we as a Body have bonded for
19 these things and we haven't been able to
20 move them forward is concerning to me.

21 I just want to make sure I don't
22 have anything else. Could you tell me,
23 Commissioner Arnold, could you tell me
24 about what type of improvements were done
25 in the visitors area? What exactly was

1
2 done?

3 COMMISSIONER ARNOLD: So the outside
4 visitor area we put in shelter for people
5 so they're not standing in the rain.
6 Especially, I think the concern was if
7 people came by bus they had no place to
8 be until they were let into the building.
9 So there was a shelter that was built
10 outside. Currently, within the facility
11 in B Building. We are upgrading that
12 space working with the Sheriff facilities
13 people; new furniture, new roofing, new
14 lighting to make it more modern area to
15 meet the inmates.

16 LEGISLATOR BYNOE: So the sheltered
17 area, does it receive heat/AC and is it
18 ventilated?

19 COMMISSIONER ARNOLD: I know it
20 receives heat. I don't think it receives
21 AC. I know it has heating units in the
22 roof.

23 LEGISLATOR BYNOE: Then I wanted to
24 know, is it enclosed completely or is it
25 like a bus terminal?

1

2

COMMISSIONER ARNOLD: There's glass.

3

There's no door on it, but it's open I

4

think on two ends. It's been a while

5

since I've been there. It's glass

6

enclosed on both sides, but there is an

7

open area to come into it to get you out

8

of the wind and out of the rain.

9

DEPUTY COUNTY EXECUTIVE FOX: When

10

you go in, it censors and it will put

11

heat on; its temperature regulated.

12

LEGISLATOR BYNOE: And how many

13

people can be held in there?

14

COMMISSIONER ARNOLD: Over 20, I

15

believe. It's a fairly nice size, large

16

building.

17

LEGISLATOR BYNOE: Do we find that

18

people are typically -- is there an

19

overflow?

20

DEPUTY COUNTY EXECUTIVE FOX: People

21

are scheduling their visitation online

22

mostly now. It's convenient for them as

23

well to know that they have an

24

appointment they're getting in. They're

25

not waiting on line. We'll see now that

1
2 winter's here. I was there the other day
3 and people we're walking in and they just
4 went right into the 832 B Building
5 visitation.

6 LEGISLATOR BYNOE: We're going to
7 deal with visitation separate, but I just
8 have one other question regarding the
9 shelter. So it's like a bus shelter. They
10 walk in and it activates heat. So you
11 can stay dry, they can stay warm, but
12 what happens if they have to use the
13 restroom or something?

14 DEPUTY COUNTY EXECUTIVE FOX: They
15 can use it when they enter.

16 LEGISLATOR BYNOE: But what happens
17 if there is a delay? Somebody's taken the
18 bus there. They have a kid with them --

19 DEPUTY COUNTY EXECUTIVE FOX: They
20 could approach the gatehouse.

21 LEGISLATOR BYNOE: I had envisioned
22 when we talked about doing a visitor
23 center that we were going to have at
24 least a restroom facility for people to
25 be able to use the bathroom.

1
2 DEPUTY COUNTY EXECUTIVE FOX: Was
3 that part of the plan?

4 COMMISSIONER ARNOLD: Not to my
5 knowledge. I don't member needing to put
6 one in it. I know it was a shelter to
7 keep people out of the weather at that
8 time.

9 DEPUTY COUNTY EXECUTIVE FOX: Right.

10 LEGISLATOR BYNOE: I think we're
11 going to have to consider that. But I
12 want to talk about visitation, but we'll
13 do that after. Some of the concerns that
14 were raised earlier.

15 Also ducts being cleaned. I know you
16 did air quality check, but I know when we
17 were there the last time, like we could
18 visibly see dust particles hanging out of
19 the vents and stuff.

20 COMMISSIONER ARNOLD: That would be
21 a maintenance item for the Correction
22 Facility. That's not a capital
23 improvement.

24 LEGISLATOR BYNOE: Okay. You are
25 right. We're going to hold that for the

1
2 sheriff. Be ready, Sheriff.

3 CHAIRWOMAN FORD: Before we go to
4 Legislator Mule, I think just listening
5 and I can understand the exasperation on
6 the part of Legislator and the fact that
7 she wrote a letter in 2019 specifically
8 addressing some of the issues at the
9 jail. Obviously, your responses give
10 credence to the comments made by
11 President Brian Sullivan that obviously
12 the jail is a stepchild here in the
13 county and I think at this point it has
14 to stop.

15 And I'm going to ask because even
16 when you talk about the CCTV, I
17 understand the pandemic threw us all into
18 a tizzy. We couldn't meet, we couldn't
19 have people come in, but there are a lot
20 of Zoom meetings that could have been
21 held. And the fact is that we're waiting
22 whether or not, if the wireless is going
23 to work or not and if we should go to
24 wire -- that I believe, could have been
25 discussed on a Zoom call. You could have

1
2 paid attention to what we needed to do at
3 the jail.

4 So I'm going to ask: Are there
5 people in this county and the county
6 government, whether it's DPW,
7 Administration, whatever, that are going
8 to be solely responsible for following
9 through on all of the projects that we
10 need to have done at the jail and any of
11 the questions or any of the concerns that
12 are brought here by the legislators? We
13 need to have people dedicated and their
14 sole purpose right now of their jobs
15 would be to focus specifically on the
16 Capital Plan. Commissioner Arnold, I
17 know that you have always been on top of
18 this so it's nothing to be said about
19 you, but we need to start making this a
20 priority. Because as much as we love to
21 hear Brian speak, he's always very
22 interesting, but enough is enough.

23 The fact is that we have 780
24 correction officers that are there. Many
25 of them are our residents. All right. And

1
2 it's time that we start showing them
3 respect, because for 19 years we've been
4 talking about a lot of these issues and
5 for me it's little overdue. So I'm asking
6 all of you: Let us make this a priority,
7 because we are going to follow up and if
8 we have to have another hearing in
9 January to follow up and to make sure
10 that we've gone beyond thinking about it
11 to doing it, we will, because we are not
12 going to let go. Thank you.

13 Legislator Mule (applause).

14 LEGISLATGOR MULE: Thank you, Madam
15 Chair. Most of my questions have been
16 answered, but I do want some
17 clarification on the vehicles, because
18 President Sullivan for years had been
19 coming with poster boards and showing us
20 all of the vehicles that were not
21 operational or barely able to function.
22 If I understood you, Commissioner Arnold,
23 tell me if I'm understanding this
24 correctly. There was a pile of money that
25 authorized for the purchase of new

1
2 vehicles, and most of that, other than, I
3 think you said \$350,000, or something
4 like that, has been spent; is that
5 correct?

6 COMMISSIONER ARNOLD: I'm going to
7 surmise it this way because I do not have
8 the numbers in front of me: The 2021
9 Capital Plan and Bond Ordinance
10 appropriated funding for vehicles. That
11 money has been spent with the exception
12 of about \$130,000.

13 LEGISLATOR MULE: Okay. I need
14 someone to answer this question for me,
15 and it may not be Commissioner Arnold:
16 How many vehicles have been purchased,
17 and where are we in terms of the number
18 that need to be purchased? All together.
19 I'm not just talking about from that
20 capital project, because you said that
21 there's more that that need to be
22 purchased in the new bond request. So I
23 need to know how many have been purchased
24 and how many need to be purchased. Who
25 can answer that?

1
2 COMMISSIONER ARNOLD: For what was
3 purchased, I would defer to Corrections.
4 They would have the exact list. But I
5 will say that \$4.4 million is a
6 significant investment in vehicles for
7 sheriffs and that their ask was put in
8 totality into the Capital Plan. That's
9 pending.

10 LEGISLATGOR MULE: Is there someone
11 who can you answer that?

12 DEPUTY COUNTY EXECUTIVE FOX: The
13 specific vehicles, we can get you that
14 list of whatever was purchased.

15 LEGISLATOR WALKER: The second part
16 of that is just as important: What needs
17 to be purchased? How many need to be
18 purchased?

19 LEGISLATGOR MULE: All right. That's
20 all I have. Thank you.

21 CHAIRWOMAN FORD: Legislator Rhoads.

22 LEGISLATOR RHOADS: Just a couple of
23 follow-up questions, Commissioner Arnold.

24 Can you break down for us which
25 projects are being delayed as a result of

1
2 the failure of the 2022 bonding for the
3 Capital Plan?

4 COMMISSIONER ARNOLD: Currently,
5 only the purchase of vehicles.

6 LEGISLATOR RHOADS: So it's only the
7 purchase of vehicles?

8 COMMISSIONER ARNOLD: Right.

9 LEGISLATOR RHOADS: So the HVAC
10 contract was not part of the 2022 Capital
11 Plan?

12 COMMISSIONER ARNOLD: There is eight
13 million dollars in that capital project.
14 I probably need to touch more than that,
15 but I have not gone out the bid yet. So
16 right now I am not held up by that. My
17 plan is to go out the bid while we get
18 the current Capital Plan approved. I mean
19 in a month or two from now if we don't
20 have a Capital Plan, I might be saying a
21 different answer, but right now it's not
22 holding me up.

23 LEGISLATOR RHOADS: Right now it's
24 not, but in a month or two it will.

25 COMMISSIONER ARNOLD: Yes.

1
2 LEGISLATOR RHOADS: So I guess the
3 question becomes and it's vehicles, it's
4 the rest of the HVAC contract. How bout
5 the roof repair, is that being held up?

6 COMMISSIONER ARNOLD: HVAC and roof
7 are one in the same project for 832. All
8 the mechanicals sit on the roof. So I
9 cannot fix the roof without addressing
10 the mechanicals.

11 LEGISLATOR RHOADS: Okay. There's
12 some additional money for the roof repair
13 in the in the bond that's for the 2022
14 Capital Plan.

15 COMMISSIONER ARNOLD: My current
16 estimate of eight million includes both
17 the roof and HVAC equipment. They are one
18 in the same project.

19 LEGISLATOR RHOADS: You might need a
20 touch more and that ay come from the
21 Capital Bond. I guess the question is if
22 the Capital Bond were advanced do we have
23 the votes to pass the bonding for --

24 (Whereupon, off the record
25 discussion.)

1
2 LEGISLATOR DERIGGI-WHITTON: I'm
3 sorry. Ken, I know we've discussed this
4 on the record before, but the Treasurer's
5 Office reported there's \$174 million
6 dollars. That is DPW ready. Some of it is
7 PPU, I got it. But some of it isn't.

8 COMMISSIONER ARNOLD: All of it is
9 PPU.

10 LEGISLATOR DERIGGI-WHITTON: I
11 heard, not all of it.

12 COMMISSIONER ARNOLD: The only
13 funding that is available for the jail is
14 the money that I already mentioned, which
15 is 51037. All the capital projects are
16 project specific.

17 LEGISLATOR DERIGGI-WHITTON: Right.
18 And you don't have any that qualify for
19 these. I mean it just, it just bothers me
20 that we have \$174 million that we already
21 approved. How do we know that it's going
22 to be used? There must be some PPU
23 funding that we could use for the jail.

24 COMMISSIONER ARNOLD: An example, if
25 there is money associated with a One West

1
2 Street project that was terminated a long
3 time ago, that project is for One West
4 Street is not worded for the Jail.

5 During the Mangano Administration,
6 we had for a very short period of time an
7 agreement with the Legislature to approve
8 projects by program and not by project,
9 and so that would allow us if there was
10 left over money in a project when we
11 closed it out, to be utilized for
12 something similar. But that was a very
13 small window that we did that. Currently,
14 the older projects do not have that
15 capability of being used by project.

16 LEGISLATOR DERIGGI-WHITTON: And
17 enter the Mangano Administration also, I
18 believe we bonded a million dollars for
19 cars and we used all of that?

20 COMMISSIONER ARNOLD: Yeah.

21 LEGISLATOR DERIGGI-WHITTON: I was
22 just making sure. Is there a way to just
23 do a quick review or audit of some kind
24 to see if there's any PPU funding that
25 could be contributed to the Jail?

1
2 MR. PERSICH: Excuse me. Ken, just
3 let me elaborate a little bit further on
4 this. Local Finance Law prohibits us from
5 mixing and matching these projects. We
6 can't take One West Street and reallocate
7 it. We can't do it because we're
8 borrowing the money and the borrower is
9 saying you're bonding to specific
10 projects.

11 LEGISLATOR DERIGGI-WHITTON: My
12 question is for the PPU. There isn't any
13 money available for the Jail?

14 MR. PERSICH: I don't believe
15 there's any money left because since I
16 can recall, there was a window that we
17 did just PPU borrowing, meaning that we
18 we put sections of money into buckets,
19 for lack of a better thing, and we can
20 only use that an estimated use for life.
21 Then what happened, we ended up going to
22 a project specific type of borrowing
23 which prohibits us from doing certain
24 things.

25 LEGISLATOR DERIGGI-WHITTON: I

1
2 understand that. So what's the \$174
3 million? It's probably -- I mean this
4 ongoing projects. Remember, our capital
5 budget robust. Are you aware of it?

6 MR. PERSICH: Yes, I'm aware of it.

7 LEGISLATOR DERIGGI-WHITTON: Can you
8 send that to us?

9 MR. PERSICH: We'll see if we can
10 get you a list of the unspent, but
11 there's always going to be unspent bond
12 proceeds.

13 LEGISLATOR DERIGGI-WHITTON: This is
14 \$174 million, it's a lot. If it's
15 ongoing, great. In my opinion, we're
16 just talking about the delay with some of
17 these things. And I understand it's no
18 one's fault. I'm not saying any one's
19 fault, but we should be regularly
20 updated. Before you come and ask us to
21 bond for further money, I think we should
22 see where the money that we already
23 bonded for is and if it is all allocated
24 to projects, I mean it's supposed to be,
25 but it's been this number for a while in

1
2 the Treasurer's Office. We need to
3 follow up with that. And believe me, I'm
4 all in favor of bonding for the Capital
5 Plan. I'm not saying I'm not going to,
6 but what's going? Again, I know some
7 projects take a long time, but this is a
8 lot of money to have sitting there.

9 MR. PERSICH: Agreed, we will look
10 into getting you the list. The process
11 is not going to be like -- but I'm just
12 going to let you know the size of the
13 capital budget and programs that we have
14 out there, there's delays that occur. I
15 don't want to get into Ken's world, but
16 I'm just saying there are reasons that
17 there might be some unspent proceeds.

18 CHAIRWOMAN FORD: But we can have
19 the list. Where the money is allocated
20 and what the delays are, what's causing
21 the delays so we have a better
22 understanding. We'll follow-up.

23 MR. PERSICH: Okay.

24 CHAIRWOMAN FORD: Commissioner,
25 thank you very much, really predicate

1
2 your testimony and all the information
3 you shared with us.

4 CHAIRWOMAN FORD: Legislator Pilip.

5 LEGISLATOR PILIP: Commissioner, I
6 wanted to ask if the roof project would
7 be approved by emergency, how long it's
8 going to take you to finish the project
9 for the roof?

10 COMMISSIONER ARNOLD: If we declare
11 an emergency, I would hope to have notice
12 received by April of '23 and then I'm
13 assuming right now that this is a one
14 year construction period. I can't shorten
15 the direction of construction, so I would
16 hope to be done by April of '24.

17 LEGISLATOR PILIP: I see. Thank you.

18 I just want to say thank you to all
19 the correction officers for your hard
20 work and thank you for coming in front of
21 us to share with us your concern, and we
22 will review and we'll do our best at
23 least to accommodate some of the concern.
24 Thank you.

25 LEGISLATOR DERIGGI-WHITTON: Ken,

1
2 just before you leave, please see if you
3 can order that equipment. I do think
4 there's enough available bonding to do
5 that. I don't want to have it go through
6 an emergency and then we say we haven't
7 ordered the equipment yet. I feel that
8 coming.

9 COMMISSIONER ARNOLD: Understood.
10 Believe me, I'm working on trying to do
11 with that way.

12 LEGISLATOR DERIGGI-WHITTON: I know
13 you're so overworked and I appreciate
14 that, but let's put this again as an
15 emergency, but let's not delay it.

16 COMMISSIONER ARNOLD: The equipment
17 portion of the project, there's adequate
18 bonding right now to do that.

19 LEGISLATOR DERIGGI-WHITTON: So
20 let's do that.

21 COMMISSIONER ARNOLD: I'm worried
22 about the next contract.

23 LEGISLATOR DERIGGI-WHITTON: Don't
24 worry about that. Let's get what we can
25 get right now and then as soon as the

1
2 Administration sends down the Capital
3 Plan, we're ready.

4 CHAIRWOMAN FORD: Okay. This is it,
5 no other legislators, Commission Arnold.
6 I thank you very much.

7 All right, we're now on to civil
8 service portion of this and we have civil
9 service Commissioner, the Honorable
10 Carnell T. Foskey and Civil Service
11 Executive Director, Martha Krisel.

12 COMMISSIONER FOSKEY: Thank you. Good
13 afternoon. Civil Service role in this
14 process is basically we administer the
15 test, we established the list and after
16 that's done we vet the candidates to see
17 if they're qualified and from that list
18 of qualified candidates, that's actually
19 when the hiring process is available to
20 start; once we have an established list
21 of qualified candidates. Any question?

22 CHAIRWOMAN FORD: Thank you very
23 much. With the lists for the correction
24 officers, you are now currently working
25 off the lists that were established from

1
2 a test in 2020 and 2021?

3 COMMISSIONER FOSKEY: Yes, we're
4 currently working of a list where the
5 exam date was 2/2/2019, and the list was
6 established in September of 2021. That's
7 the list that we are working on and we
8 will be probably in January, will be
9 working with the test that was given on
10 February first. We'll be able to
11 establish that list, probably early next
12 year.

13 CHAIRWOMAN FORD: How many
14 candidates are on the current list to
15 choose from?

16 COMMISSIONER FOSKEY: The 2019 we
17 have remaining 28 remaining being
18 processed for the next class, 17 has
19 accepted conditional offers and 11 remain
20 eligible.

21 CHAIRWOMAN FORD: So that's
22 basically the only list that you could
23 you could draw from at this point because
24 it takes -- Once you take the test, you
25 have to go through civil service

1
2 requirement and going through the testing
3 and whatever points they might get living
4 here or --

5 COMMISSIONER FOSKEY: Correct.
6 We've already started doing that on the
7 next list too. We've already started the
8 background checks.

9 CHAIRWOMAN FORD: We have 17 that
10 are ready to go into the academy or that
11 he agreed to go through the process,
12 correct?

13 COMMISSIONER FOSKEY: Actually, we
14 hired 49 already from that list. Just so
15 we have a clear understanding: 900 people
16 actually were scheduled for the written
17 test and 710 passed. But then out of the
18 710 that passed, 500 failed to comply
19 with investigations. So that left us only
20 210 actually to choose from. So out of
21 that 210 we've already hired 49, and 45
22 withdrew out of that 210. So now what's
23 left is the original 49 we hired and 28
24 was being processed. But out of that 28,
25 17 accepted offers and we're waiting to

1
2 find out -- there are 11 more that are
3 eligible, but we don't know they're going
4 to accept the offer.

5 CHAIRWOMAN FORD: Out of the 49 you
6 said that we hired, how many withdrew?

7 COMMISSIONER FOSKEY: Withdrew?
8 Forty five withdrew from the original
9 210.

10 CHAIRWOMAN FORD: How many are now
11 correction officers out of the 49?

12 COMMISSIONER FOSKEY: There was
13 actually 49 were hired.

14 CHAIRWOMAN FORD: With this, how
15 many, how many people are are assigned to
16 work on hiring of the correction
17 officers? Do you have people that once
18 the test was given, now you're going to
19 compile a list and whatever, are there
20 people who are dedicated to this?

21 EXECUTIVE DIRECTOR KRISEL: So the
22 way I look at my office is that I have
23 different divisions. One of the divisions
24 is called Recruitment and Recruitment
25 includes Law Enforcement, and that

1
2 division is headed by a personnel
3 specialist, for who's been with us for
4 many, many years. She's extremely
5 capable. Her name is Michelle Hertz.
6 Michelle heads that particular division,
7 announcing the exam and dealing with New
8 York State to give us a date for the exam
9 and then getting the test results back.
10 At a certain point, Legislator Ford, the
11 dynamic switches from Recruitment to
12 another division and that's called
13 Placement. That's also headed by a
14 personnel specialist and they each have a
15 staff of about three or four people. But
16 just to be honest, you know that there's
17 50 county agencies, there's the hospital,
18 there's all the schools, all the
19 villages, 64 of them. So they're
20 establishing other lists as well. I don't
21 want to mislead you, but personnel
22 specialist Hertz particularly focuses on
23 the recruitment of law enforcement. She's
24 very well known to all the law
25 enforcement agencies.

1
2 So meanwhile, as it travels to
3 Placement, Placement starts to work more
4 directly as the interplay increases
5 between Placement and Corrections,
6 because now Corrections is requesting
7 candidates that can be vetted, that can
8 be interviewed. So there's an interplay
9 going on between Civil Service and the
10 Police Department because the corrections
11 officers are vetted through background
12 investigations through the Police
13 Department's Application Investigation
14 Unit and Civil Service and Corrections.
15 So the three agencies are all working
16 together. There's a tremendous amount of
17 back and forth, and Kathy Smith, who's
18 the personnel specialist for Replacement,
19 has another personnel specialist, Mark
20 Murray, and he really focuses extremely
21 heavily on corrections. Just to give you
22 the day-to-day of what we do.

23 CHAIRWOMAN FORD: So then we can
24 consistently take a look at this and vet
25 these candidates in a timely fashion. I

1
2 mean, is there at any time when it would
3 be suspended because of the hiring say in
4 a police department or in villages or,
5 you know, law enforcement in villages?

6 COMMISSIONER FOSKEY: No, because we
7 do it all at the same time. We actually
8 had one particular employee that's almost
9 dedicated to law enforcement there. I
10 talk to her frequently. A lot of the
11 things are the back and forth, documents.
12 So you could have downtime because the
13 candidate did not give the documents back
14 or we're waiting for fingerprint check
15 and then when it comes in, we gear up
16 again. So it's an ongoing process. Every
17 day at Civil Service there's probably
18 some type of law enforcement application
19 that's being considered by Civil Service
20 because the candidate will bring the
21 packet in and we go back and forth. But
22 there's one particular person there and
23 that's almost the only thing she does;
24 the facilitator.

25 CHAIRWOMAN FORD: All right. I know

1
2 that my sons went through Civil Service.
3 So I know on the other side when they had
4 get this information and then they got to
5 find it, transcripts. It's a lot of
6 stuff.

7 COMMISSIONER FOSKEY: Right. Past
8 employment, record of convictions. So
9 lots of times you're sitting back waiting
10 for those documents to come back in.

11 CHAIRWOMAN FORD: On the list that
12 you're going to be drawing from, I guess,
13 in January 2023 you believe, how many
14 qualified candidates do you have, meaning
15 how many people pass the test that would
16 be eligible?

17 COMMISSIONER FOSKEY: Okay. So 420
18 people were scheduled to take the written
19 test, 80 failed to appear for that test,
20 318 people passed that test, and out of
21 the 318 that passed, 250 of the 318
22 failed to comply with the investigation.
23 Either they did not appear or did not do
24 paperwork. So out of that exam we will
25 have 70 people to start vetting.

1
2 CHAIRWOMAN FORD: That's a little
3 dismal. My concern is that how are we
4 advertising or reaching out to the public
5 to entice them to com be a correction
6 officer? I mean it just seems odd that so
7 few people have taken this test.

8 EXECUTIVE DIRECTOR KRISSEL: Right.
9 So this is done in a lot of different
10 ways, but sometimes there are job fairs
11 and Civil Service will fully participate
12 in those job fairs. Recently, within the
13 last year I think it was, there was a job
14 fair, we had not been looped in. We
15 actually extended the application due
16 date so that it went after the job far,
17 and we did that deliberately because we
18 don't want to miss an opportunity.

19 COMMISSIONER FOSKEY: Plus, we've
20 done a couple of other things. The most
21 recent test that was given in June of
22 this year we expanded our outreach. What
23 I mean by that is that when you look at
24 the eligibility, at one point you used to
25 have to be to be appointed a resident of

1
2 Nassau County. So when we saw the numbers
3 going down, one thing that we did we
4 allowed people who reside in Queens and
5 Suffolk to start taking the test. And the
6 other thing we've done also, naturally,
7 is online restoration. You don't actually
8 have to go there, so we've made it easier
9 and the process simpler to apply for
10 correction officers.

11 CHAIRWOMAN FORD: All right. And how
12 long does it take to process an
13 applicant?

14 COMMISSIONER FOSKEY: It depends
15 because we just administer the test. The
16 test actually goes to New York State to
17 mark the exam. And once the exam comes
18 back from the State of New York we have
19 to look at it for Veterans points and
20 other eligibility point and so that
21 process could take a while. What we do
22 is we pre-qualify them. So when the exam
23 comes back and we give a packet to an
24 applicant and he doesn't bring it back
25 for six months, that's part of the delay

1
2 that takes time. And also we're doing
3 fingerprint checks, we're doing Federal
4 checks, we're doing State checks. So
5 you're sitting there waiting for that so
6 it could take it well over a year for the
7 comeback to establish a list.

8 LEGISLATOR FERRETTI: Hello, Martha
9 and Judge Foskey. Always to see both of
10 you.

11 COMMISSIONER FOSKEY: Good
12 afternoon. Thank you.

13 EXECUTIVE DIRECTOR KRISSEL: Thank
14 you.

15 LEGISLATOR FERRETTI: I just want to
16 make sure I understand some of the
17 numbers you just gave, Judge. So that
18 318, 250 failed to comply, so essentially
19 it's a list of 70. Is that the 2020 list
20 or the 2019?

21 COMMISSIONER FOSKEY: The 2020 list,
22 that was the test that we gave on
23 02/01/2020.

24 LEGISLATOR FERRETTI: That's the
25 most recent?

1
2 COMMISSIONER ARNOLD: There's
3 another test we gave on June 25th, 2022,
4 that test we have not gotten back.

5 LEGISLATOR FERRETTI: That was June
6 25th, 2022?

7 COMMISSIONER FOSKEY: Correct.

8 LEGISLATOR FERRETTI: So we don't
9 have the grades on those yet, so we
10 couldn't canvas that list if we wanted
11 to.

12 COMMISSIONER FOSKEY: No, there's
13 nothing we can do with that list.

14 LEGISLATOR FERRETTI: The 2020 list
15 is being canvassed?

16 COMMISSIONER FOSKEY: It will
17 canvassed probably in January, but we've
18 done other stuff. We've already started
19 doing background checks. Things like
20 that.

21 LEGISLATOR FERRETTI: All right, so
22 I'm not totally familiar, I was familiar
23 as years ago, but just bring me back. So
24 first you do the background checks. You
25 canvas after the background checks?

1
2 COMMISSIONER FOSKEY: Usually,
3 that's when we do it, afterwards.

4 EXECUTIVE DIRECTOR KRISEL: If you
5 want me to just take one minute,
6 Legislator Ferretti.

7 This is with every test, not just
8 law enforcement. Basically, the agency
9 requests an exam. We immediately transmit
10 that request to New York State, New York
11 State then has to schedule the exam. We
12 cannot, with extremely limited exceptions
13 not relevant to today's discussion. Then
14 we get the date from New York State and
15 we announce the exam and it's a very
16 technical announcement. It's very
17 strictly scrutinized by New York State.
18 But we have part of Recruitment, the
19 division I was describing earlier, does
20 those announcements and they do them
21 well. Once it's announced, candidates
22 begin to apply. And then I have yet a
23 different division, which I call
24 Qualifications, and that reviews
25 applications and it notifies candidates;

1
2 "Yes, you're eligible, you have the
3 requisite high school diploma", whatever
4 the requirements are. Then they we go
5 back to Recruitment who sends out exam
6 notices and the candidates begin to take
7 the written exams. Then those scores go
8 back up to New York State and New York
9 State grades them because, remember, it's
10 a New York State exam. It's been taken
11 statewide from Tioga County to Steuben
12 County, Nassau County, albeit with very
13 different populations and numbers signing
14 up, but still.

15 Once they provide the scores for the
16 for Corrections, Recruitment starts to
17 schedule the candidates for background
18 investigations, and those are the ones
19 that I referred to earlier that are
20 handled by Police Departments --

21 COMMISSIONER FOSKEY: What I said to
22 you earlier and you asked me the question
23 about background checks, so for that
24 examine that we're talking about, 2020,
25 the reason why we know that it started

1
2 because we've already sent things out and
3 out of that 318 that passed 250, failed
4 to comply with the investigation and did
5 not appear to say paperwork. So we've
6 already started that process and we'll
7 continue that process like that. So we're
8 far along with that.

9 LEGISLATOR FERRETTI: Understood. So
10 I guess now, what about the 2019 list?
11 Has that been fully canvassed?

12 COMMISSIONER FOSKEY: It's almost
13 over with.

14 EXECUTIVE DIRECTOR KRISEL: It's at
15 the tail end.

16 LEGISLATOR FERRETTI: So how many
17 are left on that?

18 COMMISSIONER FOSKEY: We're down
19 grade 70, which is lowest grade you can
20 get, so we're pretty much at the end of
21 that list.

22 EXECUTIVE DIRECTOR KRISEL: And just
23 to be clear of that, that was a 2019
24 exam, but the list is established in
25 2021. I just want you to have context

1
2 there. We're at the tail end of that one.

3 LEGISLATOR FERRETTI: So that 2019
4 exam was established in 2021.

5 EXECUTIVE DIRECTOR KRISSEL: Correct.

6 LEGISLATOR FERRETTI: When did it
7 begin to get canvassed?

8 EXECUTIVE DIRECTOR KRISSEL: It
9 begins to get canvassed -- once the list
10 is established, then we have to start to
11 do some background investigations because
12 we can't canvas people who will be
13 disqualified. Now the commission is --

14 LEGISLATOR FERRETTI: Hold on. Not
15 to interrupt you, but you just said
16 before, with the 2020 list we started
17 those background checks before.

18 COMMISSIONER FOSKEY: The packages
19 we started giving out. To request
20 information.

21 EXECUTIVE DIRECTOR KRISSEL: Before we
22 can do a background investigation, the
23 packages of information have to be --
24 there's a tremendous amount of paperwork.
25 They have to sign waivers permitting us to

1
2 look at records. They have to provide
3 transcripts, documents, whatever it is,
4 and sometimes people do not do that at
5 all, and then there will be no background
6 investigation. So that's why we lost the
7 batch of people even before the
8 background investigations began.

9 LEGISLATOR FERRETTI: The people
10 that are that are planned to be added. I
11 think it's what are the numbers 24 and
12 24, the one that we're planning on
13 bringing on?

14 EXECUTIVE DIRECTOR KRISEL: The 28
15 being processed for the January class,
16 they did everything right. They filed all
17 the paperwork -- -

18 LEGISLATOR FERRETTI: So it's 28?
19 Are they from the 2019 list?

20 EXECUTIVE DIRECTOR KRISEL: Yes.

21 COMMISSIONER FOSKEY: Yes.

22 LEGISLATOR FERRETTI: What was the
23 list before 2019? What year was it?

24 COMMISSIONER FOSKEY: 2016?

25 EXECUTIVE DIRECTOR KRISEL: Exam

1
2 date of '16, list established 2019.

3 LEGISLATOR FERRETTI: And that was
4 obviously exhausted at some point.

5 EXECUTIVE DIRECTOR KRISSEL: There's
6 one person on that list.

7 LEGISLATOR FERRETTI: Now do we have
8 to go back to them and canvass them
9 before.

10 EXECUTIVE DIRECTOR KRISSEL: There's
11 one left. It's slated to expire. It
12 becomes a non select you don't have to.
13 You don't have to take the person and the
14 person may not be interested.

15 LEGISLATOR FERRETTI: So just to
16 just to wrap it up, the 2020 list will be
17 canvassed in January.

18 COMMISSIONER FOSKEY: That's when we
19 hope to start. We can canvass more than
20 one list at a time. We can do two, and
21 that's what we'll be doing.

22 LEGISLATOR FERRETTI: The '19, list
23 how many are left?

24 EXECUTIVE DIRECTOR KRISSEL: The list
25 that was established in '19, which is

1
2 expiring in February of 2023, there's one
3 person left. The test that was given in
4 2019, established 2021, there are 28
5 currently being processed for the January
6 class, and that, I believe, exhausts that
7 list.

8 LEGISLATOR FERRETTI: 2019.

9 EXECUTIVE DIRECTOR KRISEL: The list
10 established in 2021.

11 LEGISLATOR FERRETTI: I call it the
12 '19. So we got '16, '19 and '20; '16
13 will have one, '19 will be exhausted, '20
14 will have 68 or 70. So out of that 68 or
15 70, how many get canvas out of that in
16 January of 2023?

17 EXECUTIVE DIRECTOR KRISEL: Are we
18 now on the 2020 not yet established list?

19 LEGISLATOR FERRETTI: Yeah. The
20 2019 list is going to gone.

21 COMMISSIONER FOSKEY: Seventy are
22 going to start processing.

23 LEGISLATOR FERRETTI: And those 70
24 have passed a background checks, right?

25 COMMISSIONER FOSKEY: Not fully, not

1
2 fully. They're on their way, not
3 necessarily passing. They're on the way
4 to provide the documents that we need to
5 make the evaluation.

6 LEGISLATOR FERRETTI: We sent out
7 the paperwork?

8 COMMISSIONER FOSKEY: Either they
9 picked it up or we asked them to come to
10 pick it up.

11 LEGISLATOR FERRETTI: Based on your
12 experience, how many actually generally
13 pass the background checks; is it half, a
14 third?

15 COMMISSIONER FOSKEY: Can't really
16 say, it's different with each --

17 EXECUTIVE DIRECTOR KRISEL: But in
18 terms of people who are ultimately
19 approved and interested, because,
20 remember, you can pass a background
21 investigation with flying colors, but you
22 could then be contacted by Corrections to
23 come in for an interview at which point
24 Corrections can make a conditional offer
25 of employment and you can decline at at

1
2 any point, and this is with every single
3 Civil Service examination. At any point
4 you can, you can be working for the New
5 York state trooper --

6 LEGISLATOR FERRETTI: Decline the
7 offer.

8 COMMISSIONER FOSKEY: Or could be in
9 the military and went away.

10 EXECUTIVE DIRECTOR KRISSEL: Could be
11 1,000 things.

12 LEGISLATOR FERRETTI: Thank you,
13 both.

14 CHAIRWOMAN FORD: Legislator Rhoads.

15 LEGISLATOR RHOADS: Executive
16 Director, Judge, how are you?

17 COMMISSIONER FOSKEY: Fine.

18 LEGISLATOR RHOADS: Am I correct in
19 my understanding that the applicant would
20 have to -- separate from taking the test
21 -- the applicant would have to consent to
22 allowing a background check to be done?

23 EXECUTIVE DIRECTOR KRISSEL: They
24 fill out paperwork that allows that
25 allows access to, for example, a criminal

1
2 record, to employment, so that you can
3 contact a previous employer, all of which
4 are the ingredients in the background
5 investigation prepared by police, AIU,
6 the Applicant Investigation Unit. They're
7 signing a series of waivers along the
8 way.

9 COMMISSIONER FOSKEY: And sometimes
10 it's medical also.

11 LEGISLATOR RHOADS: My
12 understanding, though, is that those
13 waivers would be signed once they're
14 contacted after the test has been taken,
15 graded --

16 COMMISSIONER FOSKEY: After they
17 passed the test.

18 EXECUTIVE DIRECTOR KRISEL: After
19 they pass the test.

20 LEGISLATOR RHOADS: Would it not be,
21 and is there a reason why, and I
22 understand it's the State that does this,
23 is there a reason why, when you're when
24 you're signing up for the test, why those
25 waves aren't signed as a condition to

1
2 sitting for the tests so that once the
3 list is established and the test is
4 graded, you don't have to wait for them
5 to send back more paperwork.

6 EXECUTIVE DIRECTOR KRISEL: There
7 there is some initial paperwork, because
8 there's the application itself and that
9 is what goes to my Qualifications
10 Division, so that it can make sure that
11 you qualify, just like for any other
12 exam. So you're already signing a
13 document that you're attesting to the
14 accuracy of the information you're
15 provided. You're revealing any kind of a
16 conviction. There would be that type of
17 work done. It's an interesting question,
18 Legislator, and I'm not sure that there's
19 any impediment to doing that, and I will
20 speak with both Qualifications and
21 Recruitment as to whether that has come
22 up before. We can look into that.

23 COMMISSIONER FOSKEY: We can look
24 into that.

25 LEGISLATOR RHOADS: If you wouldn't

1
2 mind, I'd be curious what the answer is
3 and perhaps there's something we can do
4 to move that along. From the time that
5 the test is taken to the time that the
6 list that you actually can act on, it is
7 a period of two and sometimes three
8 years, anyway we can shorten that
9 process.

10 EXECUTIVE DIRECTOR KRISSEL: I
11 understand your question. Thank you.

12 LEGISLATOR RHOADS: I appreciate it.
13 Thanks.

14 CHAIRWOMAN FORD: Legislator Bynoe.

15 LEGISLATOR BYNOE: Good afternoon,
16 Judge Foskey and Ms. Krisel, good to see
17 you both.

18 To Legislator Rhoads' question, as
19 you look at that, you'd have to see if
20 there is a shelf life. It has been my
21 experience that when you sign those
22 consent forms that they're usually for a
23 one year period, but in this particular
24 case there might be an opportunity to
25 extend it beyond that one year period.

1
2 So I have a question regarding Civil
3 Service and the role you play in terms of
4 looking at Nassau as it compares to maybe
5 Suffolk. For instance, Judge Foskey said
6 we felt like we were limiting our our
7 pool by not allowing Queens and Suffolk
8 to be able to apply for jobs here in
9 Nassau. Have we looked at maybe other
10 jurisdictions to determine if there is
11 any other elements of eligibility that we
12 might need to tinker with in comparison?

13 COMMISSIONER FOSKEY: No, because
14 it's not always apples to apples. That's
15 the problem we have. So that's why we
16 haven't really looked at surrounding
17 jurisdictions to see what they're doing.
18 We're more than happy to look at it
19 provided we know what we're looking for
20 in those jurisdictions. Because we don't
21 know whether they're having similar
22 problems or not. Sometimes, as you know,
23 you find out you're actually doing
24 something better, the right way. But
25 we're not adverse to looking. We'll take

1
2 your comments and were more than happy to
3 look at that.

4 LEGISLATOR BYNOE: It's just it
5 makes sense. I would like if we did that.

6 COMMISSIONER FOSKEY: We're glad to
7 look into it.

8 LEGISLATOR BYNOE: And that would
9 extend beyond Civil Service.

10 COMMISSIONER FOSKEY: Correct,
11 correct.

12 LEGISLATOR BYNOE: I'm just saying,
13 I suspect the pay is a major element to
14 keep the attention of those individuals
15 who are on the list and have them maybe
16 leave other opportunities to come and
17 join us. And so you know, beyond what you
18 do at Civil Service, I know the CBA
19 determines how we move with that, but
20 just putting that out there.

21 COMMISSIONER FOSKEY: Correct.

22 LEGISLATOR BYNOE: Thank you.

23 COMMISSIONER FOSKEY: Thank you very
24 much.

25 CHAIRWOMAN FORD: Thank you

1
2 Honorable Foskey and Executive Director
3 Krisel. I appreciate you being here
4 today. Appreciate your testimony and
5 information.

6 Moving right along. We're now going
7 on to Deputy County Executive Tatum Fox,
8 Acting Sheriff, Anthony LaRocca and Andy
9 we will include you in on that too.

10 DEPUTY COUNTY EXECUTIVE FOX: Thank
11 you, Chairwoman Ford and legislators.

12 So Brian Sullivan stated: We need to
13 devise a path forward and we couldn't
14 agree more. Previously, there was no
15 path, no momentum. The infrastructure,
16 the fleet, the staffing, the promotions
17 to this Legislative Body's point today,
18 that languished since 2019. So that path
19 forward is focused on three foundations:

20 First being correction officer
21 safety; next, keeping the community
22 secure; as well the humane treatment of
23 inmates.

24 We recognize the extremely difficult
25 work that the correction officers do day

1
2 and night. As previously stated in
3 November, the focus is on management,
4 safe management. And to that point,
5 regarding overtime and our duty to the
6 taxpayers to manage, I refer to Office of
7 Legislative Budget Review's report to
8 this body dated December 13th, 2022 and I
9 request that be made part of the record.
10 We have copies if you need. There is a
11 table on the bottom of page two and for
12 the first time since 2015 -- this report
13 goes back to 2015 to date -- that chart
14 shows that the County was not keeping up
15 with attrition. The 2022 projected on
16 board for the first time we have hired
17 plus two over attrition to date. And in
18 the next 2023 budget, we plan to keep on
19 hiring. We want to be ahead of attrition.

20 I also draw your attention to Table
21 1.0 on the top of page two. That
22 illustrates inmate population, staff head
23 count and overtime. Currently, the
24 overtime is projected to be 30,111,408.
25 Again, we have a duty to manage and

1
2 manage safely.

3 The mandated posts are all in
4 security inmate housing. Those posts are
5 not changed except potentially to add, if
6 we have a one-to-one observation
7 situation.

8 Staffing is full staffing once you
9 open an secure inmate housing area,
10 whether there are five inmates or you're
11 full capacity, we're fully staffed.

12 In these inmate housing areas we
13 have a minimum staffing requirement by
14 the State Commission of Corrections. We
15 can go over that, but we cannot go below
16 that and we never do.

17 Some examples of redeployments:

18 - There were officers that work 4 to
19 12. The jail is locked down at 10 PM. So
20 the officers in such units, ancillary
21 units as they go by, not housing units,
22 in medical operations, were redeployed to
23 the security area between the hours of 10
24 p.m. and 12 p.m. to relieve correction
25 officers on overtime. So they would be

1
2 relieved at 10 and go home two hours
3 early and the correction officer in the
4 ancillary unit on straight time would
5 relieve the overtime officer. That's
6 management. We did not cut a security
7 inmate housing post.

8 - 57 promotions, all supervision
9 spots are now filled. That was a big
10 overtime driver because your supervisor's
11 rate of pay is higher. So you're paying
12 the more expensive overtime. Fill the
13 spots and that's exactly what the
14 administration did.

15 And as far as violating seniority.
16 There are certain specialized units, such
17 as gang or canine, and we're guided by
18 the Memorandum of Agreement dated
19 12/21/17 that states, "insofar as
20 practical and consistent with the needs
21 of the Department, seniority shall
22 prevail for all job postings assignments,
23 provided that the applicants under
24 consideration have essentially equal
25 ability and adaptability to perform the

1
2 duties of the position". So, for
3 instance, postings would go out, but in
4 some instances the sheriff would decide
5 when someone's promoted. Normally they
6 will be transferred. But in specialized
7 units where you have training in gangs,
8 it's the managerial prerogative of the
9 sheriff to say I'm going to take that
10 sergeant who is now a lieutenant and have
11 them stay there based upon this MOA.

12 So I'm happy to answer any of your
13 questions. Again, we're here to manage.
14 Safety comes first. That is paramount and
15 we welcome an open dialogue with the
16 Union and with your body to quell any
17 concerns you may have.

18 CHAIRWOMAN FORD: Thank you very
19 much, and I'm glad that you share the
20 concerns that we have in regard to safety
21 for the offices as well as the inmates
22 there and actually the surrounding
23 neighborhood too. Because we have homes
24 that are quite close to the jail.

25 The specialized units, I know that

1
2 Brian Sullivan brought out that we have
3 these units that are designed not to be
4 on patrol or to be in with the inmates.
5 They provide other services that will
6 also help the correction officers that
7 are there. What are those units and are
8 they fully staffed and what are their
9 hours of operation?

10 DEPUTY COUNTY EXECUTIVE FOX: So
11 I'll defer to the Sheriff on some of
12 that. But Human Resources, Gang, Canine
13 so meaning if a person is out they're not
14 backfill in those units, unlike there's
15 ancillary units, not specialized,
16 ancillary units where they will, such as
17 transportation, visiting and rehab, where
18 backfill, they are moved around
19 interchangeably, depending on the day and
20 the needs, and then the mandated post, as
21 I stated, is security inmate housing. As
22 for the hours and and the tours and
23 platoons, and I would defer to the
24 Department.

25 CHAIRWOMAN FORD: So you said you

1
2 have the one unit that that ended at 10;
3 is that the medical?

4 DEPUTY COUNTY EXECUTIVE FOX: Yes.

5 CHAIRWOMAN FORD: Okay, so there's
6 no officers, nobody's assigned to the
7 medical because it's closed at 10?

8 DEPUTY COUNTY EXECUTIVE FOX:
9 Correct.

10 CHAIRWOMAN FORD: What happens if
11 all of a sudden an inmate at 12 o'clock
12 or 11 o'clock has a heart attack?

13 DEPUTY COUNTY EXECUTIVE FOX: Well,
14 medical is there. I'm talking about a
15 correction officer. People go to bed.
16 That's when --

17 CHAIRWOMAN FORD: But not everybody
18 stays in bed. I mean come on. We know
19 that if you have people in the medical
20 unit -- I'm not a correction officer, so
21 I'm just going to say that I think the
22 offices that are there in the Medical
23 Unit are there because the inmates may be
24 up seeing a doctor, getting medication,
25 or doing something like that; am I

1
2 correct?

3 DEPUTY COUNTY EXECUTIVE FOX: If
4 there's a situation like that in that
5 night, they wouldn't be redeployed, but
6 if there's nothing, then they would be.

7 CHAIRWOMAN FORD: But I'm saying if
8 they, if they leave at 10 to relieve
9 officers in the inmate population, so
10 now, so 10 o'clock, they're gone. You
11 have your medical personnel working. Are
12 any correction officers left to stay with
13 the medical personnel in the medical
14 unit? Are they all taken out?

15 DEPUTY COUNTY EXECUTIVE FOX: It's
16 my understanding that they are all
17 redeployed, except if there's an instance
18 where they'll be kept there for a reason
19 like you stated.

20 CHAIRWOMAN FORD: But if we talk
21 about then the safety of the officers and
22 the inmate and especially for the medical
23 personnel, this seems to fly in the face
24 of that statement, because we are talking
25 about because there are inmates that are

1
2 that are in that medical area, correct?
3 I mean you may have inmates -- I've
4 toured there -- but they could have COVID
5 or maybe they have the flu, or maybe they
6 have a stomach virus, or something like
7 that. They are there with a nurse and a
8 doctor, whoever else is there.

9 DEPUTY COUNTY EXECUTIVE FOX: I
10 misspoke, I don't believe all of the COs
11 in medical are redeployed.

12 CHAIRWOMAN FORD: All right. Well,
13 that's something I'd like to know and
14 maybe we could get a correction or
15 clarification.

16 Because my concern is when you do
17 redeploy, we're under the assumption that
18 everything will be fine, you know, but it
19 isn't always necessary.

20 DEPUTY COUNTY EXECUTIVE FOX: It's
21 not automatic, and I apologize, we can
22 clarify that.

23 CHAIRWOMAN FORD: We ask the
24 Sheriff, maybe he could give us
25 clarification on that with the medical.

1
2 Are all of the correction officers that
3 are assigned to the medical unit at 10
4 PM, do they all leave and be redeployed
5 to cover correction officer that go home
6 because they're on overtime to go to the
7 inmate population?

8 ACTING SHERIFF LAROCCA: It's
9 staffed 24 hours. Some of the ancillary
10 units as you heard from Deputy County
11 Executive Tatum are moved around to
12 alleviated some of the overtime,
13 temporarily. They're not kept there and
14 they've moved back to their ancillary
15 units when not necessary. So I would say
16 that, you're asking the question: Does
17 medical still stay staffed? Yes, it
18 does.

19 CHAIRWOMAN FORD: So if you move
20 correction officers at 10 PM from the
21 medical unit, because you are. That was
22 a statement that was made. They are
23 moved. Now you're going to cut down on
24 overtime. Say you have 10 officers that
25 are going to be relieved. So that's 20

1
2 hours of overtime. So that's it. And
3 every day you're going to do that. But
4 then you're saying that they don't stay
5 there, they go back. Why would they?
6 But I thought you had to keep them there
7 because the inmate population, you were
8 required to keep a certain number of
9 correction officers in where the housing
10 unit with the inmates.

11 ACTING SHERIFF LAROCCA: Security is
12 never cut. They replace meal release,
13 things of that matter, but then they also
14 returned to the ancillary positions when
15 not necessary. Security is never cut.
16 The amount of correction officers we have
17 in security positions are not affected by
18 this.

19 CHAIRWOMAN FORD: All right. But
20 I'm asking about, like you know, like say
21 with medical and I'm not familiar with
22 all the different --

23 DEPUTY COUNTY EXECUTIVE FOX: I
24 apologize. I caused this confusion. I
25 want to clarify, I did cause this

1
2 confusion: Medical is 24/7, with
3 correction officers. Some may be
4 redeployed for that 10 to 12 that I
5 discussed.

6 CHAIRWOMAN FORD: But why would
7 deploy them if you have people there that
8 are with the nurses and the doctors, or
9 who they are?

10 DEPUTY COUNTY EXECUTIVE FOX:
11 Medical at that point is emergencies,
12 only. There's no appointments.

13 CHAIRWOMAN FORD: Do we keep nurses
14 and doctors -- are they there 24 hours a
15 day at the jail for medical?

16 DEPUTY COUNTY EXECUTIVE FOX: Yes.

17 CHAIRWOMAN FORD: So they are there.
18 Those civilians are there.

19 DEPUTY COUNTY EXECUTIVE FOX:
20 Correct. With correction officers.

21 CHAIRWOMAN FORD: Okay. So how many
22 correction officers then are assigned to
23 stay in the medical 24 hours a day?

24 DEPUTY COUNTY EXECUTIVE FOX: That
25 varies per day, but we can get back to

1
2 you with what the staffing amount is.

3 CHAIRWOMAN FORD: That would be good
4 to know only because with medical we're
5 assuming that at 10 o'clock or 11 o'clock
6 everybody who's an inmate is going to
7 stay in bed and then report in the
8 morning to the doctor to say that they
9 are sick. Or you know, the people who are
10 in medical are going to stay asleep.

11 DEPUTY COUNTY EXECUTIVE FOX: Right.
12 If there was an emergency, they'd be
13 taken to medical.

14 CHAIRWOMAN FORD: That is something
15 I'd like to look at, because I think that
16 that you know does pose a risk, not only
17 for the correction officers that are left
18 behind, the inmates that are there, as
19 well as the civilian doctors and nurses.

20 DEPUTY COUNTY EXECUTIVE FOX: The
21 Sheriff's Emergency Response Team is four
22 to 12 as well.

23 CHAIRWOMAN FORD: That's the SERT?

24 DEPUTY COUNTY EXECUTIVE FOX:
25 Correct.

1
2 CHAIRWOMAN FORD: That's fully
3 complemented now, right?

4 DEPUTY COUNTY EXECUTIVE FOX: Yes.

5 CHAIRWOMAN FORD: So how many secure
6 and non secure positions do you have in
7 the jail?

8 DEPUTY COUNTY EXECUTIVE FOX: I
9 believe it's pretty much 50/50, but I
10 don't have a breakdown.

11 CHAIRWOMAN FORD: Sheriff, can you
12 enlighten us on the breakdown of the
13 secure and non secure?

14 ACTING SHERIFF LAROCCA: I can get
15 those numbers for you. I don't have them
16 at this moment.

17 CHAIRWOMAN FORD: I would appreciate
18 it. We did plan on this hearing. I felt
19 we gave you ample time. We will expect
20 those answers.

21 DEPUTY COUNTY EXECUTIVE FOX:
22 Legislator Ford, if you are going to be
23 asking questions of me and the Sheriff,
24 the Sheriff did just want to make a brief
25 statement, if you would allow him that

1
2 opportunity.

3 CHAIRWOMAN FORD: All right. Thank
4 you very much. I apologize if I --

5 ACTING SHERIFF LAROCCA: No problem.

6 I have prepared this written
7 statement that I would like to read to
8 you that may answer many of your
9 questions and concerns, and after I do, I
10 will gladly field any questions that I
11 have not answered to your satisfaction.

12 I took control of the Sheriff's
13 Department on September sixth of this
14 year and in that short period of time,
15 have fully embraced my responsibilities.
16 A little over two months ago, I appeared
17 before you here today and made it very
18 clear that I would never sacrifice the
19 safety or security of our correctional
20 center, which in doing so would create an
21 adverse effect and jeopardize the safety
22 of either our staff or the inmates alike.
23 So please let me reiterate that our
24 mission has not changed.

25 With the full support and commitment

1
2 of our county executive, w have enlisted
3 47 new correction officers and lost 45
4 correction officers through attrition,
5 and I am glad to announce this has been
6 the first time in many years that we can
7 keep up with the loss of office from year
8 to date. Also, we are moving forward,
9 hiring additional officers in the near
10 future.

11 In closing, with the full support of
12 our county executive, we will achieve our
13 goals in the near future, which I believe
14 will satisfy all the concerns that have
15 been brought to our attention. Thank you.

16 CHAIRWOMAN FORD: Thank you very
17 much.

18 So the State does require a certain
19 number of correction officers, is it
20 specifically in the housing units or
21 everywhere through the jail?

22 DEPUTY COUNTY EXECUTIVE FOX: It's
23 Specifically in the housing.

24 CHAIRWOMAN FORD: You have currently
25 740 correction officers, correct? How

1
2 many of those officers are out on
3 medical?

4 MR. PERSICH: I don't have the exact
5 number, but I'll go with a range between
6 20 and 30 I think is the number that are
7 out on, whether it be Worker's Comp or
8 paid leave or something else. I think
9 it's somewhere in that range.

10 CHAIRWOMAN FORD: So then actually
11 at times might even be down to 710
12 correction officers, correct?

13 MR. PERSICH: (Nodding).

14 CHAIRWOMAN FORD: Do they all work
15 within the confines of the jail, or do
16 correction officers go elsewhere to work?
17 I mean, is there like the other posts
18 that they have demand?

19 ACTING SHERIFF LAROCCA: At times,
20 there are hospital post at NUMC.

21 CHAIRWOMAN FORD: When the inmate is
22 sent to the hospital, how many correction
23 officers go with the inmate?

24 ACTING SHERIFF LAROCCA: I believe
25 two.

1
2 CHAIRWOMAN FORD: And they stay at
3 all times, correct.

4 DEPUTY COUNTY EXECUTIVE FOX: And
5 that there's an MOA that sets forth the
6 staffing requirements per inmate in the
7 hospital.

8 CHAIRWOMAN FORD: It's two per
9 inmate, right. You can't have it like if
10 you have four inmates, you don't have two
11 correction officers?

12 DEPUTY COUNTY EXECUTIVE FOX: It
13 goes up, it's staggered; one inmate, two
14 officers. By the time you get a third
15 inmate, you need a supervisor, you need
16 another CO and graduates up.

17 CHAIRWOMAN FORD: So those personnel
18 are removed from the actual jail and
19 they're in a separate building away from
20 what's happening within the confines of
21 the Nassau County Jail?

22 DEPUTY COUNTY EXECUTIVE FOX:
23 Correct.

24 CHAIRWOMAN FORD: I'm going to have
25 other questions, but I want to give

1
2 opportunities to Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: Thank
5 you, sheriff. If you could do me a favor
6 and just explain what the role of Mr.
7 Sposato is -- is Mr. Sposato here today?

8 ACTING SHERIFF LAROCCA: No, he's
9 not.

10 LEGISLATOR DERIGGI-WHITTON: Do you
11 know why?

12 DEPUTY COUNTY EXECUTIVE FOX:
13 Because he's not the sheriff.

14 LEGISLATOR DERIGGI-WHITTON: All
15 right. Can you explain what his role is?

16 ACTING SHERIFF LAROCCA: Sure. The
17 commissioner corrections role, as per
18 county charter, is he is the head of the
19 correctional center and is responsible
20 for the care, custody of the inmates as
21 per my direction. That's pretty much it.

22 LEGISLATOR DERIGGI-WHITTON: Is he
23 going to be in charge of any type of
24 accounting or financial responsibilities?

25 ACTING SHERIFF LAROCCA: Staffing?

1
2 Well, yes, staffing.

3 LEGISLATOR DERIGGI-WHITTON: So is
4 he going to be accountable for monitoring
5 overtime as I've read in the papers?

6 ACTING SHERIFF LAROCCA: Both of us
7 together will monitor the overtime and
8 staffing.

9 LEGISLATOR DERIGGI-WHITTON: Do you
10 see any type of inherent conflict of
11 someone who is supposed to be in charge
12 taking care of the staff and running the
13 facility correctly, with also being
14 charged with the idea of being in charge
15 of controlling overtime?

16 ACTING SHERIFF LAROCCA: No, I
17 don't. There's no problem with that at
18 all. Actually, it's good management. We
19 have many levels of management and, being
20 the head of the department, all the
21 policies either brought forth to me from
22 the Commission of Corrections. I review
23 and, upon my approval, they will be
24 implemented.

25 LEGISLATOR DERIGGI-WHITTON: Because

1
2 you know that's interesting. I was just
3 looking at the overtime through the
4 years. This is when Sposato was in power
5 last time and had the same charges --

6 DEPUTY COUNTY EXECUTIVE FOX: I just
7 want to take exception. He's not in
8 power.

9 LEGISLATOR DERIGGI-WHITTON: I'm not
10 speaking with you, I'm going to speak
11 with the sheriff right now. Sheriff, so
12 you're aware, that's really when overtime
13 spiked when it was under this
14 gentleman's privy.

15 ACTING SHERIFF LAROCCA: At that
16 time the inmate population was probably
17 doubled.

18 LEGISLATOR DERIGGI-WHITTON: There
19 was also many more correction officers.
20 Right now we're at least a 100 correction
21 officers less than we had at that time.
22 And yes, the population might have gone
23 up. I'll wait till you're done reading
24 what she wrote.

25 DEPUTY COUNTY EXECUTIVE FOX: It's

1
2 actually not what I wrote. I want the
3 record to be clear, respectfully.

4 LEGISLATOR DERIGGI-WHITTON: When
5 he's done reading, I'll talk to him.

6 DEPUTY COUNTY EXECUTIVE FOX: It's
7 the report at your referencing, that is
8 all.

9 LEGISLATOR DERIGGI-WHITTON: Who
10 made that chart? This is from where?

11 DEPUTY COUNTY EXECUTIVE FOX: It's
12 from LBR.

13 LEGISLATOR DERIGGI-WHITTON: I'm
14 sure you've looked at Maurice's report,
15 correct? Are you familiar with it?

16 ACTING SHERIFF LAROCCA: Yes.
17 M-hmm.

18 LEGISLATOR DERIGGI-WHITTON: Okay,
19 so as far as overtime goes, have you
20 compared the percentages of the overtime
21 with the correction officers compared to
22 the like, for instance the Police
23 Department, as far as how it ranks?

24 ACTING SHERIFF LAROCCA: No, I have
25 not made the comparison.

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LEGISLATOR DERIGGI-WHITTON:

Because if you do, both agencies are over with overtime, you know. And the Police Department's hired significantly.

DEPUTY COUNTY EXECUTIVE FOX: He

can't answer, respectfully.

LEGISLATOR DERIGGI-WHITTON: Can I

just ask him directly. I'll let you answer.

ACTING SHERIFF LAROCCA: I'm not

answering. I'm not. I'm going to let the Sheriff answer. I just want to say, respectfully, the Sheriff has been here three months and he can't possibly speak to what the Police Department's budget or staffing is. Just in fairness.

LEGISLATOR DERIGGI-WHITTON: It's

fully available. I mean, I would think if I was running the the jail, I would know where are overtime ranked compared to similar departments.

DEPUTY COUNTY EXECUTIVE FOX: I'm

not trying to be argumentative, I'm just trying to be fair.

1
2 LEGISLATOR DERIGGI-WHITTON: I'm
3 fair. I just think that to be prepared
4 for this hearing, that would be something
5 you would take a look at, like how your
6 department is doing compared to other
7 ones that are similar.

8 DEPUTY COUNTY EXECUTIVE FOX: We're
9 not saying we're the only department
10 over.

11 LEGISLATOR DERIGGI-WHITTON: Let me
12 just talk to him. Okay. We have to get
13 out of here because there's a commitment
14 of someone else that is here. So we need
15 to just through the steps. All right.

16 So do you know what the overtime
17 estimate is so far for this year?

18 ACTING SHERIFF LAROCCA: I believe,
19 overtime looks like it's going to be
20 approximately \$38 million dollars.

21 LEGISLATOR DERIGGI-WHITTON: So what
22 was the budgeted amount? The budgeted
23 amount for the share that you're
24 managing?

25 ACTING SHERIFF LAROCCA: And I do

1
2 apologize, but it's only been three
3 months. And if the lot to take in and its
4 baptism by fire.

5 LEGISLATOR DERIGGI-WHITTON: It's
6 good to know what your budget is.

7 ACTING SHERIFF LARocca: It's not a
8 simple job. Trust me.

9 LEGISLATOR DERIGGI-WHITTON: I
10 understand that, but I would think you'd
11 know what your budget is for overtime.

12 MR. PERSICH: For 2022, it is \$20.8
13 million. That's the budget.

14 LEGISLATOR DERIGGI-WHITTON: And
15 what are we at right now?

16 MR. PERSICH: And what are we at
17 right now?

18 MR. PERSICH: We're projecting at
19 30.

20 LEGISLATOR DERIGGI-WHITTON: So
21 there is also 100 less correction
22 officers than five years ago, when you're
23 saying that we're 30 million in overtime,
24 20 million is already projected for it
25 and the 10 million -- if you take it by,

1
2 you know basically down the 100 people
3 which we are right now -- You know, I
4 mean listen. I'm always wanting to save
5 money, but I think it's something that we
6 really have to look at. I think I think
7 the real problem is the staffing. I
8 heard what happened here with Civil
9 Service. I'm not blaming anybody, but
10 something has to happen, including, I
11 think, possibly raising -- and we all
12 think possibly raising the starting
13 salary or something. That's where I think
14 we really have to focus on.

15 ACTING SHERIFF LARocca: The head
16 count in 2015 that you mentioned was
17 probably approximately 1500 inmates.

18 LEGISLATOR DERIGGI-WHITTON:
19 Correct. But number one: These inmates,
20 as we all know, have pretty severe. Let's
21 say. They could be dangerous. The
22 potential of them being dangerous is much
23 higher than what we used to have.

24 Number two: We're limited to how we
25 can treat them. As President Sullivan

1
2 said, we can't discipline anyone the way
3 they used to by taking them out of the
4 population. They're in the population
5 now. And yes, they were there prior, but
6 but it's just their job is harder now in
7 a lot of ways dealing with these people
8 and not having some of the some of the
9 tools. I'm not one for long term
10 solitary confinement, don't get me wrong,
11 but they are limited to certain things.
12 There're certain things going on with the
13 building that limits them to access to
14 certain areas. The fact that there are
15 less inmates isn't really -- It's not
16 inmate per inmate. It seems to me anyway
17 that these inmates are serious, serious
18 offenders. They need special treatment.

19 All right, we're down a 100 from you
20 know from where we should be, so that
21 that's that's a problem right there. And
22 the overtime that everyone is beating
23 everyone up on, honestly, from what I'm
24 hearing, it's less than as far as you do
25 the percentage from possibly with the

1
2 Police Department.

3 What I feel bad about is the moral
4 of these guys. It's a difficult,
5 difficult atmosphere. I've been there a
6 number of times. It's the roof leaking,
7 as Legislator Bynoe mentioned. The
8 filters at the time were full of dust.
9 This is before your time. But it's a real
10 tough, tough occupation. And I hear that
11 many of the people that take overtime are
12 ordered to stay. Many of the new hires
13 are ordered to stay not only for their
14 shifts but then weekends. I don't know
15 what the percentage is of this overtime
16 being ordered, but we gotta look at it
17 that way. It's not just coming in and
18 cracking the whip. That's bothering me.
19 That statement and that mentality. It's
20 more looking at the fundamental issues as
21 to how we got here.

22 Again, I thought for sure Mr.
23 Sposato would be here. What you
24 described his job description is very
25 different from what I heard from the

1
2 Administration. It's very different. I
3 heard he's going to come and fix overtime
4 and that's what the papers are saying.
5 Also, again, you look at his record, I
6 don't know if he's the guy. Because when
7 he was there it was, it skyrocketed.

8 So I'm going to end. I'm not going
9 to harp too much, but I think that
10 knowing the real numbers and
11 understanding the real budget that you
12 have and understanding how it compares to
13 other aspects of law enforcement, that's
14 going to help you to make these
15 decisions. That rests on you, not on
16 Sposato. Sposato is supposed to be
17 helping manage, but that rests on you to
18 have the full knowledge, to have clarity
19 as to where you're going. And you have to
20 remember the moral. To come in and really
21 hit these guys, I've been hearing it for
22 months and it's really bothering me. You
23 really gotta look at who's being ordered
24 to stay there. You can't order someone
25 to stay and then criticize them for

1
2 having overtime (applause).

3 CHAIRWOMAN FORD: So we're going to
4 go with the baptism by fire. So can you
5 just repeat exactly what the commissioner
6 of the jail, what is his responsibility?
7 His job description.

8 ACTING SHERIFF LAROCCA: Once again
9 as per the County Charter: He is head of
10 the Correctional Center and his
11 responsibilities are for the care,
12 custody, control of the inmates and the
13 day-to-day operation. But he reports to
14 me on a daily basis. Doesn't mean that
15 he's the head of the entire Sheriff's
16 Department. He's the head of the
17 Corrections Department. I didn't write
18 the County Charter. It's there in black
19 and white.

20 CHAIRWOMAN FORD: I just heard half
21 of it.

22 ACTING SHERIFF LAROCCA: Just one
23 other thing, as you heard here today from
24 both Civil Service and DPW, that we are
25 moving forward with all these issues. As

1
2 far as the roof leaking, trying to get
3 the money. Vehicles were approved but
4 not funded; that was another issue. So
5 we're trying to get around all these
6 things. And once we do, we will be moving
7 in the right direction, it's going to
8 take time. Rome wasn't built in a day.
9 We will get there.

10 LEGISLATOR DERIGGI-WHITTON: Ask him
11 to call the Capital Plan. It's been
12 sitting there for six months.

13 ACTING SHERIFF LAROCCA: The Capital
14 Plan was shot down here at the --

15 CHAIRWOMAN FORD: We're not going to
16 argue about the Capital Plan.

17 LEGISLATOR DERIGGI-WHITTON: That
18 was an amendment. The new Capital Plan
19 was agreed on less than 30 days later and
20 it's been sitting upstairs.

21 CHAIRWOMAN FORD: We need to have
22 the Capital Plan brought to us.

23 LEGISLATOR DERIGGI-WHITTON: You
24 have the power, you use it.

25 ACTING SHERIFF LAROCCA: All right.

1
2 Thank you.

3 CHAIRWOMAN FORD: Considering that
4 the responsibility is the care and the
5 safety of the inmates, according to
6 President Sullivan, that with us of force
7 they had in 2018, they had out of 1100
8 inmates there were 1099 inmate injuries
9 varying in kind. So now we are in 2022
10 and with only 750 inmates we have 1282
11 inmate injuries, which flies in the face
12 of the mission of the jail and then with
13 the mission of the Commissioner. If he is
14 charged for the safety and the care of
15 the inmates, why are these numbers so
16 high?

17 ACTING SHERIFF LAROCCA: Well, the
18 only numbers I could address right now,
19 would be from when we took over, which is
20 September 26th. If I look at the numbers
21 of use force from September through
22 December, September there were 23 uses of
23 force, October went down to the 13 --
24 these numbers fluctuate. November was up
25 to 25 again, and here we are in December

1
2 there's four.

3 CHAIRWOMAN FORD: I understand that.
4 I appreciate the fact that you're new on
5 the job, but we are talking about a jail
6 that has been neglected all this time.
7 So now, when we look at the issue of HALT
8 -- many years ago, I toured that jail and
9 we went through it and we went through an
10 area where the most dangerous of
11 criminals were there. We walked down
12 this hallway with the bars there, and
13 then there was a space.

14 ACTING SHERIFF LARocca: B Building.

15 CHAIRWOMAN FORD: And there is a
16 separate area and these the inmates were
17 just, unbelievable. And it turned out
18 soon after we were there that it might
19 have been the same individual, he ended
20 up hurting -- six correction officers had
21 to go to jail at that time from one
22 person.

23 So now we're looking at the fact is
24 that they can't do that anymore. That
25 person will always have the right to be

1
2 in with the general population, which is
3 now posing a risk for the the inmates as
4 well as the correction officers who are
5 there trying to keep peace. And with the
6 number of gangs. The gangs don't get
7 along. They're not friends with one
8 another, they want to kill one another.
9 They're there in between. So my question
10 then would be that we're looking at
11 maybe, rather than right now trying --
12 and I understand that all the residents
13 that paying taxes that would like to cut
14 costs and stuff like that -- but is it so
15 prudent at this time to start cutting the
16 costs when we're looking at the safety
17 and the care and concern of the inmates
18 and the correction officers are at risk?
19 So we got to pick one or the other at
20 this time. And I think that what we need
21 to do is I think, that, even with the
22 training, what is your idea? Have you
23 considered, I'd like to know what would
24 you propose as the sheriff, the person
25 who is overseeing the jail, what ideas do

1
2 you have in trying to encourage people to
3 take the correction officers test and
4 become correctional officers?

5 ACTING SHERIFF LAROCCA: Well,
6 obviously the salaries should be
7 increased to do so (applause).

8 CHAIRWOMAN FORD: I'm not trying to
9 put you on the spot. I'm just saying
10 that there is an urgency to all of this.
11 We look and we do compare the Police
12 Department. Commissioner Ryder has these
13 young people that go out into the
14 community and they're coming out
15 emissaries like you know, to show, "you
16 could be a police officer, I love being a
17 police officer". They have nice little
18 uniforms on and they encourage young
19 people to come. Do you have that? Does
20 the jail have time? Tatum, does the jail
21 have this? Do they have that type of
22 program where they actually go out to
23 high schools to say what are the benefits
24 of becoming a correction officer in
25 Nassau County?

1
2 ACTING SHERIFF LARocca: We've done
3 job fairs at community college and other
4 locations.

5 CHAIRWOMAN FORD: So does the Police
6 Department, nursing, whatever. We heard
7 from civil service, 70 people are going
8 to be considered next year, 70 people.
9 Only 400 people took the test. That is
10 insane.

11 DEPUTY COUNTY EXECUTIVE FOX: I
12 believe, unfortunately, the contract
13 failed, but getting wage increases,
14 increasing the salary, getting senior
15 officer stipends all those things make
16 the job more attractive that we can
17 recruit on. This is a great job. You have
18 a pension. People want to be able to have
19 stability and know what what their
20 mortgage payments going to be. So
21 hopefully we can get through a contract
22 that passes and then we can say this is
23 what you get when you're on the job will
24 impact salary.

25 CHAIRWOMAN FORD: Are we back in

1
2 negotiations?

3 DEPUTY COUNTY EXECUTIVE FOX: We
4 will be. Yes, we're in it, but we haven't
5 sat down again formally.

6 CHAIRWOMAN FORD: And when do you
7 plan on doing that? Not to put you on
8 the spot, but I am.

9 DEPUTY COUNTY EXECUTIVE FOX: Soon.
10 We have a lot of negotiations going on
11 right now with unions.

12 CHAIRWOMAN FORD: Try to canvass the
13 members that had voted against the
14 contract to find out what was the
15 sticking point. Why would they turn down
16 a contract like that? I mean, I think
17 that's very important because we need to
18 start elevating correction officers. We
19 need to make it so that young people will
20 look at them and to say this is something
21 that I'd like to do. There are people
22 that need jobs. Unemployment today in
23 Newsday for the young people. What is it?
24 How many percentage? I forget what it is,
25 but it's like a dire number. So maybe we

1
2 could capture some of those young people
3 you know, and that's something.

4 Whatever job, whether or not you're
5 the commissioner or if you're the sheriff
6 of the jail, clearly define your roles.
7 Okay, I think that when you look at the
8 care and concern of the inmates and
9 everyone else that that should not have a
10 price tag on it, where you're fearful of
11 spending more money. Because sometimes in
12 order to protect the people in this
13 environment, you have to give a little
14 bit more money. I think that's very
15 paramount.

16 I just want to also jump over
17 visitation. I hope I'm not stepping on
18 your toes, Siela. But when I was there,
19 yes, you told me that as a result of
20 COVID, the visitation, they have to do,
21 they have to --

22 ACTING SHERIFF LAROCCA: They do
23 online appointments.

24 CHAIRWOMAN FORD: So why is
25 visitation allowed on the weekends?

1
2 DEPUTY COUNTY EXECUTIVE FOX: I will
3 let the Sheriff answer, but for
4 reference, there hasn't been weekend
5 visitation for more than 10 years,
6 historically, to my knowledge. Doesn't
7 answer your question, I'm just giving you
8 background. We have evenings till 8 p.m.

9 CHAIRWOMAN FORD: You have the
10 evenings. And I understand, maybe you
11 thought to yourself for the people on the
12 weekends, it's hard, bus service isn't as
13 frequent or whatever. Maybe families
14 couldn't make it there because of public
15 transportation; could be a myriad of
16 reasons. Now we're looking at something
17 different, where people can actually,
18 their families can actually go online and
19 schedule. So you would know on Saturday,
20 you are going to have 300 visitors.

21 DEPUTY COUNTY EXECUTIVE FOX: We can
22 take that under advisement and discuss
23 that with you.

24 CHAIRWOMAN FORD: I would encourage
25 you that you look into it and seriously

1
2 change the policy, because I think it is
3 unfair. And that's another, because when
4 you look at this, when we talk about the
5 health and safety and the care and
6 concern of the inmates as well as the
7 correction officers, one of the things we
8 know that sometimes can calm people down,
9 especially when you're incarcerated, is
10 when your family comes to visit you, and
11 you get to see, it could be father in
12 jail gets to see his son, could be a wife
13 in jail that finally can get to see her
14 family. Could be a kid, somebody 18 years
15 old, their mother and father could
16 finally come to see them.

17 So I think that that's something,
18 that, a policy that must be changed and I
19 believe, Sheriff, that would be under
20 your jurisdiction. I think I'm going to
21 stay after that, on the visitation,
22 because I think it's very, very important
23 that we do that. I know we have the
24 correction officers. I'm not going to
25 tell you how to run the jail, but I don't

1
2 think the cost will be that -- but I
3 think that the benefit will be much more
4 beneficial to everybody that's there.

5 With the training, we know that the
6 correction officers get trained, they go
7 to the police academy. I just want to
8 make sure that there will never be any
9 delay for them to start a class due to
10 Nassau County police. Can correction
11 officers set up their training during the
12 time when cadets are being trained for
13 the police department; I hope I'm saying
14 that right.

15 DEPUTY COUNTY EXECUTIVE FOX: Sure.
16 If you want to tour, corrections has its
17 own dedicated classrooms.

18 CHAIRWOMAN FORD: They have their
19 own. So no matter what, if we're ready,
20 like in January and we have 17, hopefully
21 that will maybe even more 17 and maybe
22 there's the 11 will commit and then we'll
23 have 28. So maybe in February or January
24 we'll be able to put those people
25 immediately. So there'll be nothing we

1
2 can't say, well, we don't have the room
3 for them. They got to wait for me. This
4 will be a priority, correct?

5 DEPUTY COUNTY EXECUTIVE FOX: That
6 is correct.

7 CHAIRWOMAN FORD: Thank you. Siela.

8 LEGISLATOR BYNOE: Thank you, Madam
9 Chair.

10 So I'm going to address this
11 question first to Tatum. I know that
12 Legislator DeRiggi-Whitton asked the
13 question, but I don't think the answer
14 that you provided sufficed. So I'm going
15 going to ask yet again: Why isn't
16 Commissioner Sposato here?

17 DEPUTY COUNTY EXECUTIVE FOX: He was
18 not on the agenda.

19 LEGISLATOR BYNOE: You said before,
20 because he's not the sheriff.

21 DEPUTY COUNTY EXECUTIVE FOX: Well,
22 that is why, but that wasn't sufficient,
23 so I'm giving you a different answer.

24 LEGISLATOR BYNOE: It's not
25 sufficient and him not being on the

1
2 agenda is still not sufficient for me.
3 Because what I've seen, and it's been my
4 experience as a legislator since 2014,
5 that when we have hearings, whether they
6 be relative to budgets or specialized
7 hearings like this, this is a full
8 complement of the Administration of
9 whatever Department that is. When Pat
10 Ryder comes down here, he comes with his
11 chiefs, his assistant commissioners, and
12 so when we're here asking questions there
13 very few questions left unanswered. So I
14 feel I do have some sympathy in my heart
15 for the current sheriff, because he's
16 brand new. But I think we set him up for
17 failure when we send him down here by
18 himself and he's not able to answer the
19 questions because you don't have a full
20 complement of his Administration here. So
21 why would that be the case today? Because
22 I've never seen this administration or
23 any other administration send one sole
24 person down here, especially someone who
25 has been for such a short time

1
2 (applause).

3 DEPUTY COUNTY EXECUTIVE FOX: What
4 specifically hasn't been addressed?

5 LEGISLATOR BYNOE: Well, he didn't
6 know his budget.

7 DEPUTY COUNTY EXECUTIVE FOX: We
8 answered that, though.

9 LEGISLATOR BYNOE: He didn't know
10 it, right. This is supposed to be the
11 jail to be able to answer these
12 questions, right. He didn't know his
13 ratio of secure to unsecured. There were
14 questions not answered that he was unable
15 to answer. I'm sure when I started asking
16 more questions like the question also
17 was: Where are we with certain projects?
18 They're kind of loose details provided
19 even by you to with an assertion that
20 you'd follow up with us. His full
21 complement is not here. There's somebody
22 within that jail that's dealing with the
23 public, the public works aspects of
24 capital projects, and I suspect if they
25 were here they might know better.

1
2 I'm just saying, I've never seen
3 this. We sent one lone person down here,
4 especially someone who's so new in their
5 role and not have him or her have any
6 support, and I think we set him up for
7 failure here today.

8 But I'm going to, I'm going to stay
9 on the role of Sposato and Corrections
10 Commissioner. This is how I see the role
11 of the Corrections Commissioner: I see
12 them as quality control. And I see
13 quality control then being tasked with
14 the same responsibility of keeping down
15 overtime to create a double mindedness in
16 one particular function within that jail.
17 I think, as Legislator DeRiggi-Whitton
18 said they're in inherent conflict with
19 each other all day long. Because what
20 might be the best action taken for the
21 care and custody of inmates might be in
22 contrast to what he's tasked with daily,
23 which is trying to keep down the
24 overtime. And so I really have to tell
25 you the Commissioner of Corrections' job

1
2 and, Tatum, you might remember this or
3 not. But it was vacant through the
4 majority of County Executive Mangano's
5 tenure here. It was through me doing
6 some research because there were so many
7 deaths happening at the jail, what can we
8 do as a county to make sure our inmates
9 are safe? What can we do to make sure
10 that our correction officers are safe?
11 And we found that position was vacant
12 despite the fact that the charter
13 required it to be filled. So we pushed
14 and pushed to make sure that that
15 position was filled. It was filled by
16 Campisi, I believe, originally, and that
17 role and that function should be specific
18 to quality control. Are we keeping our
19 officers safe? Are the inmates safe? Is
20 the larger community safe? That should be
21 that person's role. They shouldn't be
22 tasked with some secondary responsibility
23 of keeping numbers down. So I fought for
24 that position to be filled and I'm going
25 to continue to fight to make sure that

1
2 whoever fills that position, that is what
3 they're tasked with doing, that we don't
4 we don't burden them with some other
5 obligation that should be done by
6 somebody who separate and apart from the
7 Commissioner of Corrections, because that
8 is the charge of the Commissioner of
9 Corrections.

10 DEPUTY COUNTY EXECUTIVE FOX: If I
11 may, I began by saying correction
12 officer, safety, keeping the community,
13 secure and humane treatment of inmates --

14 LEGISLATOR BYNOE: I know that's the
15 overall message --

16 DEPUTY COUNTY EXECUTIVE FOX: And I
17 want to expand on that. So, yes, overtime
18 goes both ways. So when it's a housing
19 unit, the Commissioner of Corrections has
20 to approve additional overtime. Nobody
21 wants correction officers held over and
22 and worked hard and away from their
23 families. So overtime does go both ways.
24 They're sometimes constantly approving
25 with the sheriff and there's other times

1
2 saying, oh, here we can shift this
3 around; so it's a scale.

4 LEGISLATOR BYNOE: So I hear you,
5 but when I start hearing numbers of the
6 use of force where correction officers
7 had to do that level of protection to
8 maintain safety, when I hear that the
9 officers themselves are being injured,
10 and I'm hearing corrections overtime is
11 skyrocketing to 30 million dollars, I see
12 these two things, as two different
13 functions, two different focal points
14 that should be done by two different
15 individuals. No questions. Just shouldn't
16 be. I think that we have to revisit that.

17 And I think that you know Legislator
18 DeRiggi-Whitton said it first, it was
19 echoed by Chairwoman Ford and I'm echoing
20 it yet again, because it's an issue that
21 here, as lay people who aren't correction
22 or law enforcement experts, if we can see
23 it -- and it's telling because all the
24 numbers are up, nothing stabilized. If
25 you told me that we had \$30 million in

1
2 overtime, but we didn't have as many use
3 of force or we didn't have so many
4 officers being injured, we were
5 controlling the danger, then I could say
6 money well spent, but I can't say that. I
7 can't say that.

8 So I'll switch now and go to just
9 some real basic questions, and then I
10 want to swing into something else.
11 Education programs in the jail, are they
12 being provided on a daily basis, Sheriff?

13 ACTING SHERIFF LAROCCA: Yes, they
14 are. We have a program that's run by the
15 East Meadow High School, that takes place
16 on a daily basis. They brought to our
17 attention they wanted to start a
18 community college program. Unfortunately,
19 because of the short stay of most of our
20 inmates, it's kind of impossible to get a
21 degree in 40 days. They're only there
22 for 40 days.

23 LEGISLATOR BYNOE: What other kind
24 of programming is available, mental
25 health? Is there any other educational --

1
2 ACTING SHERIFF LAROCCA: Well, yeah,
3 right. I'm sorry. Is there any
4 vocational, no.

5 LEGISLATOR BYNOE: Only GED. How
6 long does that program take for them
7 to --

8 ACTING SHERIFF LAROCCA: Depending
9 on the individual what he needs to grasp
10 before he takes the GED Exam.

11 LEGISLATOR BYNOE: So they can stay
12 in your program for as long as they need
13 to.

14 ACTING SHERIFF LAROCCA: Until they
15 pass the State test.

16 LEGISLATOR BYNOE: Is there a
17 structure to the --

18 ACTING SHERIFF LAROCCA: I'm not
19 sure about what the structure of it is.
20 I don't know the details, but I do know
21 there are programs in place.

22 LEGISLATOR BYNOE: I would like to
23 know the structure.

24 ACTING SHERIFF LAROCCA: Sure. I'll
25 look into that and get that back to you.

1
2 LEGISLATOR BYNOE: Mental health
3 assistance for our inmates, where are we
4 with that; how is that provided for them?

5 ACTING SHERIFF LAROCCA: We have
6 mental health personnel that come into
7 the Correctional Center and deal with
8 that.

9 LEGISLATOR BYNOE: And how does the
10 inmate avail themselves to that?

11 ACTING SHERIFF LAROCCA: That I
12 wouldn't know. I would have to look into
13 that. I'm sorry.

14 DEPUTY COUNTY EXECUTIVE FOX: They
15 would put in a slip for medical and NUMC
16 provides mental health is needed. They
17 could get a psych-eval. It's done during
18 intake always, and we have mental
19 observation as needed.

20 LEGISLATOR BYNOE: Are they
21 referred? Sometimes an officer --

22 LEGISLATOR BYNOE: Yes, they could
23 be referred. We also have some inmates
24 that are no longer housed with us due to
25 mental health and they'll be in a

1
2 facility.

3 LEGISLATOR BYNOE: No. Meaning
4 they're housed with you, but an officer
5 identifies that there might be an issue
6 with a particular inmate. Will they then
7 make the referral for that inmate to get
8 the level of services there?

9 LEGISLATOR BYNOE: Yes. It's
10 triage, like any medical. And the
11 officers do a very good job at being
12 observant and noticing, that inmate's not
13 being themselves today.

14 LEGISLATOR BYNOE: Is there a wait
15 list for that program at all? Are people
16 getting like pay immediately?

17 DEPUTY COUNTY EXECUTIVE FOX: I will
18 double check with NUMC on that for you.

19 LEGISLATOR BYNOE: Mental health
20 training for our employees.

21 DEPUTY COUNTY EXECUTIVE FOX: Mental
22 health first aide training. I just want
23 to -- there's three mental house housing
24 units in the facility, just to go back to
25 what you had asked a minute ago.

1
2 LEGISLATOR BYNOE: So, since you
3 went back, drug treatment?

4 DEPUTY COUNTY EXECUTIVE FOX: It was
5 called DART.

6 ACTING SHERIFF LAROCCA: I think
7 it's changed now. It was called in the
8 past the DART program and I'm not sure
9 exactly what they call it today, but it
10 is in place and it's utilized by many
11 inmates.

12 LEGISLATOR BYNOE: Is that the only
13 drug treatment program that's in the jail
14 currently?

15 ACTING SHERIFF LAROCCA: I believe
16 so?

17 LEGISLATOR BYNOE: Thank you. Mental
18 health training for officers?

19 DEPUTY COUNTY EXECUTIVE FOX: That I
20 don't have the answer to either. I mean I
21 would check with the academy. See where
22 training comes from.

23 LEGISLATOR BYNOE: It's supposed to
24 come from Human Services. Please check
25 with them.

1
2 So then, in terms of mental health
3 and depression/suicide amongst our
4 officers, do we have any figures as it
5 relates to that?

6 ACTING SHERIFF LARocca: No, I do
7 not.

8 LEGISLATOR BYNOE: Think we should
9 try and research that. We found amongst
10 our police officers that it's increasing
11 and, in fact, it was the highest cause
12 for death amongst officers and even
13 retired officers. I was fortunate enough
14 to attend training last week at the
15 academy. It was offered to police
16 officers. I was there on the final day
17 and I sat in for part of the training.
18 It was very powerful. I think it would
19 be great if even we provided that level
20 of assistance to our correction officers.
21 They're under very, very trying
22 conditions at the jail, some that are
23 physical in nature that we're still
24 trying to get improved for them. They
25 come in and get locked down every day

1
2 right, and so the conditions in that jail
3 under that type of work environment,
4 while we're trying to improve it, we know
5 that it'll still be a challenge, even if
6 it was pristine physical condition. So
7 we need to be providing our officers with
8 a level of support that keeps them
9 mentally healthy and well. So I'd like to
10 know what's in place for that. Do you
11 avail yourself to those services for your
12 officers?

13 ACTING SHERIFF LAROCCA: Yes, have
14 services.

15 LEGISLATOR BYNOE: In what way?

16 DEPUTY COUNTY EXECUTIVE FOX: There
17 is, as you are aware, EAP, employee
18 assistance program.

19 LEGISLATOR BYNOE: Nothing beyond
20 EAP? We're not doing seminars or
21 anything like what PD is doing?

22 DEPUTY COUNTY EXECUTIVE FOX: The
23 Wellness Committee, I would have to get
24 back to you about. I didn't review that
25 prior to the coming today.

1
2 LEGISLATOR BYNOE: Sometimes we
3 don't need to reinvent the wheel.
4 Sometimes we could just include
5 corrections so they don't feel like the
6 stepchild of law enforcement here in our
7 county.

8 I think I've been asked to allow
9 Steve Rhoads to be able to ask a question
10 because he has to leave.

11 LEGISLATOR RHOADS: I appreciate it
12 Legislator Bynoe.

13 It seems as though the issue that we
14 have here is an issue that is a systemic
15 and a historic issue.

16 First of all, I think, the real
17 driver behind what's going on inside the
18 jail and a lot of the issues that we're
19 having with respect to personnel are the
20 result of the HALT Act. There is no
21 question that it's a disaster. That place
22 is a powder keg to begin with and then
23 you take away law enforcement's tools to
24 be able to address what's going on with
25 inmates inside the jail. As a result of

1
2 bail reform, you now have more violent
3 inmates are the only ones that are in
4 jail in the first place, and then at the
5 same time, through the HALT Act you take
6 away the tools the correction officers
7 would be able to use to be able to
8 control what's going on inside the jail,
9 and now you effectively tie a hand behind
10 their back. So I think something that we
11 can't address at this level, but
12 something that needs to be addressed at
13 the state level is the repeal of the HALT
14 Act; that that's number one.

15 You also have a situation where you
16 can't keep correction officers. The fact
17 that historically it appears as though
18 corrections has been ignored in the sense
19 that you've had, I don't know if they're
20 historic lows in terms of the number of
21 correction officers that we have, but you
22 see a direct correlation between a
23 reduction in the number of officers in
24 conjunction with the HALT Act and the
25 increased amounts of violence going on

1
2 inside the jail. Our primary mission, as
3 Deputy County Executive Fox mentioned, is
4 to protect our correction officers, and
5 to protect the inmates, and to protect
6 the community. Those are the three
7 functions. But we see that if the public
8 was aware of some of the incidents that
9 were going on inside the jail behind
10 closed walls, if the public was aware of
11 that, if it was occurring out on our
12 streets, they would be clamoring for
13 reform. They would be clamoring for
14 increased head count. They would be
15 clamoring for all the things that we're
16 seeing the public clamor for as a result
17 of bail laws and increased crime that's
18 on the streets. That same correlation
19 isn't being made inside the jail because
20 people don't see what's going on inside.

21 The fact that we actually have more
22 correction officers hired by two then we
23 lost this year, and the fact that that's
24 actually improvement over what's been
25 going on the last four years is really

1
2 sad in many ways. The bottom line is
3 whether it's a problem with Civil Service
4 or if it's a problem with our
5 recruitment, we need to do a better job
6 than what's been going on for the last
7 five years, bringing our head count up.
8 If the HALT Act isn't going away, the
9 only way for correction officers to be
10 able to deal with what's going on inside,
11 is to have more manpower to be able to
12 resolve issues that are going on inside
13 the jail, to have more bodies. If we
14 want to make the job more attractive,
15 then we have to give these individuals a
16 life to be able to have outside, right?
17 We can't continue to call people in on
18 overtime and just worry about cutting
19 costs, and cutting costs, and cutting
20 costs on overtime. One of the drivers of
21 overtime is the fact that you don't have
22 enough people to fill your staffing. If
23 we had more manpower we would be able to
24 lower overtime. That's kind of the
25 balance that goes on between the two. But

1
2 the job is simply not attractive now.
3 They're inside a powder keg. It's more
4 dangerous, it's more violent now and
5 we're not providing them resources.
6 Despite the Administration's efforts,
7 we're not providing them the resources to
8 be able to to protect themselves, to
9 protect the inmates and protect the
10 community.

11 So do we have a path forward at this
12 point to get past the, we budgeted for an
13 increase in head count of 80 in this
14 year's budget, we have an increase in
15 head count of two. That's progress,
16 because we were losing people with the
17 number of retirements versus the number
18 of hires in the four previous years, but
19 what's the path to be able to move that
20 forward so that we can actually get up to
21 a head count where we can accomplish
22 protecting our inmates, protecting our
23 correction officers and protecting the
24 public.

25 DEPUTY COUNTY EXECUTIVE FOX: Thank

1
2 you, Legislator. I think your remarks
3 were spot-on. You're correct, two is
4 nowhere where we need to be; two over
5 attrition. And we are mindful that in
6 2023/24/25 there will always be
7 attrition. So it's not just getting ahead
8 of it in moment of time, it's getting
9 ahead of it. The way to do that is to
10 get bigger classes. The class that goes
11 in is bigger than the anticipated
12 attrition rate, and you have to
13 consistently do that. So that's what we
14 will be working on with the Budget Office
15 to: Trend that and try to determine class
16 size to be bigger than anticipated
17 attrition size.

18 LEGISLATOR RHOADS: If you want to
19 increase the head count by 80, like we
20 wanted to last year, if we anticipate
21 that we're going to have 40 retirements
22 during the course of the year, you got to
23 put a 120 people through in order to hit
24 your head count.

25 DEPUTY COUNTY EXECUTIVE FOX:

1
2 Agreed. We're constrained with the
3 layered process to get people in. But we
4 agree. It's a timely process, so
5 sometimes the attrition is happening
6 before we can get the class in. We're
7 trying to get ahead of the curve for the
8 first time.

9 LEGISLATOR RHOADS: Okay. How do we
10 fix the situation; what can we do to
11 assist in fixing the situation?

12 DEPUTY COUNTY EXECUTIVE FOX: I
13 think you do help fix the situation by
14 making it known that we need to get ahead
15 of attrition, and if there's anything
16 that we need from this Body, we
17 appreciate reaching out to say this is
18 what we need to make this work faster.

19 LEGISLATOR RHOADS: Is it trying to
20 streamline the Civil Service process? Is
21 it investing in recruiting? Is it an
22 increase in the base salary? In your
23 estimation, both to the sheriff and the
24 deputy county executive, in your
25 estimation, where's the solution? Or is

1
2 it all three?

3 DEPUTY COUNTY EXECUTIVE FOX: I was
4 just going to say that's a compliment of
5 all three.

6 LEGISLATOR RHOADS: I appreciate
7 that. It's a situation that has to get
8 fixed. We can't we can't continue to
9 subject our officers to what's going on
10 right now. It's not fair. I think we're
11 in agreement on that.

12 DEPUTY COUNTY EXECUTIVE FOX: We
13 are.

14 LEGISLATOR BYNOE: I will bring up
15 for the record, though, my colleagues
16 showed me that in 2018 we were able to
17 hire 62 individuals, attrition was 41,
18 and we had 21 in the balance. So whatever
19 the secret sauce was for that time, let's
20 go back.

21 DEPUTY COUNTY EXECUTIVE FOX:
22 Agreed. That was the biggest class we had
23 in a very long time. Agreed.

24 LEGISLATOR BYNOE: Very good.

25 So now I'm going to flow into Board

1
2 of Visitors. Who's on that board now?

3 DEPUTY COUNTY EXECUTIVE FOX:

4 Forgive me, I can get the list and I can
5 get their terms as well. I don't have
6 that in front of me. There is a board and
7 I can get to you when they last met,
8 who's on it and what their term is,
9 whether it's expired or not.

10 LEGISLATOR BYNOE: Because from a
11 letter that I have dated from March 2017,
12 you know it definitely solidifies exactly
13 what their roles are supposed to be --
14 and this is from the County Attorney,
15 because I have been working on Board of
16 Visitors -- and it states that they are
17 an advisory entity to the sheriff, and
18 the board is required to periodically
19 report directly to the Sheriff to do so.
20 And so, Sheriff?

21 ACTING SHERIFF LARocca: They
22 haven't reported in the last three
23 months.

24 LEGISLATOR BYNOE: What about prior
25 to that?

1
2 ACTING SHERIFF LAROCCA: Well, it
3 was before my tenure as Sheriff.

4 LEGISLATOR BYNOE: You haven't had
5 any conversations with anyone?

6 ACTING SHERIFF LAROCCA: No, I have
7 not.

8 LEGISLATOR BYNOE: I know that much
9 of the under sheriffs are new as well,
10 fairly new, but that hasn't come up ye.

11 ACTING SHERIFF LAROCCA: No, it
12 hasn't.

13 LEGISLATOR BYNOE: That's another
14 thing. We've put together quite a list
15 just during my little discussion of
16 things that need to be answered.

17 Operations, I was asked to break out
18 facilities from capital, just operations.
19 So I'm asking about the ducts, and so you
20 had the benefit of having me ask a
21 question to Commissioner Arnold before.
22 So I'm following up. Have the ducts been
23 cleaned?

24 ACTING SHERIFF LAROCCA: Well, our
25 maintenance units I would hope

1
2 periodically, look into that and clean
3 them. I would have to have my director of
4 maintenance, Pete Kapel (phonetic), if he
5 was here, he could answer that question.

6 LEGISLATOR BYNOE: I told you I was
7 coming back to you. I figured you'd text
8 someone.

9 ACTING SHERIFF LAROCCA: I did try
10 that and he's not feeling well.

11 LEGISLATOR BYNOE: Like I said, they
12 were visibly dirty when I was there and
13 we asked for them to be cleaned. That
14 was a walk-through in December 2015 that
15 I conducted when the ducts were dirty.
16 They cleaned them after that, that I
17 know. But I just want to know when was
18 the last time they were cleaned. And I
19 also want to know how the elevators are
20 operating there. That was a challenge
21 back in 2015. Are they fine? Are they
22 operating fine?

23 ACTING SHERIFF LAROCCA: To my
24 knowledge they are. I haven't had any
25 complaints on the elevators.

1
2 LEGISLATOR BYNOE: All right. And
3 the bubbles where the officers are
4 actually conducting much of their work in
5 the in the housing area. Have you been
6 able, since your tenure, to do physical
7 assessment of what might need some need
8 some attention there, both the housing
9 areas and in the areas in which our
10 officers work?

11 ACTING SHERIFF LAROCCA: Some of the
12 buildings, not all the buildings. For the
13 832 Building, I've been to most of the
14 housing areas, but I have not been in the
15 B Building yet.

16 LEGISLATOR BYNOE: And so your plan
17 is to get to the B Building and then
18 provide some level of physical
19 assessment.

20 ACTING SHERIFF LAROCCA: Yes, I
21 will.

22 LEGISLATOR BYNOE: I think we'd all
23 love to know what that is when it's
24 completed.

25 ACTING SHERIFF LAROCCA: Yes.

1
2 LEGISLATOR BYNOE: I guess I'm going
3 to yield. I would have been shorter had
4 gone before my colleague Rhoads, but
5 there you go. I'm done. Thank you.

6 ACTING SHERIFF LAROCCA: Thank you.

7 CHAIRWOMAN FORD: Legislator
8 Ferretti.

9 LEGISLATOR FERRETTI: Thank you for
10 your testimony today, appreciate it. So I
11 think that it might be fruitful to kind
12 of discuss some of the things that I
13 think this hearing has shown everyone
14 agrees on. So correct me if I'm wrong,
15 but I think, based on the testimony from
16 Judge Foskey and Ms. Krisel and what I'm
17 hearing from you, that it is the
18 Administration's intent that they want to
19 hire and continue hiring in excess of
20 attrition.

21 DEPUTY COUNTY EXECUTIVE FOX: That
22 is correct.

23 LEGISLATOR FERRETTI: And it sounded
24 like and I think I got this right from
25 Judge Froskey and Ms. Krisel, that the

1
2 available lists, such as the 2020 list
3 that's going to be available soon after
4 the vetting process, will be fully
5 exhausted in an attempt to hire these
6 employees.

7 DEPUTY COUNTY EXECUTIVE FOX: That
8 is correct.

9 LEGISLATOR FERRETTI: And there's
10 even an upcoming list that's not
11 available yet and that will also be
12 vetted and then canvassed.

13 DEPUTY COUNTY EXECUTIVE FOX:
14 Correct.

15 LEGISLATOR FERRETTI: And so it's
16 the Administration's commitment that
17 they're going to continue to attempt to
18 hire in excess of attrition?

19 DEPUTY COUNTY EXECUTIVE FOX: It is.

20 LEGISLATOR FERRETTI: Again, just
21 trying to get some consensus here on an
22 issue. I think that's good, that we're
23 all on the same page. I think we should
24 note that just looking at these numbers,
25 which I only had a chance to look at this

1
2 morning, but looking backwards, and I've
3 only been here since 2018, but for the
4 last three years prior to '22 -- so under
5 the prior Administration -- the last
6 three years the number of correction
7 officers went down each year, correct?

8 ACTING SHERIFF LAROCCA: Correct.

9 LEGISLATOR FERRETTI: And in those
10 years -- Andy, you were here, Tatum, you
11 were here -- I don't remember and I can,
12 I might be mistaken, don't have the best
13 memory in the world, but I don't remember
14 a commitment at any point in the previous
15 administration to hire in excess of
16 attrition; is that correct?

17 DEPUTY COUNTY EXECUTIVE FOX: That's
18 correct.

19 MR. PERSICH: Just let me put it in
20 a little perspective too. Remember, the
21 County was a little different position
22 back in the 2018 roll and now we're in a
23 different spot. So we had to basically
24 hold the line on head count to keep the
25 budget balanced, and that was part of

1
2 what my role was too.

3 LEGISLATOR FERRETTI: Well, we still
4 want to keep the budget balanced, right?
5 Same thing.

6 MR. PERSICH: That's my goal. But
7 that said, just perspective, you have
8 to look back where we were.

9 LEGISLATOR FERRETTI: Fair enough.
10 But in terms of raw numbers, the head
11 count did go down the last three years
12 and it did go up in 2022.

13 MR. PERSICH: Correct.

14 LEGISLATOR FERRETTI: So again, I
15 think we've identified many issues at
16 this hearing. I think we agree on those
17 issues. I think it's a positive thing
18 that when this ends today, we can all
19 leave here agreeing that we need to hire
20 in excess of attrition. And I think it's
21 a good thing that this administration is
22 not only saying that that's what they're
23 going to do, but in 2022, maybe a small
24 amount. But they did do that, right?

25 DEPUTY COUNTY EXECUTIVE FOX: That

1
2 is right. We're trying to trend in the
3 right direction, path forward.

4 LEGISLATOR FERRETTI: All right.
5 Thank you.

6 CHAIRWOMAN FORD: Legislator Mule.

7 LEGISLATOR MULE: Thank you,
8 Chairwoman.

9 I wish to thank you also for your
10 testimony. At the beginning we heard
11 from President Sullivan and he listed a
12 large number of issues and actually gave
13 us a potential solution that would be
14 something that the Legislature would need
15 to do in terms of accountability and
16 demanding, actually, that certain reports
17 come to us, and I would be interested to
18 look further into that.

19 But here's my question, and I'm a
20 social worker, so I just can't help
21 myself: Have all of you been talking
22 about the issues and listening to one
23 another? Because you clearly have
24 subject experts with President Sullivan
25 and his board and certainly the other

1
2 members, what is the communication
3 procedure to try to get at the root of
4 problems and to try to resolve them?

5 DEPUTY COUNTY EXECUTIVE FOX: We
6 meet regularly and I have an open
7 dialogue at all times. No restraints with
8 COBA as well as with the Sheriff, and
9 it's a fluid, were constantly in contact
10 as needed.

11 I just want to say, if we had been
12 given a list of specific topics and
13 questions, I probably would have been
14 able to be more productive in specific
15 granular questions. So I apologize, we
16 didn't know to what degree we were going
17 to. To answer your question, yes; we do
18 communicate, we don't always agree, but
19 we communicate.

20 LEGISLATGOR MULE: Of course. And
21 is there room for productive dialogue in
22 terms of, "we can do this, we can't do
23 that, and I disagree with your conclusion
24 because of x, y, z, or I see what you're
25 saying, and maybe we can go in this

1
2 direction"?

3 DEPUTY COUNTY EXECUTIVE FOX: Yes.
4 In fact, I believe just this week there
5 was an open conversation about staffing
6 and transportation that COBA raised an
7 issue and a change was made as a result
8 of that.

9 LEGISLATOR MULE: And then I'll
10 just close by saying, I very, very
11 clearly heard that there is great
12 discontent with the appointment of
13 Commissioner Sposato and it just seems to
14 me that there were probably lots of
15 people who could have filled that
16 position and done it in a way that that
17 would get all of those goals
18 accomplished. I'm really hoping that that
19 issue in and of itself -- it sounds like
20 moral, is just terrible, terrible right
21 now and that is a major, major
22 contributor. So I just have to hope that
23 there can be some way forward to resolve
24 that. I'm done. Thank you.

25 CHAIRWOMAN FORD: I guess it is an

1
2 echo, a theme in regard to the moral for
3 our correction officers in the jail. So I
4 think that we should make every effort to
5 all work together to improve moral and
6 find out what we need to do.

7 DEPUTY COUNTY EXECUTIVE FOX: I
8 agree totally with that.

9 CHAIRWOMAN FORD: I also went to the
10 Wellness Seminar last week. I stopped in.
11 Very impressed with the attention that
12 the Police Department gives its fellow
13 police officers. They bring people from
14 all over the United States that show up
15 and they handle a lot of things with
16 mental health support. Considering the
17 correction officers, the jobs that they
18 do, as Brian had said, the officers get
19 to arrest these people and they end up
20 with them and they're all housed together
21 in one building. So I can only imagine.
22 The fact is that since the moral is
23 pretty much plummeting, I would highly
24 recommend as one of the suggestions that
25 we look at perhaps taking some of the

1
2 correction officers, getting them
3 training and allowing them to be the
4 Wellness Committee or Wellness Department
5 to continuously work. And I think that
6 that would also be a highlight when you
7 want to hire new correction officers that
8 you could show we're going to be there
9 with you, will deal with your mental
10 health, will deal with any issues that
11 you have in your family to help you with
12 this job, being on the job day to day.
13 And I really think that we need to take a
14 look at this.

15 I also urge you to consider bringing
16 in classes, and I thought we were going
17 to do that a while ago where they were
18 going to try to provide some sort of
19 training for the inmates so that they had
20 something to do other than just maybe sit
21 around? For all of us I think it's very
22 important.

23 We will be asking you for that SCOC
24 Report because I think that's very
25 paramount considering what has happened

1
2 recently at the jail. I think that we
3 need to take a look over all and place a
4 priority, because we're not going to let
5 this go at all.

6 I do feel bad for you, that you're
7 three months here you're doing this, but
8 but in all honesty, fairness, because
9 it's unfair to you, it's unfair to you to
10 expose you like this. When we have
11 hearings and like Legislator Bynoe
12 indicated, Commissioner Ryder comes with
13 the whole contingent. He doesn't know
14 what questions we're going to ask him,
15 but he has everybody there so that
16 they're able to let us know: This is
17 what's happening. This is not what's
18 happening. I know for a fact because
19 somebody I know who does volunteer work
20 at the jail and the DART program is still
21 in the men's unit, but they have a
22 different type, I think it's like a
23 mental health focus, on the woman's side.
24 So, but I think that we need to expand a
25 lot of these programs to make sure that

1
2 we address everything.

3 We will be following up with
4 questions in writing and we do expect to
5 have the answers. We'll give you some
6 time to research. We're not going to ask
7 for them tomorrow.

8 I will let Legislator
9 DeRiggi-Whitton close it.

10 LEGISLATOR DERIGGI-WHITTON: Thank
11 you.

12 Thank you to everyone who came
13 today. I would like to have a follow-up
14 meeting. You being the Chair, you could
15 determine the time, but we have a lot to
16 follow up on. Number one, I would love to
17 see this emergency go through with the
18 Capital. I would love to see our Capital
19 Budget, which we agreed to almost six
20 months ago, be called. So that would be
21 good if maybe we say in three months will
22 see where we are with those projects.

23 I'd also like to put on the record
24 that from here on in, if it is Mr.
25 Sposato that is running the jail, that

1
2 heap attend every meeting. Every hearing.
3 If he doesn't it looks bad, it looks bad
4 for you, it looks bad for him, it looks
5 bad for the Administration. And, Tatum,
6 you're great. You're very quick on
7 answers with whatever subject you're
8 talking about. But that's not what we're
9 here for. We're here to hear from the
10 people that are there every day, not from
11 the spokesperson who can answer the
12 questions off the top of your head.
13 You're good at it. I know you've been
14 here since Suozzi days. That's what we've
15 talked about. You've been doing that for
16 a long time, but it doesn't give us any
17 sense of security at all. If anything, I
18 think he made him look weak sometimes
19 because he didn't answer the questions,
20 but he didn't even really have any
21 dialogue with us. I know your intentions
22 are good and you don't have to answer.
23 This is just my closing statement.
24 There's nothing else to say. My
25 impression of this was that you stepped

1
2 in and answered for him, but it doesn't
3 give the right feeling as a legislator.
4 Let's just leave it.

5 DEPUTY COUNTY EXECUTIVE FOX: I am
6 going to leave it. I just want to point
7 out that the Captains, Deputy Under
8 Sheriffs are all here.

9 LEGISLATOR DERIGGI-WHITTON: But I
10 think that if Sposato is running the
11 jail, which is what I heard at least six
12 times, that he should be here.
13 Absolutely, as a legislator, I'm putting
14 on the record, that he should be mandated
15 to be here next time (applause).

16 Again, not to know about anything
17 that has to do with the mental health
18 programs that we're running. I mean I
19 understand three months. You know, even
20 as a legislator you get thrown in, but
21 you really have to work very hard to
22 learn about all this. I mean the mental
23 health issues with everything we've just
24 been through with the last few years and
25 it's like so paramount and you don't even

1
2 know what programs are. You don't even
3 know. I mean three months is a long time.
4 You're getting paid full salary at three
5 months. You've got to know what your job
6 entails. If you're not taking a full
7 salary, I could understand it. But
8 there's no curve, you're in. So,
9 especially with things that are so
10 important and what we've learned over the
11 last few years, it just killed me to hear
12 that you're not even aware of those
13 programs.

14 So again, I appreciate these kind of
15 hearings. It brings a lot to life. All I
16 can say is I really believe it's
17 bipartisan that you have a commitment,
18 that we're going to do everything we can
19 to improve the working conditions. Your
20 lives are important to us: Your safety,
21 your health, your wellbeing, mental
22 wellbeing and you have that commitment
23 from us. Even thought, I will say I feel
24 like I beat you up a little today, but I
25 did it because I really think this is so

1
2 important and that's a commitment from
3 all of us. So thank you.

4 CHAIRWOMAN FORD: Legislator
5 Ferretti.

6 LEGISLATOR FERRETTI: I just have to
7 just have to respond. With all due
8 respect, Legislator DeRiggi-Whitton, I
9 just find those last comments completely
10 disrespectful to the Sheriff.

11 Number one, and we can all have our
12 belief as to who's advising who or who is
13 making -- you have your belief. But we
14 have to have the record clear. And
15 correct me if I'm wrong. At any point,
16 did you say that Mr. Sposato was running
17 the jail, you three sitting at the table
18 and who was making the final decisions on
19 the jail?

20 ACTING SHERIFF LAROCCA: I would
21 make the final decision.

22 LEGISLATOR FERRETTI: Is Mr. Sposato
23 doing anything without running past you?

24 ACTING SHERIFF LAROCCA: Not at all.

25 LEGISLATOR FERRETTI: Is he acting

1
2 as an adviser? And again, let me be
3 clear, I understand that some people in
4 the room might not think that that is
5 actually the case, but I want the record
6 to be clear as to the testimony from the
7 Sheriff. Who makes the final decision on
8 every on everything that goes on in jail?

9 ACTING SHERIFF LAROCCA: I do.

10 LEGISLATOR FERRETTI: I also just
11 find it disrespectful that you're saying
12 that Tatum was answering for him. I
13 didn't see that. In fact, you just said
14 you put him under a lot of scrutiny. I
15 think he answered the best of his
16 ability. You disrespectfully called him
17 out for being passed a note and they held
18 up the piece of paper and it wasn't a
19 note.

20 LEGISLATOR DERIGGI-WHITTON: We have
21 a difference of opinion.

22 LEGISLATOR FERRETTI: Well, that's
23 not opinion. She held it up.

24 LEGISLATOR DERIGGI-WHITTON: But
25 it's also a fact that you can read the

1
2 record and then you can get the answers
3 if you missed them. It was stated three
4 times.

5 LEGISLATOR FERRETTI: I just think
6 there's a certain level of decorum that
7 we need to maintain. And to say that he
8 was being told what to say, without you
9 actually knowing that, I just find it
10 disrespectful.

11 LEGISLATOR DERIGGI-WHITTON: We can
12 agree to disagree. But I will tell you
13 right now that I felt that as a
14 Legislator, which is what I said, it's my
15 opinion, that it would have been better
16 off for the Sheriff to be speaking for
17 himself more than having Tatum. And
18 Tatum I respect. Like I said, she's been
19 around for a long time doing this type of
20 job from Suozzi, Mangano, all the county
21 executives. She's good at what she does.
22 She's very good, and that's great for
23 Tatum, but it's good for us to hear
24 directly from whoever it is. If it's the
25 Sheriff -- I mean the Sheriff, that's a

1
2 very important job in Nassau county.

3 Again, it's tough to be on the hot seat,
4 but that's your job. I mean that's what
5 you signed up for when you came in.

6 You're responsible for the lives of not
7 only the inmates but of our correction
8 officers, who we really care about, plus
9 or plus the civilians that work there.
10 You have a tough job, but you got to be
11 ready, you've got to be trained, you got
12 to be well read.

13 Again my only point was that I felt
14 when I asked questions and Tatum answered
15 them and I was directing them to the
16 Sheriff, I had to say three times: This
17 is for the Sheriff. It just gives an
18 impression at least to me, in my opinion,
19 that perhaps you're not as well versed.
20 Again, it's three months. But as a
21 Legislator or any of us, when you're in
22 the job, you're on the job. To say I
23 don't know yet isn't acceptable for any
24 of us. And you were an under sheriff for
25 a long time. I mean you know, you know

1
2 what a job, you know that place, so don't
3 -- you're going to think -- I think it'd
4 be better impression for you to be
5 answering the questions.

6 LEGISLATOR FERRETTI: With all due
7 respect, Legislator, the floor is mine.
8 So we've heard that already from you and
9 I would just reiterate again -- so you
10 put that on the record. I did not see you
11 passing notes, I did not see you
12 whispering into his ear. Agree or
13 disagree with what was said today. I
14 didn't see that.

15 DEPUTY COUNTY EXECUTIVE FOX: I
16 appreciate that because I have been
17 working for the County for a long time,
18 so integrity is everything. So I was just
19 trying to answer from the
20 Administration's perspective. The
21 Administrative appointed Acting Sheriff
22 LaRocca. I would never try to answer for
23 him and if that was the appearance you
24 received, that was not at all intended on
25 my behalf, not even once.

1
2 LEGISLATOR DERIGGI-WHITTON: It's
3 just something to be aware of, so I
4 appreciate it.

5 CHAIRWOMAN FORD: All right. The
6 last thing. Andy, I don't want you to
7 feel left out. You're here because I do
8 have a question: Would we be able to get
9 from you the detailed report on the
10 overtime costs at the jail broken down by
11 jurisdictions, what days, so that we
12 could see what makes up the \$30 million
13 in overtime?

14 MR. PERSICH: We have it broken down
15 by what I would say, secure post and
16 everything else, and we can break it down
17 by individual and dollars and how much
18 they've earned.

19 CHAIRWOMAN FORD: Individual,
20 they're working, they deserve the money.
21 But I'd like to see, is it the secure,
22 nonsecure when you move people over here,
23 what was the emergency overtime, all of a
24 sudden, had to bring extra people on
25 Saturday and Sunday because something

1
2 happened. You know, like I'd like to see
3 that.

4 MR. PERSICH: We have the detail
5 broken out by different locations, yes. I
6 mean the movement you are talking about,
7 I think there might be a little bit more.
8 We have to get more. I think there's
9 overtime sheets that the correctional
10 facility actually signs. We keep records
11 of what the overtime is for and who it's
12 for and where they're working.

13 CHAIRWOMAN FORD: And who signed the
14 overtime sheets. That would be
15 absolutely perfect.

16 MR. PERSICH: No problem, we will
17 get them for you.

18 CHAIRWOMAN FORD: Thank you very
19 much for coming here today to testify. We
20 appreciate the information that you
21 shared with us. But we're not quite
22 finished yet. So we still have Brian
23 Sullivan granting him some extra time,
24 and then we have two public comments.
25 Thank you.

1
2 MR. SULLIVAN: Hello again, thank
3 you very much.

4 So I think a lot of what happened
5 here was very eye-opening. It's pretty
6 obvious to me to use some nomenclature
7 that for not just the last three months,
8 but for a while now this Department has
9 been upside-down and on fire and
10 something needs to be done about it. When
11 it comes to hiring, when it comes to the
12 number one concern here is always about
13 overtime, overtime, overtime.

14 We spoke a little bit before about
15 2018 budget numbers and why things were
16 done back in 2018/2017. We're in a much
17 better spot financially now in Nassau
18 County than we were back. There's a
19 billion and a half dollars sitting in
20 banks right now that we got from the
21 Federal Government and we're talking
22 about, you know all of these these cuts
23 that need to be done.

24 Looking at the Office of Legislative
25 Budget Review and this goes into it and

1
2 I'd like to request on the on the record
3 if I could get a copy of what Mr. Persich
4 provides to the Legislature, if I could
5 also get a copy of that, please. We have
6 key Correctional Center statistics that
7 come from Chalmer's office that shows
8 that there's 740 people working here and
9 there is an overtime amount of \$30
10 million. I'd like to clarify if this
11 includes everybody on the job for the
12 Sheriff's Department. Does that include
13 all the maintenance people, the cooks,
14 the deputies. Is it all under? Because
15 it's my understanding that it does so. If
16 we're talking about a \$20.5 budgeted
17 amount and as of this amount it's 30, it
18 looks like it's going to end up 31 or 32
19 and we're going to appoint the mad cutter
20 to come back here, why are we just
21 concentrating on the correctional
22 facility with 30 million dollars? We may
23 shave off four million dollars of that.
24 Four million dollars is four million
25 dollars. But I would like to get a copy

1
2 of that please.

3 It's funny. We said something before
4 about mental health training and all
5 that. We do get mental health training in
6 the academy. There is no inservice mental
7 health training. You get it as a recruit,
8 you don't get anything any further.

9 Someone brought up about our
10 Employee Assistance Program. Our Employee
11 Assistants was just in the last couple of
12 days, was put on the redeployment list.
13 He has to go and cover a post eight hours
14 a week. I just want to make sure that we
15 put that on the record.

16 Just a couple of answers that I have
17 here that answer some of the questions
18 that came up. Ken Arnold, Commissioner
19 Arnold was here before and he spoke about
20 projects that are in design. Back when
21 Vera Fludd was the sheriff, we had a
22 meeting with Alfonso Albright, who was
23 the commissioner at the time Vera was the
24 sheriff. We had a meeting in my office
25 with a lot of county people. Ken Arnold

1
2 was there and we talked all about these
3 projects. Vera hasn't been the sheriff
4 here in over three years. We talked about
5 fixing B Building and doing the windows
6 and doing the mouldings and all of that
7 stuff. We talked about building a chilled
8 water plant at the jail. This was all
9 fantasy land. We have a six-year master
10 plan when it comes to infrastructure at
11 the place that's about 20 years old. I
12 think every six years we just put a new
13 new date on it, we stamp it and then we
14 go forward because these projects don't
15 ever get completed.

16 So the B Building issues that we're
17 talking about now it's going to be done
18 on an emergency basis. We've been talking
19 about doing B Building for at least the
20 last six or seven years.

21 When it comes to Civil Service, the
22 2022 test has not come back yet. I'd like
23 to have some answers from Civil Service
24 about what they're doing to push the
25 State to get that test done. If we have

1
2 400 people not complying, that's
3 actually news to me. Not complying out of
4 750 people that took a test. That's an
5 embarrassment, first of all, that 750
6 people took the test. But if we're that
7 much in the whole, we need to get that
8 other test back as soon as possible. To
9 my understanding, over a 1000 people took
10 that test. Let's bang the door down on
11 State Civil Service and get that test
12 back.

13 That also goes into what I talked
14 about before -- and Legislator Mule, I
15 appreciate you bringing that up again
16 also -- that I would like to see some
17 sort of reporting requirements, like
18 quarterly reports about exactly what's
19 going on with all the stuff that I put
20 into the record earlier.

21 Now, also to go with some of the
22 stuff that goes on with redeployments
23 just to clarify the record. At 10 PM is
24 not when people get moved off of, like
25 the medical unit, things like that and

1
2 they go to cut people loose on overtime.
3 That's a discretionary thing. That's
4 through the captain, through the tour
5 commanders. If there's people that are
6 let go and and the post coverage
7 decreases, yes, they can go. Those are
8 not the redeployments I'm talking about.
9 There's a there's a list of employments
10 that comes out every day, doing meal
11 relief from all of these different
12 different areas. Medical and visiting
13 people that are running visiting have to
14 actually leave visiting. Well, I'm not
15 going to get on the record here. I don't
16 want to state it for public record, but
17 we lose people in visiting, we lose
18 people in medical. We lose people in
19 rehab that have to go and do meal relief.
20 Things like that, church services.

21 10:00 p.m., people do stay in
22 medical, but their team also leaves at
23 10:00 p.m. The SERT team is done at 10:00
24 p.m., they go home, they don't work till
25 midnight.

1
2 The attrition thing that we talked
3 about with the hiring. I don't know where
4 we're getting a number of two, that we're
5 plus two. Maybe we're splitting the baby
6 of how much we're down. The one thing
7 that I point to all the time is in 2020,
8 when COVID first hit, we lost just about
9 70 correction officers through all the
10 ranks. That year we didn't hire any
11 because of COVID. So if we're going to
12 match the 27 that came in this year and
13 the 23 and then say we lost 49, it's 50.
14 Yeah, that's just the attrition rate.
15 That doesn't cover the whole that was
16 blown in in this Department of how many
17 people we need. So that's a little bit
18 of, you know, a little bit of play with
19 the numbers were down, a lot of bodies.
20 We're down, like I said before, 22 bodies
21 from January when we started this whole
22 endeavor.

23 Right now and and I verified the
24 numbers, I said we had 714 correction
25 officers. I stand a little bit corrected.

1
2 Yes, we have 714, but that includes the
3 23 that are in the academy that don't get
4 out until the middle of January. So right
5 now we have 691 correction officers on
6 this job.

7 The last thing that I'll say with
8 all this, unless I'm missing a point
9 here, I wanted to make a special point
10 about that budget numbers that I think it
11 is actually very telling that Mike
12 Sposato was not at this meeting today.
13 I've been to meetings where the police
14 department comes here and Pat Ryder is
15 here, Kevin Smith is here; his number two
16 guy, Chief Palmer is here and there's
17 more brass in this room than you can make
18 10 spittons out of. We have the sheriff
19 here, and I've known Anthony LaRocca a
20 long time. I've said it before. I feel
21 bad because he is trial by fire here and
22 he's getting beat up a little bit, I
23 think, unnecessarily because of the
24 actions of somebody else. Unfortunately,
25 he is responsible for it.

1
2 We have all of our captains here,
3 are top brass here, most of whom are
4 still friends with me. Some of them
5 aren't. We have deputy under sheriffs
6 that are all here, but the man of honor
7 isn't here. So if we have deputy under
8 sheriffs here, our captains and our
9 sheriff, why isn't the guy that's the
10 point of focus in a lot of what I talked
11 about here today?

12 That is all I have to say. I would
13 love follow-up with paper about those
14 quarterly reports. I would definitely
15 request that we revisit this again, that
16 we have another meeting at some point in
17 the future, maybe the next quarter, to
18 follow-up on this stuff. I'll definitely
19 be following up with all of you. I'm sure
20 I'm going to get some text messages about
21 that. But this stuff has to change. This
22 department has to change, it can't go on.
23 We have new faces. We have everything
24 else. We need to turn this place around
25 because it's pointed in the wrong

1
2 direction and I'm hoping Anthony LaRocca
3 will lead that charge.

4 Thank you very much and thanks to
5 everybody that came here today, all the
6 people, guys on my job that took time out
7 of their own schedules; their free time
8 to come here. Usually, they're getting
9 ordered to work overtime. They took their
10 free time to come here. So thank you very
11 much.

12 CHAIRWOMAN FORD: Thank you very
13 much. Can you e-mail us the redeployment
14 list? So we have it and then we could
15 take a look at this.

16 MR. SULLIVAN: Of course.

17 CHAIRWOMAN FORD: Thank you very
18 much. We'll go to public comment.

19 But I do want to thank Sheriff
20 LaRocca, DCE Fox and Andy Persich once
21 again for being here. And, yes, you were
22 put under the fire and we appreciate your
23 sitting here.

24 LEGISLATOR FERRETTI: Can I just say
25 one thing to Brian?

1
2 CHAIRWOMAN FORD: Okay.

3 LEGISLATOR FERRETTI: I also want to
4 join in thanking you and your board for
5 being here today, as well as the captains
6 over on your right. And I think that,
7 like I said earlier, we have these
8 hearings and I think at least we can
9 leave here with some common ground in
10 terms of what needs to be done with the
11 hiring. I think that leaving here all in
12 agreement on what needs to be done, is a
13 step in the right direction. I hope you
14 feel the same way. I think we should all
15 continue to work together to get to that
16 end.

17 MR. SULLIVAN: I definitely feel the
18 same way. I need to go get a bucket of
19 Motrin because my eyes are still
20 twitching from some of the testimony I
21 heard here today, but I'll just leave it
22 at that. Thank you. We need a lot more
23 follow-up on this.

24 CHAIRWOMAN FORD: We will follow-up
25 and thank you everybody for being here

1
2 and also, Captains, thank you very much.
3 As we endeavor to make it better at the
4 jail, you know you guys are there as
5 well. Not only do we look at our COBA
6 members, but we also look at our
7 officers. You do an outstanding job and
8 we thank you very much for your service
9 to the County.

10 So I will now ask Maria Ceralo.

11 MS. GOTTEHRER: Maria is gone, if I
12 may stand-in for her for just a couple of
13 minutes.

14 CHAIRWOMAN FORD: We're limiting you
15 to three.

16 MS. GOTTEHRER: That's fine. I would
17 just ask if there is documentation that
18 can be gotten on each use of force
19 incident that happens at the jail. That's
20 something that you guys should be asking
21 for.

22 Also, the Board of Visitors has not
23 had a public meeting since before the
24 pandemic, so I just wanted to fill that
25 in.

1
2 And also I just want to say, when we
3 look at our budget priorities, maybe we
4 don't need to have all of our problems
5 solved by the criminal justice system.

6 So anyway, thank you. This was a
7 very rigorous meeting and I appreciate
8 it. Thank you.

9 CHAIRWOMAN FORD: Thank you, Susan.
10 All right. Kevin McKenna.

11 MR. MCKENNA: Could I wait for the
12 entire board to be here?

13 CHAIRWOMAN FORD: Well, that's why
14 we changed it. We put public comment in
15 the beginning.

16 MR. MCKENNA: I was here. There was
17 no public comment at the beginning.

18 CHAIRWOMAN FORD: Yes, it was. Brian
19 Sullivan, Susan Gottehrer.

20 MR. MCKENNA: Well, all right. Well,
21 I was here at the beginning and I handed
22 --

23 CHAIRWOMAN FORD: We did the
24 public--

25 MR. MCKENNA: All right. I'll go

1
2 now. Thank you, Kevin McKenna, Edna
3 Drive, Syosset, New York.

4 I want you to just consider what I'm
5 about to say. I feel very, very much for
6 these correction officers in the
7 department. The crux of it is is that
8 there's a problem finding the money in
9 order to properly have them do their
10 jobs, which is unbelievable. In light of
11 the fact that just about three weeks ago
12 the second precinct had a mysterious
13 fire, that we still don't know what
14 caused it -- although I do know what
15 caused it -- and the next day -- I want
16 you all to think about this, Legislators,
17 because you're going to have to vote soon
18 on building a new precinct that 10 years
19 Ed Mangano made an argument should be
20 consolidated into the Eighth Precinct. So
21 there's an argument that that could still
22 happen.

23 CHAIRWOMAN FORD: We are talking
24 about the jail.

25 MR. MCKENNA: Okay, we are talking

1
2 about the jail. So the next day after the
3 fire, Bruce Blakeman can find \$26 million
4 the next day to build a precinct. Why
5 can't he find the money to fund the
6 correction officers? It's just bizarre.

7 Now, Legislator Ford, you are asking
8 questions of the dais here. I'm a member
9 of the public and I want to ask you a
10 question. You have basically put them
11 under fire as to what they are doing in
12 order to market the hiring of corrections
13 officers. I am sure, Legislator Ford and
14 all the legislators, you're aware of the
15 fact that we, the taxpayers, are paying a
16 huge amount of money for a marketing
17 department and a public relations
18 department in Nassau County. So why
19 aren't you offering that department
20 that's funded by the taxpayers, that from
21 what I could see, all they do is help to
22 promote you all on your Facebook pages.
23 Why aren't they utilizing your Facebook
24 pages to all your constituents and why
25 aren't all of you promoting the need for

1
2 corrections officers? There's 19 of you.
3 As far as I'm concerned, you can all be
4 marketing agents. So I suggest that you
5 stop utilizing your Facebook pages for
6 self-serving marketing of yourselves and
7 try to use your Facebook pages to recruit
8 corrections officers and make them aware.
9 Make the folks aware that there are
10 opportunities.

11 Lastly, because I only have 20
12 seconds. How is it that police
13 Commissioner Patrick Ryder can buy past
14 the Civil Service Department by hiring, I
15 think it was 13 intelligence officers
16 over the past two years, but why is it
17 that the Corrections Department has to
18 follow Civil Service? I suggest you're --

19 CLERK PULITZER: Your time has
20 expired, Mr. McKenna.

21 MR. MCKENNA: In closing --

22 CLERK PULITZER: There is no
23 closing.

24 MR. MCKENNA: I suggest to the head
25 of the corrections department that he get

the secret from Commissioner Ryder as to
how he bypasses Civil Service, and they
can't. Thank you very much.

(Concludes, 4:26 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 14th day of December, 2022.

Karen Lorenzo
KAREN LORENZO

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