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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

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

Monday, October 14, 2020
1:40 P.M.

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

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4 LEGISLATOR RICHARD J. NICOLELLO

5 Presiding Officer

6 9th Legislative District

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8 LEGISLATOR HOWARD KOPEL

9 Deputy Presiding Officer

10 7th Legislative District

11

12 LEGISLATOR DENISE FORD

13 Alternate Presiding Officer

14 4th Legislative District

15

16 LEGISLATOR KEVAN ABRAHAMS

17 Minority Leader

18 1st Legislative District

19

20 LEGISLATOR SIELA BYNOE

21 2nd Legislative District

22

23 LEGISLATOR CARRIE SOLAGES

24 3rd Legislative District

25

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2 LEGISLATOR DEBRA MULE

3 5th Legislative District

4

5 LEGISLATOR C. WILLIAM GAYLOR III

6 6th Legislative District

7

8 LEGISLATOR VINCENT T. MUSCARELLA

9 8th Legislative District

10

11 LEGISLATOR ELLEN BIRNBAUM

12 10th Legislative District

13

14 LEGISLATOR DELIA DERIGGI-WHITTON

15 11th Legislative District

16

17 LEGISLATOR JAMES KENNEDY

18 12th Legislative District

19

20 LEGISLATOR THOMAS MCKEVITT

21 13th Legislative District

22

23 LEGISLATOR LAURA SCHAEFER

24 14th Legislative District

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2 LEGISLATOR JOHN FERRETTI, JR.

3 15th Legislative District

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5 LEGISLATOR ANDREW DRUCKER

6 16th Legislative District

7

8 LEGISLATOR ROSE WALKER

9 17th Legislative District

10

11 LEGISLATOR JOSHUA LAFAZAN

12 18th Legislative District

13

14 LEGISLATOR STEVEN RHOADS

15 19th Legislative District

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17 MICHAEL PULITZER

18 Clerk of the Legislature

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1 Full - 10-14-20

2 LEGISLATOR FORD: Sorry for the
3 delay. We would like to get this hearing
4 started. So I will ask everybody to please
5 rise and ask Legislator Siela Bynoe to lead us
6 in the pledge.

7 Before everyone sits I ask that you
8 all please stand for a moment of silence.
9 Legislator Arnie Drucker is not with us today
10 due to the sudden death of his sister-in-law
11 Linda. So let us keep her in our thoughts and
12 prayers as well as the Drucker family.

13 Thank you very much and I will ask
14 the clerk to do a roll call.

15 MR. PULITZER: Deputy Presiding
16 Officer Howard Kopel.

17 LEGISLATOR KOPEL: Here
18 Alternative Deputy Presiding Officer Denise
19 Ford.

20 LEGISLATOR FORD: Mere.

21 MR. PULITZER: Legislator Siela
22 Bynoe.

23 LEGISLATOR BYNOE: Here.

24 MR. PULITZER: Legislator Carrie
25 Solages. Legislator Debra Mule.

1 Full - 10-14-20

2 LEGISLATOR MULE: Here.

3 MR. PULITZER: Legislator C.

4 William Gaylor III.

5 LEGISLATOR GAYLOR: Present.

6 MR. PULITZER: Legislator Vincent

7 Muscarella.

8 LEGISLATOR MUSCARELLA: Here.

9 MR. PULITZER: Legislator Ellen

10 Birnbaum.

11 LEGISLATOR BIRNBAUM: Here.

12 MR. PULITZER: Legislator Delia

13 DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON:

15 Here.

16 MR. PULITZER: Legislator James

17 Kennedy.

18 LEGISLATOR KENNEDY: Here.

19 MR. PULITZER: Legislator Thomas

20 McKevitt.

21 LEGISLATOR MCKEVITT: Here.

22 MR. PULITZER: Legislator Laura

23 Schaefer.

24 LEGISLATOR SCHAEFER: Here.

25 MR. PULITZER: Legislator John

1 Full - 10-14-20

2 Ferretti. John is here. Arnold Drucker
3 obviously is excused. Legislator Rose Marie
4 Walker.

5 LEGISLATOR WALKER: Here.

6 MR. PULITZER: Legislator Joshua
7 Lafazan. Legislator Steven Rhoads.

8 LEGISLATOR RHOADS: Present.

9 MR. PULITZER: Minority Leader
10 Kevan Abrahams.

11 LEGISLATOR ABRAHAMS: Here.

12 MR. PULITZER: Presiding Officer
13 Richard Nicolello.

14 LEGISLATOR NICOLELLO: Here.

15 MR. PULITZER: We have a quorum
16 ma'am.

17 LEGISLATOR FORD: Thank you very
18 much. We're going to call the hearing open on
19 the public safety budget and without further
20 ado we're going to ask Jed Painter from the
21 district attorney's office to present.

22 MR. PAINTER: I want to thank you
23 on behalf of the district attorney who sent me
24 here and I will present. I have it shared on
25 this TEAM screen. Hopefully this goes without

1 Full - 10-14-20

2 any sort of issues but just in case I believe
3 you have been provided with printed copies as
4 well for future reference as well.

5 So I'm going to start at the end
6 with the conclusions. As with last time we
7 have been very grateful to this body and to
8 the county government for your support. I
9 think you did a good job as far as the
10 hearings in advance of the criminal justice
11 reforms and in the aftermath of the criminal
12 justice reforms to of course call
13 representatives from DA Singas' office, the
14 police department, probation, all the
15 stakeholders. It's heartening to see the
16 interest and definitely appreciate the support
17 of the Nassau County DA's office.

18 We are facing unprecedented but not
19 altogether unfamiliar challenges. We know how
20 to deal with backlog. We know how to deal
21 with certain criminal issues. But these are
22 not unfamiliar. But what is unfamiliar to us
23 is handling with all of these issues at once
24 and I will go into what's really happening
25 practically. But we will meet these

1 Full - 10-14-20

2 challenges through reorganization of our
3 workforce and our work flow.

4 As far as the legislative changes,
5 just so you know, I'm not going to go of
6 course through all of the testimony I have
7 given to this body a couple of times. But we
8 had the criminal justice reforms that came
9 online January 1, 2020 which was a system
10 shock for our operations. I do want to do an
11 asterisk there and say that changes to the
12 asset forfeiture collection, which will come
13 up once or twice during our presentation, that
14 actually came into effect earlier, in October
15 of 2019.

16 You had the re-reform. There were
17 some modifications, limited modifications
18 mostly I would say to securing orders, but
19 there was a little bit of modification to
20 discovery. Which it became effective in April
21 and have been implemented throughout the
22 summer. Because they only became effective as
23 far as their effective dates rolled through
24 the summer. Then we also recently had the
25 repeal of 50A which has not directly but

1 Full - 10-14-20

2 indirectly impacted upon our discovery
3 operations. They were already impacted by
4 these previous legislative changes.

5 As far as criminal justice reform,
6 as mentioned before, I'm sure you're familiar,
7 the spirit of the reform was faster and fairer
8 prosecutions and we at the DA's office have
9 seen practical benefits of the reforms such as
10 faster court scheduling. At least we started
11 the year that way. More coordinated working
12 relationship between police and prosecutors.
13 I also mentioned before I think there's a
14 closer mutual understanding of the work that
15 each office does and that is a benefit of
16 course.

17 We have seen a transition to
18 digital case management, especially with the
19 purchase of technology and that was part of
20 our funding request.

21 Transition to electronic
22 discovery. The federal government has been
23 using electronic discovery in criminal cases
24 for over two decades. We started this year.
25 New York still does not have an overarching

1 Full - 10-14-20

2 electronic system. But we develop it at the
3 Nassau County DA's office, deployed it and now
4 we have a firm hundreds of users, attorneys
5 and judges. So getting buy-in on that was
6 critical, it happened and that is great.

7 Then of course faster
8 decision-making on cases. Don't want to
9 overspeak this too much because at a certain
10 point too much speed is not good. Of course
11 you want to be diligent and examine the cases
12 analytically.

13 Now, going back now to the
14 practical hardships. We have had financial
15 strain of course and limited preparation
16 timetable. I think you heard around the state
17 that was the biggest gripe for lack of a
18 better word leading up to it. The fact that
19 it was enacted in April and it had to go into
20 effect eight months later. And we all know
21 municipal contracting and hiring it just can't
22 work that fast. Especially with technological
23 innovation.

24 There was lack of judicial clarity
25 beside a presumption of openness. And what is

1 Full - 10-14-20

2 meant by that is, the prosecutors with the
3 DA's office and I think around the state are
4 very decent individuals who will always try to
5 do diligent work and without outer boundaries
6 even the most outlandish request for discovery
7 material, calibration records of eight time
8 removed equipment, if they're told to do that
9 or think they have to seek it under
10 presumption of openness they're going to go
11 seek that. Absent some sort of clear judicial
12 ruling or legal clarification that they
13 shouldn't.

14 So, until there are outer
15 boundaries set, the prosecutors are not keen
16 to set them themselves. They want to be seen
17 as diligent and professional and open and fair
18 and etcetera. So, until some more judicial
19 clarity comes by about what the limits of
20 discovery are we are reaching infinitely.

21 Then harmonizing interdepartmental
22 protocols. While of course we are a
23 county-funded department we are the district
24 attorney's office. We don't work just with
25 the Nassau County PD. We work with the

1 Full - 10-14-20

2 Freeport village, Glen Cove City, Long Beach,
3 Floral Park, you name it. So every single one
4 of these villages has its own independent
5 computer systems and harmonizing our pathways
6 with them is 25 problems not one. Those are
7 the hardships.

8 I had mentioned at the February
9 hearing that the complex cases seem to be what
10 has taken the hardest hit. The minor
11 offenses, while being of great volume, do have
12 a little bit more of a checklist style
13 approach. Where there's is a finite amount of
14 discovery that attends to them. But when you
15 get into pattern robberies, pattern
16 burglaries, vehicular crimes, you now start
17 seeing a lot more surveillance footage, body
18 camera footage, investigative notes, more
19 officers involved, more agencies involved. So
20 the complex cases really take a
21 disproportionate hit under the burden or under
22 the yoke of the reforms.

23 I had explained it the last time
24 and I reiterate, it was as if in the eight
25 months, talking about the financial and

1 Full - 10-14-20

2 temporal hardships, as if somebody had told us
3 to take a Kia, disassemble it, and with the
4 same parts and money create a Tesla in eight
5 months. We still don't have the money from
6 the state. We just made due.

7 But that is the best thing when I
8 talk to people not in the criminal justice
9 system that is was the remodeling that had to
10 be done to make something faster and more
11 efficient. Nothing against Kia by the way. I
12 drive one.

13 I had also reminded this body that
14 it's the ADA standards that prosecutors should
15 not be carrying workloads that by reason of
16 its excessive size or complexity interferes
17 with providing quality representation,
18 endangers the interest of justice and
19 fairness, accuracy or timely position or has a
20 significant potential to lead to the breach of
21 professional obligations.

22 Absolutely this has been a main
23 concern of the district attorney is making
24 sure that the case loads, because they have
25 grown in complexity, even simple cases have a

1 Full - 10-14-20

2 little bit more, I'd say a lot more burden to
3 them, you have to drive the case loads down to
4 give the same amount of attention to each
5 individual case to make sure you're doing it
6 the right way.

7 Due to the reform of the criminal
8 justice discovery process I think we had
9 talked about that securing order reform has
10 its own outward looking aspects to it.
11 Discovery is what has the most fiscal and
12 labor implications for the district attorney's
13 office.

14 The criminal justice discovery
15 process it simultaneously involved significant
16 acceleration of production, faster timetable
17 but also increased production overall. So
18 it's not twice as hard, it's exponentially
19 more hard each individual case. It's not
20 likely to be reversed of course and we are now
21 so into the system that we are plowing ahead.
22 But I wanted to phase that in terms of stats
23 that I'm going to prepare.

24 Plan A for 2020 was out. Shifted
25 over to plan B. That involved of course

1 Full - 10-14-20
2 investing in technological solutions, building
3 and discovery compliance, bureau. This body
4 had funded the creation and hiring of
5 discovery expeditors to do so and that is
6 something that was able to be done. We now
7 have 12 discovery expeditors plus two
8 temporary staff, a paralegal and bureau chief
9 and an ADA and they are doing a great job.

10 We had to focus on retention of
11 staff because as the workload went up
12 exponentially and recruitment was falling we
13 were fearful that we would lose a lot of staff
14 as they did in other counties of the state.

15 We also needed to stand up Shared
16 Tech not only with the Nassau County PD and
17 the sheriff and the crime lab but the various
18 law enforcement agencies including state
19 police, state DEC, etcetera. We had to work
20 with the courts to accelerate court schedules
21 which was going off well and then of course
22 COVID, which I will get to in a second, hit
23 and now it stalled. And prepare legal forms
24 and arguments to find those outer limits and
25 represent victims appropriately. And then of

1 Full - 10-14-20

2 course keep cases moving because we couldn't
3 afford to have cases meet their speedy trial
4 ends without giving them the best effort
5 possible.

6 COVID-19, as far as its affect on
7 operations, the court system had gone into
8 emergency protocols in late March 2020.
9 Shutdown almost everything. Consolidated only
10 emergency matters into 262 Old Country Road.
11 Everything. Surrogates court, family court,
12 etcetera.

13 The bulk of the DA's operations
14 also went remote at that time. Of course we
15 had to keep a skeleton staff up and running as
16 far as on site skeleton staff and the
17 executive orders postponed return dates on
18 appearance tickets for minor offenses. This
19 will be very important. Suspended jury trial
20 and suspended the timelines of even
21 discovery. So that actually gave a little bit
22 of reprieve as far as the tech investment that
23 we were able to do.

24 These timelines were gradually
25 restored. They are now in effect as of the

1 Full - 10-14-20

2 beginning of this month. We now have speedy
3 trial. We still do not have desk appearance
4 ticket timelines restored.

5 About intake, the county saw minor
6 crime decrease, that I'm sure the police
7 department can outline better than I could.
8 We saw most major crime categories increase
9 though. Burglaries, felony assault, robbery,
10 homicide, stolen vehicles are all up. And put
11 in prosecutor's terms, as I said before, the
12 complex caseload has increased. As I
13 mentioned before, the complex cases seem to be
14 what is hardest for us to keep up with in
15 discovery that's exactly the caseload that's
16 gone up regrettably.

17 This is another important
18 observation as far as the suspensions has
19 created a large minor offense, what I would
20 call a float, due to the appearance ticket
21 suspension. So if you got arrested for
22 something, a disorderly conduct or anything,
23 in June your appearance ticket could float
24 three months. So a lot of these cases have
25 not yet landed. And even if they did land

1 Full - 10-14-20

2 they got administrative adjournments. So
3 there's a huge swell of minor cases,
4 unprocessed caseload, that has yet to land
5 from a season ago. So we have to move on to
6 plan C.

7 I will give a nod to how the
8 criminal justice reforms helped prepare for
9 COVID. Due to the technology upgrades that
10 were financed -- thank you again -- and made
11 in preparation for the TJR examples being our
12 one drive integration, our teams integration,
13 our shift to digital case management, the
14 office was able to continue on case
15 preparation remotely. ADAs could access their
16 case files remotely to work on what they
17 could. And due to the digital networks that
18 we built between the NCDA and the NCPD and
19 those 25 other law enforcement agencies we can
20 still actually still seamlessly assess the
21 intake. That was very good and would not have
22 happened.

23 CP Clines has just starting sharing
24 again. Pete. Pete you got to close. I'm
25 going to pull it back up. One second. I'll

1 Full - 10-14-20

2 be fine as long as somebody doesn't rip me
3 off. We're back.

4 LEGISLATOR FORD: While we're
5 waiting, just want to mention that Legislator
6 Lafazan has been on the call. We just
7 couldn't hear him when his name was called but
8 he is in this hearing.

9 MR. PAINTER: We're almost back.
10 This is something that I even talked to about
11 30 seconds ago. The caveat here is just
12 because we have the technology present it
13 doesn't mean that we were able to catch up. I
14 think that's a big misconception. We of
15 course wanted all the time we could for
16 preparation such as buying technology and
17 that's where we got the time. In installing
18 contracts, even finding independent
19 contractors, refining our automation and doing
20 some background programing. But we are only
21 as good as processing as those people who can
22 give us information to process. Hence, the
23 police forces who provide the criminal
24 discovery. Police forces of course have been
25 doing a heroic job not only trying to comply

1 Full - 10-14-20

2 with criminal justice reforms but trying to
3 abate a pandemic. They have had a busy year
4 as far as having to redeploy all their
5 resources in various ways throughout the
6 year.

7 What that means is, if you are an
8 analyst who was fitted for doing discovery for
9 example you're also an analyst who could
10 possibly track COVID-19. So we saw
11 reassignments which were natural. We saw
12 staggered shifts which were natural and staff
13 reductions that were natural to control COVID
14 pandemic. Just like we had to go remote, our
15 police departments had to go remote as well.
16 As far as feeding us information, that could
17 only happen with the labor investment they
18 were able to muster.

19 So, it wasn't necessarily an
20 environment where we could just get unlimited
21 things and we could now catch up. It's a
22 two-party system. So the entire engine was
23 throttled down. We're throttling it up very
24 nicely. And as I just indicated, the way we
25 tried to make use of that time was to improve

1 Full - 10-14-20

2 our technology, training, purchasing
3 etcetera.

4 As far as moving on to an
5 environmental analyst I know everyone is very
6 keen for stats. This is what we could come up
7 with and give. These stats that are on the
8 screen right now in front of you are from the
9 Division of Criminal Justice Services and 2019
10 was the last completed year.

11 You generally see about a one
12 percent dip in adult felony arrests from 2015
13 to 2019. And misdemeanor arrests you see is
14 relatively flat but on a bell curve. I put a
15 little note there that in '18 and '19 to
16 adjust for it in your head that's when Raise
17 the Age was coming online. So adult arrests
18 would be naturally diminished by the number of
19 the number of 16 and 17 year olds.

20 But other than that, not anything
21 of extreme variance. I would be remiss not to
22 mention this does not capture factors such as
23 what the individual case complexity is or
24 what's appropriate or labor investment into
25 each individual case. I'm just showing blank

1 Full - 10-14-20

2 statistics.

3 The second thing to point out with
4 these stats is of course the DA's office
5 doesn't prosecute things instaneously. We
6 prosecute things on a lag. DCJS estimates our
7 median case disposition of a felony case about
8 293 days. We're dealing with of course this
9 caseload that you're looking at right now. So
10 we estimate currently that we are 51 percent
11 prior years and 49 percent current year for
12 what our case break up looks like.

13 We're doing what I would term an
14 excellent job as far as increasing
15 productivity. You can see from 2015 to 2019
16 these are the numbers of dispositions we were
17 able to take. So you see, especially
18 misdemeanors, you see a 9,408 number in 2015.
19 That's up to 12,000. Same thing with
20 felonies, you see an increase. ADAs were
21 being very productive despite, more
22 productive, despite relatively flat numbers.

23 Then you have this is another chart
24 that shows productivity. It's felony
25 indictments or superior court information.

1 Full - 10-14-20

2 You can see a rise in that field as well.

3 2020. Very difficult to score
4 2020. We'll try right now but I wanted to
5 point out a few things. One is the best stats
6 come from the first quarter if you want to do
7 apples to apples comparisons. This is an
8 apples-apples comparison date of March 3.
9 March 3 of each date. And that was the number
10 of docketed cases. You can see there is a
11 slight dip in the current year in the first
12 quarter. But something very important to
13 remember is that the desk appearance ticket
14 mandate came online for misdemeanors and E
15 felonies. So before you could be held on
16 those now they're mandatory desk appearance
17 tickets which creates a built in 20 day lag.
18 At that time, March 3, that was a significant
19 percentage of the year. 20 days. It
20 represented 32 percent of the year. There's
21 no way to accurately inflate this statistic to
22 a capital lag but just keep that in mind when
23 looking at the numbers.

24 As far as other environmental
25 analysis and Nassau County PD can speak to

1 Full - 10-14-20

2 this better than I will, but as of today it
3 appears that the spike in crime peaked at
4 March 9, 2020 with a 15.39 increase over 2019
5 year to date numbers. So there was a sharp
6 rise in crime the first quarter and then it
7 abruptly dropped consistent with the
8 coronavirus prevalence. As of today it's down
9 7.76 percent.

10 As I mentioned before, there are
11 statistics that -- for Nassau County alone I
12 don't know if this data includes jurisdictions
13 like Hempstead or Freeport but other major
14 crime categories up. Murder up 22 percent.
15 Robbery up 6.5 percent. Felony assault up
16 seven. Burglary up 71. Grand theft up almost
17 20 percent. Those types of cases, again, I'm
18 putting it in our terms for the DA's office,
19 those are the more complex cases and therefore
20 the backlog of them that is very serious.
21 They demand a lot of labor from the DA's
22 office.

23 As far as DCJS numbers, the state
24 numbers, we only have one quarter of reliable
25 data before COVID hit as far as if you want

1 Full - 10-14-20

2 apples to apples comparisons. You're never
3 going to be able to compare this year with
4 anything before or after because it's just so
5 crazy.

6 As far as the first quarter of
7 reliable data, statewide crime has gone up by
8 9.7 percent in the city. Rest of state, which
9 would include us, went up by 10.1 percent.
10 Violent crime in the city was up 8.2. Rest of
11 state up 3.1. Property crime was up uniformly
12 11 percent around the state at the first
13 quarter before I think coronavirus really
14 started gripping the stats.

15 We have seen a disturbing increase
16 in number of guns and shootings this year. In
17 Hempstead alone there has been a 31 percent
18 increase in shootings to year to date. From
19 58 last year to 76 this year. And the number
20 of people struck by gunfire has more than
21 doubled.

22 We have seen the drug use pick up.
23 This stat that I'm displaying and I apologize
24 it's from September 4th so it might be a
25 little dated. A month. This was started

1 Full - 10-14-20
2 2020. Fatal overdoses in Nassau spiked 43
3 percent. Nonfatal overdoses climbed 18
4 percent compared to 2019 numbers. And this
5 was on the heels of us turning the tide.
6 There was once a 40 percent drop in fatal
7 overdoses.

8 Reckless driving is also on the
9 rise unfortunately. This stat is a little bit
10 more towards one pack but here goes. October
11 14, 2019 our vehicular crimes bureau was
12 prosecuting 47 crashes involving serious
13 physical injury or death that occurred in that
14 year, 2019. In this year, same date, October
15 14 today, we're now prosecuting 64. Which is
16 a marked increase. Each one of those is that
17 very scary random crime, completely random,
18 you're on the roadway and now we have a person
19 seriously injured or killed. So a very big
20 concern there about all these numbers going in
21 the wrong direction.

22 Now for the DA's purposes,
23 backlog. I know there's some questions about
24 what the backlog looked like. You have to
25 always assess the DA's office of course not in

1 Full - 10-14-20

2 a vacuum and not numerically, but if you're
3 going to assess backlog you have to do it two
4 ways. One is the case of influx like crime
5 rate. And two is outflow. Because if influx
6 is diminished but outflow equally diminished
7 you have the same exact numbers of cases that
8 ADAs are carrying.

9 But we have a worse environment.
10 We have a case where influx is slightly
11 diminished on minor cases alone but
12 dispositions have remained completely
13 stagnant. The best way to describe it is
14 through the district courts. I know they're
15 small on the screen but I think you have
16 handouts in front of you. You can see the
17 dispositions in January through August. And
18 on the right-hand column 2019 shows how many
19 cases we were able to dispose on average and
20 the left-hand column is this year.

21 You see thousands of cases because
22 of court operation suspension are now not only
23 not disposed of but unprocessed. What I mean
24 by unprocessed is, there's been no motions,
25 there's been no hearings, there's been no

1 Full - 10-14-20

2 trials, there's been no meaningful
3 adjournments after which you update the victim
4 on the status of their case. There is a huge
5 unprocessed backlog. The ADAs might know
6 about it, be able to prepare discovery on it
7 so to speak and know their cases that swell
8 and swell and swell, but there is no work,
9 meaningful work able to move those cases
10 forward. So that is a very serious backlog
11 issue. If you aggregate it we are 11,800
12 heavy today as opposed to where we were last
13 year. Astonishing backlog that will take
14 years.

15 Felonies, I could not capture all
16 felonies. This is just county court trial
17 bureau. It is nonmajor cases. Doesn't
18 include vehicular crimes. It wouldn't include
19 sex offenses or special victims. It wouldn't
20 include homicides. But county court trial
21 bureau general felonies and you can see in
22 that area we are 137 felonies heavy this time
23 over last year.

24 So that's the backlog and that is
25 the big mission for the district attorney's

1 Full - 10-14-20

2 office in 2021 and it starts today.

3 I would be again remiss if I didn't
4 mention that this is numeral appraisal. It
5 does not incorporate the district attorney's
6 operating fundamentals. That ensuring
7 community trust through robust outreach victim
8 advocacy, diversion and reentry programs,
9 alternative sentencing, diligent misconduct
10 and corruption investigations, conviction
11 integrity review, insuring utmost level of
12 detail and attention, compliance with the
13 criminal justice reforms and overarching spear
14 behind them and maintaining a quality and
15 experienced staff that's able to align
16 themselves with all these goals.

17 Numbers tell you one thing. They
18 don't tell you what type of case it is.
19 Definitely I think you can see with that
20 11,000 heavy we don't want to be forced into a
21 situation where it's a fire sale that's
22 completely without regard for the community
23 and public safety and ethics.

24 Cost savings measures because it is
25 2020. The DA's office, while you did

1 Full - 10-14-20

2 graciously fund us, because we had made
3 overtures of course that this was going to be
4 a hard year on moral because of criminal
5 justice reforms and we had made overtures
6 about our recruitment dwindling and the need
7 to retain the staff we had. You had allotted
8 us to do that by keeping the grid
9 progressing. Despite that, because of fiscal
10 responsibility the DA elected not to give
11 raises or COLAs given to legal staff in 2020.
12 Can't imagine a worse year but we all have to
13 deal with this together of course. Couldn't
14 imagine worse year with the workload that they
15 are doing and the work that they have done.

16 Second thing is senior ADA
17 promotions were withheld. Management
18 promotions were given without title change
19 raises. We had some retirees and we promoted
20 deputies into bureau chief positions for
21 example but they didn't get an independent
22 raise. So they're working under salary.
23 Again, out of fiscal responsibility. There
24 was an initiative earlier this the year, I
25 think it almost came to this body, to increase

1 Full - 10-14-20

2 the e-cap supplemental shift pay for case
3 intake. That bill has been held back. Again,
4 we'll come back to it when fiscally
5 appropriate.

6 Then here's actually one of the
7 more bright line issues. We stopped giving
8 community partnership and crime prevention
9 fund grants and this is horrible. In case you
10 didn't know, the district attorney's asset
11 forfeiture program pooling all federal and
12 state resources the DA's office gives grants
13 to community organizations associated with the
14 mission of public safety.

15 So domestic violence shelters, Safe
16 Center, Hispanic counseling center, we had
17 after school programs in Hempstead. We had
18 STEAM programs in Long Beach. Body camera
19 programs, we funded Freeport to do that. All
20 those types of things. Extra DWI enforcement
21 out of Long Beach. These are all examples of
22 how we would deploy those funds. Because of
23 the October amendments, it doesn't change the
24 way we can spend but it absolutely hindered
25 our way to collect. That's to collect on

1 Full - 10-14-20

2 behalf of all the police agencies as well.

3 The inflow is just not there anymore.

4 Unfortunately, and I think at that
5 time when the social motor right now is to of
6 course bridge the gap, reach out to the
7 community, try social service alternatives,
8 mental health alternatives, therapeutic
9 interventions. It is a shame that
10 simultaneously we're scaling back funding in
11 that because we just quite frankly we don't
12 have the money. If it was a nonexisting
13 contract we're not entertaining regrettably
14 new community partnerships. And again, it's
15 just like an opposite of what you want. Just
16 like it was the opposite of this year not to
17 give raises. This is another thing that goes
18 opposite the culturally moment.

19 As far as 2021 planning and
20 priorities, public safety of course is the
21 biggest priority of the district attorney.
22 Recruitment and retention is another major
23 concern and I will detail that a little bit.
24 Our recruitment numbers, I believe I flashed
25 them on the screen last time and I will again

1 Full - 10-14-20

2 to illustrate the point.

3 Full digital conversion, the
4 district attorney wants to go paperless by
5 2021. Tablets in the courtroom. We've
6 already made inroads with WiFi in the court.
7 But we'll completely shutdown hopefully
8 storage costs, file production costs, copiers,
9 ink, lots of different equipment expenses for
10 the price of nothing and actually gives us
11 access to the real files anyway. The physical
12 files have long become partial reproductions
13 of the full file which exist in the digital
14 space which happened last year.

15 We need to the finalize contracts
16 that you have again generously funded. The
17 Premier One police systems with nice
18 integration system. A contract that you had
19 approved that's been great and will continue
20 to be great as we bring it online more. And
21 our own justware case management system and
22 evidence management system. So integrating
23 those and integrating them also with our
24 villages that's a priority of course. Making
25 sure that we get our tech where it needs to be

1 Full - 10-14-20

2 to fully comply with the law and never lose a
3 case because we weren't timely.

4 We're also looking for the right
5 case law and the legislative developments will
6 still chip away at where ever we feel
7 appropriate to -- anything that could possibly
8 help.

9 And policy-based solutions. Again,
10 diversion and plea offer programs should be
11 considered. But again, you don't want to be
12 in a position where it's firesaling and you
13 don't want a position where you're sacrificing
14 discretion or the higher purpose because
15 you're just so overwhelmed with backlog. So
16 there's a smart way to do it and the district
17 attorney I'm sure will be able to carry that
18 off.

19 Now recruitment and retention I
20 showed this last time it remains true. People
21 just aren't going to law school anymore for
22 public service jobs. That just seems to be
23 the whole state trend. Nassau's caught it a
24 little more than the city as far as our
25 recruitment numbers, but they are down. This

1 Full - 10-14-20
2 represents the total number of applicants. So
3 you have a much smaller pool to pick from and
4 unfortunately that means everybody has a
5 smaller number to pick from. You have the
6 city taking huge bites out of the applicant
7 pool that are coming out of the law schools
8 leaving even less for Nassau, Suffolk and
9 Westchester, our peers.

10 As it's becomes clear that
11 recruitment is dwindling we of course have to
12 shore up retention. That was the major point
13 of the last few presentations and
14 unfortunately we weren't able to deploy those
15 raises to keep moral high.

16 I also want to point out a certain
17 irony here. I think everybody knows --
18 there's a certain moment where every county
19 workforce sort of justifies its number of
20 staff and then in trying to make some cost
21 savings you operate with some vacancies or
22 operate somewhere under that target level.
23 And it always comes with any other public
24 safety organization that comes before you
25 today I'm sure will say, well, as we reduce

1 Full - 10-14-20

2 staff overtime is going to go up. Of course
3 that makes sense. You reduce staff the
4 caseload goes up for the people that are left
5 behind. The overtime goes up. It's sort of
6 an accepted cost of business where you have
7 more staff less overtime, less staff more
8 overtime.

9 The irony here though, the DA's
10 office they're salaried employees, there is no
11 overtime for DAs. So when the caseload goes
12 up and the bodies leave, the people left are
13 just shouldering the burden and there's no
14 incentive. And I'm not advocating here for
15 overtime. I just want to point out that the
16 only way to sort of have some equity for when
17 the staff level shrinks and the caseload
18 becomes more complex and burdensome is by
19 keeping them at a competitive rate of salary
20 so that they're not motivated to leave us.
21 Because it's very clear from this chart that
22 we are not able to replenish the talent as
23 easily as we once were. It's a big priority.

24 The recruitment and retention
25 issues of course besides the moral and the

1 Full - 10-14-20

2 workload going up, the good economy versus bad
3 economy here's the one saving grace of 2020
4 for our operations is that it's been bad
5 economy for hiring. I do fear that if the
6 economy picks up -- and I never want to bet on
7 a bad economy. I don't think anybody wants to
8 bet on a bad economy -- but if the economy
9 picks up there are plenty of legal jobs that
10 can pay better and can steal our staff away.
11 I think what's happened is because there have
12 been no jobs they've stayed, taking no COLAs,
13 no raises, more work, and they have done, as I
14 said before, a heroic job doing that. I never
15 want to again root for a bad economy and the
16 district attorney never wants to plan around a
17 bad economy. That's just wrong. We need to
18 plan for better days.

19 Which brings me to something that I
20 believe again I mentioned last time and the
21 district attorney wanted me to specifically
22 bring back to you for consideration. Paid
23 childcare leave for district attorneys. We
24 had submitted a proposal and again why it
25 makes sense.

1 Full - 10-14-20

2 The district attorney's office
3 houses 45 percent of all ordinance employees
4 in Nassau County. The current gender spread
5 is 65 percent female, 35 percent male. Of the
6 female cohort approximately 57 percent are
7 between 24 and 35 years old. Ordinance
8 employees currently use accrued vacation and
9 personal time to accommodate childcare leave.

10 Now, this body wisely capped
11 termination pay for ordinance employees in
12 March of last year. I think it was in
13 response to first of all fiscal responsibility
14 but also in response to a lot of concerns that
15 people were leaving with huge termination
16 packages.

17 So to put an end to it, the
18 district attorney's office, if you're hired
19 after 2019 your termination pay is capped 30
20 days. Why is it relevant to this proposal?
21 Paid childcare leave costs nothing in the
22 current budgetary year. It doesn't. We
23 always budget for a full year salary whether
24 you take vacation or personal days or not.
25 That has no budgetary impact for you right now

1 Full - 10-14-20

2 at all.

3 What the budgetary impact is
4 hypothetically is if you are given a certain
5 amount of free time from the county then
6 you're not taking your vacation personal and
7 that sits in a bank and waits for you until
8 you leave county service. It goes with you in
9 the termination package. The fear was if you
10 give too much free time then they can have
11 that exact same number waiting for them at the
12 end. But you've already solved this issue
13 with respect to DA employees because you have
14 capped termination pay. They cannot leave
15 with more than 30 days.

16 That having been said, if you
17 allowed -- changed this modification, this
18 ordinance, to allow for paid childcare leave
19 for after 2019, the district attorney's
20 proposal is also a cost saving measure because
21 if you created this program you could have DAs
22 before 2019 opt into the program if they chose
23 sacrificing their pre-2019 rules and entering
24 into a termination pay cap in exchange for
25 paid childcare leave. You actually have the

1 Full - 10-14-20

2 potential to save termination pay packages by
3 doing this, but your window is slipping
4 because the longer you wait away from 2019 the
5 less people from that age group will want to
6 opt in, if that makes sense.

7 I also had pointed out and it bears
8 repeating, that the way that new employees
9 accrue time for the DA's office it would take
10 you three years without spending any time,
11 taking anything vacation or any personal time
12 to accumulate enough for two months off.
13 Usually we get people they graduate college at
14 21, graduate law school 24, after three years
15 of services they're 27. The mathematics are
16 really against us in this situation.

17 It is a benefit that is offered in
18 New York City. We have extreme problems
19 staying competitive with that in our hiring.
20 And also in our lateral recruitment if
21 somebody has worked three years in the Bronx
22 or Queens or Manhattan and now wishes to have
23 a suburban life and come out to Nassau County,
24 they very first thing they ask, I want to
25 settle down and have a family or something

1 Full - 10-14-20

2 like that, they're going to say you're going
3 to give up your paid childcare to come to a
4 place where you won't have any childcare leave
5 and won't have any vacation upfront because we
6 hired you and it takes you three years to
7 accrue that. This is a prime reason of why we
8 can't recruit lateral or initially. It does
9 not cost this legislature anything to consider
10 this and it could even save money by having
11 pre-2019 people opt into post-2019 rules that
12 were designed to end extraordinary termination
13 pay caps.

14 In closing, the DA would submit
15 this makes perfect moral sense, it makes
16 fiscal sense but only if you act relatively
17 quickly because the longer you delay the more
18 people will not choose to opt in. And I also
19 think it makes political sense. I'm nobody's
20 political advisor but I do think that paid
21 childcare leave is accepted. Our neighbors
22 have all enacted it. I think Nassau is behind
23 the times not to do it. So, for those reasons
24 the district attorney strongly urges this to
25 be considered. There is legislation already

1 Full - 10-14-20

2 drafted and will be circulated to anybody who
3 requests it.

4 The other alternative, although I
5 hope paid childcare leave is strongly
6 considered, would be upfront allocation of
7 vacation and personal time because that's the
8 second best for those laterals who want to
9 come in and maybe use some personal time to
10 have a child. But it is a very, very distant
11 second and again doesn't solve the termination
12 pay issue as neatly.

13 So I end exactly where I began. We
14 have definitely appreciated the support from
15 this body and the county executive in helping
16 us fulfill our mandate especially in these
17 difficult times. They are unprecedented times
18 but it is nothing that we do not know how to
19 do and handle. We just need to do it all at
20 once. We will absolutely meet it through
21 reorganization of workforce. Maybe hopefully
22 enhancing our diversion and intake efforts and
23 changing the way we do work flow. Evolving
24 into more technologically sufficient and
25 automated office. With that having been all

1 Full - 10-14-20

2 done I will now stop presenting and if you
3 have any questions I'm happy.

4 LEGISLATOR FORD: Thank you very
5 much. Before I go further, I just want to
6 make mention that Legislator Carrie Solages
7 has been a participant in this hearing. I
8 think when he responded as well we couldn't
9 hear that he was there, but I had actually
10 seen him on the screen earlier. So Legislator
11 Carrie Solages we know you are there and we
12 know that you have been here right from the
13 outset. I just wanted to make sure you were
14 on the record. Thank you very much.

15 I guess if we have questions you
16 will have to raise your hand because I can't
17 see all of you through this glass.

18 In all fairness to you, I think
19 even with the childcare leave, I think that it
20 is something that we should revisit and take a
21 look. I hear what both you and DA Singas is
22 saying that especially since you have
23 highlighted the fact that we're not getting as
24 many candidates seeking to come to the DA's
25 office and the retention sometimes it's not

1 Full - 10-14-20

2 there, people are leaving, that I think that
3 in all fairness we should take another look at
4 this and discuss with your office ways that
5 maybe we can implement this if it's possible.
6 My office is open and I think those of us on
7 the public safety committee would agree on the
8 same thing. Chris, I guess we will have to
9 reach out and make sure that we can set up a
10 date and visit this as soon as possible.

11 I might be jumping all over the
12 page or whatever. I think what's glaring for
13 me is that when you mentioned there's is a
14 backlog of like 11,000 cases is that what you
15 were saying?

16 MR. PAINTER: That's the district
17 court backlog. Close to 12,00 cases. Those
18 are minor offense prosecutions due to various
19 factors. No disposition but also that float
20 that I had referenced desk appearance tickets
21 being unresolved or even unarraigned.

22 LEGISLATOR FORD: Is there any
23 attempt to maybe extend court hours or
24 something to be able to deal with this? It's
25 not like crime is going to stop until you

1 Full - 10-14-20

2 clear up that backlog. You still have
3 everything else that's going on.

4 MR. PAINTER: The district
5 attorney's office is in constant communication
6 with the supervising judge of district court
7 as well as the administrative judge. I'm sure
8 they are very aware of the situation because
9 it's their backlog too and we will be
10 continuing to closely coordinate a solution
11 there. It will be years. It will not be
12 soon.

13 LEGISLATOR FORD: Are you
14 impacted by the criminal justice reforms
15 considering that with discovery and all of
16 these new timelines? It doesn't matter
17 because you're not really charging the person
18 until or they don't go to court until their
19 appearance ticket?

20 MR. PAINTER: On the minor
21 offense prosecutions the discovery timeline
22 would not begin to run until the arraignment.
23 Then the 30-30 suspension, the speedy trial
24 suspension were lifted earlier this month.
25 Fortunately, the district attorney's staff was

1 Full - 10-14-20

2 of course not sitting on our hands. We had
3 certified over 10,000 cases as far as
4 discovery packets served in the interim. The
5 DAs kept on doing their job.

6 LEGISLATOR FORD: No doubt. You
7 spoke about the technology and like even with
8 criminal justice reform that the opportunity
9 to be able to do everything online and like
10 everything is you can go from computer to
11 computer or whatever. We noticed in your
12 budget you are reducing funding to
13 technology. What is the reasoning? If
14 technology is so important why aren't you not
15 increasing?

16 MR. PAINTER: There are certain
17 one-time fees that we did. We have reduced
18 API developer costs. We did a large IT
19 equipment upfront buy. If we need to we would
20 of course modify it. We will have
21 subscription costs of course for storage of
22 the data now that the systems are setup. But
23 as of right now we're comfortable with the
24 number as a projection.

25 LEGISLATOR FORD: I will let some

1 Full - 10-14-20

2 of the other legislators because I have some
3 other questions bouncing. Legislator Rhoads
4 you had your hand up?

5 LEGISLATOR RHOADS: I did. Just
6 a couple of follow-up questions. Thank you
7 very much for your presentation. Certainly
8 appreciate that. Just in terms of the actual
9 head count, your current head count I believe
10 is at 431?

11 MR. PAINTER: Yes. That includes
12 I believe the 14 members of the new class that
13 started yesterday. It also might include our
14 new discovery compliance expeditors and then
15 finally it includes grant-funded positions
16 like the CVAs that we hired. But those are
17 not -- that's a head count but that's not a
18 county expense. We have ten hired under a
19 grant we got from OVS and the state waived the
20 match and we are bringing on another ten and
21 the state will waive the match. So we might
22 have a core of 20 crime victim -- which is a
23 great thing and doesn't come at any expense.

24 LEGISLATOR RHOADS: Are you at
25 full staffing under the fiscal year 2020

1 Full - 10-14-20

2 budget right now?

3 MR. PAINTER: Full staffing is
4 very difficult. We don't typically track
5 vacancies. Although I can answer anecdotally
6 we have tried to track where our vacancies
7 will be and where we would be. We did not
8 hire as many as we wanted. We were trying to
9 hire 18. We were only able to hire 14 due to
10 the recruiting issues that I mentioned.

11 We are facing a slew of
12 retirements. People are handing in their
13 notice. We lost our major defense bureau
14 chief recently who resigned with over 30 years
15 of dedicated service to the county. He has
16 been replaced but now the deputy needs a
17 replacement. We will be losing all of our
18 leadership of our financial crimes bureau
19 soon. We are losing ADAs to retirement
20 honestly left and right and the need to
21 replenish is great. I don't want to misstate
22 the level of vacancy. I can only say to you
23 that we are operating under optimal levels.
24 Not majorly under but under.

25 LEGISLATOR RHOADS: I do note

1 Full - 10-14-20
2 obviously for the fiscal year '21 budget full
3 time head count is anticipated to be 448. Is
4 there a level of confidence that we're
5 actually going to be able to hire to get to
6 that 448?

7 MR. PAINTER: It depends on the
8 title. Legal jobs are of course harder to
9 staff because of the professional
10 qualifications. We have better luck with our
11 crime victims advocate hires. Discovery
12 expeditors I believe is only one of the number
13 because you were able to fund and so we're
14 only increasing that.

15 We have done what we can with
16 transient staff. Two people who have
17 regrettably failed the bar. We had to change
18 their title to paralegals and put them with
19 discovery compliance to make due. So we are
20 doing things to help sustain our levels. As
21 far as hiring the biggest challenge does seem
22 to be legal. I have not seen or not aware of
23 as much hiring challenges with civil service
24 titles at this point.

25 LEGISLATOR RHOADS: Does the

1 Full - 10-14-20
2 district attorney office have any timetable
3 for when they expect these positions to be
4 able to be filled? Obviously we want to
5 provide you with the resources that you need
6 especially facing the particular challenges
7 that you face due to criminal justice reform.
8 But obviously us providing the funding is only
9 good if you can fill the seat and have
10 somebody do the work. Is there a plan going
11 forward or an expectation as to when you might
12 be able to fill those seats?

13 MR. PAINTER: Yes. The crime
14 victim advocates are being hired right now.
15 And again that's not part of any funding. I
16 know it's head count but it's grant-in
17 grant-out. That's undergoing right now. Our
18 annual hiring class has already started.
19 We've actually made an offer for somebody for
20 the 2021 class. We have interviews going on
21 all the time. They typically start in the
22 fall and that's also incorporated into our
23 budgetary numbers. Discovery compliance
24 expeditor if funded will be filled right
25 away. There's an urgent need for that.

1 Full - 10-14-20

2 We also have bilingual staff
3 positions that we are seeking to fill and we
4 will again try to fill those as soon as
5 possible.

6 There are certain things that are
7 planned out to meet a certain schedule but
8 that's been factored into the budgetary
9 timetable. And there are things that are
10 ASAPs. There also might be, again, talking
11 about these retirements. If we lose the
12 financial crime leadership, the bureau chief,
13 we've lost one deputy, we're losing another
14 deputy and the bureau chief. So we're losing
15 all the leadership. Served honorably and
16 served completely. Those will be lateral
17 hires that are going to be on an as-we-can
18 basis.

19 LEGISLATOR RHOADS: Are you
20 looking to promote within or will you be
21 bringing someone in from the outside?

22 MR. PAINTER: It's a combination
23 of both. When we just recently lost the major
24 offense bureau chief that was a promotion
25 within and that was a promotion within without

1 Full - 10-14-20

2 a raise as I mentioned before. So right now
3 there's no cost to that. We are now currently
4 filling the deputy spot that was vacated by
5 that person being elevated. Eventually we
6 would love to do all things in-house but
7 eventually you're going to run into a hole.
8 Where ever the hole is. Whether it's at the
9 very bottom or someone in mid-level management
10 that hole needs to be filled with direct
11 recruitment or lateral recruitment. Direct
12 recruitment will be done, as it has been, at
13 the end of the summer, early fall. Whereas,
14 lateral recruitment happens on hopefully a
15 rolling basis.

16 LEGISLATOR RHOADS: Just out of
17 curiosity, when somebody receives a promotion
18 to a bureau chief for example why is there no
19 pay increase? In other words, when they
20 assume the responsibilities of the higher job
21 title why is there no commensurate leveling
22 off of what the job title pays?

23 MR. PAINTER: There absolutely
24 should be. I was pointing out as a cost
25 saving measure for this year we've held off

1 Full - 10-14-20

2 on -- we're trying to exercise some fiscal
3 restraint in 2020.

4 LEGISLATOR RHOADS: I wanted to
5 see what the rational was. You indicated in
6 your presentation that the investments that
7 were made in technology were somewhat undercut
8 by the fact that there wasn't staff to put
9 information into the system. I don't know if
10 I'm phrasing that --

11 MR. PAINTER: You're phrasing
12 that correctly but it's to nobody's fault.

13 LEGISLATOR RHOADS: I'm not
14 assuming blame. Does the staffing increases
15 in the budget to a head count of 448
16 anticipate rectifying this problem?

17 MR. PAINTER: Yes.

18 LEGISLATOR RHOADS: With respect
19 to the asset forfeiture funds, are asset
20 forfeiture funds included within the fiscal
21 year 2021 budget for the DA's office or do
22 they operate outside of that budget?

23 MR. PAINTER: They operate
24 outside and that is the law. They cannot
25 operate within. The rule with asset

1 Full - 10-14-20
2 forfeiture funds whether you're talking about
3 the federal laws, the federal equitable
4 sharing agreements, or the state law under the
5 CPLR, the rule is it can be supplemental but
6 it can never supplant. So if you were to cut
7 our equipment budget and say you can handle
8 that with forfeiture that's illegal under the
9 state law. We are only supposed to go sort of
10 above and beyond. We have used asset
11 forfeiture at some occasion to fund things
12 like overtime for investigators on
13 surveillance details or task forces. Extra
14 equipment purchases or outfitting. But
15 nothing in the budget would ever reflect the
16 balance of asset forfeitures because it is not
17 meant to contribute to the budget.

18 LEGISLATOR RHOADS: Is there an
19 accounting of asset forfeitures funds?

20 MR. PAINTER: Absolutely. So, we
21 have a civil forfeiture bureau and that will
22 be available on request for anybody who sees
23 it. And I want to point out that for the last
24 few years this body has all been
25 hand-delivered copies of the NCDA annual

1 Full - 10-14-20

2 report and within the annual report -- which
3 is still available online -- it contains all
4 the community investments made out of that
5 fund. So you will see the examples of what is
6 being used as far as Hispanic Counseling
7 Center, Safe Center, rehabilitation programs
8 like Mary's Haven for Heroin Addiction, body
9 camera programs, crash reconstruction
10 training. If you want to see it's all there.
11 And if anybody wants to specifically see it
12 those books are open.

13 LEGISLATOR RHOADS: We appreciate
14 that. Thank you very much.

15 LEGISLATOR FORD: Legislator
16 Mule.

17 LEGISLATOR MULE: Thank you. I
18 have a couple of follow-up questions with
19 regards to recruitment and retention and also
20 asset forfeiture. So, I hear you very clearly
21 that it's difficult to recruit and retain
22 staff. That's a big issue. Can you tell me
23 what the salary is for a brand new lawyer who
24 comes into Nassau and then how that would
25 compare to say our surrounding areas?

1 Full - 10-14-20

2 MR. PAINTER: Absolutely. I will
3 give a pointed example of that. Right now our
4 starting salary as an ADA, so you have to be
5 an admitted attorney, you'll get 67 and
6 change -- 67,258 or something like that --
7 versus Brooklyn for example, one of our major
8 competitors, it will be 69. It's a little bit
9 behind but enough. The last time I checked on
10 that was at the beginning of the year. I
11 don't know what they've done.

12 But one budgetary trick that we do
13 do is you do not start as an ADA. Most of the
14 people we get in the new hiring class they
15 have taken the bar and they can practice under
16 what's called a practice order under the
17 supervision of an ADA. So they can have a
18 caseload and they can even go to court but
19 they're not admitted attorneys yet. That
20 happens every year.

21 The 14 that I mentioned we hired
22 and every year we hire most of them, almost
23 all of them, are unadmitted attorneys.
24 Unadmitted attorneys who start we have kept
25 that salary stagnant at 58 flat because it's a

1 Full - 10-14-20
2 civil service title. So you're hired at 58
3 flat. We have not touched that in four
4 years. Maybe longer. Then as sort of an
5 incentive to please hurry up, pass the bar,
6 get your paperwork in, do your ethical check,
7 once you're admitted then you are reappointed
8 an ADA and move up to that 67 number I talked
9 about. That's the answer.

10 LEGISLATOR MULE: Do other
11 entities do that as well?

12 MR. PAINTER: The closest one to
13 that jump is Rockland County in New York.
14 That's where we borrowed the idea from. It's
15 a budgetary saving measure. Quite honestly,
16 we should probably adjust that starting salary
17 too because I'm sure that dissuades people.
18 They see the first number and freak out.
19 Especially with law school loans. But that's
20 where we got it. Again, we would like to
21 adjust it but that's a low priority
22 considering what we want to do is put into the
23 middle of the office more than anything.

24 The city doesn't do that as much.
25 I do believe there might be a 2,000 or \$3,000

1 Full - 10-14-20

2 differential but they creep up their
3 unadmitted salary with their admitted salary a
4 lot closer than we do I'll admit.

5 LEGISLATOR MULE: Then say you
6 were hiring someone with a couple of years of
7 experience, still keeping within the
8 childbearing years you were referring to what
9 would be the difference in salary there?

10 MR. PAINTER: That's where it
11 gets of course tricky between we need to be
12 consistent within office because you never
13 want to hire somebody from the Queens DA's
14 office for three years and pay them more than
15 you pay a Nassau County attorney. There would
16 be a mutiny.

17 So we do have an internal mechanism
18 of what is -- the steps in between are about
19 4.3 percent. I'd have to estimate if you're
20 talking about a third year off the top of my
21 head you're now at either 79 or 82, around
22 there. I can be more exact later.

23 LEGISLATOR MULE: I understand.

24 MR. PAINTER: I can tell you the
25 steps in between if you did your own

1 Full - 10-14-20

2 mathematics are about 4.3 percent, which is
3 consistent with Suffolk's steps. That's where
4 we got that model from.

5 LEGISLATOR MULE: Is that higher
6 or lower than a city salary?

7 MR. PAINTER: It has become
8 lower. At the time it was competitive. It is
9 well behind at this point Manhattan. Where we
10 sort of catch up is right in the middle
11 because I believe the city they hire a little
12 higher. Have a little bit of an acceleration
13 and then get a little flatter until you make
14 management. We do a have little bit more of a
15 lower and have a little bit more of an angled
16 progression.

17 But another aspect, I know you
18 didn't ask this question, is where we come up
19 short is management. For example, our bureau
20 chiefs in Nassau County I believe the lowest
21 paid or where they start is 152. In the city
22 it's 185. If we wanted to -- whoever was
23 asking that outside hire question for
24 management -- getting somebody to take a
25 \$30,000 pay cut is not competitive if they're

1 Full - 10-14-20

2 going to choose a management position here.
3 That was something of particular concern when
4 you see changes of administration. We saw
5 change of administration in Suffolk. They
6 would steal some of our deputies and make them
7 bureau chiefs. And then in Queens at the
8 beginning of this year there was a change in
9 administration and Queens was able to
10 compensate at that level. Around 185, 190.

11 LEGISLATOR MULE: When you say
12 you catch up in the middle of your career as
13 you have been in a number of years is that
14 because you've stayed in Nassau longer or
15 could you come in at the higher level? You
16 understand what I'm asking?

17 MR. PAINTER: What I'm saying is,
18 where ever you would be, if you're a seventh
19 year prosecutor and you're coming from Queens
20 we would put you as a seventh year prosecutor
21 to be consistent because we don't want any
22 sort of discrepancy. Quite often people do
23 have to take pay cuts to come here even on a
24 lateral level.

25 LEGISLATOR MULE: Then my

1 Full - 10-14-20

2 question about asset forfeiture. You
3 mentioned -- could you explain that to me
4 again because I didn't really understand why
5 there is an issue with asset forfeiture now.

6 MR. PAINTER: As part of the
7 criminal justice reform package there were
8 modifications to Article 13A of the CPLR which
9 had to do with the way asset forfeiture is
10 collected. Those modifications became
11 effective in October.

12 LEGISLATOR MULE: Of this year?

13 MR. PAINTER: No, last year.
14 We've been dealing with them already. I could
15 spend a half hour on the legal complexities of
16 it. The short answer is it has become much,
17 much harder to identify assets and seize
18 assets suspected of criminal activity. The
19 way that the pleadings have to work is with
20 much more enhanced particularity and
21 traceability to criminal activity of such a
22 level of identification to almost make it
23 impossible, to render it impossible in certain
24 situations.

25 That's the very short answer. But

1 Full - 10-14-20
2 basically now when making a civil action
3 against a seized asset they have to be
4 particularly targeted, traced and there has to
5 be a certain standard of proof for where they
6 came and why they were legal and they have to
7 be specifically tied to a specific
8 transaction. So, due to those hardships our
9 revenue, if you want to call it that, has
10 drastically diminished. I will be able to
11 have statistics for that at the close of this
12 fiscal.

13 LEGISLATOR MULE: Thank you. Now
14 I understand. Thank you.

15 LEGISLATOR FORD: Thank you.
16 Presiding Officer Nicolello.

17 LEGISLATOR NICOLELLO: Thank you
18 Denise. Just a couple of questions. I wanted
19 to compliment Jed on his presentation. I
20 think it was sort of eye opening especially
21 with respect to what's happening in terms of
22 the crime rates. My question has to do with
23 the felony backlog. How do you catch up with
24 the limitations that the court has? And is
25 there a danger of us falling behind until the

1 Full - 10-14-20

2 courts are fully open?

3 MR. PAINTER: That is always a
4 danger. But I will point out an encouraging
5 stat in that regard that we indicted more
6 cases in August of this year than we did in
7 August of last year. Because ADAs were so
8 trying to get over the backlog and get cases
9 in. So even with the social distancing
10 requirements and all the scares of reopening
11 up the grand jury the ADAs really made good
12 use of it. I do anticipate those trends and
13 that hard work initiative to continue. So
14 hopefully that backlog can be sorted out.

15 Most of the backlog of course would
16 never be attributed to laziness it's just lack
17 of finding appropriate disposition time, in
18 court negotiations. A lot of defense
19 attorneys would not wisely accept any
20 dispositions without litigating some
21 constitutional issues of say suppression or
22 lawfulness of a confession, things like that
23 and those hearings have slowed down. They had
24 stopped for a while but have slowed down, gone
25 virtual. There's a whole host of reasons why

1 Full - 10-14-20

2 the felony backlog has gone up.

3 But again, I believe the staff we
4 have, hopefully that remains good and
5 experienced and whole, is capable of tackling
6 that backlog on a long enough timeline. It's
7 not that we won't get to it it's just that it
8 will take time.

9 LEGISLATOR NICOLELLO: Is there
10 any danger that any of these felony cases
11 could be dismissed due to not having a timely
12 trial disposition?

13 MR. PAINTER: That is of course a
14 major risk. But to the credit of planning,
15 the cases that were moved in in August and
16 indicted in August were the oldest. So ADAs
17 are continuing to prioritize things by age of
18 case to avoid exactly that scenario.

19 LEGISLATOR NICOLELLO: The only
20 other question I had was on technology. There
21 was a request for 475,000, information
22 technology expenses, which I believe was
23 reduced substantially. What was requested and
24 what was the need? We're concerned obviously
25 in the age of COVID and criminal justice

1 Full - 10-14-20

2 reform that you have all the technology that
3 you need. Tell us what the request was for
4 and what the need was for.

5 MR. PAINTER: We had significant
6 expenses in 2020 due to COVID not only the
7 discovery reform but the technology of going
8 remote, buying the laptops with the cameras,
9 the web cams etcetera. We understand the
10 budget constraints facing the county. So when
11 asked to find ways that we could to trim that
12 was one of them. We will monitor our needs
13 and adjust accordingly with the county
14 executive as appropriate. It just was
15 something where we felt perhaps there we could
16 make due with what we had or even supplement
17 not supplant with asset forfeiture if needed.

18 LEGISLATOR NICOLELLO: What was
19 the specific request? Was it software? Was
20 it hardware?

21 MR. PAINTER: That data I'm sorry
22 I don't have with me. I can always respond
23 with an email later on.

24 LEGISLATOR NICOLELLO: We
25 appreciate that. Thank you.

1 Full - 10-14-20

2 LEGISLATOR WALKER: Legislator
3 Solages.

4 LEGISLATOR SOLAGES: Thank you
5 very much. Good afternoon to the Chair and
6 thank you to Presiding Officer Nicoletto for
7 asking that question. I have a very similar
8 question not relating to the backlog of
9 felonies but more so to the backlog in
10 misdemeanors that you mentioned 11,000, 10,000
11 cases. As you know, there is a speedy trial
12 clock to people to prove their case. It has
13 come to my attention that the people have
14 asked for an extension of time as a result of
15 these cases not being dismissed and it's
16 creating a backlog. Further adding to the
17 backlog. Can you please comment on the
18 position of your office with respect to the
19 speedy trial?

20 MR. PAINTER: Misdemeanors are of
21 course the greatest concern because you only
22 have 90 days on those from the point of
23 arraignment. So you absolutely hit the nail
24 on the head that those are the ones most in
25 jeopardy. Those are also however most likely

1 Full - 10-14-20

2 to be entering into diversion programs or be
3 assessed for dismissals.

4 For one example, and I know you
5 will get this as a criminal practitioner, one
6 of the policies that was formulated to deal
7 with that is cases that would have normally
8 been identified for ACDs, the six month or a
9 year dispositions, mostly the six months
10 disposition, if you stay out of trouble the
11 case will be dismissed by operation of law,
12 because a lot of those cases have been in the
13 system for six months if they have not gotten
14 in trouble or arrested we will move that to an
15 immediate dismissal. Sort of crediting the
16 time of adjournment. So that's one example of
17 the strategy that could be deployed to help
18 reduce the backlog and prevent even the
19 arraignments from coming in.

20 Another thing we've been working on
21 very handily with the Nassau County Police
22 Department and the court system is
23 prearrest diversion to prevent people
24 from even coming in. It would be nice to
25 siphon those off entirely.

1 Full - 10-14-20

2 Yet a third thing we've been
3 working on, which I'm sure you'll also
4 appreciate as a criminal practitioner, is the
5 trucker case that take up a swarm of
6 arraignment B time. We've been in constant
7 negotiation with the county. Those cases can
8 move, under the law, to traffic and parking
9 violations agency allowing more revenue for
10 the county but also allowing more time spent
11 in arraignment as a disposition part.

12 One of the very first things we did
13 at the beginning of the year was lobby the
14 court successfully for a seven day adjournment
15 or 14 day adjournment out of arraignments.
16 And we had called it our B plus 7 initiative
17 where we needed to sharpen our decision making
18 and either dispose of cases at arraignment B
19 or with seven days thereafter. By doing that
20 we were actually able to reduce the caseload
21 in district court by 37 percent. So we were
22 off to a very, very strong start and now we
23 have been hit by this backlog. We're
24 confident that with the advent of diversion,
25 change in the ACD policy, possibly

1 Full - 10-14-20
2 implementing prearrest diversion, getting
3 the trucker cases out of arraignment B, we,
4 through our existing practices and
5 modification thereof, will be able to tackle
6 that backlog again not next week but hopefully
7 shorter than years.

8 LEGISLATOR SOLAGES: I
9 understand, sir. Many similar and close
10 district attorney's offices have an office of
11 wrongful conviction. Does this district
12 attorney have that and are you making any
13 efforts to create a department like that or a
14 bureau?

15 MR. PAINTER: We've had a
16 conviction integrity unit in the appeals
17 bureau since I want to say 2016. The person
18 in charge of it is executive assistant
19 district attorney Cherilyn Annia. We take any
20 and all complaints as far as wrongful
21 convictions or exonerations. We had
22 publicized two such reversals in our annual
23 report that was published last year for
24 review. One was pure exoneration the other
25 one was determined to be a wrongful conviction

1 Full - 10-14-20

2 due to withholding of Brady material. We will
3 look at all aspects, not just innocence but we
4 will also look at cases where the commission
5 shouldn't have happened because it wasn't
6 just.

7 LEGISLATOR SOLAGES: Thank you.

8 My last question is regarding diversity in
9 your office. I'm very thankful to the county
10 executive for her recent appointment for the
11 chief of detectives as an African-American
12 woman and I'm very thankful that we have
13 many minority Nassau County police officers
14 that serve in our communities because they
15 represent our diverse communities.

16 In your intern class and your
17 previous intern class could you share with us
18 the diversity in the intern class, the
19 challenges you face and the effort you're
20 making to attract and to retain candidates?

21 MR. PAINTER: Yes. So the
22 district attorney of course has endeavored
23 since she was elected DA to build a recruiting
24 program that would more appropriately attract
25 legal talent that reflects the community it

1 Full - 10-14-20

2 serves.

3 So the aggregate breakdown, racial
4 breakdown, for the last three years of hiring
5 classes -- actually I apologize, this does not
6 include this year because I don't have those
7 aggregates, this literally just started
8 yesterday, but the last three years of hiring
9 classes was 63 percent white, 18 percent
10 black, eight percent Asian with nine percent
11 identifying Hispanic. That is a strong
12 showing as viewed against the Nassau
13 population which is 74 percent white. 74
14 percent white Nassau population. Last three
15 year of hiring class 63 percent. 13 percent
16 black. We were 18 percent black hiring. Ten
17 percent Asian. We were eight percent Asian
18 hiring. Seventeen percent identifying as
19 Hispanic. We only there had nine percent.

20 But you can see we are tracking
21 these numbers as you can tell by my comments
22 here we are tracking those numbers very
23 closely and carefully. We had lost our
24 director of recruitment, Melissa Lewis, who
25 took a good position at OCA. She has been

1 Full - 10-14-20

2 replaced by April Montgomery, who you might be
3 familiar with, and she has very strong ties to
4 various African-American community
5 organizations as well as law school
6 associations. We are of course looking to
7 promote a very diverse workforce where we can
8 because we all benefit from it.

9 LEGISLATOR SOLAGES: Thank you
10 very much for your great presentation. Thank
11 you very much.

12 LEGISLATOR FORD: Legislator
13 Schaefer.

14 LEGISLATOR SCHAEFER: Good
15 afternoon. I appreciate your presentation as
16 well. I have three quick questions. Your
17 count, your head count has gone up; is that
18 correct? The salaries overall have gone
19 down. Is that because of the salaries per
20 position like retirements?

21 MR. PAINTER: There's a lot of
22 factors and things related to that salary
23 figure. I'm not sure what you're referring
24 to. There was matters of ITBA settlement
25 funds that are not in our budget this year.

1 Full - 10-14-20

2 You would have to go line by line to see
3 exactly where the salaries are going up and
4 down is what I'm getting at.

5 LEGISLATOR SCHAEFER: Thank you.
6 Also with regard to the float cases you
7 mentioned in the backlog. Do you have a
8 general idea, can you tell us what percentage
9 or about how many of those cases are float?
10 The float you referred to are just TPVA,
11 right?

12 MR. PAINTER: No. Absolutely
13 not. We don't even oversee TPVA. TPVA is the
14 county executive. Where I mentioned TPVA is a
15 possible solution that we are trying to
16 negotiate with the county executive. The
17 county executive oversees TPVA. The DA's
18 office is not prosecuting traffic cases.

19 LEGISLATOR SCHAEFER: I meant the
20 appearance tickets, that's what I was talking
21 about.

22 MR. PAINTER: The appearance
23 tickets floats I'm afraid I cannot estimate
24 that. The closest I can do to estimate it
25 because we don't see it, they haven't landed

1 Full - 10-14-20

2 yet, what I could estimate for you is at the
3 dawn of the executive orders that suspended
4 the CPL timelines in consultation with the
5 police departments, it was a 20 day limit to
6 limit density in the courthouses, they pushed
7 it to 90 days. Three months. So it's
8 reasonable to say there is a three-month lag
9 in arraignments and there has been since, of
10 minors cases, and there has been since end of
11 March. I can't give that to in a numeral
12 figure or a number but we are a season behind.

13 LEGISLATOR SCHAEFER: Not a
14 problem. Can you give me an example of how
15 the childcare leave situation would work for
16 an employee?

17 MR. PAINTER: Thank you very much
18 for asking about that. The childcare leave,
19 which again our competitors have and we don't
20 and we should, the childcare leave because
21 this legislative body in 2019 capped ordinance
22 termination pay at 30 days no matter what, we
23 are uniquely situated as 45 percent of that
24 workforce, 45 percent of ordinance, we are
25 uniquely situated to save money.

1 Full - 10-14-20

2 Right now if you're hired in last
3 year's class or this year's class you're
4 already subjected to that. So childcare leave
5 should be automatic because again it doesn't
6 affect what we budgeted for salary this year.
7 Never affects. Nobody's budget works that way
8 where vacation and personal days are taken out
9 of the budget. We are always budgeted for
10 it.

11 Where that savings happens or the
12 expense would happen is if you give free time
13 then they are using less paid time and that
14 paid time would theoretically travel all the
15 way to the termination date and into the
16 termination package. If I'm limited it would
17 hypothetically be inflated by exactly the paid
18 leave you gave them, just later on. However,
19 there is no risk of the DA's office employees
20 having such inflated termination packages
21 because they have been capped.

22 What I was mentioning before -- so
23 that covers the class of 2019, 2020 where
24 automatically they should just get it.
25 Before, in order to save money and make it

1 Full - 10-14-20

2 enticing and financially appealing to this
3 body and the county, is if you are hired in
4 the class of 2018 or 2017 or 2016, now you're
5 talking 26, 27, 28, 29 years old going back to
6 the class of probably 2011, and even further.
7 People can have kids whenever. But I'm using
8 prime years here. Those people would have the
9 choice with the comptroller authorized form
10 filed with the county HR that they have
11 elected to opt into the paid childcare leave
12 program. They would then get paid childcare
13 leave for one, two, five kids. But as the
14 trade-off, they would sacrifice the pre-2019
15 termination pay rules and subject themselves
16 to the same cap as if they were hired after
17 2019. Therefore, you would have no issue.

18 I can tell you as a personal story,
19 I have enough paid -- I don't need anymore
20 package because I was hired before 2019.
21 Personally I don't know what it is, I never
22 computed it, but I would assume, I think I
23 could take about six months off. I'm never
24 going to take six months off but that's what's
25 waiting for me. I've already have three kids,

1 Full - 10-14-20

2 but if I was sort of on the fringe still
3 that's the choice. To hey, I want whatever
4 the month of leave is waiting for me in my
5 termination pay or do I think my childcare is
6 ahead of me and do I want to opt in? What's
7 more important to me?

8 I think the extra incentive for it
9 is because the accrual has become so draconian
10 that if you also hired this year or last
11 year -- they don't ever realize it. They
12 realize it probably a year in when they start
13 when it sort of hits them. It takes them
14 three years without taking any days, they
15 could never take a vacation, to get anywhere
16 close to a paid childcare leave period. I
17 think it just speaks for itself.

18 Right now the district attorney's
19 office we are not family friendly in the
20 context of leave. We're family friendly in
21 terms of flexible scheduling and part-time
22 employment, where ever the district attorney
23 can be accommodating she's absolutely is
24 accommodating. This is just one thing beyond
25 our control and we are asking for help.

1 Full - 10-14-20

2 LEGISLATOR SCHAEFER: Thank you.

3 LEGISLATOR FORD: Legislator

4 Gaylor.

5 LEGISLATOR GAYLOR: Thank you

6 Madam Chair. Good afternoon. How you doing?

7 Excellent presentation so far and I appreciate

8 the effort you put into it. I guess a sense

9 though out there in Nassau County that crime

10 is on the uptick. Some of the statistics

11 within your report seem to indicate the same.

12 For instance heroin fatalities are up. Crime

13 was increased in the first quarter. Can you

14 just expound upon what your sense is of crime

15 and is it on the upswing, uptick? Go from

16 there. Make it quarter by quarter.

17 MR. PAINTER: As indicated, I

18 think we do ourselves a disservice. It's not

19 a simple question it's a complicated

20 question. You could easily say crime is down

21 because crime is overall down by 25 percent.

22 Where you get into trouble is where you talk

23 about volume. I'm sure the PD can speak to

24 this better than I can. Those major crime

25 categories that I mentioned in my

1 Full - 10-14-20

2 presentation, felony assault, murder,
3 commercial burglary, I think even residential
4 burglary has finally pulled flat again, it was
5 down but now it's pulled flat again.
6 Shootings. Lots of those major crimes those
7 are up. Up, up, up.

8 What actually brings the entire
9 major crimes average down, if you talk down
10 about the whole major crimes average. You're
11 down 7.5 percent today, as of today's date.
12 But what brings that down is grand larceny.
13 Grand larceny is by far the most voluminous
14 type of major crime category in the quantity
15 of grand larcenies that are committed in a
16 given year. And when you have a reduction in
17 grand larceny that's going to pull the whole
18 stat way down. Because of that negative drive
19 it kind of counteracts on a macro scale those
20 itemized categories that I talked to you
21 about.

22 Why are grand larcenies -- the
23 malls are closed. People aren't stealing
24 designer jeans. You see a huge drop in that
25 category that gives you a perception that yes,

1 Full - 10-14-20

2 on the whole major crime is even down. Minor
3 crime is even down. If look at it graphically
4 you see a sharp uptick in the first quarter
5 and then just as you see the governor shutting
6 down things you see it fall but now it's
7 pulled back up. It's a parabolic curve as you
8 look at it at the moment.

9 That is I would say after lots of
10 years of decline, two years prior index crime
11 was down 12 percent, violent crime down 17
12 percent, property crime down 11 percent and
13 Nassau County our crime rate was substantially
14 lower at 991.5. Substantially lower than
15 Suffolk's at 1293.4 and Queens at 1421.3. We
16 are doing an excellent job controlling crime
17 rate. Right now this year does not lend
18 itself well for statistical analysis. You
19 can't compare to the year before and we won't
20 be able to compare to the year after.

21 Statistics are hard to come by. I tried to do
22 the best I could with the docketed cases and
23 DCJS data that could be scrambled together.

24 LEGISLATOR GAYLOR: So excluding
25 the grand larcenies in all the other

1 Full - 10-14-20

2 categories crime is up?

3 MR. PAINTER: Yes. In major
4 crime. If you're talking about minor crimes
5 those again are down. I would expect for
6 similar reasons related to pandemic and
7 business shutting. People being home more.
8 Malls shutting down. Larcenies are down. I
9 don't have reliable statistics on domestic
10 violence.

11 LEGISLATOR GAYLOR: Why do you
12 think is the cause of this? Why are people
13 killing more people this year than last year?
14 Why are more people dying from the heroin
15 overdoses this year than last year and the
16 years before? Is it because we shutdown
17 also? Your perspective or the district
18 attorney's perspective.

19 MR. PAINTER: It's very too
20 early. Too early to give any answer about any
21 definitive long-term data. The numbers sort
22 of have to speak for themselves. I've seen a
23 lot of opinion articles going both ways, every
24 single way. All I can do is observe the data
25 and report it at this point. We'll see what

1 Full - 10-14-20

2 happens after hopefully the pandemic resides.
3 We will see after the pandemic resides. But
4 those first quarter DCJS numbers were for the
5 first time things were not good. For a long
6 time crime had been on a steady decline in the
7 state.

8 LEGISLATOR GAYLOR: Just changing
9 gears here, on one of your slides cost savings
10 measures you're able to save money by not
11 funding new community partnerships or crime
12 prevention grants. You talked a little bit on
13 that bullet point. Maybe we should be
14 bridging the gap better between law
15 enforcement and the community especially in
16 the mental health interventions and the
17 therapeutic intervention. What does that mean
18 mental health interventions and therapeutic
19 intervention? Does the district attorney's
20 office have a plan where they're intervening
21 or is this something in conjunction with other
22 agencies? What does that mental health
23 interventions and therapeutic intervention
24 mean?

25 MR. PAINTER: Absolutely. The

1 Full - 10-14-20

2 district attorney's office a couple of years
3 ago established our Phoenix office or as it's
4 technically called the Office of Alternative
5 Prosecutions and Resources. And one of the
6 main jobs of that office, sub office of the
7 DA's office, very aware that the menu of items
8 as far as criminal sentencing cannot be
9 limited to jail, probation, fines, community
10 service. There has to be something better and
11 bigger, more rehabilitative and more
12 instructive to reduce crime rates overall
13 because public safety is the overall goal.

14 The Phoenix office was tasked
15 specifically with evaluating outside partners,
16 anger management programs, domestic violence
17 programs, drug treatment programs, mental
18 health programs, all those different programs
19 that already exist whether through counseling
20 centers or Family and Children's Association
21 or -- there's many and many hundreds of them
22 in the landscape not just in our county but
23 other places.

24 One thing we noticed was there was
25 a deficiency in the accountability in these

1 Full - 10-14-20

2 programs. You had no statistics to measure.
3 Did they complete a program? How effective
4 was it? What was the feedback? Was the
5 feedback from the client? What was the
6 recidivism rate?

7 So Phoenix was established just to
8 do that. One, to certify or decertify program
9 partners who are going to participate in
10 alternative sentencing. Participate in
11 diversion. Possibly even go towards earlier
12 in the case maybe prearrestment one day
13 diversion. And come up with those more
14 holistic solutions that jail and probation
15 just can't touch.

16 So, we do have a plan and an
17 analysis of the program. We have of course
18 decertified, I should mention we have
19 decertified organizations that do not meet our
20 standards for what could qualify as a sentence
21 in the criminal justice system or diversion
22 component in the criminal justice system.
23 Those program partners are sometimes
24 independently funded or grant funded and
25 sometimes the DA's office, through our

1 Full - 10-14-20

2 community partnership crime prevention fund
3 derived from our asset forfeiture to seed
4 them. Good example would be of course the
5 Hispanic Counseling Center.

6 So when you talk about the cost
7 saving measures those were not necessarily
8 we're happy about them. The DA feels
9 financially responsible to the county of
10 course. But ideally we don't want to freeze
11 salaries or prevent promotions or shut down
12 community grants it's just unfortunately a
13 by-product.

14 As I said in the presentation, what
15 a horrible year with the increased work load
16 on prosecutor's offices that this would be the
17 year that they don't get merit based increases
18 or promotion. And what a horrible year with
19 everything going on as far as we want to
20 bridge the gap and create trust in the
21 criminal system that the community outreach
22 programs are the ones that also have to suffer
23 through cost cuts. There's no other way to
24 put it. It's just a shame. It's a
25 paradoxical ironic shame.

1 Full - 10-14-20

2 LEGISLATOR GAYLOR: Sure, I
3 appreciate that. Finally, there's been
4 significant efforts by some elected officials
5 to reform police departments or defund police
6 departments. What is the district attorney's
7 position on such reforms?

8 MR. PAINTER: I would have to let
9 the district attorney speak to that personally
10 as far as defunding. I know the DA believes
11 that, as I said before, she would not have
12 created Phoenix. She believes in having a
13 broad menu of items as far as sentencing in
14 the way we approach the community. She
15 believes that the number one purpose of her
16 roll is to promote public safety. Make people
17 safer when walking the streets. And having
18 the most appropriate sentencing that prevents
19 recidivism.

20 So if there is any capability that
21 she can partner with social service
22 professionals, mental health providers, drug
23 treatment providers to make sure that every
24 one of her prosecutions is as impactful as
25 possible. Impactful being it changes lives,

1 Full - 10-14-20

2 makes our streets safer, she will absolutely
3 do that and she has put her money where her
4 mouth is when it comes to that where she will
5 personally fund those things. And again, it
6 is regrettable that she is not able to fund
7 them with the same power that she once was.

8 LEGISLATOR GAYLOR: And those
9 associations would be not to replace police
10 department resources, would they?

11 MR. PAINTER: At this moment what
12 the office needs, what our office needs is
13 ADAs to pay attention to their cases and even
14 if the caseload were to diminished that's a
15 good thing because we want more attention to
16 each and every case for the most appropriate
17 resolution possible. High caseload is bad
18 because you cannot ethically and
19 professionally assess each one. The entire
20 goal is to have enough staff, enough -- money
21 translates to staff so that every single case
22 gets the best resolution for the public is all
23 I can say when it comes to funding and
24 defunding anything. You want of course to
25 have the best professional staff give the best

1 Full - 10-14-20

2 professionally look.

3 LEGISLATOR GAYLOR: Thank you
4 very much.

5 LEGISLATOR FORD: Legislator
6 Bynoe.

7 LEGISLATOR BYNOE: Thank you
8 chairwoman. I really was going to ask some of
9 the similar questions that Legislator Gaylor
10 just asked about the new program funding. So
11 I'm going to skip that but tell you that I was
12 concerned about that being a cost saving
13 measure when on the very next page I see as
14 part of a priority was more of a process for
15 getting your office and believe me, trust me,
16 I run a small office that we need to be able
17 to work remotely. I do know that we have to
18 invest in technology. So rather than see no
19 new endeavors in terms of building the bridge
20 between your office and community I would have
21 liked to have to seen maybe a little pull back
22 on technology and possibly a little more
23 investment in new partnerships.

24 MR. PAINTER: I want to speak to
25 that point. Just because one aspect of the

1 Full - 10-14-20

2 office regrettably was financially impacted
3 does not at all mean, I never want to leave
4 the misperception that the DA has not
5 prioritized community relations. In fact, in
6 the last -- we're talking about things that
7 cost nothing, this conversation and dialogue
8 that costs nothing. And one of the things
9 that the DA is most proud of over the last
10 year is she has established eight advisory
11 counsels to the district attorney's office
12 through our community relations division that
13 represents various group. We have a Spanish
14 advisory counsel, African-American counsel,
15 business, faith leaders, South Asian, Asian.

16 LEGISLATOR BYNOE: I'm very much
17 aware but I don't think that takes the place
18 for the entities that are at these locations
19 that are specialized in dealing with some of
20 the cases that people referred to. So I don't
21 think that they are going to be able to
22 supplement or even provide the level of
23 service that you were referring to earlier.
24 That's my concern.

25 MR. PAINTER: I agree.

1 Full - 10-14-20

2 LEGISLATOR BYNOE: To have no new
3 initiatives kind of concerns me I'm going to
4 be honest. I would have been fine with some
5 drastic cut maybe and to have some money in
6 that line so that we could address the
7 communities' needs as we're in really
8 unprecedented times and we don't know what we
9 see down the road and unprecedented from the
10 pandemic to the bail reform and everything
11 going on. I would have liked to have seen
12 some money in that budget line. That does
13 concern me.

14 MR. PAINTER: If the DA --

15 LEGISLATOR BYNOE: I just want to
16 close the loop on it. But I feel that you
17 gave such a thorough response to Legislator
18 Gaylor that I'm not as concerned as I was
19 initially. So I thank you for providing such
20 a thorough response.

21 But I would like, I want to leave
22 this out there, that if something bubbles up
23 during the year, that we're seeing some real
24 need for a really specialized service that we
25 don't currently have that there be some

1 Full - 10-14-20

2 commitment from the DA's office to invest in
3 it in so much that we can make some headway or
4 stave off some other level of a local epidemic
5 or something.

6 MR. PAINTER: I believe and the
7 DA would personally completely agree with
8 where our priorities should be with our asset
9 forfeiture. I think she's made it clear with
10 our past expenditures that's where her
11 priorities lie is the community relations
12 division. In fact, some things we are still
13 funding of course is our community partnership
14 program in Hempstead, which is about half a
15 million dollars a year through FCA. So, if we
16 have it that's where the DA's priorities lie.

17 The issue has been we are not able
18 to collect it and we can of course not make
19 commitments to entities to fund them that we
20 one, cannot continue to fund on an annual
21 basis or even a reoccurring basis of any
22 kind. And two, can't even afford it in the
23 first place. We have to make sure we are
24 responsible with the asset forfeiture money
25 that we have left. There are many, many

1 Full - 10-14-20

2 worthy projects.

3 As of right now because of fiscal
4 uncertainty that was one of the things that
5 unfortunately had to -- there's no money.
6 There's no commitments that can be made.

7 I completely join in your despair
8 over that being a bad, ancillary result of
9 legislative changes. And hopefully, if things
10 turn around as has been demonstrated by the
11 DA's track record, that's the very first place
12 that we will be investing in. Until then,
13 we're going to make what we can out of our
14 budget and our community partnership program
15 and our community relations division to
16 dialogue and other community partnerships that
17 might have a lower fiscal impact.

18 LEGISLATOR BYNOE: I think I made
19 my point clear. I'm not going to belabor. I
20 could respond to some of your statements but I
21 won't do that at this point. What I would
22 like to do is then talk about this position
23 that comes in play where somebody has not been
24 admitted to the bar yet.

25 I think it's a 58,000 salary law

1 Full - 10-14-20

2 assistant, is that the title?

3 MR. PAINTER: They're called
4 district attorney law assistants. Some other
5 offices you might hear them called junior
6 assistant district attorneys. We don't do
7 that because they're not attorneys. I think
8 it's actually unethical to call them
9 attorneys. So we call them district attorney
10 law assistants. It's a civil service title.
11 Under the current rules you're allowed two
12 chances to pass the bar. If you do not pass
13 the bar on the second chance you must be
14 terminated from that position. Or in some
15 cases we have had them take the civil service
16 test for paralegal and reassign them there so
17 they can study for the bar a third time. That
18 happens few and far between.

19 LEGISLATOR BYNOE: I guess my
20 question was, what are we seeing is the pay
21 structure in other jurisdictions for those
22 types of titles?

23 MR. PAINTER: I of course never
24 want to say something that is a guess. All I
25 can say is I'm aware that we have allowed the

1 Full - 10-14-20

2 gap between the initial hire at 58 to jump to
3 67. We have allowed that a little longer to
4 deal with our budgetary issues than other
5 jurisdictions have. I think as I answered
6 before, the best estimate I could give is
7 other jurisdictions have more or like a two or
8 \$3,000 differential. They move that salary up
9 as part of like their fixed grid. So whenever
10 everybody moves up, the starting salary moves,
11 that starting salary moves and we just haven't
12 done that in an effort to save money.

13 LEGISLATOR BYNOE: Your answer
14 earlier regarding Legislator Mule's question
15 regarding jurisdiction pay differential for
16 actual ADAs but I didn't hear it for that
17 junior position. You think it's still
18 somewhere around two to \$3,000? You don't
19 think it's a great difference?

20 MR. PAINTER: No, it's not. The
21 closest one, as I said before and where we
22 kind of stole the idea from was Rockland
23 County when Tom Zugabi was DA there. He's not
24 the DA there anymore. We noticed that that's
25 how they had some fiscal savings by keeping it

1 Full - 10-14-20

2 low and there was more of an incentive to
3 hurry up and get admitted.

4 LEGISLATOR BYNOE: Then you
5 provide some level of assistance I think I
6 heard earlier if someone is struggling to
7 actually pass the bar?

8 MR. PAINTER: Yes. So we, of
9 course, we had regrettably two bars failure,
10 repeated bar failures, this year. They have
11 been changed in title to paralegals. They've
12 been invited to stay with the office of
13 course. They were put with our discovery
14 compliance bureau because we had a great need
15 there.

16 LEGISLATOR BYNOE: Thank you.

17 LEGISLATOR FORD: I would want to
18 echo my concerns as well. I shared them with
19 Legislator Bynoe and Legislator Gaylor in
20 regard to this change in the asset
21 forfeiture. We are impacting the much needed
22 programs and interventions that we need
23 today. So I'm hoping that we can find ways
24 that eventually to maybe fund these agencies
25 once again through some sort of funding

1 Full - 10-14-20

2 hopefully through the DA's office.

3 But you had mentioned early on that
4 you were still waiting on funding from New
5 York State. I don't know if I misheard you
6 or -- still waiting for certain funding from
7 New York State. And if you are, do you know
8 how much it is and does it impact your
9 operation?

10 MR. PAINTER: I think I know
11 which comment I made that you're referring
12 to. I think I was at that time talking about
13 the criminal justice reforms and how there was
14 an abbreviated timetable and no money.

15 In the criminal justice re-reforms
16 one of the things that the governor put into
17 the executive budget that was adopted was a
18 \$40 million infusion of funds for aid to
19 localities to comply with discovery
20 compliance. The 40 million was to be drawn
21 from the Manhattan DA's forfeiture accounts,
22 different prosecution accounts. There were
23 two problems with that and the reason why it
24 hasn't come to fruition. One is the Manhattan
25 DA doesn't have the exact number in that

1 Full - 10-14-20

2 specific account that was written into the
3 law.

4 And the second reason is I believe
5 there's ongoing litigation between the
6 Manhattan DA and the state over that
7 legislation.

8 So, there was \$40 million
9 appropriated for everybody in the state. God
10 knows what -- there's so many police
11 departments and DAs offices -- God knows what
12 Nassau County's share of that would have been
13 but it's not going to come to fruition.

14 LEGISLATOR FORD: Thank you.
15 Legislator McKevitt.

16 LEGISLATOR MCKEVITT: Mr.
17 Painter, I just noticed that in the budget you
18 have approximately 20 or so positions for
19 crime victim advocate. Approximately about a
20 million dollars in salary. I'm curious what
21 exact jurisdiction function of that office is
22 compared to the one that we created in the
23 legislature for the Office of Crime Victim
24 Advocate. If there's any type of coordination
25 between the two.

1 Full - 10-14-20

2 MR. PAINTER: Excellent

3 question. Thank you very much. First of all,
4 all 20 of those are not paid by county funds.
5 Those are all 100 percent state funded. Even
6 the match has been waived. We applied for a
7 grant to the state a couple of years before
8 the criminal justice reforms were even
9 discussed and debated. Very happy that we got
10 it. I believe the county applies for the same
11 grant. We had gotten permission because we
12 were able to show that we were far behind
13 other offices as far as a crime victim
14 advocate to prosecutor ratio. For example, in
15 Staten Island at the time it was seven to
16 one. For every seven prosecutors they had one
17 crime victim advocate. We were at 230 to
18 three. 230 prosecutors to three crime victim
19 advocates for the whole office.

20 So the DA, being mindful of that
21 obligation, applied for the grant, got the
22 grant and it will get us up to 30 fully funded
23 state positions by the state of a crime victim
24 advocacy core. Put under our office of core
25 services. And now they've been trained just

1 Full - 10-14-20

2 like the new class of prosecutors will be
3 trained and distributed throughout the office
4 and bureaus to work with anybody who is
5 victimized. Vehicular crime as well.

6 Subsequent to our getting the grant
7 and hiring those positions that was when this
8 body established the Office of the Crime
9 Victim Advocate. I don't know what the total
10 staffing level is but I've met with the
11 executive director of that office.

12 One of the first things the county
13 did in interviewing candidates consulted with
14 the DA's office about how those two agencies
15 were going to work together, and the most
16 specific way I can explain it is that the
17 district attorney's crime victim advocates
18 will consult with anybody and help anybody on
19 a solved adult crime. What we won't touch
20 because we're the DA's office, we only deal
21 with the crime that's been arrested, unsolved
22 crime for which there is a great amount and
23 juvenile crime for which we have no
24 jurisdiction.

25 So there's a hole that's filled in

1 Full - 10-14-20

2 that pathway through the county attorney that
3 handles juvenile prosecutions or the police
4 department that has to do with victims of
5 gunshot wounds with no arrest made or other
6 things where there's no arrest made. That's
7 where if there's a gap that you're trying to
8 see the district attorney's office is well
9 situated now to handle crime victim services
10 for solved adult crime but unsolved juvenile
11 and unsolved adult could fall easily within
12 the purview of the county executive's
13 function.

14 LEGISLATOR MCKEVITT: One other
15 point I've been hearing that I've heard
16 through other offices throughout the region
17 that there's been a dramatic decrease in the
18 number of diversion cases. You partake in
19 that program. Maybe perhaps with the bail
20 reform there's not an incentive to do that.
21 I'm just wondering whether you're seeing
22 similar types of circumstances in Nassau
23 County.

24 MR. PAINTER: That is a fear. I
25 regret, I prepared a lot of statistics today.

1 Full - 10-14-20

2 I regret I don't have that one. Again, I
3 always want to make sure I'm speaking
4 confidently. All I can tell is I'm aware of
5 that fear. I'm aware that without the looming
6 threat of bail being imposed there is maybe
7 less incentive to cooperate with an
8 alternative incarceration program. There are
9 ways to combat that from a judicial
10 perspective.

11 So, all I can say is I'm aware of
12 that sense and I can see the logic that it's
13 grounded in, but unfortunately I did not come
14 prepared with statistics on what our diversion
15 is. And also they would have very little
16 meaning given the fact that court operations
17 were suspended for six months. So, when
18 available I would be happy to present on that.

19 LEGISLATOR MCKEVITT: Thank you.

20 LEGISLATOR FORD: Thank you very
21 much for your thorough presentation. We
22 appreciate it and we will be in touch. We
23 will talk about the paid leave.

24 MR. PAINTER: Greatly
25 appreciated. I know so does the DA. If

1 Full - 10-14-20

2 anybody watching or here has any specific
3 questions please feel free to contact the
4 office. You will get a very specific answer
5 just like that. We'll do it with as much time
6 as we can.

7 LEGISLATOR DERIGGI-WHITTON: Can
8 you send us a copy of that legislation?

9 MR. PAINTER: Yes.

10 LEGISLATOR DERIGGI-WHITTON: Real
11 quick. Do you think that any of the reforms
12 that have been made to maybe pull back the
13 bail reform a little bit has that helped you?
14 Like giving you 30 days to prepare or is it
15 still a problem?

16 MR. PAINTER: The criminal
17 justice re-reforms took place in April had two
18 major components. One was securing order
19 re-reform the other one was discovery
20 reforms. Securing order re-reform I think was
21 the more expansive. While public safety was
22 not considered, they did do some modifications
23 that would allow for recidivists or
24 re-offenders to not get a second chance. So
25 that will be helpful.

1 Full - 10-14-20

2 I feel still I think we will be
3 doing reform for quite a long time. It's
4 meant to be a long-term progress I'm sure.
5 We're never going to be done reforming. We're
6 always trying to modify the criminal justice
7 system.

8 When it comes to discovery, you
9 mentioned the time limits being extended and
10 does that help and the answer actually is no.
11 Does it hurt? No. Does it help? No. The
12 reason for no that is very simple. We had
13 geared our system to deliver discovery as soon
14 as practical because that's the timeline of
15 the statute. 15 days was an outside limit.
16 We had geared electronic discovery delivery
17 systems and our arrangements with police
18 officers to get it that way.

19 There can be some relaxation, some
20 relaxation, but the reason why it's not
21 incredibly helpful in an ultimate thing is by
22 moving from 15 to 20 and 35 are the new
23 deadlines, what that saves is perhaps
24 intermediate what we call discovery sanctions,
25 preclusion collusion of evidence or something

1 Full - 10-14-20

2 like that.

3 But the ultimate sanction was
4 always the main problem. The ultimate
5 sanction is not being ready for trial on a
6 misdemeanor case within 90 days. If you're
7 giving from 15 to 20 with 90 still as the
8 backstop, you don't do yourself any favors as
9 a prosecutor to take advantage of those five
10 days because you can't stay ready until you
11 certify compliance with discovery. So waiting
12 all the way to 35 days to do your discovery
13 you've just chewed over 33 percent of your
14 speedy trial clock.

15 We are always going to be
16 encouraging our ADAs and investing in the
17 technology and the automation to get that --
18 forget about the outside deadlines, we want to
19 be as soon as possible because what we are
20 really up against is the speedy trial
21 deadlines. The discovery sanctions are I
22 don't want to say less important but less
23 jeopardizing to cases. Case outcomes.

24 LEGISLATOR DERIGGI-WHITTON:

25 Thank you.

1 Full - 10-14-20

2 LEGISLATOR FORD: Ellen go
3 ahead.

4 LEGISLATOR BIRNBAUM: I know you
5 mentioned Raise the Age in your presentation.
6 But that slide went by a while ago and I
7 didn't really have an opportunity to address
8 it. What are the associated costs with that
9 with the set phase that we entered and are
10 there any related expenses for the 2021
11 budget?

12 MR. PAINTER: The reason why the
13 Raise the Age was on the screen was an
14 asterisk and it was concurrently displayed
15 with Division of Criminal Justice Service
16 statistics that showed a felony arrest of
17 adult population over five years. I displayed
18 the 2015, 2016, 2017 to 2019 stats of adult
19 arrests.

20 And to add context to those number
21 values I pointed out that due to Raise the Age
22 legislation 16 years old weren't considered
23 adults after a certain point in 2017, 2018 and
24 then followed by 17 years olds the year
25 after. You would see a normal minor but

1 Full - 10-14-20

2 normal diminishment in those statistics
3 because an entire year of age was excised from
4 it if that makes sense. That was the only
5 context I used Raise the Age in. Nothing else
6 about the presentation had to do with Raise
7 the Age.

8 LEGISLATOR BIRNBAUM: So it has
9 nothing budgetary?

10 MR. PAINTER: No. It was just to
11 add some context and clarity to one particular
12 graphic in a DCJS stat.

13 LEGISLATOR BIRNBAUM: Thank you.

14 LEGISLATOR FORD: Thank you once
15 again. As you said, your office if there are
16 any other questions following this they can
17 send an email to you or to DA Singas,
18 correct?

19 MR. PAINTER: That's correct and
20 we will promptly respond to it.

21 LEGISLATOR FORD: Thank you very
22 much and tell the DA thank you very much for
23 the information.

24 While we are changing places we
25 will be asking for the police department.

1 Full - 10-14-20

2 They will be the next presenters. I know that
3 I have some slips from people that want to
4 speak. What we will do is allow the police
5 department to make their presentation and then
6 you will be called up to speak and then we
7 will entertain questions from the
8 legislators. Thank you.

9 COMMISSIONER RYDER: Good
10 afternoon. Thank you Majority and Minority --
11 thanks for having me -- and the board. First,
12 condolences and our prayers to the Drucker
13 family, and also Legislator Ford you always
14 take the time to recognize all the men and
15 women in law enforcement and their families.
16 We know you also had a loss and our prayers
17 with you and your family.

18 LEGISLATOR FORD: Thank you.

19 COMMISSIONER RYDER: This has
20 been a complicated year for the Nassau County
21 Police Department to say the least. We have
22 been through everything from justice reforms
23 to COVID, now to protests and unrest and now
24 Isaias the storm and of course our police
25 reforms. We've been able to work to our

1 Full - 10-14-20

2 budget of last year, stay within lines, stay
3 on course, but I will go through it and you
4 will see the up and downs.

5 You saw some of the numbers that
6 Jed Painter presented in his presentation but
7 ours will be a little bit different because
8 the Nassau County Police Department does not
9 police the villages. We police only the
10 district itself. So we focus in on the
11 district.

12 You see the revenues on the first
13 page. There is the NCPD budgeted revenues.
14 This year we are budgeted for 889 million.
15 That is slightly down from last year of 893
16 million. You go to the next slide which is
17 our expenditures. We will equal that out
18 again at 889.73. We not reduced head count in
19 the sworn members. We have slightly reduced
20 it in the civilian force but there are some
21 increases also which I think will make some of
22 the members happy here.

23 If you go to the third slide our
24 head count is currently at 2,271. We are 230
25 police offices short. We did not get the

1 Full - 10-14-20
2 class that we wanted going into the last group
3 of last year because of COVID and the fact
4 that we couldn't hire. We have a class going
5 in on November 6 of 160 to 170 officers.
6 We've been approved for 200 by the budget
7 office but we just can't get that many in and
8 we can't train them because of the size. We
9 are using multiple facilities to begin with.

10 You go to the next slide that's the
11 head count there. One of the head counts in
12 our police medics we have seven to eight
13 police medics we are hiring on the 23rd. That
14 will hit us at our current budgeted head
15 count. If this budget goes forward and if the
16 committee approves the current recommendations
17 of the ambulance report that we put forward,
18 on January 1 we will be hiring an additional
19 five police medics.

20 Police communication officers, we
21 have a PRF in for 14 to get us equal to that
22 head count. The 170 that we're looking to
23 hire on November 6th and also the next hiring
24 class of 60 is scheduled for 2021.

25 If you flip to the next page head

1 Full - 10-14-20

2 count versus overtime. You'll see the
3 difference in why it's so important to
4 maintain hiring. As the staffing drops again
5 we're stuck with the fact that our overtime
6 number will rise. We were able to maintain it
7 this year. We will come in on budget for our
8 overtime. But again, we're down 229 officers
9 to be exact and we got to get that hiring
10 which will put that first class in November
11 6th.

12 Next slide is the overtime by
13 month. This starts to answer some of the
14 questions. If you look at the overtime by
15 month if you look at March there was a
16 skyrocket in the overtime. Our normal
17 operating is about two to three weeks behind
18 in paying you for your overtime. That is
19 February's overtime. February's overtime was
20 driven directly by bail reform. It was driven
21 by discovery, we had court times that were
22 through the roof because we were trying to get
23 everybody in on time. Trying to meet the
24 discovery demands. Arrest processing and of
25 course the past discovery cases. Many of the

1 Full - 10-14-20

2 cases we had to go back for years and get that
3 discovery information. That's what drove the
4 overtime in the March.

5 You saw the drastic drop March 13th
6 was when the county declared a state of
7 emergency with the COVID. Courts were shut
8 down. Arraignments were shut down. Discovery
9 and everything was still going as arrests were
10 made but we still had to process them so we're
11 prepared as you heard Jed Painter speak about
12 it a moment ago.

13 That overtime stayed down until you
14 see June it starts to rise and in July it
15 really skyrockets. Again, that's two to three
16 weeks behind. June 1st was our first protest
17 and our first unrest here in the county. From
18 there, I think you all know, we've had over
19 260 protests in the county, over 40,000 people
20 have protested inside the county and we've
21 been able to get through all of that because
22 of the great work by the men and women in the
23 police department. Including the job that
24 they all did during COVID. Our police medics,
25 our fire services, our DPW men and women and

1 Full - 10-14-20

2 of course the men and women in the police
3 department.

4 Right now, as it turns out, it
5 looks like we will be on par to hit our
6 overtime number that was given to us in last
7 year's budget.

8 If you flip the page year end
9 budget salary budget. 2018 we came in \$10
10 million under. 2019 16 million under and this
11 year we are estimated to come in \$11 million
12 under budget. That is a direct result to
13 hiring. If you keep hiring, as we know the
14 message, it's cheaper to bring in three new
15 cops than the price of a senior cop. We need
16 the senior cops to stay. We need that
17 institutional knowledge to stay. But we also
18 need to keep hiring. Many have retired
19 because of what they went through with the
20 COVID. We saw a massive retirement after
21 that. Many were just hitting that cycle. So
22 delaying that class last year hurt us in the
23 fact of getting the bodies in here but we will
24 get that back up with the next class.

25 Flip to the next page,

1 Full - 10-14-20

2 unanticipated costs. COVID in the overtime
3 cost is about 2.2 million. We didn't have a
4 big lift as far as overtime goes during
5 COVID. Most of it was sick leave. We had at
6 the time before the curve actually started
7 coming down but we were about 200 members that
8 went out sick with the COVID. Another four to
9 500 officers were affected and had to stay
10 home and quarantine during that time. Our
11 staffing levels were really low level at that
12 time but we had just gotten a class out of 96
13 so we were able to balance that number.

14 Protests cost us about 3.2
15 million. Some nights we had 260 to 270
16 officers on overtime.

17 Unfortunately we don't dictate to
18 the protesters what and how they're going to
19 do it. We did start to change the game as we
20 progressed through the process. But in the
21 beginning a protest would show up of five to
22 6,000 like they did in Merrick and a couple of
23 days later we thought we would get a couple of
24 thousand and we got about 150 to 200. They
25 don't RSVP very well to the police

1 Full - 10-14-20

2 department.

3 Justice reform about \$4.4 million.

4 That's technology. That's hardware. That's

5 overtime. That's salaries for the six

6 additional intel analysts that handle the

7 discovery. So that number came. And about

8 100 grand we paid on tropical storm Isaias.

9 That additional cost, which we didn't account

10 for, was about 9.8 million. Again, we're

11 still going to come on budget.

12 Crime is an issue. You talked

13 about the crime I heard with Jed Painter. You

14 go back to 1975 we had 4,000 members in this

15 department and when that conversation comes up

16 about defunding police people don't realize

17 we've dropped from 4,000 to 2,500. And in

18 this case we're at 2271 is the number. All

19 along we've been able to reduce crime because

20 we have used technology. We've managed

21 better. Intelligence. Evidence-based

22 policing is what we've been doing for years.

23 It's asked for in the reforms. We've already

24 been doing that. That's why we get such a

25 good return for our investment on the

1 Full - 10-14-20

2 membership. But we need to get that number
3 back up to 2500 and we will because we also
4 need to have better community engagement. We
5 have great community engagement in this
6 county. We truly do.

7 We've increased our bike cops to 20
8 that are out there. We've put quads out there
9 that are now driving through the Massapequa
10 Preserve on the weekends and up on Sands
11 Point. Places they had never been before. We
12 put them on the beaches this summer down in
13 the barrier island.

14 We've increased our community
15 affairs office up to 18. We brought COPE over
16 from a crime fighting function and made them
17 more of a community relations. Still handling
18 the low level quality of life crimes here in
19 Nassau County. They're now underneath those
20 20 police officers and two supervisors.

21 We've also expanded as you know
22 last year we moved the one POP cop to two POP
23 cops to now three POP cops in every precinct.
24 We get great community relations, great
25 community outreach and continue to enhance

1 Full - 10-14-20

2 that. We know we can do more with it as move
3 forward.

4 The next slide is the interesting
5 one if you turn to that, major crime numbers.
6 Again, you saw in week three or four of this
7 year we were down. It's an anomaly, right?
8 It's such a small number. It can go up or
9 down. It really doesn't matter at that
10 point. Then we skyrocketed. Right after as
11 we started to see those burglars that kept
12 getting out of jail, the Chilean burglars that
13 we spoke to you about many times. That was
14 part of that reform. It peaked around week
15 ten, around mid March, about when COVID hit
16 and then it started to decline.

17 We've got that number under
18 sometime around June 1 when the protests
19 started. That was when we started also to see
20 the decline in crime in Nassau County. There
21 was a large presence of police officers out in
22 the streets. Many people were home. Yes,
23 some crimes did go up but many crimes did go
24 down.

25 Flip to the next slide and it tells

1 Full - 10-14-20

2 the picture. Our percentage year to date over
3 last year is down in major crimes 7.99
4 percent. Twenty percent down in grand
5 larcenies but up 19 percent in stolen cars.
6 70 percent up in burglaries. That is our
7 commercial burglaries. Our residential
8 burglaries are flat. We had record low crime
9 numbers here in Nassau County. I don't have
10 to tell you, you all saw we are the safest
11 county in America thanks to the good work of
12 the men and women in this police department
13 and our community engagement. But we did see
14 some bumps in there because of it. We got it
15 down and we continue to drive to move it
16 down.

17 Homicides are up from nine to 11.
18 We used to average 35 to 40 homicides. But
19 still, that jump of three, and I believe six
20 of them alone were in the Eighth Precinct.
21 That's something we've never seen before. A
22 change in the way crime is happening here in
23 Nassau County.

24 Our shootings, if you flip to the
25 next page, in the state of New York shootings

1 Full - 10-14-20

2 where people are hit are at a 93 percent
3 increase for the entire state. The 18 impact
4 counties outside of New York City. In Nassau
5 County that number went up 11 percent. Our
6 five year average on that number is up three
7 percent and in the state of New York it's up
8 57 percent. So yes, we've seen a change in
9 the curve. Yes, it's directed to a lot of
10 things. It's directed to COVID. It's
11 directed to reforms. It's directed towards
12 how we police. A lot of things are related to
13 how these numbers have changed. But you have
14 to remember we have been on a steady decline.
15 We'll beat the number again this year but I
16 can't say that to the 11 victims of those
17 homicides. I have to find an answer to how we
18 can do that better and prevent it.

19 Operation Natalie. We've seen an
20 increase on the fatal by 38 percent. Our
21 nonfatal is down 21 percent. No rhyme no
22 reason for it. Maybe it's a more potent
23 heroin out there. We stopped doing Operation
24 Natalie because of COVID. We could not go
25 into homes and interview families. We

1 Full - 10-14-20

2 couldn't do the aftercare visit. We started
3 back up on the 24th and we're already starting
4 to see a correction on this. But there's a
5 lot of work to do on the opioid crisis.

6 I jump to that last slide and just
7 to give you some of the things that our police
8 reform, I know that's probably one of the
9 largest topics here that we've been working
10 on. Our wellness and peer support has been
11 outstanding. We have lost nobody to any
12 crisis this year suicide-wise, thank God.
13 That's because of that legislation that you
14 all pushed out. That's because we have
15 working groups of wellness peer support and
16 employee assistance. We had a wellness
17 meeting two weeks ago where it was a training
18 session and it was voluntary. Nobody was
19 mandated to go. We sold out. We had to give
20 it a second night. That's showing that the
21 members are working together and getting
22 involved.

23 We have to do a lot more work with
24 the heroin opioid epidemic. Our crime
25 number. Like I said, we'll finish down but I

1 Full - 10-14-20

2 know we got spikes up that we need to get back
3 in the right direction.

4 Finally, our police academy is 80
5 percent done. When they talk about reform and
6 they talk about community engagement the
7 programs that we're gauging towards and moving
8 towards that will be here next summer, our
9 academy should open up sometime in April or
10 May and the programs that we're going to be
11 expanding and bringing back to our communities
12 is going to be phenomenal. We are going to
13 bring community into the academy. We've
14 expanded. We've added three new PALs that
15 never had it. Elmont, Lawrence and Roosevelt
16 don't have PALs. They do now. The money to
17 fund that is coming from asset forfeiture
18 money.

19 We're opening up again, like I said
20 with the academy, weekend programs all going
21 to be funded through asset forfeiture money.
22 To bring them in on the weekends. To do
23 computer programs. Our police PAL program is
24 not police athletic league, it's Police
25 Activity League. It's about numerous programs

1 Full - 10-14-20

2 that when we answer the reforms and we push
3 them out, sometime to all of you, sometime in
4 December I believe, you'll see what the work
5 is being done and can be done and will be done
6 regarding a lot of that for the community
7 part.

8 So, that's the budget of the police
9 department. I know I went a lot faster than
10 Jed did but Jed's a lawyer. I'm here to
11 answer any of your questions.

12 LEGISLATOR FORD: Thank you very
13 much and yes, we owe a debt of gratitude to
14 all our law enforcement for helping to make
15 Nassau County the safest county in the
16 nation. I really think that's a great honor
17 that we have. That people have recognized
18 this and with all the hard work that you, your
19 staff and all the people under your command.
20 They put their lives on the line every single
21 day and we just want to make sure they always
22 remember we appreciate everything they do.

23 And I do appreciate the fact that
24 you have remained constant with your outreach
25 to all the communities. That you're

1 Full - 10-14-20
2 constantly trying to be out there to work with
3 them, to meet with them, to listen to what
4 they have to say. Not just hear but listen to
5 the words. Listen to what they have to say
6 and I think that makes a big difference
7 especially when we have to deal with the
8 police and the communities.

9 So before any of the legislators
10 I'm going to ask Robert Arciello. I don't
11 know if -- I don't have my glasses on. I
12 can't see in the distance. We're going to let
13 the speakers come first and then we will hear
14 from our legislators.

15 MR. ARCIELLO: Thank you
16 Legislator Ford. Bob Arciello from CSEA Local
17 830. I'm the vice president there. I am here
18 on behalf of Ron Gurrieri who had a medical
19 procedure done a little over a week ago. He
20 says hello. He has me here speaking on his
21 behalf here today.

22 Quickly, real quick, two points.
23 The first is I want to thank the police
24 commissioner for mentioning in his
25 presentation that they are going to be hiring

1 Full - 10-14-20

2 to get to the budgeted head count levels in
3 the police medic area and in CB. Both areas
4 are very important to us and we're glad to see
5 that the police department is moving in that
6 direction.

7 One area that didn't come up in the
8 presentation is the public safety officers.
9 We are down severely staff-wise in that area
10 and we would appreciate some attention being
11 paid to moving that number higher in the
12 onboard personnel. The budgeted head count is
13 fine. We just are not near achieving that
14 level yet. We would like to have the police
15 department concentrate on moving in that
16 direction.

17 If I could shift gears real quick
18 to discuss the sheriff department. I know the
19 sheriff hasn't had a chance to do his
20 presentation yet but we have a board meeting
21 and we're going to have to cut out. Quickly
22 I'm going to address the sheriff's
23 department.

24 First I want to thank sheriff
25 Dzurenda and his administration for doing a

1 Full - 10-14-20

2 fantastic job here in Nassau County after
3 coming on board right as this pandemic hit.
4 He's been very proactive in moving things
5 forward and correcting a lot of the problems
6 that all of you are aware we have in the
7 sheriff's department.

8 One thing I did want to mention is
9 that there is -- we do have a pending PRF for
10 deputy sheriff to attend the next police
11 academy class that's going to commence in
12 November at some point. Mid to late
13 November. So we're hoping that that will
14 bring us closer to our budgeted head count.
15 But in that same vein, I also need to point
16 out to the committee here that our budgeted
17 head count for this year has been reduced by
18 20 percent. So we had a budgeted head count
19 of 69. We didn't have 69 on board last year
20 but our head count was 69 and we were moving
21 towards filling the spots. It has now been
22 cut back to 59. So, we are currently on board
23 about I think 55. So we are obviously going
24 to work to get up to that 59 head count.

25 The deputy sheriff was tasked with

1 Full - 10-14-20

2 many other jobs during this pandemic. We
3 helped out in the morgue. We had a multitude
4 of different jobs handed to us during this
5 emergency period, which my guys all handled
6 and we went out there and did everything that
7 was required of us. I just want you guys to
8 be aware in the midst of this pandemic and
9 everything else they actually pulled back ten
10 bodies on our budgeted head count.

11 I think that's pretty much all I
12 have. Kris Kalender is the president of the
13 police medics. He's going to briefly speak
14 about that area and let you carry on.

15 LEGISLATOR FORD: Before you step
16 away one I have one quick question. When you
17 talked about the deputy sheriffs, how many do
18 you anticipate may have the ability to retire
19 like in the next year or two.

20 MR. ARCIELLO: I actually have a
21 deputy resigning at the end of this month. So
22 that one that we know about absolutely. We
23 have at least one sergeant whose intention is
24 to retire at the end of this year. By
25 attrition we should have another two or three

1 Full - 10-14-20

2 leave probably in 2021.

3 Again, the sheriff has been very
4 proactive in replacing those bodies and moving
5 towards getting those spots filled. I would
6 be remiss if I didn't mention the fact that
7 OMB actually carved ten out of our head
8 count. We play an integral role in law
9 enforcement here in Nassau County. We're full
10 police officers and run a wide gamut except
11 for answering 911 calls and to pull back a 20
12 percent reduction in the staffing level is in
13 the union's opinion severe.

14 LEGISLATOR FORD: Very
15 concerning. We will look into that. Thank
16 you. Mr. Kalender.

17 MR. KALENDER: Good afternoon
18 everybody. Thank you for your time today.
19 Before I begin I just wanted to started by
20 thanking all of you who reached out to the
21 police medics and to us throughout COVID. Our
22 call volume doubled. We had days where we
23 responded to over 400 calls throughout the
24 time and a lot of you had reached out. So I
25 wanted to thank you for all that before

1 Full - 10-14-20

2 getting started.

3 Continuing with the thanks, I would
4 like to thank the administration along with
5 Commissioner Ryder for putting the committee
6 together to establish the EMS report that we
7 referred to. The report highlighted updates
8 that are needed and I think that it came out
9 to show that there were deficits within the
10 system and it did make recommendations that
11 will fix the system eventually.

12 For the first time in over ten
13 years this budget for 2021 has increased the
14 police medics like Commissioner Ryder pointed
15 out. It does have an additional five. We are
16 happy to see that as well.

17 Last week the comptroller had
18 pointed out that our ambulance revenue would
19 become a risk and they essentially at the time
20 had based it on the fact that in 2020 to date
21 we had not met what we had projected for last
22 year. While they didn't exactly have a reason
23 while they were here, I do want to point out
24 that due to COVID we did have the AMR
25 ambulances come in and we did not collect

1 Full - 10-14-20

2 revenue from that. In addition to that, the
3 amount of transports post-COVID, people are
4 just afraid to call an ambulance to go to a
5 hospital for your routine things, so our
6 numbers have been down because of that.

7 In addition to that, over the last
8 ten years our call volume has steadily
9 increased. So in my personal opinion on
10 behalf of the union I don't expect it to
11 become a problem going forward in future.

12 All that being said, everything is
13 on the up and up. I want to just bring
14 attention to one point that could be
15 concerning or actually is concerning at this
16 point. In 2017 Nassau County replaced our
17 entire fleet of ambulances. That's 41 new
18 ambulances that we received in 2017. In 2019
19 we bought five new ambulances to basically
20 supplement that. Besides that we have not
21 bought any ambulances to maintain the fleet.
22 We currently have 17 ambulances over 100,000
23 miles. We have 25 ambulances over 90,000
24 total. That includes those 17. Which makes
25 it about 61 percent of the fleet has over

1 Full - 10-14-20

2 90,000 miles. And for the entire fleet
3 altogether we have an average of about 87,000
4 miles.

5 Again, this budget, like I said,
6 first time we've seen a head count increase.
7 We're very happy for it. The vehicles are
8 something that we need to pay attention to
9 because again we have ambulances that respond
10 from Bayville, anywhere in the county as far
11 as Valley Stream. There's a lot of wear and
12 tear on these vehicles and that's really
13 something that we are hoping gets a little bit
14 of attention during this budget. Thank you
15 for your time.

16 LEGISLATOR FORD: Legislator
17 DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: Hi
19 Kris. I know you I spoke with you and I
20 actually have it in my newsletter, but police
21 medics were amazing when my next of kin, my
22 first cousin, was unfortunately quite ill at
23 home and you took him to Saint Francis and he
24 passed away about three or four days later.
25 Not only did you handle him, my 82 year old

1 Full - 10-14-20

2 aunt. It was a whole scene. I give so much
3 credit to what you all did. Especially during
4 that time went. You into the house upstairs.
5 He didn't want to go. He thought he was
6 fine. It was amazing how not only did they
7 take the patient and time to talk to him and
8 everyone but they risked their own lives going
9 into his bedroom. I will never forget it and
10 I have tremendous respect always but even more
11 so.

12 MR. KALENDER: Thank you.

13 LEGISLATOR FORD: Thank you Kris
14 and let everybody know in your department as
15 well that what you did during the coronavirus
16 epidemic was unbelievable with all the calls
17 and actually all the challenges that you all
18 faced in regard to dealing with so many people
19 on so many different levels and really we owe
20 a debt of gratitude to all the medics.

21 MR. KALENDER: And again, it's
22 the support from you guys that drives us, so I
23 appreciate it.

24 LEGISLATOR FORD: I know you have
25 to go to a board meeting but if there is

1 Full - 10-14-20

2 anything else just let us know and we will
3 follow-up. Please wish Ron Gurrieri a speedy
4 recovery.

5 I have one from a resident I
6 guess. I hope I say the name right. Kiana
7 Abbady. Just state your name and address.

8 MS. ABBADY: Kiana Abbady. I'm a
9 resident of Freeport. I was hoping to get to
10 speak after the budget hearings so that I
11 tailor my comments based off of that. Seeing
12 as I won't have that chance I will go ahead.

13 LEGISLATOR FORD: Did you want to
14 wait or even after the correctional center and
15 everything? I didn't know if you wanted it
16 with the police or the other agencies as well.

17 MS. ABBADY: I'm here so I'd
18 rather do it now. Unfortunately, I'm taking
19 time off of work to be here. Limited amount.
20 And it's short anyways.

21 My name is Kiana Abbady and I'm
22 speaking as a member of Young Long Island for
23 Justice and as a cochair of the divest
24 committee on the Long Island United to
25 Transform Policing and Community Safety

1 Full - 10-14-20

2 Coalition. Our coalition is formed of nearly
3 40 Long Island organizations representing
4 thousands of Long Islanders whose sole focus
5 is to collectively transform our public safety
6 system to one that secures the safety of all
7 taxpaying residents.

8 In this difficult time, the police
9 department and other safety departments cannot
10 be treated special by receiving inflated
11 budgets while the services of the community
12 actually is from other department gets
13 critically reduced. For years departments
14 like social services have starved while the
15 police department got to feast off of
16 everyone's plate.

17 COVID has devastated county
18 residents. But instead of creating a budget
19 that would address the more prevalent needs of
20 our community, such as access to housing,
21 greener transportation and support for dying
22 local businesses, we are flooding our streets
23 with guns and badges. We are not rewarding
24 the right departments for being fiscally
25 responsible with their money. \$4 million from

1 Full - 10-14-20

2 the police department does not go far compared
3 to \$4 million from social services. We should
4 be rewarding the agencies that work with
5 organizations such as Long Island Cares,
6 Island Harvest and Community Housing
7 Innovations. It's those agencies that should
8 be receiving the increase of a minuscule \$4
9 million cut from the police department.

10 When will this legislative body get
11 serious about the county's fiscal freefall and
12 constant wasteful spending when we are going
13 to talk about six figure pensions for 50 year
14 olds. Why do we have one of the highest paid
15 police department in the country? When does
16 the conversation go beyond cutting overtime?
17 When are we going to stop blaming needed
18 reforms on budget irresponsibility?

19 The services Nassau County
20 residents need now after losing their family
21 members, after losing their friends, after
22 losing reputable businesses cannot be solved
23 by individuals with guns.

24 I do have an additional question.
25 A lot of officers have been wearing masks that

1 Full - 10-14-20

2 have blue lines and Blue Lives Matter which I
3 find to be very defensive devices. Does that
4 propaganda come from taxpayer dollars or is
5 that union money giving that to the officers?

6 LEGISLATOR FORD: That may be the
7 officers themselves may have purchased those
8 masks. I don't know whether or not -- we
9 don't distribute masks to our officers.

10 COMMISSIONER RYDER: The only
11 masks we distribute say NCPD on it. The one
12 I'm wearing says OEM on it from the Office of
13 Emergency Management.

14 LEGISLATOR FORD: Maybe the
15 officers themselves have purchased those
16 masks. I know you can purchase them online.
17 And I would think that -- and not all the
18 officers wear it. We don't have any union
19 officials here. I don't see any in audience.
20 I'm sorry, in the back. But I don't think
21 that they purchase masks for the members. I
22 believe that it maybe -- we can check into
23 that, but I believe it would be the officers
24 purchasing on their own.

25 MS. ABBADY: The last question I

1 Full - 10-14-20

2 have is the blue ribbons that are tied around
3 the columns of the legislative building is
4 that also in support of Blue Lives Matter?

5 LEGISLATOR FORD: Yes. It is in
6 support of the police.

7 MS. ABBADY: Will that be removed
8 in order to allow all ideas to be represented
9 at this legislative body and on this
10 legislative taxpayer building?

11 LEGISLATOR FORD: I believe the
12 county executive has always recognized and I
13 think along with all of us we try our best to
14 always recognize all of the people who live
15 within our community. There have been times
16 when the dome has been lit to highlight
17 certain movements or certain issues and stuff
18 like that. So, I don't think that the -- I
19 think that the blue ribbons that are tied, we
20 have the police department right next door,
21 the administration building right there. I
22 don't believe those ribbons were placed in
23 order to exclude anyone but I think it was
24 just a statement that they were just
25 supporting law enforcement.

1 Full - 10-14-20

2 But I don't think it was ever
3 meant -- I know even for me if I men saw a
4 blue ribbon I wouldn't think that it would be
5 to the exclusion of everyone else. I think we
6 always try to include everybody, and I
7 appreciate your comments though too that there
8 are things we have to look at and consider.

9 MS. ABBADY: I appreciate it. I
10 know my time is up but we also from my
11 religion as well as the LIU Coalition agree
12 that our police officers are doing what they
13 need to do but we think that because they are
14 the highest paid in the nation they can
15 absolutely do a lot better.

16 LEGISLATOR FORD: As you heard,
17 I'm sure you were here when the commissioner
18 was giving his statement and the overview that
19 they have tried to reach out to all the
20 communities. Our POP officers are very key
21 working within the communities. Expansion of
22 the PAL which would help many of our young
23 people to give them I guess they do athletics,
24 do sciences, whatever, they do work with these
25 children I guess.

1 Full - 10-14-20

2 Then I know they do even with
3 the -- you have that committee now to take a
4 look at police reform. The commissioner also
5 has community citizens outreach. I know I'm
6 going to say it wrong. Where people from all
7 of the legislative districts so that they can
8 bring their ideas, suggestions and
9 recommendations so that we can address it.

10 MS. ABBADY: I absolutely agree.
11 I've heard of all of those organizations and I
12 commend the commissioner for putting all of
13 that together. I do know that those meetings
14 unfortunately are not often attended by those
15 who are appointed by the legislative body.

16 I'm also aware, I'm a Freeport
17 resident so I know that my mayor is trying
18 implement the same ideas. Unfortunately I
19 have not heard from him. So there's only so
20 much that these organizations and agencies and
21 ideas can do. Especially again we have the
22 highest paid police in our county. Crime is
23 going down but we can't keep blaming state
24 reforms on our fiscal irresponsibility.

25 LEGISLATOR FORD: I understand.

1 Full - 10-14-20

2 Thank you very much for being here and
3 speaking. I really appreciate it.

4 Before I ask questions I'm going to
5 let Legislator Ferretti. No, no. I'll put my
6 thoughts together. I'll let you start it off.

7 LEGISLATOR FERRETTI: Good
8 afternoon gentlemen. First I want to thank
9 all our men and women in blue. What an
10 incredible year you've had to endure as has
11 everyone in this country. But if you look
12 back at the beginning of the year of course we
13 had the implementation of criminal justice
14 reform and of course COVID hit. We've had
15 protests that you've had to deal with. Often
16 protecting the very people who are protesting
17 against you. So it's really been a really,
18 really crazy year. Throughout it all the men
19 and women in blue of Nassau County have done
20 their typical exemplary job. Also going above
21 and beyond. So I commend each and every one
22 of them. I thank them. I thank you
23 commissioner for your leadership and your
24 accessibility throughout this trying time.

25 I do have some questions. I guess

1 Full - 10-14-20

2 I will start with the recent news from US News
3 and World Report which ranked Nassau County
4 the safest county in the country; is that
5 correct?

6 COMMISSIONER RYDER: That is
7 correct.

8 LEGISLATOR FERRETTI: That's
9 great news. Now, what calendar year was that
10 based on?

11 COMMISSIONER RYDER: It ended at
12 the year 2019.

13 LEGISLATOR FERRETTI: When did
14 the New York State bail reform laws and
15 criminal justice reform begin?

16 COMMISSIONER RYDER: January
17 2020.

18 LEGISLATOR FERRETTI: Did the US
19 News and World Report rankings consider any
20 statistics from 2020?

21 COMMISSIONER RYDER: No sir.

22 LEGISLATOR FERRETTI: So no
23 statistics from after the criminal justice
24 reforms were implemented?

25 COMMISSIONER RYDER: Not to my

1 Full - 10-14-20

2 knowledge, no.

3 LEGISLATOR FERRETTI: Prior to
4 COVID-19 what was the county's experiences in
5 the first quarter of 2020?

6 COMMISSIONER RYDER: In the first
7 two months, three months we saw -- excuse me,
8 first two to three weeks we saw a decline but
9 that's based on weather or anything. Too
10 early. Small data set. As the year
11 progressed the crime numbers went way up.

12 LEGISLATOR FERRETTI: When you
13 say "the year progressed" around what time of
14 the year?

15 COMMISSIONER RYDER: January,
16 February, March.

17 LEGISLATOR FERRETTI: So
18 pre-COVID but postcriminal justice reform,
19 right?

20 COMMISSIONER RYDER: Correct.

21 LEGISLATOR FERRETTI: Did we see
22 anything occur in terms of the crime rates
23 after COVID hit specifically in quarter two
24 and three?

25 COMMISSIONER RYDER: Yes. Crime

1 Full - 10-14-20

2 went down.

3 LEGISLATOR FERRETTI: When we say
4 crime went down I see that sexual abuse
5 specifically this year to date is down 38.46
6 percent, right?

7 COMMISSIONER RYDER: Yes.

8 LEGISLATOR FERRETTI: Do you
9 attribute any of that to the COVID-19
10 pandemic?

11 COMMISSIONER RYDER: No. You
12 know what? I can't say what the reason of it
13 is. It could be something from COVID that
14 they're home and there are abuse cases that
15 probably were not reported because people are
16 stuck at home.

17 LEGISLATOR FERRETTI: That's kind
18 of what I was asking. In other words, is my
19 understanding correct that many abuse cases
20 specifically for children are reported to
21 school psychologists etcetera and social
22 workers? Is that correct?

23 COMMISSIONER RYDER: That is
24 correct.

25 LEGISLATOR FERRETTI: Obviously

1 Full - 10-14-20

2 with schools closed I would assume a lot of
3 those are not reported, right?

4 COMMISSIONER RYDER: Yes. That's
5 what we believe, yes.

6 LEGISLATOR FERRETTI: Also it
7 appears that the shootings, whether they
8 were -- the shootings involving injuries,
9 shooting victims where the person was hit we
10 have 38.5 percent increase, 11.1 percent
11 increase. Those are both numbers that are
12 significantly higher than the five year
13 average.

14 COMMISSIONER RYDER: That's
15 correct.

16 LEGISLATOR FERRETTI: What do you
17 attribute that to?

18 COMMISSIONER RYDER: I'm going to
19 say a lot of it has to do with justice
20 reform. People that are not in jail that
21 should have stayed in jail.

22 LEGISLATOR FERRETTI: I see that
23 the unexpected cost one of which is a protest
24 \$3.2 million.

25 COMMISSIONER RYDER: That's

1 Full - 10-14-20

2 correct.

3 LEGISLATOR FERRETTI: What went
4 into that? Was it overtime only or anything
5 else?

6 COMMISSIONER RYDER: All of it is
7 overtime, yes.

8 LEGISLATOR FERRETTI: The fuel
9 cost, any time over the summer I was out at a
10 barbecue with my in-laws in Franklin Square I
11 heard the helicopter over my head. In
12 Levittown constantly. The fuel for that what
13 was the estimated cost of that?

14 COMMISSIONER RYDER: I don't have
15 that but it is up significantly from where it
16 was last year, that's correct.

17 LEGISLATOR FERRETTI: Is that
18 included in the \$3.2 million?

19 COMMISSIONER RYDER: No, it's
20 not.

21 LEGISLATOR FERRETTI: In terms of
22 the reforms that are now being considered to
23 the policing, how many panels are there right
24 now that have been formed to put input into
25 that? To give input.

1 Full - 10-14-20

2 COMMISSIONER RYDER: The county
3 executive has started the PCT, the Policing
4 Community Trust. We are using the already
5 existing Commissioner's Community Counsel.
6 There are several others, normal community
7 outreach that we've done. We have enhanced
8 that and spoken to them. It's all about the
9 listening sessions to see what we can get back
10 from the community.

11 LEGISLATOR FERRETTI: A few
12 months back, I don't remember the exact month,
13 but we had put together a panel on mental
14 health, policing and mental health. Do you
15 recall what I'm referring to?

16 COMMISSIONER RYDER: Last year or
17 this year?

18 LEGISLATOR FERRETTI: It was
19 2020. I don't remember the exact month.

20 COMMISSIONER RYDER: Okay.

21 LEGISLATOR FERRETTI: Yes?

22 COMMISSIONER RYDER: Yes.

23 LEGISLATOR FERRETTI: What, if
24 any, input will that panel have on any police
25 reforms that are proposed?

1 Full - 10-14-20

2 COMMISSIONER RYDER: Are we
3 talking about the legislative bill?

4 LEGISLATOR FERRETTI: Yes.

5 COMMISSIONER RYDER: I'm sorry.
6 I apologize. That's going to have a huge
7 impact because we've met several times,
8 Commissioner McCummings or Myra Perez,
9 myself. We've had a couple of people, one
10 from the Republican side one from the
11 Democratic side. We've had numerous
12 conversations already. We are gathering
13 data. That data is going to help us make
14 decisions on suggestions and recommendations
15 back to you. I believe we have to get it back
16 in February. That will give you the answers
17 of what we think should be enhanced. And
18 whether it be mobile crisis -- and again, I'm
19 not going to speak for the committee because
20 we haven't made any final recommendations but
21 we've made some good progress in the fact of
22 looking to see what is going to make us better
23 in dealing with mental health.

24 LEGISLATOR FERRETTI: They will
25 be involved in whatever recommendations --

1 Full - 10-14-20

2 they will have input in whatever
3 recommendations are put forward?

4 COMMISSIONER RYDER: Absolutely.

5 LEGISLATOR FERRETTI: Thank you.
6 Again, I want to thank you for the great job
7 you. I look forward to seeing those
8 recommendations. Obviously there's room for
9 improvement. However, I got to just once
10 again say what an amazing job our Nassau
11 County law enforcement has done. I think it's
12 a testament to you and it's a testament to the
13 men and women in blue. Thank you for all you
14 do.

15 COMMISSIONER RYDER: Thank you
16 sir.

17 LEGISLATOR FORD: Legislator
18 Walker.

19 LEGISLATOR WALKER: Thank you
20 Legislator Ford. I too want to thank you
21 commissioner certainly for all your calls that
22 we had, our conference calls through COVID.
23 You were the voice that we could give our
24 questions to. You were that person that we
25 could reach out to. You and Commissioner

1 Full - 10-14-20

2 Eisenstein. I can't thank you enough for
3 that. To all your officers, to our medics,
4 for everything you did during COVID, during
5 the entire year. Really what you do for you
6 us day in and day out. I know myself
7 personally every single time I get the chance
8 to thank any of our officers I do that. I
9 always hope that our public does that to.

10 I know that you said obviously
11 Operation Natalie had stopped. Do you think
12 the rise in the area of drugs, heroin, so on
13 and so forth, do you think also because there
14 were not programs for residents to maybe
15 attend. I know even like AA or any of those
16 things that they couldn't meet anywhere. I
17 guess it was just whatever they could do via
18 phone conversations, Zooms, whatever. Many of
19 these people aren't really in a position to be
20 able to even go on things like or know where
21 to go. Do you think that attributed to the
22 rise also?

23 COMMISSIONER RYDER: I can speak
24 for the fact that I've had conversations both
25 with Steve Chasman and Jeff Reynolds.

1 Full - 10-14-20

2 Obviously their turnout was very, very poor
3 because of COVID. People trapped in the
4 homes. The access to medication and drugs
5 that are in the homes, through the medicine
6 cabinets. Our drug drop-offs were slowed
7 down. People were not coming out.

8 Drug dealers didn't recognize
9 COVID. They still went out and dealt their
10 drugs. And to the credit of the men and women
11 of Nassau County, they still went out and did
12 their jobs fighting crime and went out after a
13 lot of these drug dealers. We didn't sit
14 back. We were out there doing our job and
15 dealing with protests and unrest.

16 But a lot of it had to do with
17 arraignment. It's a virtual arraignment.
18 Nobody's being held. So you don't get that
19 option to get in front of that judge who says
20 hey, diversion court, an option for you kid,
21 you can get yourself help.

22 We also didn't get a chance to go
23 out and do the after-care visits the next
24 day. We knock on the door. Nassau County
25 narcotic detectives that are out of the chart,

1 Full - 10-14-20

2 not doing undercover work, would visit the
3 homes of the overdosed individual and both
4 from the victim's side and parents' side offer
5 up what apps between like Nassau County Cares
6 app or a handout that we had about how to get
7 them help.

8 Also about going after the drug
9 dealer, the person that usually the last two
10 or three calls in that phone is from the drug
11 dealer before he overdosed. We had to stop
12 all of that. I think it was all just a
13 perfect storm. Unfortunately too many kids
14 have already died. We've made so much
15 progress with Operation Natalie. When I say
16 we that's myself, the DA, the recovery people,
17 the community, everybody. We had numerous
18 meetings that we went out and spoke at. You
19 stop the education, you stop the awareness,
20 people forget about it and they think of
21 something else. Then they start picking up
22 the bottle at home and it starts going out of
23 course from there.

24 LEGISLATOR WALKER: Let's hope
25 and pray that we can get that back in the

1 Full - 10-14-20

2 right direction where we were before.

3 I also have a question, I know that
4 when we were over at the Eighth Precinct they
5 told us that the homicides in that area had
6 gone up. A precinct that really didn't have
7 those numbers before. Do you think there was
8 anything attributed to that?

9 COMMISSIONER RYDER: There were
10 six deaths in that community. Two are
11 domestic. We never understand and can stop
12 domestics that are in the home usually. One
13 was that drive-by. That poor young man
14 stepped out of his car. It was a road rage.
15 Those individuals had killed already in New
16 York City. They were all arrested.

17 There was a stabbing at a
18 restaurant between two employees. One was
19 arrested for that stabbing. There was an
20 off-duty New York police officer. He's
21 obviously been arrested for his. The only
22 open one right now is the July 4th one that
23 occurred in Plainview, Plainedge, Plainview
24 and that one is still open and we're still
25 working on that one.

1 Full - 10-14-20

2 LEGISLATOR WALKER: Thank you. I
3 have other questions but I'm sure other people
4 do to so I'll let them and if they're not
5 answered -- thank you for all that you do for
6 us.

7 LEGISLATOR FORD: Legislator
8 Mule.

9 LEGISLATOR MULE: Thank you. I
10 would like to add to what my colleagues have
11 said in terms of what a fantastic job all of
12 you have done and you in particular
13 commissioner during the COVID time and during
14 the protest time. You did get all of those
15 phone calls every day and you gave us great
16 information. You let us ask every single
17 question that we had to ask and that was so
18 appreciated. So important. And you're always
19 that way anyway. I know if I call you you're
20 going to call back if you don't pick up
21 immediately and we are very fortunate to have
22 you.

23 I also want to talk about my
24 concerns and this has been brought up as well
25 but I just to add to it my concerns for

1 Full - 10-14-20

2 victims of domestic abuse and sexual abuse.
3 Yesterday the Safe Center did a presentation.
4 Some of the other legislators were also on
5 that call. I'm a social worker by training.
6 I think what has been said is true that during
7 COVID two things happen. The children weren't
8 able to be assessed by the schools and people
9 were forced to be close together. There were
10 no escapes. I know that you're aware of
11 this. I'm not telling you anything you don't
12 know already. Those are certainly great
13 concerns because we have to always be aware of
14 the most vulnerable in our population and do
15 what we can to help them.

16 Anyway, but my questions consist of
17 the criminal justice reform. I just want to
18 make sure I'm understanding how this worked.
19 So I'm going to ask some questions. Please
20 let me know if I'm on the right track.

21 In particularly the bail reform.
22 So a person committed a crime, right? And
23 they were given an option of bail or no bail,
24 right? Is that how it worked in the past?

25 COMMISSIONER RYDER: Yes.

1 Full - 10-14-20

2 LEGISLATOR MULE: In the past.

3 So person A committed the same crime as person
4 B but person A had the money for bail and they
5 got out but person B had to stay in jail; is
6 that correct?

7 COMMISSIONER RYDER: Absolutely.

8 LEGISLATOR MULE: After the bail
9 reform happened everyone was able to go out
10 with no bail.

11 COMMISSIONER RYDER: On certain
12 crimes.

13 LEGISLATOR MULE: On certain
14 crimes, of course. But the most serious
15 crimes there was bail or they were just they
16 remanded, correct?

17 COMMISSIONER RYDER: That's
18 correct.

19 LEGISLATOR MULE: Do we have any
20 sense that in the case of the situation where
21 person A, the one who could get out on bail
22 prior to criminal justice reform, that they
23 were -- do we have any statistics on what
24 their level of recidivism was?

25 COMMISSIONER RYDER: We have

1 Full - 10-14-20
2 numbers that -- from prior years we don't have
3 the numbers. It's a massive undertaking to do
4 because we would have to track what the
5 courts -- we arrest them, courts process them
6 and we may arrest them again. We have been
7 tracking some of the numbers we have been
8 asked to track.

9 LEGISLATOR MULE: We got those.
10 I would like to be able to compare it because
11 we don't know if the bail reform actually
12 caused greater recidivism or at least I don't
13 based on the information that I have as
14 opposed to what happened prior. Right?
15 Because we just don't know.

16 COMMISSIONER RYDER: Right.
17 Usually you want to have a data set to compare
18 it to. We don't have that data set because we
19 didn't collect it that way in years past. It
20 wasn't a concern. So going forward we would
21 know how that is. We look month by month,
22 smaller segments.

23 When I showed you the first three
24 or four weeks crime was down, crime
25 skyrocketed and then COVID obviously

1 Full - 10-14-20
2 involvement brought crime way down and has
3 stayed down. Now it's stayed down because we
4 are in that -- we've kind of caught up, caught
5 our breath a little bit and we're still out
6 there doing our job. But a direct relation to
7 it was that spike in the beginning. The same
8 direct relation to COVID was the spike
9 downward.

10 When people stay home -- I'll give
11 you an example. My residential burglaries
12 were up about 80 percent in March. Now
13 they're flat. They're were they were last
14 year and last year was a record year. Our
15 commercial burglaries were up but we didn't
16 get them down because we couldn't get them
17 down because in COVID commercial burglaries it
18 was open season because nobody was in their
19 businesses. That affected that crime.

20 But in stolen cars we're up 20
21 percent. Stolen cars are still to this day
22 have not changed, the law has not changed on
23 stolen cars. Stolen cars stay out. There's
24 no bail. That repeat offender of the stolen
25 cars is a problem. We did make a nice arrest

1 Full - 10-14-20

2 with New York City a couple of weeks ago.

3 Hopefully that number starts to decline.

4 LEGISLATOR MULE: My final
5 question is were there ever any people who
6 stayed in jail prior to conviction, if they
7 were convicted, where they would have stayed
8 in jail longer because they couldn't afford
9 longer than what their sentence would have
10 been?

11 COMMISSIONER RYDER: Once you're
12 convicted some did get out because of the
13 COVID virus in the jails.

14 LEGISLATOR MULE: No, no. I'm
15 sorry. I'm talking about prior to bail
16 reform.

17 COMMISSIONER RYDER: Prior to
18 bail reform, no. You would stay for your
19 sentence unless you get good behavior and
20 released earlier.

21 LEGISLATOR MULE: No. People who
22 haven't been convicted but they're in jail
23 because they couldn't afford the bail.

24 COMMISSIONER RYDER: And then
25 when then they're released when the new law

1 Full - 10-14-20

2 changed?

3 LEGISLATOR MULE: No. Were there
4 ever any people prior to bail reform who were
5 in jail because they couldn't afford the bail,
6 right, and they ended up staying in jail
7 longer than they would have with the
8 conviction? Do you understand?

9 COMMISSIONER RYDER: I lose you
10 at that last section. In jail, held on bail
11 on a crime and then would they have stayed
12 longer if they were convicted?

13 LEGISLATOR MULE: Were they in
14 jail longer than what the sentence would have
15 been upon conviction?

16 COMMISSIONER RYDER: I don't know
17 that. I couldn't answer that. I know what
18 you mean now. I wouldn't have that.

19 LEGISLATOR MULE: Thank you very
20 much.

21 COMMISSIONER RYDER: Took a long
22 time to tell you I couldn't answer it. Sorry.

23 LEGISLATOR FORD: I guess even
24 with the criminal justice reform and I
25 understand what you're talking about because

1 Full - 10-14-20

2 unfortunately there were people that were put
3 in jail and because they couldn't make bail
4 they languished. Whereas, if you were rich
5 enough or whatever you got out and you were
6 like walking free until you went to court.
7 But I think though and I think you agree, and
8 this was something last year what Mr. Painter
9 had said, that prior to the state senate
10 passing any type of bail reform package many
11 of our law enforcement agencies went up and
12 met with the senate to ask to work with them
13 on bail reform. But unfortunately what
14 happened was they passed it without a lot of
15 input from a lot of our law enforcement
16 agencies. I think that's where the disconnect
17 was with so many people that were released and
18 just caught us all off guard.

19 But I think it is important that
20 people don't go to jail unnecessarily. That's
21 the most important thing. Legislator
22 Schaefer.

23 LEGISLATOR SCHAEFER: Thank you.
24 How are you commissioner? Thank you for your
25 presentation. I have a variety of questions.

1 Full - 10-14-20

2 First one I want to ask is can you just define
3 what minimum manning dictates is within the
4 police department?

5 COMMISSIONER RYDER: Minimum
6 manning really is minimum posts. Minimum
7 staffing. So there are 177 posts out there.
8 They must be covered 24-7 unless there's an
9 agreement with the unions about cars that can
10 be laid up at certain times.

11 LEGISLATOR SCHAEFER: I also
12 noticed in the summary narrative that you
13 anticipate about 200 officers I guess
14 retiring.

15 COMMISSIONER RYDER: Already
16 gone.

17 LEGISLATOR SCHAEFER: So there's
18 already 200. Are there more that you
19 anticipate and can you give me an estimate to
20 the end of the year essentially?

21 COMMISSIONER RYDER: On a normal
22 attrition we lose about 50 to 60 a year. This
23 year we started the year down. I think it was
24 135, 140. Then we graduated a class and 90
25 came out. Then we had larger amount of

1 Full - 10-14-20
2 retirements this year because of obvious
3 reasons. So, we still predict there will be
4 more leaving this year and again then we will
5 start the progression of hopefully getting
6 back to some normalcy in retirements next
7 year.

8 LEGISLATOR SCHAEFER: You
9 answered my next question which was about
10 prior years it's typically 50 or 60 a year?

11 COMMISSIONER RYDER: Yes.

12 LEGISLATOR SCHAEFER: Now I just
13 had some questions on equipment use. I know
14 we talked in the past and probably prior
15 budget hearings about your use of different
16 equipment or drones for example. That's
17 specifically what I'm asking about. Have you
18 needed to increase the use of drones or have
19 you just not needed necessarily but decided to
20 increase the use of drones like in 2020
21 specifically?

22 COMMISSIONER RYDER: In 2020 we
23 first started to use drones. We never had
24 drones before. The program is still being
25 developed. The program has to get approved

1 Full - 10-14-20
2 from the FCC. We're not there yet. But we
3 tried them out during protests. Kind of
4 doesn't work because as they move we got to
5 move with them and then the batteries die and
6 you got to reload them. We're trying to
7 figure out how the best way to move forward
8 with that program.

9 LEGISLATOR SCHAEFER: Then I also
10 notice one of the objectives of the department
11 is to increase the apprehension of suspects
12 who have outstanding warrants. Do you have
13 any idea about how many outstanding warrants
14 there are currently?

15 COMMISSIONER RYDER: We started a
16 program at the beginning of the year. We
17 enhanced members into our fugitive squad and
18 we were looking at getting rid of old ones.
19 We got warrants that people are dead. We got
20 warrants that they're not even enforceable
21 anymore. We started working with the DA and
22 COVID hit and everything got shelved because
23 everybody had to go different directions. We
24 are bringing that program back. I think we
25 have somewhere well over 40,000. I think it's

1 Full - 10-14-20

2 closer to 60 or 70,000. I don't know the
3 exact number.

4 LEGISLATOR SCHAEFER: That will
5 start back up again?

6 COMMISSIONER RYDER: Yes.

7 LEGISLATOR SCHAEFER: I'm sorry,
8 back to with regard to the drone program.
9 Have you continued to work on that? Or
10 obviously I know a lot of things that maybe
11 didn't seem necessary stopped during COVID.

12 COMMISSIONER RYDER: Yes, we have
13 started to continue working. We placed it
14 under our electronics bureau. They have to
15 write procedures and policies that have to be
16 approved. And then we also have to get
17 approval again by FAA not FCC, FAA approval
18 and then we can move the policy forward.

19 LEGISLATOR SCHAEFER: Are you
20 basing it on some other, you know, just the
21 way they're doing or what other programs are
22 like in other areas or other counties?

23 COMMISSIONER RYDER: Some
24 counties and villages out there on Long Island
25 do not have approval and they still fly it.

1 Full - 10-14-20

2 We're trying to do it the right way. We did
3 test it out during our protests but it just
4 wasn't feasible. We're chasing our tail.
5 That's why we ended up using the helicopter.
6 Using the drone over a helicopter is a lot
7 cheaper and much more effective. But the
8 value of having those real eyes in the sky and
9 real helicopter pilots up there is also a big
10 plus to us.

11 LEGISLATOR SCHAEFER: But part of
12 the anticipation is that it may produce some
13 savings down the road in using drones over
14 potentially a helicopter or some other use?

15 COMMISSIONER RYDER: We bought
16 the drones for two main reasons. One is to in
17 crime scenes and stuff the drone, instead of
18 shutting down the LIE to do a graphic of the
19 area where the auto accident is we can do it
20 with the drone without having to shut it
21 down. Obviously with approvals.

22 Then on the other side of it, when
23 we do things like when we've had flooding and
24 stuff we can send the drones into that area.
25 They're expendable. People are not. We can't

1 Full - 10-14-20

2 put a helicopter up when the it's called a
3 scud is too low. They have to fly underneath
4 it.

5 It's for hostage negotiations.
6 Instead of sending the cop up to the house we
7 can send a helicopter and look in the
8 windows. If he shoots the drone I mean, he
9 shoots the drone, we can put up another one.
10 The way that we're looking at it it's still
11 being in its developmental process.

12 LEGISLATOR SCHAEFER: Are we
13 still experiencing protests today throughout
14 the county and about how many would you say if
15 we are?

16 COMMISSIONER RYDER: Right now
17 we've come down to about two to three a week.
18 The showing is a lot less. We had three over
19 the weekend. Nineteen people at one 20 at
20 another. And they're staying, they're
21 following the ground rules now. If they do
22 walk they're on the sidewalk not on the
23 street. It's been better.

24 LEGISLATOR SCHAEFER: I want to
25 thank you for the amazing job you all did the

1 Full - 10-14-20

2 last six months. Thank you.

3 LEGISLATOR FORD: Legislator
4 Solages.

5 LEGISLATOR SOLAGES: Thank you.
6 I would like --

7 LEGISLATOR FORD: Carrie just
8 speak into the mic. You're muffled. I'm
9 sorry.

10 LEGISLATOR SOLAGES: Can you hear
11 me? I would like to thank the police
12 commissioner for -- can you hear me now?

13 LEGISLATOR FORD: That's better.

14 LEGISLATOR GAYLOR: We can't hear
15 you.

16 LEGISLATOR SOLAGES: Can you hear
17 me?

18 LEGISLATOR FORD: Yes. Stay like
19 that.

20 LEGISLATOR SOLAGES: I want to
21 congratulate --

22 LEGISLATOR BYNOE: Carrie, we
23 cannot hear you. You got to lift your head
24 up. When you head is up we can hear you.

25 LEGISLATOR SOLAGES: How about

1 Full - 10-14-20

2 this? Can you hear me now.

3 LEGISLATOR WALKER: We hear you
4 but it's all garbled.

5 LEGISLATOR BYNOE: We hear you
6 when your head is up. When you start facing
7 down maybe you're reading, I'm not sure, then
8 we lose.

9 LEGISLATOR SOLAGES: I will read
10 my questions like this. Can you hear me now?
11 Unfortunately however one of the complaints I
12 hear from residents of my community is that
13 there are not enough minority police officers
14 especially --

15 COMMISSIONER RYDER: I think I
16 got the gist of it.

17 LEGISLATOR SCHAEFER: It was
18 about hiring minority police officers.

19 LEGISLATOR FORD: Legislator
20 Solages, Legislator DeRiggi-Whitton is going
21 to reach out to you and perhaps you can convey
22 through the phone your questions or you
23 statement because we're losing the essence of
24 what you're trying to say and I think you were
25 speaking about the new chief of detectives.

1 Full - 10-14-20

2 Did you mention that? Because you keep going
3 in and out and we don't want to miss what you
4 have to say or ask. We are trying to work out
5 something.

6 In the mean time, if it's all right
7 with you, while we are setting this up I will
8 allow Legislator Bynoe to go and you will
9 follow her. Is that all right? Legislator
10 Bynoe.

11 LEGISLATOR BYNOE: Thank you
12 chairwoman. Good evening commissioner and all
13 assembled to support you in your
14 presentation. Thank you. Very thorough. I
15 also would like to thank you for all you did
16 during the pandemic and the protests and also
17 during the tropical storm. Your ability to
18 communicate and stay engaged with probably all
19 of us during these situations is amazing to
20 me. I really appreciate your accessibility
21 and your thoroughness when we present a
22 question to you.

23 I'd first like to start out from
24 the beginning of my tenure here as a
25 legislator I have been working toward ensuring

1 Full - 10-14-20

2 that police and community engage at a high
3 level and I appreciate everything that you
4 have done to ensure that. You mentioned
5 earlier that there would be Police Athletic
6 Leagues in Inwood, Roosevelt and also Elmont.

7 COMMISSIONER RYDER: Lawrence,
8 Elmont and Roosevelt.

9 LEGISLATOR BYNOE: There were a
10 few communities missing there, namely in my
11 district. I just wanted to know if there was
12 any thought about bringing anything into LD2?

13 COMMISSIONER RYDER: There are
14 three expansions to the PAL. There are 18
15 currently out there and Westbury is one. We
16 actually had a conversation with the mayor.
17 We use the school gym right now and the
18 superintendent is phenomenal in Westbury with
19 us. They built this nice, beautiful gym and
20 they went and brag about it, so now we're
21 seeing if we can get our feet into it and use
22 it. So we're in contact with him now to
23 expand on it.

24 But we have the investment. We
25 have an officer assigned to Westbury and they

1 Full - 10-14-20

2 have a very good program in Westbury. They
3 used to have a boxing program that was part of
4 that building. We're trying to bring that
5 back also.

6 LEGISLATOR BYNOE: Have we ever
7 considered doing anything in -- specifically I
8 have a concern or a real affinity to the
9 community of Lakeview because quite honestly
10 they have nothing there. They go to school in
11 Malverne or the West Hempstead folks go to
12 West Hempstead school. There's really nothing
13 that really is birthed out of that community
14 specifically for that community.

15 I was wondering, I know the library
16 in fact has ample space. I don't know if
17 there's something that could be done there.
18 Or just across the street there's a town park
19 that we might be able to utilize. They don't
20 have a big inside athletic area like the
21 Village of Westbury gymnasium or the Yes We
22 Can center or any of those other centers. But
23 I think the opportunity to engage with that
24 community, even if it's not as formal as the
25 Police Athletic Leagues which you're going to

1 Full - 10-14-20

2 set up in other places, would be extremely
3 valuable.

4 COMMISSIONER RYDER: Great
5 question because Lakeview belongs to the West
6 Hempstead PAL. That's that hockey rink that's
7 around the bend of the pond down there. But a
8 kid from Lakeview how's he getting down
9 there? Right. So we got that. That's why we
10 also are expanding -- we're going to expand
11 the programs. We don't need a physical
12 building. In many of these places we don't
13 have a building. In Roosevelt we don't have a
14 building right now. We are going to expand
15 the programs including Lakeview to get to
16 Lakeview instead of Lakeview coming to us. We
17 are going to kids in Lakeview. We've already
18 spoken to the library. Great programs in
19 there.

20 I think the fields are great and
21 what we can get out of Narvin High School just
22 expand it, unbelievable their fields and
23 everything else. So we're hoping that we can
24 use some of the school fields.

25 LEGISLATOR BYNOE: Thank you.

1 Full - 10-14-20

2 Thank you so much commissioner. I also wanted
3 to touch upon the police medics. I'm not sure
4 you are the right person to discuss this. I
5 know during the presentation from OMB they had
6 indicated that there was funding put into this
7 budget to be able to deal with any CBAs that
8 would come out of the three police unions
9 contract negotiations. Only two are remaining
10 at this point. I know we settled the
11 detectives.

12 My question is regarding the police
13 medics. Was there any funding built into
14 being able to deal with that particular
15 department? I know they're under CSEA but
16 they're also being negotiated.

17 COMMISSIONER RYDER: My
18 understanding is all of the unions and their
19 potential contractual agreements there's money
20 built into the budget. I'm not the budget
21 person to break it down for you. But that's
22 my understanding is that they are built in
23 there.

24 Again, you heard if the
25 recommendation goes forward on the police

1 Full - 10-14-20

2 medics to expand it we will be expanding an
3 additional five medics into it. And Kris
4 Kalender and I have met several times about
5 also putting some floating tours out there
6 even if they're covered by overtime to cover a
7 lot more areas especially during the summer
8 months.

9 LEGISLATOR BYNOE: Thank you.
10 Then I was just wondering if I'm not connected
11 into that PCT at all so I'm just interested to
12 know if there's a timeline that you could
13 provide to this body regarding the police
14 reforms? I know we have an end date of April
15 21 according to the executive order of the
16 governor. I was just wondering if we would be
17 going out as far as April or if there was a
18 different timeline that we could be provided?

19 COMMISSIONER RYDER: There are 13
20 to 16 major topics in the reform. There's
21 another 160 suggestions or ideas that are put
22 in the back of the reform. We are at what we
23 call the active listening stage and we're
24 taking changes and ideas. Look, the PALs came
25 from the community. That was one of the

1 Full - 10-14-20

2 things about engagement.

3 Some of the other items that we've
4 seen regarding mental health have come from
5 our meetings and from the community. A bigger
6 issue than I even imagined is our mental
7 health issue and the recommendations that
8 we've been hearing. So, our objective is to
9 keep the listening going. We're gathering up
10 information.

11 Again, I have been accused of I'm
12 drawing up a plan without listening to the
13 community. What we are doing is we got to lay
14 the groundwork first. What are the 13 items?
15 What are the three that we've committed? What
16 are those 160 points? Then say this is what
17 they are, this is what we do. That's fact.
18 That exists now. What are we going to do in
19 change? What is going to be modified to make
20 it better or enhanced or to reach the reforms
21 that the governor is asking for? That should
22 be composed and put together.

23 Again, I think the county executive
24 is looking sometime in December to get out to
25 the public. We have to post it and have

1 Full - 10-14-20

2 public comment come back at it. And in
3 getting it to the legislative body because
4 then I'm sure you're going to want to have a
5 public hearing on it yourself or some form of
6 hearing. Once that hearing is done and if
7 it's voted on and passed then by April 21st
8 it's got to get to the governor's office.

9 LEGISLATOR BYNOE: Are we finding
10 any difficulty in collecting data that would
11 necessary for these conversations?

12 COMMISSIONER RYDER: We all work
13 in the county. Data collection has never been
14 that easy because of the technology side of
15 things. But what we have done in the police
16 department is we are enhancing our data -- we
17 collect the data. It's getting the data out
18 that's always been the problem. Some of the
19 data they we just posted up or should be
20 posted up to date is about our complaint
21 tracking. Something publicly we never put out
22 but it's part of the reforms. We'll try to
23 get it out so people can comment about that
24 data and say things.

25 A lot of that data is in the

1 Full - 10-14-20

2 process of being collected and will get to
3 everybody. There's much more request about
4 other types of data, mental health data. We
5 collect mental health data to give you the raw
6 number but I've never collected it and broken
7 it down by area and by race and everything
8 else. That's not something we've done. We
9 are now in the process of doing that.

10 LEGISLATOR BYNOE: Do we expect
11 any additional expenditures as you move
12 forward in this task?

13 COMMISSIONER RYDER: There's a
14 massive amount of time being spent on the
15 reforms. Real time. Look, we can go round
16 and round about reforms and everything else
17 and argue and stuff like that. We're trying
18 to be as transparent as we can. We're trying
19 to gather the right data. I would love to say
20 here's the number and walk away. But if that
21 number's wrong it's on me. There's a lot of
22 resources. And these young analysts that we
23 have doing discovery work and writing reports
24 and other stuff are in that process and I'm on
25 the phone and have meetings several times a

1 Full - 10-14-20

2 day. All of my chiefs of staff that are
3 sitting behind me are all in these meetings
4 and we're like hey, if you don't believe in
5 the process go away from the table because we
6 got to do it. It's got to get done.

7 What we can do and remembering to
8 protect the rights of my officers at the same
9 time has got to be all factored in. So, we
10 come up with an idea, we throw it by legal, we
11 got to go back and change that idea. Then we
12 go out to the public and the public comes back
13 and says we'd like to see this, we'd like to
14 see that. Can this be do? Can we do that?
15 It's back and forth and it's basically
16 consumed about the majority of our time in the
17 last -- since January, not January, since June
18 and July right after George Floyd we started
19 looking at it right away. We knew it was
20 coming. And when the executive order was
21 originally sent down and the booklet came out
22 it was much more involved when the booklet got
23 out in August.

24 LEGISLATOR BYNOE: Thank you.
25 Again, I'm going to close. I really don't

1 Full - 10-14-20

2 have any other questions for you at this
3 moment. I'm sure as the reforms start to
4 bubble up and we become more aware I will
5 address questions at that time. I just again
6 wanted to thank you and the men and women of
7 your force who have protected us through the
8 pandemic straight through the tropical storm.

9 COMMISSIONER RYDER: Thank you
10 very much.

11 LEGISLATOR DERIGGI-WHITTON: I
12 have Carrie.

13 LEGISLATOR SOLAGES: Thank you
14 for the accommodation. Thank you to
15 Legislator DeRiggi-Whitton.

16 I would like to thank the police
17 commissioner for his presentation and the
18 police department for all their great work
19 especially during the pandemic. I would like
20 to congratulate Chief Sowell on recently
21 becoming the first black woman to be named
22 chief of the detectives. This is well
23 deserved. Unfortunately however, one of the
24 complaints I hear from residents of my
25 community is that there's not enough minority

1 Full - 10-14-20

2 police officers especially in minority
3 communities.

4 Is there funding in the current
5 budget that would allow for greater
6 recruitment? And of the 2271 officers if you
7 could please give us a breakdown of the
8 department in terms of ethnic background I'd
9 really appreciate that.

10 COMMISSIONER RYDER: I will give
11 you the numbers first and tell you what we're
12 doing. This is all part of reform and this is
13 what's been coming back to us from the
14 community.

15 So, we have in our total 3,525
16 employees, that's sworn and civilian, five
17 percent are African-American, 87 percent
18 white, six percent Hispanic, one percent Asian
19 and 32 percent female. If you looked at it
20 from the civilian side, it's 6.5
21 African-American, 87 percent white, four
22 percent Hispanic, two percent Asian and 70
23 percent female. So the different work
24 descriptions attracts different people.

25 Our numbers are based on civil

1 Full - 10-14-20

2 service testing. Civil service standards.

3 The test that's given out. We've been under a
4 consent decree back since 1980. There's been
5 a private company that comes in and designs
6 that test every five years to make it better
7 so we can get more diversity in the police
8 department.

9 I can go round and round about my
10 discussions with the company but they're not
11 good because we haven't changed the number.
12 The testing is not done the way it should be.

13 Let's talk about recruitment. What
14 we've done is create a pre-app. This is part
15 of reform so I'm jumping a little bit, but
16 we've created a preregistration app that kids
17 can go up with their phone and take a picture
18 of it, application pops on their phone. Takes
19 literally three seconds to fill out and we
20 will notify you when the next test comes.

21 We have created a new recruitment
22 pamphlet. Many of you have seen the
23 recruitment pamphlet with the cops in front of
24 the police headquarters, a very diverse
25 group. We've brought all of those cops back,

1 Full - 10-14-20

2 I think it's like ten years later, 12 years
3 later, and they're all lieutenants, sergeants,
4 captains, detectives all different ranks and
5 it's the same group. And we retook that
6 picture because we realized the importance.
7 We put our bike cops on there. We put our
8 bike cops, who are both African-American, the
9 two that are down assigned to the corridor and
10 they rotate a different day into the community
11 on their bikes. Because the cry from the
12 community is that look, we appreciate the
13 police but we would like to see an
14 African-American officer down here who they
15 might relate to better. Perfect. No
16 problem. We got that.

17 Our recruitment process we're
18 enhancing how we recruit. Hava Espinosa, all
19 of you remember Haver, what a great Hava used
20 to do in recruitment. It rolled into now we
21 have John Holmes and Jimmy Pattenano. What
22 they're doing right now in recruitment and
23 using social media and everything else I
24 guarantee you we are going to see better
25 diversity in the next test.

1 Full - 10-14-20

2 But that's somebody who takes the
3 test. How do you keep that person now that
4 they've taken the test? We started a
5 mentoring program. A mentoring program to
6 take the test. A mentoring program when you
7 get the results of your test. All of the
8 organizations within the department have
9 volunteered to take an email. So if a kid
10 from a community in Roosevelt is not sure how
11 to do the push up he'd call up and says I'm
12 not sure how you do this push-up. That mentor
13 can say look, go to this site, there's a video
14 on it to tell you. If you're having a
15 struggle reach back to me and we'll get you
16 through it.

17 When they get in and they pass the
18 physical part, I'm not sure how to get this
19 paper because I don't got a dad or a mom at
20 home that's pushing me. Okay, here's what
21 you're going to do. You're going to reach
22 that mentor and he's going to help you and
23 tell you what to get. We don't want to lose a
24 good candidate that passed the test and scored
25 a good score. We don't.

1 Full - 10-14-20

2 But the way the testing goes now,
3 we say oh, the percentage of minorities
4 increase in we lower the grade to 75. Okay,
5 go ahead. But you know what's going to
6 happen? We only hire up to maybe an 80. And
7 then the test goes cycled through. We don't
8 hire that many. It's not that big of a
9 department as like New York City.

10 So, between our mentoring program,
11 our application program, our preregistration
12 and our new recruitment process we believe we
13 are going to increase it. But it doesn't
14 happen overnight. It's over time. And the
15 next testing isn't for another two to three
16 years.

17 LEGISLATOR SOLAGES: Understood.
18 Unfortunately we have all seen the horrors
19 that have played out throughout the country
20 during protests. I would like to thank the
21 commissioner and all the officers for the
22 wonderful job they've done keeping our
23 officers, residents and protesters safe.

24 I guess we already asked the
25 question for overtime. If these protests need

1 Full - 10-14-20

2 to happen, if for example there is another
3 incident of an innocent person being killed,
4 will the proposed 2021 budget provide for your
5 funding should we have another increase in
6 protests?

7 COMMISSIONER RYDER: I've had
8 several briefings already with the FBI
9 regarding the election season. When the
10 election season comes there could be unrest
11 and more protests. Yes, we have our plans in
12 place for that. There's never a contingency
13 for a storm that comes in. That could be
14 another storm that comes around when it comes
15 to the protests and the unrest. It's built in
16 there. My job is to manage that budget.
17 We've seen the last four years we've come in
18 under budget. We've handle it right. We are
19 doing it correctly but we're not jeopardizing
20 safety.

21 Again, the unrest, I got to say
22 because we're not Minneapolis. This is Nassau
23 County. This is the greatest police
24 department I've ever laid eyes on in the
25 country. The men and women, I've walked with

1 Full - 10-14-20

2 them in every single protest. I've been out
3 there. I've been out there with the COVID. I
4 did seven days a week for weeks on end. They
5 stood up and they stood strong.

6 The ambulance bureau, the police
7 medics, our fire service, our DPW men and
8 women, outstanding work. We get over a
9 million interactions with the public a year
10 and we get .05 complaints against them.
11 That's a stat that says something to the
12 credit of these men and women. But we can be
13 better. We know they're unreporting at some
14 times and we can get more reports in. We
15 don't want a bad cop and we don't want a
16 Minneapolis situation. We are prepared for
17 anything that goes forward.

18 These young kids that are out there
19 I walk with them and one side they're yelling
20 and screaming and cursing at you. There's a
21 sign on the lawn that says thank you first
22 responders and I say to the kid how are you
23 feeling? He goes boss, I'm on 13,000 steps.
24 I'm doing really good today. That's the
25 mentality. They know what they got to do.

1 Full - 10-14-20

2 They're professionals and that's a credit also
3 to the training that they go through at the
4 police academy. But we will be and can be
5 better.

6 LEGISLATOR SOLAGES: Speaking of
7 officer misconduct. Do you have the
8 statistics or the information on how much the
9 county has paid out over the last couple of
10 years in terms of settlements for police
11 misconduct and how can we reduce that number?

12 COMMISSIONER RYDER: I do not
13 have that number. We're always reducing the
14 number.

15 LEGISLATOR SOLAGES: Thank you.
16 My last question, finally because of the audio
17 issue I will leave my questions to members of
18 the legislative staff.

19 But my last question would be, one
20 of the national concerns regarding police
21 departments is, quote unquote, alterization of
22 our police force. While I don't mean that
23 NCPD falls under this category I represent
24 residents concerned that nationally we have
25 seen police forces use equipment that many

1 Full - 10-14-20

2 believe is for war not for community
3 policing. Does the NCPD have a plan to use
4 their equipment budget for this type of
5 equipment?

6 COMMISSIONER RYDER: 260
7 protests, 40,000 people, not one property
8 damage, not no violence, no fires, no looting,
9 no cops arrested all because of
10 professionalism. As far as no pepper spray,
11 nothing of that sprayed into any crowd. The
12 only military equipment we have is high axle
13 vehicles. If you want me to give it back so I
14 don't go save the people that are out there in
15 flood zones I'll give it back.

16 LEGISLATOR SOLAGES: Not at all.
17 Thank you very much commissioner, and I thank
18 you Legislator DeRiggi-Whitton for helping
19 me.

20 LEGISLATOR FORD: Legislator
21 Gaylor.

22 LEGISLATOR GAYLOR: Thank you
23 madam chairwoman. Good afternoon
24 commissioner. How are you today?
25 Congratulations on a great job that all of the

1 Full - 10-14-20

2 police officers, male, female, all of law
3 enforcement, our first responders do every day
4 and have done over the course of time. Great
5 job and keep it up.

6 Just quickly on that military
7 equipment. By all means you should look to
8 the federal government for surplus military
9 equipment because they offer a great resource
10 at considerable cost savings, if not free, for
11 such equipment as high wheel vehicles to help
12 in the flood zones. We can't forget that we
13 suffer hurricanes and floods and all that year
14 after year. The federal government is there
15 to help us and support us and they're a
16 resource that should be looked at frequently.

17 In any case, I want to touch back
18 on attrition and equipment replacement. The
19 fleet vehicle replacement plan. We heard from
20 the ambulance service bureau the high mileage
21 on the vehicles. I would imagine that we're
22 coming to the end of service life on a bunch
23 of ambulances. Police cars involved in
24 accidents, mileage. What is the fleet
25 replacement plan generally?

1 Full - 10-14-20

2 COMMISSIONER RYDER: We generally
3 like to replace about 56 of our marked police
4 cars every year. Four to five of our police
5 ambulances every year. 2019 budget just never
6 happened. The capital project never
7 happened. This year we're asking and
8 hopefully we're going to get approved in our
9 capital budget, we're looking at 80 marked
10 police cars and then we'll fall back to the 56
11 number and we're looking at four brand new
12 ambulances in that ask also.

13 LEGISLATOR GAYLOR: Will that
14 include the two he asked for in '19?

15 COMMISSIONER RYDER: Yes, sir.
16 That will be part of the amendment.

17 LEGISLATOR GAYLOR: Excellent,
18 excellent. Major crimes. We had a little bit
19 of discussion there and some of the
20 increases. What's the overall plan to attack
21 the major crime areas to bring those numbers
22 down in line?

23 COMMISSIONER RYDER: Everything
24 we do is intelligence-led. Everything is
25 evidence-based. So, leveraging the technology

1 Full - 10-14-20

2 and using the resources given the proper
3 data. It focuses on that 90 percent of the
4 crime done by ten percent of the population.
5 That's our focus. So we're going to continue
6 to push intelligence-led policing. We're
7 going to still leverage our technology. We're
8 going to get involved in a lot of community
9 engagement because that's part of this
10 reform. Which is okay because it's a good
11 thing too.

12 100 percent crime went up in
13 certain areas. We saw that and there's a lot
14 of reasons for that. I can't put my finger on
15 one thing this year because of COVID, because
16 of what's happened with the unrest. I can
17 definitely sway towards reforms in the
18 beginning of the year. But we have to stay
19 focused and stay on point.

20 It kills me when we lost so many in
21 the Operation Natalie after all the good work
22 we did. We got to get back on it. That's why
23 several weeks ago we said hey, to our new
24 chief of detectives and our chief of detective
25 division we got to get back on point. We got

1 Full - 10-14-20

2 to get Operation Natalie up and running and
3 they did. Narcotics out there doing the
4 interviews and we're seeing an improvement.
5 We're doing enforcement again.

6 We still got problems. Courts are
7 closed. We're not getting them in front of
8 judges. They're still doing virtual
9 arraignments and they're walking out the back
10 of station houses and headquarters and on
11 their way because of that. So it's a big
12 problem for us. And again, we're hoping the
13 courts can open up and get back to normal
14 business soon.

15 LEGISLATOR GAYLOR: That's
16 encouraging, thank you. Warrants, I think you
17 said there were 60,000 warrants to be served
18 roughly?

19 COMMISSIONER RYDER: Not served.
20 You're right. I know what you mean.

21 LEGISLATOR GAYLOR: How big is
22 the warrant squad?

23 COMMISSIONER RYDER: There's four
24 detectives that work in the warrant squad but
25 each precinct detective has their own book of

1 Full - 10-14-20

2 warrants. The fugitive squad goes after the
3 bad ones. They're all bad. But the system's
4 broken. That's why we started to correct it
5 last year. People that are dead in the system
6 you can't have people that don't live here
7 anymore. What's the sense of even keeping
8 that warrant in there for that petty larceny
9 and they're 90 years old and living in
10 Arizona? We are working through that to get
11 that number down. Unfortunately with the new
12 reform the way it was those warrants are going
13 to go up because of the way we are still
14 chasing it.

15 LEGISLATOR GAYLOR: That's
16 tough. But under your leadership I'm sure
17 we'll come up with a plan and we'll try to
18 figure that. Again, a special thank you to
19 all the men and women in blue for what they do
20 day in and day out. God bless them all.

21 LEGISLATOR FORD: Legislator
22 Kennedy.

23 LEGISLATOR KENNEDY: Thank you
24 Legislator Ford. Hi Commissioner Ryder how
25 are you? First of all, I want to say thank

1 Full - 10-14-20

2 you for everything that you do. Everything
3 the men and women in blue do, have done for us
4 to keep our community safe. I can't say
5 enough. I just want to say thank you for
6 everything. It's been a difficult time for
7 all of you.

8 I have a quick question about the
9 criminal justice reforms. Just one question.
10 I know that the judge's discretion has been
11 taken away in large part. I'm just curious if
12 someone is arrested over and over again and
13 going through a revolving door is there any
14 kind of -- anything thrown up about somebody
15 like that that maybe that person should not be
16 automatically released if it's just so that
17 they keep getting arrested over and over
18 again? Or is it just part of the reform and
19 they just go straight out?

20 COMMISSIONER RYDER: When they
21 reformed the reforms back in March or April
22 when they came out, now a lot of these repeat
23 offenders we can hold. The problem becomes
24 again we're not doing arraignments. So, it's
25 a lot easier to release right at the virtual

1 Full - 10-14-20

2 arraignment and hey, make sure you show up to
3 court.

4 Probation has one of the toughest
5 jobs here in Nassau County right now following
6 and tracking these people. They need help in
7 what they're doing. The bracelets die.
8 Nobody's charging them. They're trying to
9 track them and these guys are going at us as
10 we're trying to find them.

11 The process got a little better on
12 the reform but it still needs to be given more
13 discretion back to the judges and more
14 discretion back to the DAs to hold these
15 people.

16 LEGISLATOR KENNEDY: Thank you.
17 One other thing. We were talking about the
18 PAL complexes coming to the Lawrence, Elmont
19 and Roosevelt. We have one in Massapequa. I
20 just want to say it's been there for a long
21 time. It's been an incredible place for
22 everyone in the community to go to. I can't
23 say enough about it. The police officers who
24 run it, some retired police officers volunteer
25 there. Kids in the community with some

1 Full - 10-14-20

2 opportunities in the summer to come there and
3 work there. Just the number of people that
4 have said incredible things about it. That's
5 just from my perspective because I live in
6 Massapequa but I'm sure it's like that in all
7 the PALs. Just fantastic. I'm glad to see
8 that it's branching out into other areas and
9 I'm sure it will into more. Thank you.

10 COMMISSIONER RYDER: That's a
11 tribute to those volunteers and the police
12 officer that does it. But one of the greatest
13 programs you have over there is the disability
14 program for the kids that are disabled and
15 they still get them involved. My kids
16 volunteered for that for a couple of summers.
17 Just very moving to watch these kids who don't
18 get that opportunity to play flag football in
19 a wheelchair and it's just a great program.
20 So it's a credit to the people in Massapequa.

21 LEGISLATOR FORD: That would
22 bring tears to my eyes. I'm getting a little
23 jealous because I don't think I have any PALs
24 in mine.

25 COMMISSIONER RYDER: That city,

1 Full - 10-14-20

2 you live in the city.

3 LEGISLATOR FORD: I have Island
4 Park, Oceanside and the Rockaways.

5 COMMISSIONER RYDER: I'm kidding.

6 LEGISLATOR FORD: I think I may
7 be reaching out to my communities and see if
8 we can get a PAL established down in that area
9 of the south shore.

10 Once again thank you very much for
11 all our officers. But I know that you also
12 represent a lot of CSEA workers that maybe
13 they're not always on the front line but a lot
14 of times they're in the back rooms and helping
15 out and basically supporting our police
16 department. I know they have done a
17 phenomenal job as well.

18 I think it was mentioned that
19 public safety officers we don't have as many
20 public safety officers as we used to. What is
21 the reasoning behind that?

22 COMMISSIONER RYDER: Just
23 basically through attrition and not rehiring.
24 We have had a bigger demand then ever for the
25 fact of using public safety officers. You

1 Full - 10-14-20

2 have them here. Dave Beebe by the way is one
3 of the best that we have. And Dave reminds me
4 every day we need to hire more and get him
5 more vehicles.

6 We've been in discussions with the
7 county exec on expanding that program. We
8 just put out an advertisement to enhance
9 part-timers. I know the union doesn't like
10 the part-time thing and we concur on a lot of
11 these items. But there is an advertisement
12 out to hire at \$25 an hour like the crossing
13 guards to bring in more of the part timers.
14 But we also are short five full-timers right
15 now that we need to replace.

16 LEGISLATOR FORD: You know how I
17 feel. I agree with the unions on the
18 part-timers but I understand why you do that.
19 But will that -- if people come in as a \$25
20 hour part-time public safety officer will
21 there be a program in place to help them that
22 if they want to then move up into full time
23 that you will allow them to do so?

24 COMMISSIONER RYDER: It's funny,
25 that's across the board with a lot of the

1 Full - 10-14-20

2 positions that we've spoken to with the
3 union. We've had some great conversations
4 about it becomes a breeding ground to find out
5 this guy is good or this guy maybe we don't
6 want to make him full time. Instead of going
7 through the hiring process, getting him on
8 board and then dropping him in the academy or
9 dropping him later we'll find out about him a
10 lot more if they come on as a part-timer. So
11 yes, that is something we are discussing with
12 both the CSEA.

13 LEGISLATOR FORD: Now my favorite
14 topic, school crossing guards. I see that it
15 looks like we have a total of 419 according
16 this budget. You have 132 I guess full time
17 and 287 part time?

18 COMMISSIONER RYDER: Correct.

19 LEGISLATOR FORD: Are all those
20 positions filled?

21 COMMISSIONER RYDER: That is the
22 number that is filled, that is correct.

23 LEGISLATOR FORD: Is there any
24 chance that eventually we may start looking
25 toward perhaps increasing the number of

1 Full - 10-14-20

2 full-time crossing guards and reducing the
3 number of part time?

4 COMMISSIONER RYDER: I will have
5 that conversation with the county exec and the
6 budget office.

7 LEGISLATOR FORD: I really think
8 that when we look at this they do such a great
9 service and I for one I always see them in my
10 neighborhood and actually in other
11 neighborhoods driving around and they're
12 always out. Cold, rain, snow whatever they're
13 standing there on that corner. Never missing
14 a beat when they look at see these children
15 coming. I see them crossing adults as well.
16 I really hope that you can.

17 Jed Painter talked about I guess
18 with the changes with their asset forfeiture
19 and because of it they're not able to utilize
20 funding to give to various organizations such
21 as the Hispanic Counseling Center, which maybe
22 these agencies that can help with some of the
23 younger people and maybe work with them to
24 give them a better opportunity or a
25 redirection so that maybe they'll stay in

1 Full - 10-14-20

2 school or get after school help, whatever they
3 do.

4 I know you utilize your asset
5 forfeiture and you do an excellent job on it
6 by the way. Is there any possibility that if
7 you have extra is it possible that you can
8 give to some of these organizations or are you
9 precluded from doing that based on how you
10 receive your funds.

11 COMMISSIONER RYDER: Extra is a
12 bad word but --

13 LEGISLATOR FORD: If you have a
14 few dollars lying around.

15 COMMISSIONER RYDER: We do work
16 with the DA's office and helping, both ways,
17 they give us forfeiture money when we're doing
18 DWI programs. We give them money for other
19 programs. We're putting in now most of our
20 money into that community engagement. Those
21 bike cops, new bikes, new quads. All of that
22 stuff to get out there in the community. Of
23 course our PALs. That's the biggest expense
24 that we're starting to put a lot of money
25 into.

1 Full - 10-14-20

2 LEGISLATOR FORD: Which actually
3 concerns --

4 COMMISSIONER RYDER: We hit the
5 same restrictions as they do on the state
6 level. The only difference is I have a
7 majority of my cases are federal. It makes it
8 a little bit easier for me.

9 LEGISLATOR FORD: Glad to hear
10 that then. I know that we talked about like
11 communications. You're going to move from 500
12 megahertz to 800 megahertz and we'll looking
13 at that and how important it is and to be able
14 to maybe next year or however we're going to
15 start changing these things. Will that
16 require -- and I know that even when you talk
17 about like the police reforms that there may
18 be additional training. You may have to
19 basically maybe retrain officers or bring them
20 back in to enhance the training or whatever
21 you do.

22 Have you considered all of that
23 knowing with those elements when you looked at
24 the overtime that you're basing for next year,
25 has been worked into that so that -- because

1 Full - 10-14-20

2 if an officer needs to be taken out for a day
3 or two you may have to backfill that person.
4 Has that been worked into your budget?

5 COMMISSIONER RYDER: One of the
6 most important things that we need to do and I
7 have been saying it since I have been here is
8 train. The beauty of the DAI contract it has
9 five of those days that give back and two of
10 them go to definite training and a third one is
11 an optional training depending on where we
12 need and what's the training need.

13 Next year, with the reforms, I have
14 to do a lot of diversity implicit bias-type
15 training. That's going to be paid for out of
16 forfeiture money because it's a new option.
17 The ones that don't have the training day.

18 In the DAI world they have the
19 training day. If the SOA contract goes I'll
20 have training days. Depending on what the PBA
21 does, I'll hopefully get a training day. So
22 then I'll be able to train more and do more of
23 it.

24 When it comes to the radio
25 communications it's not like when we changed

1 Full - 10-14-20

2 over to the P1 and enter it into the
3 computer. You had to learn how to use it.
4 Radio is a radio. You push the button. But
5 there will be some mild training. And there's
6 a good possibility we will have to break out
7 some training time in there.

8 LEGISLATOR FORD: That's good to
9 know. I thank you very much for all the work
10 that you've done on behalf of all the people
11 that are under your command and also even like
12 with our medics because I know they've always
13 felt like they were the stepchild somewhere
14 along the line. And I really am thankful that
15 you have advocated for the increase in the
16 numbers of medics that we have. And I hope
17 that when we look at the vehicles you're going
18 to be bringing in that you do get them the
19 ambulances that they need. So, I think that's
20 it. Legislator Rhoads.

21 LEGISLATOR RHOADS: Commissioner
22 Ryder, sorry, you almost escaped. Again, many
23 of my colleagues have sung the praises of the
24 police department and all the amazing work
25 that you've done throughout the COVID

1 Full - 10-14-20

2 pandemic, throughout the course of the
3 protests and what you do on a day-in and
4 day-out basis. I certainly join that chorus.

5 I know there was a question before
6 about the ribbons on the outside of the
7 building. You see those ribbons on the
8 outside of this building, in neighborhoods, on
9 my own front door.

10 I get the benefit of leaving my
11 house each day knowing I'm coming home. With
12 the men and women wearing the uniform in the
13 Nassau County Police Department don't
14 necessarily get to do that. They kiss their
15 wives and kids, husbands and kids never being
16 able to make that guarantee that they're going
17 to make it home at the end of the day because
18 of the risk that they have to take to protect
19 each of us.

20 It's not just our police officers,
21 it's our correction officers, it's our first
22 responders, it's our police medics. All of
23 our first responders that take that risk and
24 make that sacrifice.

25 That ribbon sitting out there isn't

1 Full - 10-14-20

2 to single one cause over another or suggest
3 that one life is worth more than another. But
4 it's to recognizes that service and sacrifice
5 and here in Nassau County we appreciate that
6 service and sacrifice. Doesn't mean that
7 everything's perfect. But it means that we
8 respect the men and women that go out there
9 and do the job day in and day out and do their
10 best to keep us safe. And my hope is that we
11 always will.

12 You spoke about the topic of police
13 reform. Can you just give us a -- I'm trying
14 to understand the interplay between PACK and
15 other faucets of how we're coming up with the
16 suggestions for police reform. I had sent a
17 letter to the county executive back in July
18 asking who exactly was on the PACK committee
19 and what was being discussed. We had received
20 a couple of emails towards the end of last
21 week. We were cc'd on some emails that was
22 sent to the county executive from groups and
23 organizations that felt as though they should
24 have been included on the PACK committee.

25 One of the concerns I have is, what

1 Full - 10-14-20

2 community stakeholders are there and are we
3 making sure that the community stakeholders
4 that are part of this process are
5 representative of the entirety of the
6 community. The response I got back was
7 there's no legislative oversight of our
8 executive plan. Legislative activity occurs
9 upon filing for legislative approval.

10 I get the whole separation of
11 powers thing, but can you go through how
12 exactly this plan is being formulated? What
13 the Commissioner's Community Counsel is doing
14 and any other organizations you may have
15 doing, what's PACK doing and how is that all
16 go to coalesce in one cohesive plan.

17 COMMISSIONER RYDER: The PACK
18 community is cochaired by Mayor Prime from
19 South Floral Park and the county exec. Mayor
20 Prime just a great guy. Spent a lot of time
21 with him. Then we bring different groups in
22 and we have conversations. We have
23 discussions and dialogue. We've had different
24 groups from the county have come through.
25 Spoke about mental health. Spoke about use of

1 Full - 10-14-20

2 force. Chief of Department Steve Palmer came
3 in.

4 We're laying out what the book is
5 saying, what's in there and then we're getting
6 the input back from the community. The
7 listening session part of it. Many
8 suggestions have come up from there. Not just
9 PACK but from the CCC. From smaller groups in
10 the CCC that we have had. Town meetings.
11 Been down in Lawrence. Elmont. We had a
12 couple of different Zoom meetings with
13 Elmont. Westbury. We met with the black
14 clergy. We met the Hispanic Association.
15 We've met with all of the internal
16 organizations in the police department.
17 Because they have an investment in that
18 culture that they're from and they want to
19 make sure it's being done right and protecting
20 it. It's a listening session, that's what
21 we're doing. We're taking down and listening
22 to suggestions.

23 As they come in, we start to throw
24 stuff onto the canvass and see what we can
25 work with and not. It's a living, breathing

1 Full - 10-14-20

2 document right now. When it's even close to
3 being done it goes out for more public
4 review. And then when it comes back again, it
5 goes to all of you for more public comment.
6 You will get obviously the public side of it
7 but then another legislative side of it.

8 There's a lot of moving pieces to
9 it right now. We are trying to be as
10 inclusive as we can. I think there have been
11 over 35, 40 different type of town meetings.
12 Tonight we have a town hall meeting with the
13 county exec with the LBGQT community. There's
14 more CCCs. I think there's one set up for
15 next week, I sent it out today, and there's
16 another PACK meeting next week. I met the
17 other day with the black clergy down in
18 Hempstead.

19 We're getting a lot of input from a
20 lot of different people. But you have to
21 first understand what it is, what they're
22 asking. Many people think not understanding
23 what they're asking come in with different
24 ideas. Some work. Some are contractual that
25 we can't violate. It has to be a negotiation

1 Full - 10-14-20

2 with the union. Some of it is not that easy.
3 We have to protect the rights of the officer
4 at the same time when it comes down to some of
5 these issues like 50A that's out there.

6 It's growing and changing every
7 day. We're gathering and listening. We're
8 putting together -- public will have a
9 comment. Of course you will all have the
10 final say if you approve or not approve of
11 this document.

12 But I have to tell you is that when
13 I first read through it and I went down and we
14 bulleted it out the first 16 without getting
15 deep into the other 160 questions in there.
16 We do it all and we do it more than the state
17 ever required from us. Whether it's training
18 in the academy. And I have to tell you, all
19 our villages and cities are on the same page
20 with the Nassau County Police Department.
21 We're working hand-in-hand. They've all been
22 in meetings where we have been discussing and
23 trying to see what can be better.

24 Some people in a different agency
25 may do it slightly different. Some have their

1 Full - 10-14-20

2 own PALs and do it differently but we're all
3 working together. And that's Kenny Jackson
4 who heads up the chiefs association.

5 Also I look at the document and
6 can't turn around and face the community and
7 say hey, we're good. We check all the boxes
8 because I know we can do better and can be
9 better. I think we all want that for the
10 service of the people here in the Nassau
11 County.

12 So we take it, we listen and
13 numerous hours have been invested in this
14 already. I don't think I've slept since
15 January 1.

16 The idea service of it is that
17 we're getting this stuff together and we're
18 going to give it back and the community is
19 going to have real engagement and real input
20 on it. Some of the input unfortunately may
21 end up on the floor of the room when we're all
22 done because of union contracts, because of
23 just the way the law is written. Or just
24 because it doesn't work. It can't won't work
25 with us. But we have to listen. We have to

1 Full - 10-14-20

2 create the document and we have to give that
3 public comment.

4 LEGISLATOR RHOADS: Of course and
5 that's an important part of it. I guess my
6 issue with it is, I know that we're going to
7 receive the finished product but the
8 opportunity for us to be able to observe some
9 of the things that don't make it into the
10 final document helps us in our evaluation of
11 that final and whether we approve it or not.
12 And being excluded in a way from that process
13 we receive the invitations to the
14 Commissioner's Community Counsel, for your
15 last Commissioner's Community Counsel meeting
16 that you had, presentation that you had I
17 think was capped at 100 and I didn't make that
18 first 100. It is what it is.

19 But would it be possible for us to
20 receive that as legislators or at least the
21 Minority Affairs Committee to receive some
22 sort of briefing as to where you are, what's
23 being bandied about and just how everything's
24 going?

25 COMMISSIONER RYDER: I don't

1 Full - 10-14-20

2 think the county exec would have an objection
3 to that. I'll bring it back and we'll have
4 that discussion. Because it's about all of
5 us. All of us have to have input. It gets
6 thrown at you and you got to go quick. People
7 don't understand, it's a massive amount of
8 work that's getting done. And just to lay out
9 the blueprint and then we have to add the
10 modifications and the input and the meetings
11 and still deal with COVID and protests and
12 everything else that goes on.

13 I think we can work that out. We
14 definitely can give you a briefing on it. But
15 again, it's the county exec's to approve. I
16 also look at like the CCC tomorrow. The CCC
17 meeting will be more involved. The PACKs are
18 getting more involved. Now we're getting into
19 what the real nuts and bolts of this document
20 is.

21 LEGISLATOR RHOADS: I appreciate
22 that, thanks. With respect to police medics,
23 you certainly have been an advocate of
24 increasing the number of medics that we have.
25 Ideally I would love to see more busses out on

1 Full - 10-14-20

2 the road. From a public service standpoint, I
3 think having more ambulances out there
4 certainly takes the pressure off the volunteer
5 fire service certainly which ends up
6 responding to as we have spoken about in prior
7 hearings. Ends up responding to a lot of the
8 police 911 calls that would ordinarily
9 wouldn't come in. Whatever we can't make
10 falls back to the volunteer service. Which
11 does not have the ability to charge for that
12 service unlike the police department. So it's
13 a huge budgetary drain on them. Even though
14 they're happy to provide that service.

15 Also from our own financial
16 standpoint since we do have the ability to
17 charge for it it's one of the few areas of the
18 county where we have an opportunity to
19 actually make money for providing that
20 service.

21 So putting more ambulances on the
22 road, hiring more police medics is good not
23 from a public service standpoint but is good
24 from a financial standpoint to the county.

25 So we appreciate the fact that we

1 Full - 10-14-20

2 are hiring five additional medics but I would
3 love to see if there's a way that we might be
4 able to do more in the future to provide even
5 better service to the residents of Nassau
6 County and take care of their medical needs.

7 Last question I have is with
8 respect to the major crime numbers. I know
9 the major crimes overall are down. I know you
10 answered a number of questions on that. It
11 seems to be the primary driver for the
12 decrease in major crimes over the course of
13 the first year in total, obviously in the
14 first quarter there was a spike in every area,
15 but then as COVID hit and activity ceased and
16 businesses were closed and people were staying
17 home obviously the numbers came down.

18 But the primary driver seems to be
19 the decrease in grand larcenies. For example
20 murders are up 22 percent. Rape is up 25
21 percent. Robberies are up seven percent.
22 Felony assaults are up six percent.
23 Burglaries, other burglaries I guess,
24 nonresidential burglaries up eight percent.
25 Stolen vehicles are up 20 percent. The grand

1 Full - 10-14-20

2 larceny number is dropped by 20 percent but
3 that accounts for about 500 decrease in
4 overall crimes. Do we know why it is that
5 those other numbers are increasing? It's not
6 just here in Nassau County it's a nationwide
7 trend I think.

8 COMMISSIONER RYDER: I got to
9 emphasize look, there's no hiding the
10 numbers. I'm always transparent with the
11 numbers and what they are. They're up in some
12 categories and they're down in others. We
13 know they're down in grand larcenies because
14 people are home and the malls are closed. So
15 that drives that number down.

16 But stolen cars went up and people
17 are home. I kind of have a problem with the
18 stolen car issue. We did make a great arrest
19 in that.

20 When you look at the numbers in the
21 beginning it's definitely related to reform.
22 Then the dive definitely related to COVID.
23 The sustainability directly related to good
24 police work and good presence out there. We
25 finished last year at historically lows. We

1 Full - 10-14-20

2 find historical lows in 2018. Then we beat it
3 again in '19. Then this year if you look at
4 the total number of crime across the board,
5 our quality of life in Nassau County, that's
6 down 20 percent.

7 So yeah, it doesn't help me though
8 that my commercial burglaries spiked as high
9 they did. But it was like Sandy all over
10 again. Nobody was home and they had their
11 way. Our cops made some great arrests during
12 COVID on some good burglary cases. And a
13 great arrest at the expense of an injury but a
14 great arrest on a burglar that was out and had
15 stolen a bunch on cars on top of it.

16 They kept doing their job. COVID
17 has a part of it. Justice reform has a big
18 part of it. Next year will be the telltale.
19 Hopefully we're back to normal. And if the
20 numbers next year can beat -- we're going to
21 beat these numbers in a lot of different
22 directions because of the change -- but if we
23 beat the 2019 numbers that will be the
24 telltale of if we're still trending down and
25 going in the right direction. It's hard to

1 Full - 10-14-20

2 compare to this year, it really is. I can't
3 make heads or tails of it and we've had
4 numerous conversations. Don't know.

5 We're very good at doing what we
6 do. The men and women do a great job,
7 including the civilians. I compliment a lot
8 of people and I left off my communications
9 operators. Heroes, heroes on what they dealt
10 with on handling suicide calls and people that
11 are overdosing in handling that every day on
12 the phones they do a great job. I hope to
13 tell you next year that we got a lot better
14 numbers and we're still going in the right
15 direction.

16 LEGISLATOR RHOADS: Thanks for
17 your answers commissioner. Thank you madam
18 chairman.

19 LEGISLATOR FORD: I know we have
20 many legislators that are on remote. Are
21 there any questions from any of you? Okay,
22 no. Commissioner thank you very much. Keep
23 up the good work and everybody please stay
24 safe.

25 COMMISSIONER RYDER: Thank you

1 Full - 10-14-20

2 all for your support we really do appreciate
3 it.

4 LEGISLATOR FORD: The next
5 speaker will be from the sheriff's department,
6 James Dzurenda.

7 MR. DZURENDA: Good afternoon.

8 LEGISLATOR FORD: Welcome and we
9 will allow you to take the floor and give us
10 your presentation.

11 MR. DZURENDA: Good afternoon
12 Presiding Officer Nicoletto, Minority Leader
13 Abrahams and the members of the legislature.
14 My name is James Dzurenda. I'm the Nassau
15 County sheriff.

16 From a global pandemic to bail
17 reform my entire staff have been hard at work
18 responding to challenges in a rapidly changing
19 environment. Each challenge was met with
20 thoughtful analysis, careful execution of
21 plans for which I am deeply grateful. My team
22 and I have worked with OMB to put together a
23 budget that reflects the time we are in while
24 also meeting the needs of our department.

25 The fiscal year '21 expense budget

1 Full - 10-14-20
2 of 145.5 million is declining by approximately
3 \$8 million. A small decline from fiscal year
4 '20 due to the decline of the inmate
5 population in our jail system.

6 We currently have COBA head count
7 of 745 and our fiscal year '21 budget provides
8 for the hiring of 40 additional correctional
9 officers. Our overtime is slightly decreasing
10 due to the decrease of the jail population and
11 our efforts to consolidate.

12 As mentioned in the budget
13 highlighted above, the inmate population has
14 been the biggest factor in guiding many of our
15 decisions. This area has also required
16 careful monitoring and continuing assessment
17 as multiple fluctuations in our jail
18 population numbers and needs have occurred.
19 Our inmate population numbers were as high as
20 791 in January and as low as 557 in August of
21 this year alone. The average stay per inmate
22 population in 2019 was 47 days as compared to
23 the current length of stay of 83 days today.
24 The past two months however have
25 been a slight increase in the population

1 Full - 10-14-20

2 numbers. We believe this is due to the
3 postponement of over 60 trials that are due to
4 the COVID-19 and the reduction of the number
5 of inmates that the state Department of
6 Corrections will accept from all the counties
7 at this time. We are predicting that the
8 state and the courts when it does return to
9 normal operations the current numbers will
10 again change.

11 We are also predicting further that
12 changes to bail reform may also result in the
13 increase in our population. While it is
14 difficult to predict what our correctional
15 system will look like in the next month or two
16 or even a year, my team continues to monitor
17 the above-mentioned fluctuations and we will
18 remain ready to do everything we can to
19 operate our jail efficiently.

20 Some of the department highlights
21 that we have accomplished or are in the
22 process of introducing are replacing several
23 fleet vehicles. We have received four
24 Explorers, a flat bed tow truck, a handicapped
25 wheelchair accessible van for transport and

1 Full - 10-14-20

2 this has enabled us to remove several rusted
3 old Crown Victoria sedans from service.

4 We are also expecting six
5 Explorers, one of which is outfitted with
6 special metal food tray racks for our food
7 services unit. And we are also awaiting six
8 new vans and a new bus for our transportation
9 unit.

10 This will increase the safety of
11 our officers and inmates by having a more
12 reliable and efficient vehicles on the road.

13 A new CERT van will replace the old
14 bread truck that was previously used. Three
15 replacement canine vehicles were recently
16 ordered using asset forfeiture funds. I plan
17 on continuing updating the remaining aged
18 vehicle fleet as the resources become
19 available.

20 We increased staff training. I
21 have begun a robust portfolio of staff
22 training that includes topics such as racial
23 and gender sensitivity, peer support, jail
24 administrator, canine drug detection and
25 CERT. CERT team was just a few weeks ago was

1 Full - 10-14-20

2 train alongside our counterparts of staff --
3 our counterparts at the Rikers Island where
4 they learned about current techniques aimed at
5 reducing staff and inmate injuries during
6 emergencies.

7 Developing plans to use better
8 technology for the purpose of increasing
9 safety and efficiency. We are introducing
10 body scanners that will be better. Able to
11 prevent smuggling of weapons and drugs into
12 our facility. With new jail management
13 systems that will allow us to recognize
14 tension and prevent violence and violent
15 inmates among other inmates. And new
16 telephone system paired with program devices.

17 Reviewing and developing new
18 methods of incarceration post bail reform we
19 are housing inmates charged with more serious
20 crimes for nearly twice the number of previous
21 days. This underscored the need to modify the
22 old system of incarceration. Thus we have
23 begun to tailor our inmate programs within our
24 housing units. We have counselors mentoring
25 inmates on how to live in a community-based

1 Full - 10-14-20

2 environment and while taking personal
3 responsibility to live a life that is free of
4 substance use and crime.

5 Finally, we have been assisting and
6 working with DPW in developing a capital
7 project planning for the correctional
8 facility. Working closely with the budget
9 office I am confident that we will have strong
10 and robust levels of assignments to carry out
11 our mission as well as reducing overtime
12 cost. I thank you for your time and I'm now
13 open for any questions you may have.

14 LEGISLATOR FORD: Thank you very
15 much sir, but before we go to the legislators
16 Brian Sullivan is here to speak.

17 MR. SULLIVAN: Good afternoon
18 ladies and gentlemen of the legislature. Good
19 afternoon sheriff and your staff. I have a
20 few things I would like to go through just to
21 touch on.

22 First off, there was a lot of talk
23 earlier when the commissioner was here and I
24 want to thank the commissioner, I don't know
25 if he's still in the back, in the beginning of

1 Full - 10-14-20

2 the year before COVID hit myself and Police
3 Commissioner Ryder did several town hall
4 meetings regarding bail reform and a lot of it
5 was very informational. I was very happy he
6 did those with us and I'd like to thank him
7 for it.

8 Again, also with all of the
9 conversation about COVID, just to touch on
10 what happened here over the course of COVID.
11 Just a little over 100 correctional officers
12 got COVID. You can imagine what the idea was
13 like working in a correctional facility with
14 COVID. I don't know the exact number. Maybe
15 the sheriff would know. 50 or 60 inmates -- I
16 think it's gone up a little bit since then --
17 came down with COVID.

18 The people obviously that held this
19 place together, I think the sheriff actually
20 did a very good job of managing this place
21 during COVID with the quarantines, with a lot
22 of stuff that we did. And I think that we did
23 much better than a lot of our other
24 counterparts. In Rikers Island it was
25 disaster what went on in there. They actually

1 Full - 10-14-20

2 had to sue for PPE and masks and things like
3 that because their administration wouldn't let
4 them have it. I think that's absurd.

5 But we did very well here. I think
6 the overwhelming bulk of the congratulations
7 goes to the men and women that are the
8 correction officers in this place that came to
9 work every day under very, very dire and
10 extreme circumstances. I can't thank them
11 enough. They were really put through a lot.
12 We had a fight with OEM. Everybody knows
13 there wasn't a lot of PPE coming through
14 because everybody wanted it. We had to go
15 outside and buy some of our own. We finally
16 got a stockpile of it in there. With the help
17 of God there won't be much of a resurgence on
18 this.

19 The sheriff also talked and I'm
20 very hopeful about some of the things, the
21 plans that he has in place. He did implement
22 a few of these training regiments but I'm
23 going to get into training in a second. They
24 did do a training for our CERT team. There
25 was some peer training in the city. There's a

1 Full - 10-14-20

2 lot of other stuff that is in the hopper and
3 things like the body scanners. I have been
4 here before talk about those TSA body
5 scanners. This is a little bit different.
6 I'm very hopefully we're going to get them in
7 soon. They're still in the pipeline.

8 Body scanners. There's a new
9 inmate telephone system that the sheriff spoke
10 about. That's a very good investigative tool
11 also. These are all things that I sincerely
12 hope are going to get implemented.

13 I'm here and you know I've been
14 here many, many years in the past and I have
15 to get into the nitty-gritty about what goes
16 on. We have the police department up here for
17 two hours talking about a lot of stuff and
18 then we kind of have to divert our attention
19 to the black hole that's over in East Meadow.

20 Pardon me with the mask. I hope
21 nobody gets offended.

22 As I've stated here on numerous
23 times in previous budget hearings I usually
24 submit what amounts to a photocopy of my
25 previous year's comments. This year's

1 Full - 10-14-20

2 obviously different given the COVID pandemic,
3 bail reform and discovery reform. Budgets and
4 philosophies are being put to the test this
5 year and obviously criminal justice is a major
6 component of the upcoming election.

7 I can speak a lot about bail reform
8 and all this stuff. I know the commissioner
9 got into it before but that's really a whole
10 different issue here about what's going on. I
11 will touch on some of it in what I'm going to
12 speak on.

13 Some issues have improved since
14 last year. I thank the sheriff again for it.
15 He was able to help us with the HVAC issues in
16 the buildings that have been not resolved
17 after three years of wrangling that project is
18 finally completed. We were able to get the
19 air conditioners done in the A32. Three years
20 to get air conditioning done in the A32
21 building.

22 As the sheriff spoke about the
23 vehicle issue has also improved but we still
24 have numerous issues with vehicles and
25 particularly proper maintenance. We need more

1 Full - 10-14-20

2 people to -- I saw the police department post
3 for a job in vehicle maintenance. We can
4 certainly use more staff in our vehicle
5 maintenance here. The sheriff did speak about
6 the fleet plan coming up, but I would like to
7 see going down the road what the rolling plan
8 is going to be for the fleet replacement much
9 like they talked about in the police
10 department.

11 Other issues continue to dog us.
12 Even though we talked about some of the
13 training here, training remains abysmal in
14 this department. I'm certainly hoping it's
15 going to change under this new administration
16 because we only have two days of in-service
17 training compared to other municipalities and
18 other correctional departments who are a 40
19 hour yearly annual in-service training
20 regiment is the norm. We still have only two
21 days here. There's conversations going on
22 about how to get it done in either collective
23 bargaining, things like that, but it's not the
24 union's job to train officers, it's the
25 county's job to train officers.

1 Full - 10-14-20

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

11 To be clear, and once again for the
12 record we have almost I'm not going to say
13 almost no training but we have very little and
14 abysmal training that's been going on here for
15 the longest time and our policies and
16 procedures unit was disbanded under former
17 Sheriff Spizzoto. It remains disbanded today
18 with the hopes of being restaffed under our
19 new sheriff. But until that's done, again,
20 what exactly our officers are expected to
21 understand and be held accountable for if
22 they're not properly trained as we believe
23 they should be and I'm hoping that this
24 sheriff agrees with me.

25 Once again and for the record I

1 Full - 10-14-20

2 recently toured the new training facility
3 that's being built over by the college and the
4 Coliseum with the sheriff. With our change of
5 administration here I sincerely hope that what
6 was promised under former Sheriff Flood is
7 that we are going to have full use of this new
8 training facility with all of its amenities as
9 was explained to us during former Flood's
10 tenure.

11 Now as for what's proposed in this
12 department's budget, I would like to compare
13 as I do every year under the public safety
14 umbrella some comparisons between us and our
15 end of the criminal justice system as compared
16 to the front end with our say cousin in the
17 police department.

18 In this budget, and Commissioner
19 Ryder spoke before and the numbers aren't
20 exact, but I'm going to go by the numbers in
21 the budget because that's exactly what we're
22 talking about today. Whether or not they get
23 200 or they get 180 cadets things like that
24 going in just bear with me.

25 Commencing with this new budget

1 Full - 10-14-20

2 will be the building of a new property
3 building facility in Mineola. The current
4 storage building -- this is all written in the
5 building -- is aging and in need of capital
6 investment. An additional POP officer has
7 been added to each precinct. PAL is being
8 increased from six officers to 12 officers.
9 Community affairs has added two additional
10 officers. Promotions in the last couple of
11 weeks in the PD they promoted 20 sergeants, 14
12 lieutenants and several others between the
13 rank and up of deputy inspectors and
14 inspectors and things like that. So there
15 were probably 30 or 40 promotions that were
16 done in the PD in the last couple of weeks.

17 PD continues to leverage technology
18 and equipment improvements to enhance
19 services. Unmanned aerial surveillance drone
20 program like the commissioner spoke about,
21 radio infrastructure, rebuilt ATVs, virtual
22 computer systems and due to recent
23 retirements, the PD will start a new class in
24 the budget -- and I know the commissioner was
25 a little bit lower in his projections -- a new

1 Full - 10-14-20

2 class of budgeted 200 recruits in November of
3 2020 and two additional classes of 75 each in
4 2021. God bless them. They deserve every bit
5 of it. Everything that's gone on here in the
6 last year with bail reform, discovery reform
7 and all of the antipolice rhetoric God bless
8 them. I hope they get every bit of it.

9 In our department over the last few
10 months just some of the things that I want to
11 touch on. We had one essential security post
12 was cut. I don't want to identify that on the
13 record here but it was cut and I'm still in
14 conversations with the department about
15 putting it back. One desk lieutenant position
16 in each of three security platoons was
17 eliminated and in our opinion violates a
18 clause in our contract. We're in arbitration
19 over that now.

20 Under former Sheriff Flood we
21 replaced a 44 year computer mainframe with a
22 ten year old one that's still in use now whose
23 user interface is so cumbersome it poses a
24 legitimate security risk and has caused some
25 security problems and continues to do it on a

1 Full - 10-14-20

2 daily basis.

3 With regard to promotions, the
4 captain and lieutenants promotional exams were
5 not given earlier this year. They should have
6 been given a year ago in October but they were
7 delayed until March of this year and then they
8 were delayed again because of COVID. They
9 weren't given earlier this year and they've
10 all expired. We're still waiting on makeup
11 dates but currently we have no eligible list
12 for either lieutenant or captain in this
13 department and they haven't even given the
14 test yet and we don't have a new date.

15 The current corporal list, which is
16 our first promotion, is set to expire. And
17 over the past four years we have not had one
18 promotion to corporal off that list and we had
19 a total of two sergeants promoted off that
20 list that is also due to soon expire.

21 A little bit different than what's
22 in the budget about glaring deficiencies and
23 change of command and things like that, saving
24 money to promote people. You have 40
25 promotions in the PD. We've had none here.

1 Full - 10-14-20

2 Then we talked about in the budget
3 it also talks about the deputies, promoting
4 people into different jobs because it helps
5 with supervision and it helps with overtime.
6 We have, and I'm not blaming this on the
7 current sheriff because this goes back to when
8 Spizzoto was here. We have to rebuild this
9 department. But when I look at this budget it
10 really infuriates me that I don't see the same
11 attention being paid to these issues as I see
12 in other departments.

13 Hiring, as I said, the PD they're
14 talking about 200, 75 and 75. This budget is
15 looking to hire 40 correction officers which
16 doesn't even keep pace with our rate of
17 attrition. We're down about I want to say 49
18 at the end of this month and there's ten or 20
19 more due to retire by the end of the year.
20 They usually retire around December. So
21 you're looking at potentially anywhere between
22 60 and 70 retirements this year and they're
23 going to hire 40 correction officers slated
24 for next July. Which is going be great, right
25 in the middle of the summer.

1 Full - 10-14-20

2 Just like the commissioner said,
3 it's counterproductive to proper security and
4 overtime regulation when you're hiring like
5 that and you're not promoting correctly.

6 Again under budget goals, funding
7 for programs in the PD that have the laudable
8 goal of reducing crime and protecting safety
9 of the public are completely antithetical to
10 correctional goals of simply reducing the cost
11 of incarceration, which is written all over
12 this budget, and overburdened an already
13 overstressed probation system who are not
14 equipped to monitor individuals released from
15 custody. Again, the commissioner spoke about
16 that earlier.

17 These budgets theory all should
18 work hand in hand but they obviously do not
19 given the way the world is today. How do you
20 increase spending to enhance public safety
21 initiatives on the front end of the justice
22 system while reducing everything on the back
23 end? It flies directly in the face of logic
24 since we provide drug, alcohol and mental
25 health treatment programs in our correctional

1 Full - 10-14-20

2 facilities.

3 But the budgetary objective in
4 corrections is to get people out of the system
5 under bail reform and back on the street as
6 soon as possible under this insanity of all
7 these new reforms with no safety nets for
8 either the offender or the public.

9 Now, Jed Painter spoke earlier
10 today, and I attribute this because I'm not
11 going to stand here and just go there nah,
12 nah, nah, I told you so but we have diversion
13 courts, we have programs that are in our
14 facilities. This is all out the window. So
15 far this year we've had a 43 percent spike in
16 fatal overdoses. All crime stats are going
17 up. Blah, blah, blah.

18 Some of these people, if these 43
19 people were put into programs, diversion
20 courts or held in our facilities and forced in
21 by judges who could have had discretion into
22 drug and alcohol programs some of that 43
23 percent that number might not be that high.

24 Next projection for future inmate
25 head count going into next year in my opinion

1 Full - 10-14-20

2 are not realistic. Look at what just happened
3 since the tiered reopening of the spike of
4 COVID in this town. The inmate head count
5 which was cut in half or more since January of
6 this year and dipped as low as 560 inmates
7 during the COVID pandemic has now increased by
8 over 100 to I wrote 680 here, our count today
9 was actually 698.

10 It's my understanding that budget
11 numbers are based on housing approximately
12 somewhere between 700 and 725 inmates. I
13 think it's around 715 in the budget to be
14 sure. The court system hasn't even become
15 fully operational yet. There's no trials
16 going on. Any of this stuff.

17 This number is sure to increase
18 causing increased cost and I certainly don't
19 want to be standing here six months from now
20 hearing things about cost cutting or post cuts
21 because the inmate head count was not
22 realistically accounted for going into the
23 budget next year.

24 Lastly is the issue of housing
25 federal inmates. This is an actual proven

1 Full - 10-14-20

2 revenue stream. I have been here countless
3 times over the past several years talking
4 about housing federal inmates in our
5 facility. This budget proposal states that
6 the 2021 proposal accounts for the housing
7 reimbursement of 15 federal inmates which is
8 described as flat compared to the 2020
9 projections.

10 2020 projection for last year was
11 us to hold 25 inmates, which to me I think is
12 way low to begin with. But last year's
13 projection was 25 federal inmates with a
14 reimbursement, and it's in the budget backup,
15 for a reimbursement of 900 and something
16 thousand dollars. They decreased that from 25
17 to 15 for next year with a budget revenue of
18 \$1.5 million. I think somebody in the budget
19 office has to get their abacus out because the
20 math doesn't work. You're going from 25 to 15
21 saying you'll get \$900,000 from 25 which is
22 actually \$1.5 million. But now you're going
23 to drop it to 15 and you think you're going to
24 get 1.5 million. It describes a \$1.5 million
25 target revenue for those 15 inmates. Like as

1 Full - 10-14-20

2 I said, the math is wrong.

3 We currently house 27 federal
4 inmates under an agreement with the federal
5 government that provides reimbursement of \$165
6 a day under that current agreement per federal
7 inmate. We've been here before talking about
8 this revenue stream, which is a lonely one in
9 our department because we're not normally a
10 revenue-producing organization.

11 In a budget projection that is ripe
12 with questions about revenue sources and
13 whether or not Nassau County is going to be
14 receiving any federal or state aid after COVID
15 I have one question. Why is this department
16 and county refusing, first of all, to increase
17 by as much as possible federal inmates as a
18 revenue resource if we're looking for
19 revenue? Particularly since we have plenty of
20 room after COVID reform. Excuse me, after
21 bail reform and COVID because we lost inmates
22 under COVID.

23 And most importantly, why is the
24 county and the sheriff's department outright
25 refusing to accept any federal inmates

1 Full - 10-14-20

2 whatsoever from the federal government. I
3 have it on direct authority, and I say it that
4 way from the federal marshal of the eastern
5 district himself, who I met with yesterday,
6 that our department has not only refused to
7 take any inmates from them going back to March
8 of this year but in fact going back to July
9 after the county was already reopening from
10 COVID pandemic they refused on numerous
11 occasions direct inquiries to take federal
12 inmates at all and giving the marshal's office
13 no indication that we anticipate ever taking
14 any going forward.

15 The sheriff had a forum back in
16 July, which is something that's completely new
17 and foreign to us here that the sheriff made
18 himself available to all of our members and he
19 laid out his plan for what he would like to
20 see happen in this department and one of the
21 goals that he laid out was to bring in federal
22 inmates as a source of revenue. I think
23 budget hearings and unfortunately being an
24 appointed sheriff he has a voice that he has
25 to answer to. The numbers seem to have

1 Full - 10-14-20

2 changed a bit.

3 As such, Suffolk County stepped in
4 and made a new deal for better money with the
5 federal government stating they will take as
6 many as they can give them. Suffolk is now
7 reaping the benefits of this program while in
8 Nassau we're standing on the sidelines once
9 again.

10 I'm currently, obviously as you all
11 know it's in the paper and everything else
12 we're in contract negotiations dealing with a
13 county budget that's full of question marks on
14 revenue, looking for concessions and they're
15 outright thumbing their noses at a revenue
16 source that our neighboring county took full
17 advantage of. What's the question here is my
18 inquiry. Why are we not taking them? Is it
19 because of the pandemic? Apparently Suffolk
20 has no issue with that. There are screening
21 processes that have to be adhered to and we
22 are processing inmates anyway. Why are we
23 turning away inmates that will produce much
24 needed revenue for this county?

25 So now not only are we not getting

1 Full - 10-14-20

2 any new federal inmates under this program,
3 the 27 feds that are here now will dwindle
4 over time and that revenue that we're
5 currently seeing will walk out the door with
6 them as they leave us. I don't get exactly
7 what the plan is with that and that's it for
8 me. I'll leave it up to discussion. Thank
9 you.

10 LEGISLATOR FORD: Thank you very
11 much. Presiding Officer Nicoletto.

12 LEGISLATOR NICOLELLO: Thank you
13 Denise. I wanted to follow-up on that last
14 point of Brian Sullivan's with respect to the
15 federal inmates. At one point the county was
16 actively seeking federal inmates if you recall
17 back in earlier days as a budget item. As a
18 revenue item. I know that there's \$1.5
19 million in the budget now for this. But are
20 we turning down inmates being offered by the
21 federal government?

22 MR. DZURENDA: Yes, we have
23 during the COVID time. Just as early as three
24 weeks ago if you read the paper about the
25 Metropolitan Correctional Center in New York

1 Full - 10-14-20

2 City where they hold the federal inmates
3 they've had over 100 positive COVID cases just
4 recently. I'm nervous about taking in any
5 federal inmates as of this time just because I
6 don't want to infect our staff and our inmate
7 population and have another crisis right
8 inside our facility.

9 I do think it's a better plan to
10 plan for the future of taking federal inmates,
11 and I agree with Brian Sullivan that there
12 should be some type of even unlimited
13 depending on how our space is and our
14 situation at the time. But I believe that we
15 can handle federal inmates. We have staff
16 that are trained in handling any type of
17 inmate, and I believe it's a good function.
18 Just right now I'm not sure it's the smartest
19 thing to do with bringing COVID back into our
20 facilities that we're trying to prevent.

21 LEGISLATOR NICOLELLO: Obviously
22 that's a general concern that we all have, but
23 is there anything that indicates to you that
24 any federal prisoners coming over from federal
25 detention are more likely to have COVID than

1 Full - 10-14-20

2 inmates who are being admitted to Nassau
3 County jail because of state crimes or alleged
4 state crimes?

5 MR. DZURENDA: If you look at our
6 population today that's in our correctional
7 facility we test every single inmate coming in
8 to our system. We still do even as of today.
9 Something happens in some of the federal
10 systems that I don't know how their procedures
11 are with protecting the staff and the other
12 inmates, how they separate, how they social
13 distance to me it shows a big flaw in their
14 system. When you can have that many just one
15 city away from us to affect it so quickly over
16 a week, if I remember the article, over a week
17 span went from zero to 100 that quick because
18 of the way they're managing. I don't trust
19 what they're doing. I only trust how we're
20 managing because I can watch and I can deal
21 with it myself. Like I said, I'm not
22 comfortable with infecting my staff and my
23 inmates and then all of a sudden now we have a
24 crisis going back into our community.

25 LEGISLATOR NICOLELLO: Obviously

1 Full - 10-14-20

2 we are still in the midst of the pandemic but
3 if the situation improves in 2021 and you are
4 able to satisfy to your satisfaction that the
5 precautions in federal facilities are
6 sufficient will you revisit this? Will you
7 look at this again about potentially bringing
8 prisoners in?

9 MR. DZURENDA: I definitely think
10 we should.

11 LEGISLATOR NICOLELLO: Have you
12 spoken to your counterparts in Suffolk because
13 they seem not to have the same concerns that
14 you have?

15 MR. DZURENDA: Yes. I actually
16 met with him yesterday and just to let you
17 know they're not testing for COVID positive
18 coming in the door. We do. I make sure I get
19 accurate numbers. I watch it every single
20 minute. I'm very confident we have exactly
21 the right procedures to prevent and to be able
22 to monitor our population for COVID. It's a
23 different situation where we are in Nassau
24 because I think we do a better job.

25 LEGISLATOR NICOLELLO: Just a

1 Full - 10-14-20

2 couple more areas. Again, Brian mentioned the
3 bringing on additional correction officers and
4 training etcetera. My understanding that from
5 the independent budget review office is up to
6 75 will be lost this year through attrition of
7 correction officers. That's a lot of
8 experience. That's a number that's higher
9 than usual in the past. What are the plans to
10 begin hiring new correction officers and
11 putting them through the training facility?

12 MR. DZURENDA: I agree with you
13 that is alarming. I know we have to monitor
14 it. I did meet with OMB yesterday and they
15 did assure me that we will revisit as we have
16 to. We don't want to overhire in case our
17 population numbers do go down again. I don't
18 think they are gonna but in case they do I was
19 assured and hopefully it's correct that we
20 will be able to reassess and be able to look
21 at additional next year when it comes back
22 into it if we have a real need to be able to
23 curb our overtime population. But I think it
24 really needs to.

25 LEGISLATOR NICOLELLO: The last

1 Full - 10-14-20

2 area that I have. You answered before that
3 with bail reform that the prison population
4 includes more of those facing more serious
5 crimes. What steps have you taken to protect
6 both the correction officers and the inmates
7 from that change in the population? In
8 particular I'm concerned if you have those
9 facing more serious crimes you likely have
10 more members of different gangs and people
11 with different rivalries. So what steps are
12 in place to protect again our correction
13 officers and inmates from potential issues?

14 MR. DZURENDA: You are absolutely
15 correct. What we've done, which has probably
16 never been done in the past, I teamed up with
17 New York Police Department who is actually on
18 our grounds today training. We've actually
19 teamed with New York City Department of
20 Corrections to teach better techniques. I've
21 instituted a CERT team into our active numbers
22 that are serving, watching the population.
23 And I've actually done training now from the
24 New York City to be able to train our CERT
25 team of better techniques so they understand

1 Full - 10-14-20

2 the more difficult population.

3 I've also revisited our canine.

4 I've trained our canine in drug detections
5 like Suboxone that they have never been done
6 before. These are the most popular drugs that
7 are coming in our facilities that inmates are
8 fighting and slashing over. We did not have
9 any detection to be able to detect Suboxone.
10 I now provided -- I got outside agencies to
11 come in to teach our dogs how to detect
12 Suboxone. That's going to be a huge reduction
13 in our violence because we're going to be able
14 to detect it before it actually starts to get
15 traded between gangs and gangs.

16 I've also instituted having the
17 gang units from NYPD and also the Nassau
18 County PD to help with our gang intelligence
19 so that they understand how to do better
20 intelligence. We are coming up to a level of
21 higher standards in our facilities on intel.
22 We're understanding how to do it, what it
23 means and what to do with the information that
24 they've never done before. I think everyone
25 is going to be impressed to really see the

1 Full - 10-14-20

2 outcome of what is going on with our
3 intelligence and understand that this plays a
4 factor in reducing violence and keeping our
5 inmates safe.

6 It also helps me with programs
7 because you cannot conduct programs
8 successfully in a facility if you're not
9 safe. Safer population, more inmates go to
10 programs. Programs to me, evidence-based
11 programs that we are introducing that we did
12 not have before I got here. Introducing
13 evidence-based programs like cognitive
14 behavioral therapies that the Department of
15 Justice is saying more than 50 percent of
16 those that are going through it will change
17 their behaviors to the better. We did not do
18 stuff like this in this facility.

19 It's a big deal in the community
20 because now the community will feel the
21 impacts of it with reducing victimization. If
22 I could change one behavior or more and the
23 Department of Justice guarantees that based on
24 these evidence-based programs that we are
25 introducing.

1 Full - 10-14-20

2 But like I said, you cannot have
3 good programing unless you have a safe
4 environment and that's what we're doing to
5 increase safety and security in our system.

6 LEGISLATOR NICOLELLO: Thank you
7 sheriff. I appreciate those comments. Well
8 thought out comments. I appreciate it.

9 MR. SULLIVAN: If I could add on
10 to that what the sheriff said. I appreciate
11 everything that the sheriff is doing with this
12 and I fully support these programs and these
13 initiatives that he's doing and I back it up
14 100 percent. I think a lot of these things
15 are long overdue here. Like I said, I have
16 been here for several years detailing what
17 needs to be done here, what hasn't been done.
18 But I have to stress the importance of the two
19 main issues that I'm doing here is the
20 staffing. It's going to be tough to initiate
21 some of these programs if our staff is down
22 and we're hiring in all these other areas,
23 especially the numbers that they're hiring in
24 the police department.

25 Listen, we're 40 next year, next

1 Full - 10-14-20

2 July, is half of what the attrition rate is
3 for this year. I can't stress hard enough the
4 fact we need to -- I hope that we're not
5 sitting here at next year's budget hearing
6 saying that we should have hired more last
7 year because we had so much overtime. We had
8 so much this, so much everything else that we
9 had to cut this, this and this. I know it's a
10 new sheriff and a new administration as I said
11 I have high hopes because I know the sheriff's
12 got a very good resume where he comes from.

13 I just know the way this county
14 works and when it all comes down to brass
15 tacks this is money, cut it. You work for
16 me. Cut it. I just don't want to be back
17 here saying whatever else.

18 Also with this idea of revenue
19 streams, the sheriff and I can have different
20 philosophical things about what's going on.
21 Like I said, we have CDC guidelines and
22 different things about testing people coming
23 in. I am very leery about turning down
24 revenue streams and just bringing in half next
25 year of what we lost through attrition this

1 Full - 10-14-20

2 year. Thank you.

3 LEGISLATOR NICOLELLO: Thanks
4 Brian.

5 LEGISLATOR FORD: Thank you
6 sheriff for your presentation. It was
7 actually refreshing to hear of all the
8 initiatives and all the programs and
9 everything that you're doing to help over in
10 that area for both the correctional officers
11 and the inmates that are there.

12 I want to go there back because I
13 agree with Brian Sullivan you have limited
14 revenue streams and bringing these federal
15 prisoners in, and I appreciate the fact that
16 you do test everybody coming in because I
17 think it's very, very important whether or not
18 they're an inmate or a correction officer.

19 Just thinking about when we talk
20 about over in the New York City and the
21 Metropolitan Center went from zero to 100 with
22 COVID-19. Is there any way that perhaps you
23 can work out with New York City about these
24 federal prisoners where we're able to take in
25 those that are not COVID-19? That they do not

1 Full - 10-14-20

2 have this sickness. That they can be tested
3 and if they test negative then it actually
4 would be to their benefit if they're removed
5 from an area where there is a lot of
6 coronavirus into -- they have to be
7 incarcerated perhaps to come to Nassau County
8 so that they have a better chance of not
9 catching coronavirus. We can test them to
10 make sure that they are coronavirus negative
11 and then get the funding that the federal
12 government gives to the facility for housing
13 these inmates? Have you thought about
14 something like that?

15 MR. DZURENDA: I will, as I get
16 direction from the county executive office, I
17 will do what we have to do because we do
18 things well and we will be able to do it. My
19 concern is really getting inmates in from the
20 federal population saying they are negative.
21 They still have to go to court in the city.
22 They still have the marshals come and pick up
23 and they mix them back in the population right
24 back into the city. Going into the
25 courthouse. Mixed with thousands of inmates

1 Full - 10-14-20

2 in there. Then they come back to our
3 facility. Then we're in trouble. Even if I
4 separate them from the regular population, I
5 still have staff that have to work in those
6 area that could contract the virus.

7 I'm just concerned about it. I
8 will go in any direction we have to and make
9 sure we do the best we could. To me, I'm just
10 trying to reduce the amount of problems we
11 could have with staff and getting it back into
12 our community.

13 LEGISLATOR FORD: I guess it's
14 very alarming to me that in New York City
15 they're not taking any measures to protect
16 those people from getting coronavirus. The
17 fact is they don't have isolation rooms so if
18 you are negative that you have a greater
19 potential of catching this sickness despite
20 the fact that we're all trying to keep a lid
21 on it. It's a shame then that they can't be
22 moved here those that are not positive and
23 maybe do a virtual hearing with the city from
24 our facility so they don't catch coronavirus.
25 It just seems odd.

1 Full - 10-14-20

2 MR. DZURENDA: I completely agree
3 with you.

4 LEGISLATOR FORD: For inmates or
5 the correction officers.

6 MR. DZURENDA: But it is scary
7 when you're looking next door, especially in
8 New York City Department of Corrections, how
9 many staff and inmates died from coronavirus.
10 We were so successful because we were so
11 careful and so plan at what we do. I don't
12 want to ruin those statistics.

13 LEGISLATOR FORD: Living on the
14 city border it scares me anyway looking at the
15 city just going to say that.

16 Now you had mentioned that you
17 currently have 745 correction officers,
18 right?

19 MR. DZURENDA: That's correct.

20 LEGISLATOR FORD: And that you're
21 planning on hiring 40 more to bring it up to
22 785.

23 MR. DZURENDA: That is correct.

24 LEGISLATOR FORD: Yet in the book
25 here it says that we have 751 and that the

1 Full - 10-14-20
2 department requests 704 and recommended by the
3 county executive is 684. Why the
4 discrepancy?

5 MR. DZURENDA: When this was
6 actually submitted we still have some that are
7 in the pipeline that were submitted for more
8 retirements. So those are out there that were
9 not counted. They haven't left yet. By the
10 end of the month they will be gone. So the
11 numbers have adjusted even since yesterday.
12 But our accurate number is 745. But for the
13 end of the month the total with all of it, the
14 745, you're going to have 625 correction
15 officers, 56 corporals, 36 sergeants, 20
16 lieutenants and eight captains. That comes to
17 a total of 745 for COBA, not the total
18 correctional facility. That's at the end of
19 the month.

20 LEGISLATOR FORD: I thought you
21 meant it was just correction officers. So
22 actually then -- so currently though you don't
23 have 745 of the correction officers and all
24 the officers because according to the schedule
25 here, given 751 and then you have 62

1 Full - 10-14-20

2 corporals, 40 sergeants and 23 lieutenants and
3 nine captains. That comes to well more than
4 751 or 745.

5 MR. DZURENDA: I think that was
6 submitted, if I'm reading this right, it does
7 that as of September 20th head count is 745
8 for uniforms and employees.

9 LEGISLATOR FORD: And then the
10 officers.

11 MR. DZURENDA: That's included.
12 That's officers, corporals, lieutenants,
13 sergeants and captains all involved. COBA.

14 LEGISLATOR FORD: I think
15 somebody should look at this proposed budget
16 supporting schedules because I think the
17 county executive wrote something wrong. Am I
18 looking at this wrong? I'm looking at the
19 schedule here. Because you're saying it's a
20 total of 745.

21 MR. DZURENDA: That is correct.
22 That's accurate.

23 LEGISLATOR FORD: Total?

24 MR. DZURENDA: That's on board
25 not budgeted, correct.

1 Full - 10-14-20

2 LEGISLATOR FORD: They're saying
3 there's 751 here plus 62, 40, 23 and nine.
4 He's saying, the sheriff I should say, he's
5 saying there's a total of 745. Isn't this
6 2020?

7 MR. DZURENDA: I think what
8 number you're coming up with 808 is actually
9 if we had everything filled. 745 is when it's
10 filled. 808 is actually if it was all
11 filled. Budgeted and filled. That's the way
12 I read it but I'm not sure. You add them up
13 it's 808.

14 LEGISLATOR FORD: I will reach
15 out to the county executive for an explanation
16 because this doesn't add up with what you're
17 saying and what's in this book. So if they're
18 wrong on that I'm wondering what else that can
19 be wrong with this budget. We need to have
20 accurate information especially when we're
21 looking at our budget. So then I guess the
22 deputy sheriffs, okay, they fall under your
23 jurisdiction?

24 MR. DZURENDA: That is correct.

25 LEGISLATOR FORD: Currently we're

1 Full - 10-14-20

2 going down from 69 to 59 and we're only
3 budgeting for 55, correct?

4 MR. DZURENDA: That is correct.

5 LEGISLATOR FORD: Why is it so
6 low and why are we reducing it? Because this
7 was brought up by the union president.

8 MR. DZURENDA: I'm not 100
9 percent sure why it was actually reduced to
10 the 58 that we're looking at. I think 58 is
11 appropriate, which is different from what
12 Arciello was mentioning in his testimony. To
13 me, it just makes it -- I don't understand why
14 we have deputy sheriffs in positions that
15 actually work as clerical positions. That
16 does not make sense to me. That should be out
17 into the community doing deputy sheriff work I
18 think a lot of that is restructuring what the
19 deputy sheriffs are actually doing over
20 there. I think you'll get more people out in
21 the community doing deputy sheriff work and
22 you'll find you don't need all those people
23 anyway. I'm not sure what the real reason
24 behind the reduction from 69 to 59 or 59 to
25 58. But I think 58 is appropriate.

1 Full - 10-14-20

2 LEGISLATOR FORD: Because he said
3 there may be some retirements which would then
4 bring it down to even lower.

5 MR. DZURENDA: It would, yes.

6 LEGISLATOR FORD: We'll take a
7 look at that.

8 Just going back once again with the
9 correction officers for next year.
10 Considering the coronavirus, say all of a
11 sudden a vaccine appears on the horizon in
12 December, January or February and it's
13 effective. Now all of a sudden they can do
14 these federal inmates and all of a sudden we
15 can get 300 federal inmates overnight. Then
16 say now that the courts are back up everything
17 is changing, more and more people then are
18 incarcerated. I think the president, Brian
19 Sullivan, brought up how fast can we boost the
20 numbers of correction officers so that we can
21 adequately protect everybody who is in our
22 jail? Why are we waiting then in the middle
23 of the year to give a class?

24 MR. DZURENDA: It's because we
25 can't predict that. If we overhire we're

1 Full - 10-14-20

2 going to be looking at possibly laying off or
3 doing some restructuring. I was told, like I
4 said, yesterday by OMB that they would
5 reassess if we needed to. If we look like our
6 numbers were going up, if we did take in
7 federal inmates that increases our numbers we
8 would look at reintroducing more correctional
9 staff into the academy. How fast we can do
10 it? I hope I'm wrong but I think it's going
11 to be difficult with recruiting. It's going
12 to be the same thing -- we're recruiting at
13 the same time as the police. They're going to
14 be offering more money and better retirement
15 or better benefit packages. It's going to be
16 difficult. We have to come up with reasons
17 and better recruiting ideas to be able to do a
18 lot quicker like you said and I'm not sure we
19 can really do that right now.

20 LEGISLATOR FORD: But our lists
21 currently some of them have expired, correct?

22 MR. DZURENDA: The correction
23 officers list we do have. It's not been
24 updated. I have no idea if these individuals
25 on the list have found other jobs or gone, no

1 Full - 10-14-20

2 longer interested, moved. I have no idea.
3 Hopefully we will be able to get enough to
4 fill the 40. What Brian Sullivan was talking
5 about with the list for the promotions the
6 civil service does that for the state. I
7 don't control that. And he is correct, there
8 is no list out there. Every time they
9 schedule for an exam they canceled it.

10 LEGISLATOR FORD: You will reach
11 out to civil service?

12 MR. DZURENDA: We have many
13 times.

14 LEGISLATOR FORD: We can send a
15 letter to them as well to make sure. But I
16 also think that with this climate of people,
17 you know, businesses going under, people not
18 getting jobs that you might find that you
19 might have a larger pool of people that may be
20 willing. Even if it's not the police
21 department. It may not be as glamorous say as
22 being a police officer. You may find people
23 will still want to be correction officers. I
24 think that might it. I think I will let
25 Legislator Ferretti.

1 Full - 10-14-20

2 LEGISLATOR FERRETTI: Thank you.

3 Good evening sheriff. Thank you for where you
4 work. Thank you to the correction officers
5 for what they have done throughout this
6 pandemic, and I appreciate you treating this
7 pandemic the way you have very seriously going
8 above and beyond to insure that you keep it
9 out our correction facility and applaud your
10 strict adherence to the CDC guidelines.

11 But that being said, just diving a
12 little bit further into the federal inmate
13 issue. I don't quite understand justification
14 for not increasing the amount of federal
15 inmates. I certainly understand the severity
16 of the virus and taking every possible
17 precaution to prevent it from entering our
18 correctional facility. But I don't understand
19 the difference between federal inmates versus
20 state inmates. In other words, I think what
21 you said was we don't want to increase the
22 amount of federal inmates because we don't
23 know where they've been essentially, right?
24 How do we know where state inmates have been
25 prior to entering the jail?

1 Full - 10-14-20

2 MR. DZURENDA: The state inmates
3 that we do technically really only go out.
4 They don't come back in. Once an inmate stay
5 and sentenced we send them out and they stay
6 out. They go to the state system.

7 All of our inmates now that we deal
8 with with our arrests that are in the county
9 they stay in the county. So we know where
10 they're going to court. If they're not we're
11 doing video with the court. I know how to
12 separate them when we do our transportation.
13 They don't do that with the federal inmates.
14 They don't separate them like we do. We don't
15 have the communication with the city federal
16 system to even coordinate in the federal
17 system how to separate them there. We do with
18 our department inside our county.

19 LEGISLATOR FERRETTI: That's once
20 they enter the correctional facility?

21 MR. DZURENDA: That's correct.

22 LEGISLATOR FERRETTI: But we
23 don't where they were prior to entering the
24 correctional facility?

25 MR. DZURENDA: That is correct.

1 Full - 10-14-20

2 That's why we test them on the way in.

3 LEGISLATOR FERRETTI: Can't we
4 test federal inmates on the way in?

5 MR. DZURENDA: Yes, we could but
6 they keep going back to court.

7 LEGISLATOR FERRETTI: When you
8 say they keep going back to court I assume you
9 mean New York City?

10 MR. DZURENDA: That is correct.

11 LEGISLATOR FERRETTI: Now New
12 York City roughly over the last two or three
13 months has had the same positively rate as
14 Nassau County; isn't that right?

15 MR. DZURENDA: I'm not sure they
16 count the federal inmates into their numbers
17 because if you read the papers I think, I'm
18 just getting close, but if you read it I think
19 it was 192 positives in one week at the
20 federal facility. The Metropolitan facility
21 in Manhattan.

22 LEGISLATOR FERRETTI: That's the
23 facility, that's not the courts, right?

24 MR. DZURENDA: Those are federal
25 inmates that are going back and forth to the

1 Full - 10-14-20

2 courts that can infect ours.

3 LEGISLATOR FERRETTI: Is it
4 possible, I mean, we live in a state where and
5 we live in a county where if you're a Nassau
6 County resident who's not accused of a crime
7 and you travel to about 35 other states in
8 this country you have to come home and lock
9 yourself in the house for two weeks. Isn't it
10 possible to quarantine these federal inmates
11 until the court process is complete and then
12 another 14 days and then they can integrate
13 into the population?

14 MR. DZURENDA: If we get one to
15 go to court we can quarantine that one. We
16 can open up a housing unit for one or two
17 inmates. We can do that. It has to be
18 staffed, which I don't think will be cost
19 effective in our revenue. But also you still
20 have staff that have to work around them. You
21 still have staff that potentially could be
22 assaulted, spit on or fluid thrown on that can
23 actually catch other things too. And the
24 COVID I'm just really scared about it because
25 I've seen what it did in New York City

1 Full - 10-14-20

2 Department of Corrections with the officers
3 dying. They had over 15 correctional staff
4 members die. The numbers of the inmates was
5 worse. We didn't have any. I want to keep
6 that record. I don't think it's worth the
7 cost of revenue to be able to save someone's
8 life that I can prevent.

9 LEGISLATOR FERRETTI: I
10 completely agree with you. There's nothing
11 more valuable than the value of life. I'm not
12 disputing that. But I just want to reiterate
13 that we don't know where the state inmates
14 that come into our system were prior to
15 entering the system. There's no way to
16 completely ensure that the coronavirus will
17 once again enter the correctional facility,
18 right?

19 MR. DZURENDA: But we know where
20 we send them. If we get an inmate in and we
21 send them to court we follow them and stay
22 with them at court and prevent our own
23 procedures. You can't do that with the feds.

24 LEGISLATOR FERRETTI: Correct.
25 But again, before they enter the system,

1 Full - 10-14-20

2 before they come to the court we don't where
3 they've been.

4 MR. DZURENDA: I got you. You
5 are correct and we isolate them for minimum
6 five days until we get their test back.

7 LEGISLATOR FERRETTI: Have you
8 consulted with Dr. Eisenstein or any health
9 professional as to the enhanced risk of taking
10 in federal inmates over state inmates?

11 MR. DZURENDA: Not on that
12 specific issue, no.

13 LEGISLATOR FERRETTI: To the
14 budget line, the budget line federal program
15 revenue is that the budget line for the
16 federal inmate revenue?

17 MR. DZURENDA: For the record, I
18 believe you're right. I'm just verifying
19 that. I'm not sure -- if you're talking about
20 SCAP that's something different. That's SCAP
21 program. That's the federal program housing.
22 That's different. I'm not sure if that's what
23 you were looking at but SCAP is different.
24 That's reporting of illegal aliens and where
25 they're coming that we had them in our system

1 Full - 10-14-20

2 at one point.

3 LEGISLATOR FERRETTI: What was
4 the projected revenue for the federal inmates
5 for 2020?

6 MR. DZURENDA: Just if you
7 calculate it, we bill \$165 per day per
8 inmate. It depends on our number of inmates.
9 Today we are over 25. We are at 27.
10 Depending on the numbers it would just be
11 multiplied by \$165 per day every time we hold
12 them.

13 LEGISLATOR FERRETTI: Do you have
14 the actual --

15 MR. DZURENDA: The calculation?

16 LEGISLATOR FERRETTI: Not the
17 calculation do you have the actual budget for
18 2020?

19 MR. DZURENDA: For 2020 it was
20 \$2.4 million but that's if we stayed at
21 exactly 15 the entire time. I'm sorry. That
22 was based on the 25 number.

23 LEGISLATOR FERRETTI: The
24 projected revenue was 2.4 million for 2020?

25 MR. DZURENDA: Yes. On the 25

1 Full - 10-14-20

2 number.

3 LEGISLATOR FERRETTI: What's the
4 projected number for 2021?

5 MR. DZURENDA: 903,000 with some
6 change.

7 LEGISLATOR FERRETTI: I may be
8 looking at something different then what
9 you're looking at. I'm seeing the projected
10 revenue for 2020 as 903,375.

11 MR. DZURENDA: That's what I
12 said. I think I might have just said it
13 wrong.

14 LEGISLATOR FERRETTI: So what's
15 the \$2.4 million number?

16 MR. DZURENDA: So that 2.4 was
17 the 2020. The 903 was the 2021.

18 LEGISLATOR FERRETTI: I think we
19 may want to look at that again. The federal
20 program revenue from what I have in my book
21 was budgeted for 2020 at 903,375 and for 2021
22 it's identical. That's what I have in my
23 book.

24 MR. DZURENDA: If what you're
25 saying is correct that means they calculated

1 Full - 10-14-20

2 15 on last year which is not correct.

3 LEGISLATOR FERRETTI: That was
4 going to be my question. If we 25 or 27 in
5 2020 and we project revenue at 903,375 why are
6 we projecting the same revenue with less
7 federal inmates?

8 MR. DZURENDA: You're correct.
9 It wouldn't be the same.

10 LEGISLATOR FERRETTI: I know
11 Mr. Sullivan brought up promotions. I
12 understand we're going through a global
13 pandemic. Obviously we have financial
14 issues. But it is concerning that,
15 reportedly, the chain of command and the
16 structure is not in place at the correctional
17 facility. Is it true that in the last year
18 there have been zero promotions?

19 MR. DZURENDA: We've had two
20 sergeant promotions and that was it.

21 LEGISLATOR FERRETTI: Promotions
22 to sergeant?

23 MR. DZURENDA: That is correct.

24 LEGISLATOR FERRETTI: I know you
25 have been here less than a year, do you know

1 Full - 10-14-20

2 how many in the last four years, how many
3 promotions there have been?

4 MR. DZURENDA: I don't have that
5 with me but I can provide it to the committee.

6 LEGISLATOR FERRETTI: I know
7 Mr. Sullivan had indicated that the numbers in
8 the budget were based on a projected inmate
9 total of 715 inmates in 2021; is that
10 correct?

11 MR. DZURENDA: That's correct.

12 LEGISLATOR FERRETTI: How many
13 inmates are currently at the facility?

14 MR. DZURENDA: I believe this
15 morning it was 696.

16 LEGISLATOR FERRETTI: So that
17 would be another 19 inmates if my elementary
18 math is correct. Projected. Do you agree
19 with that projection of 715 inmates due to the
20 fact that the courts are not really open right
21 now?

22 MR. DZURENDA: You've got some
23 philosophies going on here. If we open up
24 those 60 trials that are pending that we have
25 postponed those are potential 60 inmates that

1 Full - 10-14-20

2 will we lose to the state. The state right
3 now also is not taking inmates. We have
4 inmates that are still waiting in our housing
5 units. State-readied inmates to go up. It's
6 very difficult to get even our state inmates
7 out of the facility that should be in the
8 state Department of Correction.

9 Once those, like I said, once those
10 COVID numbers start to pass and when this
11 COVID goes away and we come back to normal
12 operations our numbers are going to dip again
13 just on losing state-readied inmates and
14 getting an easier system to bring people up to
15 the state and also getting the courts back on
16 track.

17 But then you look at the bail
18 reform. If the bail reform changes we're
19 looking at a potential increase. All I can
20 say is it's very unpredictable. I don't know
21 if we're going up, I don't know if we're going
22 done. Nobody does and nobody can predict that
23 because there's so many factors in there right
24 now that are playing in the game that can go
25 up and down at anytime. 715 it could be low.

1 Full - 10-14-20

2 However, it's a fair and safe number because
3 if it goes down again the number could even go
4 lower than 715 on the average. I don't know.

5 LEGISLATOR FERRETTI: Just
6 lastly, sorry to go going back to it, but in
7 the event, and I think this is kind of
8 piggybacking on I think something that
9 Legislator Ford asked you about.
10 Hypothetically a vaccine comes out tomorrow.
11 COVID-19 is no longer an issue. Is the
12 correction facility staffed adequately to
13 house 200 federal inmates?

14 MR. DZURENDA: We could manage it
15 but the overtime will go way up. We don't
16 have enough staff to be able to monitor and do
17 that but we can.

18 LEGISLATOR FERRETTI: How many
19 could you house assuming COVID was a nonissue
20 without increasing overtime?

21 MR. DZURENDA: If I look at the
22 numbers in our housing units that are open, if
23 we fix cells and get some help with putting
24 cells back online, we could probably do 50 or
25 60 inmates and not even feel an increase in

1 Full - 10-14-20

2 overtime because they could be absorbed.

3 LEGISLATOR FERRETTI: Do you have
4 the dormitory capacity for that as well?

5 MR. DZURENDA: If we open up new
6 dormitories we do. But just overtime goes up,
7 correct. Without overtime we can do about 50
8 or 60 I believe.

9 LEGISLATOR FERRETTI: Thank you
10 very much.

11 LEGISLATOR WALKER: Legislator
12 Rhoads.

13 LEGISLATOR RHOADS: Thank you.
14 Just a couple of follow-up questions. I
15 certainly understand and respect your rational
16 behind not taking any federal prisoners. I
17 know that there is an additional risk
18 particularly going into the city. However,
19 inmates aren't only tried in the city,
20 correct? There are inmates that are tried in
21 Central Islip in the federal courthouse?

22 MR. DZURENDA: That's correct.

23 LEGISLATOR RHOADS: Could we not
24 at least explore the possibility of taking in
25 inmates that are having their trials at the

1 Full - 10-14-20

2 Central Islip facility?

3 MR. DZURENDA: Yes, we could.

4 LEGISLATOR RHOADS: We do have
5 unused entire buildings, correct?

6 MR. DZURENDA: Yes, we have quite
7 a few housing units.

8 LEGISLATOR RHOADS: Each of those
9 housing units accommodates approximately 140
10 inmates?

11 MR. DZURENDA: Each side does
12 about 50. So you could get about 100 in a
13 full housing unit.

14 LEGISLATOR RHOADS: My
15 understanding is and it's been mentioned
16 previously that Suffolk County seems to be
17 operating -- they're taking federal prisoners
18 both from Central Islip and New York City and
19 they're doing so without any incidents,
20 correct?

21 MR. DZURENDA: Like I said, they
22 don't test inmates. So they could be, they
23 could not be.

24 LEGISLATOR RHOADS: They would
25 certainly know if those inmates are COVID

1 Full - 10-14-20

2 positive?

3 MR. DZURENDA: No, they wouldn't
4 because all the asymptomatic inmates they
5 would not know. We know every inmate even if
6 they're asymptomatic we know if they're
7 positive.

8 LEGISLATOR RHOADS: If there is
9 the opportunity to have a -- since we do have
10 unused housing units -- would we not be able
11 to isolate federal prisoners in a housing
12 unit? You don't even have to assimilate them
13 into the general population. So they keep
14 federal inmates in a separate housing.

15 MR. DZURENDA: Yes. And like I
16 said but we will have to staff it. So staff
17 will be jeopardized. But we can do that, yes.

18 LEGISLATOR RHOADS: Unlike the
19 city however, we are providing staff with PPEs
20 and all of the equipment they need to reduce
21 that risk, correct?

22 MR. DZURENDA: You are correct.

23 LEGISLATOR RHOADS: Thank you.

24 LEGISLATOR FORD: Legislator
25 Schaefer.

1 Full - 10-14-20

2 LEGISLATOR SCHAEFER: Good
3 evening. Thank you for your presentation. I
4 won't cover the same topics because I think
5 it's been covered quite a bit, but I do agree
6 that if there's a way to explore a way we can
7 take some federal inmates in that would
8 certainly be helpful for our budget.

9 A couple of my questions just have
10 to do more with some payroll related issues or
11 things I saw in the budget book. And they
12 have to do with titles and changes in staffing
13 numbers and salary differences. I think it's
14 probably related to increases that are being
15 assumed with contract negotiations that are
16 ongoing but you can confirm for me.

17 One was under the deputy sheriff
18 title in the sheriff's office there was a
19 staff of 53 in the 2020 budget for
20 approximately \$3.4 million. But there's a
21 staff for 43 in the 2021 budget for 3.2
22 million. So it's ten employees less but it's
23 slightly under. So salary went approximately
24 from 64,000 to 75,000. Is that anticipated
25 raises or is it something else?

1 Full - 10-14-20

2 Do you want me to ask something
3 else while you're looking it up? It's totally
4 fine.

5 MR. DZURENDA: Yes please.

6 LEGISLATOR SCHAEFER: My other
7 question you sort of touched on it before, the
8 SCAP program. So there was \$3.1 million
9 refund for 2018 SCAP award. And this was done
10 during 2020 from what I can tell. Can you
11 explain why that was? Why did we have the
12 refund for 2018?

13 MR. DZURENDA: The SCAP comes
14 every year. The money that comes in is based
15 upon how many numbers of inmates that we
16 reported that came into our system. So they
17 track it. They have a system to track the
18 numbers that came in, and usually you're
19 getting paid for the year prior on the year
20 of. So anything we get paid right now is
21 usually from a year earlier not the year of.

22 LEGISLATOR SCHAEFER: So the
23 refund was that we did not need those monies
24 or the end number of people to cover?

25 MR. DZURENDA: I'm not sure what

1 Full - 10-14-20
2 you're asking but if I think you're right is
3 the numbers that they gave us was not
4 accurate. That they actually overpaid us.
5 They would have to be returned. I think they
6 overpaid us for the last three years or three
7 years within the last five. So that money
8 would have to be returned or forfeited in the
9 future.

10 LEGISLATOR SCHAEFER: Then my
11 other question was with regard to the deputy
12 sheriff title and I was also curious as to the
13 assistant cook title in the correctional
14 center. The same staffing member went from an
15 average salary of approximately 31,000 in 2020
16 to approximately 43,000 in 2021, which is a 40
17 percent increase. Is that just increases,
18 salary increases that we're assuming under
19 contract negotiations? That's what I've
20 encountered with other departments I've
21 questioned with similar issues.

22 MR. DZURENDA: You were correct
23 that the reason why it's for the less number
24 with more of a budget item is because of the
25 anticipated increase in the salary and for the

1 Full - 10-14-20

2 promotions. That is correct.

3 LEGISLATOR SCHAEFER: Thank you.

4 LEGISLATOR FORD: Legislator
5 Walker.

6 LEGISLATOR WALKER: Can I just go
7 back to the SCAP award that obviously we had
8 to give a \$3.1 million refund. This has
9 happened possibly the last three years or
10 three out of the last five years. What is the
11 problem? I mean, I can't imagine somebody
12 tells me I have to refund \$1,000 I'd be like
13 where am I coming up with \$1,000? You have to
14 come up with that large amount of money. How
15 can we assure that what we get is what we
16 should get and that we don't have to worry
17 about refunding?

18 MR. DZURENDA: When I looked at
19 this because that shocked me too, me doing my
20 balance of my books at home I would figure out
21 20 bucks. But they had no matrix they were
22 following in the past, the facility. When
23 they were taking in money from the feds and
24 they would give you an extra million dollars
25 nobody questioned it to say what matrix were

1 Full - 10-14-20

2 used to get that number.

3 We have the matrix today. We
4 contacted the feds about two, three months ago
5 to get the actual matrix so that we could
6 figure out exactly what we're going to get
7 back at that time. It's a shame but it was
8 not done in the past.

9 LEGISLATOR WALKER: So now when
10 we do get some type of reimbursement or
11 whatever and if it appears to us they sent us
12 too much money we can either reach out to them
13 right away or make sure we put that money that
14 they overpaid us in a separate account to make
15 sure we have it to send it back to them.

16 MR. DZURENDA: That is my
17 intention. That is correct.

18 LEGISLATOR WALKER: Thank you.
19 And my other questions were covered by
20 others.

21 LEGISLATOR FORD: Legislator
22 Gaylor.

23 LEGISLATOR GAYLOR: Thank you
24 madam chairwoman. What a breath of fresh air
25 to have someone who can answer questions

1 Full - 10-14-20

2 regarding the sheriff's department and I
3 appreciate your honesty and welcome you to the
4 county.

5 Mine's an informational type of
6 question, personal information that I'm asking
7 here. Well not personal. But besides the
8 correctional facility in East Meadow do we
9 operate any other facilities?

10 MR. DZURENDA: We have inmates at
11 other facilities but we don't operate them.

12 LEGISLATOR GAYLOR: What do we do
13 with our juvenile detainees?

14 MR. DZURENDA: That still remains
15 a contention. My guess is as good as yours
16 because they split them up all over the
17 state. We have some juveniles that because
18 there's no -- New York City we can't send them
19 there. There is a facility in Westchester
20 that's always full. Any time we get them we
21 send them as far as Albany or Buffalo. These
22 are our young adults from our own area and we
23 drive them there, our deputy sheriffs drive
24 them there, drop them off, stay overnight two,
25 three days to come back. But it's a shame

1 Full - 10-14-20

2 that this has to be done but that's the only
3 option's that we are left with.

4 LEGISLATOR GAYLOR: I agree it is
5 a shame. And I would guess that comes at
6 considerable expense also, wouldn't it? Just
7 as with federal prisoners we receive money for
8 housing. We must be paying considerably to
9 house our juveniles in what I understand has
10 to be special type of facilities. And we're
11 budgeted for that?

12 MR. DZURENDA: So we're budgeted
13 for the reimbursement pieces and we're
14 supposed to get reimbursed by the state as
15 well for the travel time and all that. We
16 don't. I'm following up on that to see how we
17 can get that and how we can go after it.

18 My biggest concern with what you're
19 mentioning is is when you have young adults
20 like that that have a very difficult home life
21 we're disconnecting them further from their
22 community and their homes by doing this. Down
23 the road I think it's going to cost us even
24 more money by doing this because we're sending
25 them so far away from their support systems.

1 Full - 10-14-20

2 I can't fathom how they think this is okay.

3 LEGISLATOR GAYLOR: I tend to
4 agree with you. I think you're right. I
5 think we're doing more harm than good there.

6 Is there a way we can create within
7 the current East Meadow facility a unit that
8 meets the state standards so we can eventually
9 get away from this? It may not be this year.
10 It may be a five-year plan, a ten-year plan
11 but we got to get away from sending our
12 juveniles.

13 MR. DZURENDA: No we cannot at
14 our East Meadow facility. We would have to
15 build a new facility based upon the state
16 standards. I know Suffolk County is looking
17 at an option of doing that. They've been
18 doing planning now for two years at doing just
19 what you said. That we can actually use space
20 at their facility. But it is an astronomical
21 number to be able to do this. We're not
22 talking many. We're talking literally under a
23 dozen inmates or youthful offenders.

24 LEGISLATOR GAYLOR: What about
25 the facility that's attached to the family

1 Full - 10-14-20

2 court in Westbury, is that sheriff-run?

3 MR. DZURENDA: I believe that's
4 probation-run. But also that does not meet
5 the standards for the population that we send
6 out of the county.

7 LEGISLATOR GAYLOR: Why is it
8 that the probation department is responsible
9 for housing a certain class of detainees or
10 prisoners but the sheriff's department has got
11 really the primary responsibility? Why is it
12 all under you?

13 MR. DZURENDA: It's based on
14 their age. The young adults that we're
15 sending out of the county are at a lower age
16 than the ones that they're keeping in the
17 probation department.

18 LEGISLATOR GAYLOR: Thank you
19 very much. Appreciate it. Good job.

20 LEGISLATOR FORD: Any other
21 questions?

22 MR. SULLIVAN: Can I interrupt
23 for one second? Unfortunately, I have to
24 leave. I'm hosting an event that started a
25 half hour ago up in Bayville. I got to cut

1 Full - 10-14-20

2 out. Thank you for your time. I appreciate
3 it and if anybody has any questions you know
4 where to contact me.

5 LEGISLATOR FORD: Thank you. Any
6 questions from anybody remotely? Thank you
7 very much for your presentation. If there's
8 any additional questions we will reach out to
9 you.

10 MR. DZURENDA: I appreciate that.

11 LEGISLATOR FORD: We're going to
12 take a five minute break.

13 (Hearing recessed at 6:30 p.m.)

14 (Hearing reconvened at 6:37 p.m.)

15 LEGISLATOR FORD: I think next up
16 will be the probation department. John
17 Plackis is director of probation.

18 MR. PLACKIS: Good afternoon. I
19 know it's the end of the night. I'm leading
20 up the rear here. Good afternoon everybody.
21 As stated, my name is John Plackis. I'm the
22 director of probation.

23 2020 was not business as usual but
24 throughout it all we remain open and continue
25 to provide all essential services. Our

1 Full - 10-14-20

2 probation officers and staff remain vigilant
3 and productive to make sure work continues to
4 get done.

5 Bail reform legislation and
6 COVID-19 had affected the probation department
7 drastically. Even in spite of the pandemic
8 the probation department is proud to say we
9 have many accomplishments. The Office of
10 Court Administration certified our department
11 to be pretrial service unit for Nassau
12 County. This new function diverted many
13 defendants from jail and helped assure they
14 kept their court dates.

15 Two, we established an electronic
16 monitoring unit to supervise all defendants
17 who are court-ordered arraignments with
18 electronic monitoring to be supervised 24
19 hours a day. Twenty percent of the defendants
20 who are arraigned and come to our pretrial
21 service unit are ordered to have electronic
22 monitoring. Currently we have over 100 active
23 cases.

24 The department continues to make
25 referrals for mental health, substance abuse

1 Full - 10-14-20

2 and community based to support to assist
3 defendants in their rehabilitation.

4 The family division continues to
5 adjust over 50 percent of the cases received
6 and divert them to restorative programs like
7 peer diversion and other evidence-based
8 programing.

9 Even though face-to-face contact
10 had to be temporary discontinued during COVID,
11 we continued to remain in contact with our
12 defendants by telephone, email and text.
13 Currently the department is in the process of
14 reinstating face-to-face contacts. We expect
15 this to be completed by the end of the month.

16 However, due to limitations imposed
17 by the pandemic we did have to institute some
18 following steps. Social distancing had to be
19 implemented in our workplace allowing
20 probation officers for the first time to work
21 at home a couple of days a week.

22 Home visits had to be curtailed to
23 meeting clients outside which coined the
24 phrase stoop visits. MAD panel had to be
25 postponed as being redeveloped into a virtual

1 Full - 10-14-20

2 program.

3 As you guys know, due to this New
4 York State pause there continues to be many
5 cases and predispositional status as we wait
6 for the courts to fully reopen.

7 And Raise the Age adolescence
8 offenders still require out of the county
9 placement. Currently we have four youth in
10 upstate detention facilities. Our JDC,
11 juvenile detention center, continues to remain
12 busy and our census usually fluctuates from
13 ten to 15 youth.

14 As you can see, we face many
15 challenges in 2020 and in the 2021 proposed
16 budget allows the department to be ready and
17 to address and adapt as the landscape
18 changes. We are ready for any questions.

19 LEGISLATOR FORD: Thank you very
20 much for your presentation. How many
21 probation officers do you have?

22 MR. PLACKIS: We currently have
23 114 probation officers. Those are line
24 probation officers. We have 24 supervisors
25 and five administrators.

1 Full - 10-14-20

2 LEGISLATOR FORD: I'm going to go
3 off ad for a second. Here you have youth
4 group worker aid one. What do they do?

5 MR. PLACKIS: Those are the
6 juvenile detention center titles. They have
7 30 staff over there.

8 LEGISLATOR FORD: They work
9 directly with the juveniles that are
10 incarcerated that are being kept over in the
11 center over there, correct?

12 MR. PLACKIS: Correct.

13 LEGISLATOR FORD: Have you found
14 like, because of bail reform, isn't your
15 department responsible for anybody who's been
16 given an appearance ticket if they've been
17 arrested and then with bail reform they're not
18 going to be held, so they have to promise that
19 they're going to come back in three months or
20 whenever they're scheduled? Is it the
21 responsibility of your department to go after
22 them if they fail to show up or is that
23 somebody else?

24 MR. PLACKIS: No. That would be
25 the police department after the court issues a

1 Full - 10-14-20

2 warrant for their arrest.

3 LEGISLATOR FORD: You have
4 nothing to do with anybody until after they
5 have served their time, correct?

6 MR. PLACKIS: No. We have
7 pretrial services to monitor. But we don't
8 issue warrants.

9 LEGISLATOR FORD: So it would be
10 the police that would go after the people who
11 don't show up? They answer the warrant,
12 correct?

13 MR. PLACKIS: Correct.

14 LEGISLATOR FORD: Then like you
15 were saying that -- so during this time you've
16 used technology to be able to deal with the
17 people that are under -- like the probation
18 officers, so that they are able to see the
19 people that are under their charges, right?
20 They were able to then do face time with their
21 people?

22 MR. PLACKIS: Exactly. Correct.

23 LEGISLATOR FORD: Does anyone
24 else have any other questions? That's it?
25 Legislator Walker.

1 Full - 10-14-20

2 LEGISLATOR WALKER: I actually
3 wanted to ask, I should have asked this before
4 to the sheriff, but when they said we send our
5 juveniles out and they have to sometimes go up
6 to Albany or Buffalo or where ever, isn't
7 there any other housing that we could use
8 here? Even within the jail? They said we
9 have empty buildings in jail. They were
10 fitted to hold our young people.

11 MR. PLACKIS: There's no
12 specialized secured detention on Long Island.
13 So all kids -- the rest of the facilities are
14 one in Westchester, one in Albany, one in
15 Syracuse, one in Monroe and one in Erie.
16 That's it.

17 LEGISLATOR WALKER: That's
18 because they have to have -- is it because
19 they have to have certain amount of like
20 outdoor space or the people that work there
21 have to be specialized in juvenile detention?

22 MR. PLACKIS: New York State, the
23 Office of Children and Family Services and the
24 state sheriffs did not certify RJDC to house
25 adolescent offenders. So it's a state

1 Full - 10-14-20

2 regulation problem.

3 LEGISLATOR WALKER: And we don't
4 know why they didn't certify us?

5 MR. PLACKIS: They want us to
6 retrofit our department and spend three, four,
7 \$5 million to do that.

8 LEGISLATOR WALKER: Thank you.

9 LEGISLATOR FORD: Legislator
10 Schaefer.

11 LEGISLATOR SCHAEFER: I just have
12 a few questions about criminal justice reform
13 and Raise the Age. What additional
14 responsibilities were delegated to your
15 department as a result of those two
16 initiatives or those two laws that were passed
17 actually?

18 MR. PLACKIS: With bail reform,
19 like I stated in my statement, we got tasked
20 with running the pretrial service unit. Which
21 means that when cases are getting arraigned
22 the court has the option to instead of giving
23 release or jail they can give them to the
24 pretrial service unit to provide supervision.
25 That's a new job. Under Raise the Age we

1 Full - 10-14-20

2 really don't have any new jobs we just have
3 more responsibility. So, before our family
4 division used to be up to only 15 years old.
5 Now it's up to 17 years old. We added more
6 workload to the family division.

7 LEGISLATOR SCHAEFER: Did you end
8 up hiring some additional staff? Wasn't that
9 contemplated previously?

10 MR. PLACKIS: We did try to hire
11 additional staff and we did hire three people
12 and they did get trained. Unfortunately, due
13 to COVID, we weren't able to hire any more
14 staff.

15 LEGISLATOR SCHAEFER: How many
16 more would you want to or need to hire?

17 MR. PLACKIS: In our budget we
18 are putting in for seven hires.

19 LEGISLATOR SCHAEFER: Is that
20 something that you're still looking forward to
21 doing.

22 MR. PLACKIS: Yes.

23 LEGISLATOR SCHAEFER: Seven
24 total? Is that including the three?

25 MR. PLACKIS: Yes.

1 Full - 10-14-20

2 LEGISLATOR SCHAEFER: Was there
3 additional workload prior to COVID at the
4 beginning of the year, which wasn't very much
5 time, but since all of the reforms came
6 through was there additional workload that you
7 found within a relatively short time period?

8 MR. PLACKIS: Yes. We went
9 through the same process as the other
10 agencies. Our workload increased in January,
11 February and March. Once COVID hit it
12 recessed a little bit.

13 LEGISLATOR SCHAEFER: Didn't New
14 York State have some additional funding to
15 offset some of the expenses that you might
16 incur as a result of Raise the Age and the
17 reforms? Did you have to submit a plan to the
18 state?

19 MR. PLACKIS: Yes, we did submit
20 a Raise the Age plan. It was approved. And
21 we just got budget approval in March of 2020.

22 LEGISLATOR SCHAEFER: Did they
23 provide additional funding or did they just
24 say they were going to and did they hold off
25 on all that because of everything that's going

1 Full - 10-14-20

2 on with COVID?

3 MR. SCHALERO: Joe Schalero,
4 fiscal officer probation.

5 The state has been behind
6 significantly on reimbursements. We've got
7 our claims in for reimbursement. There's been
8 a substantial backlog. We did not -- even
9 know Raise the Age went into effect October 1
10 of 2018, we did not get official state
11 approval for the plan until March 3rd of
12 2020. So none of those claims could be
13 submitted or paid until that time.

14 The state has now, as a result of
15 COVID, put on a 20 percent hold on any
16 reimbursements. Any reimbursements that we're
17 filing for and being disbursed going back to
18 2016 and 2017 they're holding 20 percent of
19 those funds pending federal funding release of
20 more funds. So the state is in a cash
21 crunch. The state is way behind on
22 reimbursing all of the funds as well as
23 approving the programs.

24 We get into a real Catch-22 which
25 comes in to play when we have contracts for

1 Full - 10-14-20

2 grant programs that come in front of you where
3 the programs start way before we have a grant
4 approval which means we can't have a contract
5 in place. Some of those programs become
6 impossible for us to put into play as a
7 result.

8 LEGISLATOR SCHAEFER: Have you
9 found that there's any additional need to
10 supervise juvenile delinquents with a
11 different program now or not really?

12 MR. PLACKIS: No. Our programs
13 remain the same. We don't have any special
14 programs. It's a harder population with the
15 16, 17 year olds.

16 LEGISLATOR SCHAEFER: Has there
17 been any additional need to provide like
18 specialized secured detention with these new
19 programs or no with the reforms?

20 MR. PLACKIS: Yes, there is.
21 That's why we don't have it because we don't
22 have specialized secured detention. Like I
23 said before, we're going upstate. We have
24 four youths that are upstate for that reason.

25 LEGISLATOR SCHAEFER: Does the

1 Full - 10-14-20

2 county have to utilize any like electronic
3 monitoring for the juveniles?

4 MR. PLACKIS: Yes, we do.

5 LEGISLATOR SCHAEFER: So it's all
6 upstate. Is it one facility? Forgive me if I
7 didn't hear you.

8 MR. PLACKIS: There's five
9 upstate.

10 LEGISLATOR SCHAEFER: We have a
11 contract with those different groups or how
12 does that work?

13 MR. PLACKIS: You call an request
14 a bed and if a bed's available they'll give it
15 to you.

16 LEGISLATOR SCHAEFER: Does it
17 cost us money? Do we pay them?

18 MR. PLACKIS: It's 100 percent
19 reimbursed through the state.

20 LEGISLATOR SCHAEFER: Thank you.

21 LEGISLATOR FORD: Legislator
22 Walker.

23 LEGISLATOR WALKER: I guess you
24 partially answered the question. I was
25 wondering what it does cost us per year for

1 Full - 10-14-20

2 all the juveniles that we do send out of our
3 area. But much of it is reimbursed?

4 MR. PLACKIS: It's 100 percent
5 reimbursed.

6 LEGISLATOR WALKER: Not the
7 travel back and forth?

8 MR. PLACKIS: Including the
9 travel back and forth.

10 LEGISLATOR WALKER: It doesn't
11 cost us anything to send them upstate other
12 than the fact that they're not close by by
13 their families?

14 MR. PLACKIS: That's correct.

15 LEGISLATOR FORD: Legislator
16 Gaylor.

17 LEGISLATOR GAYLOR: Thank you
18 madam chairwoman. Good evening. How are you
19 today? So, I'm confused as to why last year
20 this body authorized 256 positions and now
21 you're only asking for 179 or the county
22 executive threw in a few more maybe, 284,
23 which is down 72 positions from what we
24 authorized last year. Doesn't make sense to
25 me. It seems then we're doing a disservice to

1 Full - 10-14-20

2 the probation department and all the employees
3 that are employed by the department. I need
4 some explanation.

5 MR. PLACKIS: The reason why -- I
6 don't why you guys added all that personnel to
7 the budget.

8 LEGISLATOR GAYLOR: Because you
9 asked for it last year. We don't add. We
10 don't make up the numbers in the request. It
11 comes from the department first. It gets put
12 together by the county, so.

13 MR. PLACKIS: Again, I would have
14 to see what I said last year. But anyway, the
15 results were that we didn't -- the bail reform
16 never came to that amount of people because of
17 the COVID. A lot of the request was for bail
18 reform and it was also to be ready for the JDC
19 if we were going to increase our capacity to
20 allow older kids. That did not happen.

21 LEGISLATOR GAYLOR: I
22 understand. Wouldn't it be fair to say that
23 COVID is going to go away at some point and
24 you're going to need these positions back. By
25 giving them away now it makes it much more

1 Full - 10-14-20

2 difficult to ever get them back. COVID is a
3 temporary thing. You've just now eliminated
4 72 positions that you will likely need at some
5 point. I don't understand the rational.

6 MR. PLACKIS: I had a meeting
7 with budget yesterday. They assured me that
8 if we needed positions they would relook at
9 our needs. But our case loads are trending
10 downward. They're not trending upward. And
11 my big concern is the pretrial service unit.
12 And again, Office of Budget has assured me
13 that they will give extra staffing if needed.

14 LEGISLATOR GAYLOR: Where are
15 they going to get that staffing from? It's my
16 understanding that the budget cuts 49 vacant
17 but funded positions but they're gone forever.

18 MR. PLACKIS: I was told that
19 they would relook at it and reopen it if the
20 need was there.

21 LEGISLATOR GAYLOR: But you do
22 understand when you cut 49 vacant but funded
23 positions that's it, you don't get them back.

24 MR. PLACKIS: I understand that.

25 LEGISLATOR GAYLOR: I just feel

1 Full - 10-14-20

2 you may want to relook at that. You're doing
3 a little bit of harm to yourself you may not
4 realize going forward. It's concerning.
5 Thank you.

6 LEGISLATOR FORD: Any other
7 questions? Anybody remotely? I don't think
8 so. Thank you very much for your presentation
9 and have a good evening. We will now hear
10 from fire commission, Scott Tusa, chief fire
11 marshal.

12 MR. TUSA: I had written down
13 good afternoon but I think now it's time to
14 say good evening presiding Officer Nicoletto
15 and Minority Leader Abrahams and members of
16 the Nassau County Legislature.

17 2020 has proven to be a challenging
18 year for the fire commission. Our three
19 branches consisting of the Office of the Fire
20 Marshal, Fire Communications Bureau and Police
21 and Fire EMS Academy were all put to the
22 test.

23 In early March, as businesses
24 closed due to COVID and the governor's
25 executive orders, the Office of the Fire

1 Full - 10-14-20

2 Marshal's personnel were charged with
3 enforcement of these orders along with our
4 partners in the police and health
5 departments. This office rapidly transitioned
6 to the enforcement of the executive orders to
7 ensure the safety of the residents of this
8 county.

9 The entire staff stepped up to the
10 plate and did whatever needed to be done to
11 protect this county and it's residents. My
12 entire staff of CSEA employees and I commend
13 each one for their actions this year.

14 During the ongoing pandemic we have
15 received 5,970 complaints. We will likely get
16 6,000 by year's end. And of those complaints
17 we referred 2,648 to either the police
18 department or health department for their
19 respective enforcement. The fire marshal's
20 office responded to 3,321 of these
21 complaints. This led to the issuance of 1,042
22 violation orders and 79 appearance tickets.

23 As this office has been trying to
24 educate our business operators, only 26 of
25 those 79 appearance tickets were issued for

1 Full - 10-14-20

2 COVID public health order issues. The rest
3 were issued for serious fire code violations.

4 During this event our ability to
5 perform fire investigations, haz mat response
6 and other fire department support services
7 were never curtailed. As COVID cases declined
8 and businesses could reopen we again changed
9 gears and reassigned staff back to fire
10 inspection and plan review while continuing to
11 respond to COVID complaints. We are presently
12 continuing in this mode.

13 Our fire communication branch saw a
14 marked increase in ambulance calls and
15 additionally we assigned a fire com technician
16 to the police department communications bureau
17 to coordinate ambulance dispatching between
18 the police emergency ambulance bureau and the
19 71 fire departments and the six volunteer
20 ambulance corps. This proved to be an
21 invaluable relief to our strained medics,
22 ambulance corps and police medics as we were
23 able to direct the proper units to where they
24 were needed.

25 This brings me to our third branch,

1 Full - 10-14-20

2 the administrator of the fire, police EMS
3 academy is also assigned the duties as the
4 county EMS coordinator. EMS in coordination
5 became Donald Hudson's full-time duty. Fire
6 marshal staff including a county deputy fire
7 coordinator were assigned to assist with the
8 monumental task of coordinating the EMS
9 response from the fire service and ambulance
10 corps and to integrate this response with the
11 police emergency ambulance bureau.

12 During all of this our staff was
13 constantly exposed to the public. To date, we
14 have had four personnel test positive for
15 COVID and an additional six were quarantined
16 but never tested positive for COVID. We
17 attribute those low numbers to the extensive
18 training of our staff that we have
19 historically received and our ability to
20 provide them with the proper personal
21 protective equipment.

22 This is just a brief overview of
23 what this department has been doing for the
24 past several months. The use of overtime
25 allowed us the ability to cover the many tasks

1 Full - 10-14-20

2 we are performing. Our 2020 budget is still
3 holding its own. Which brings me to our 2021
4 budget submission.

5 During this difficult economic time
6 the 2021 budget submission provides for the
7 continued proud service this department
8 provides. The funding for equipment will
9 provide us with the ability to replace or
10 purchase necessary items. This budget
11 provides funding for adequate staffing
12 including overtime to meet unexpected needs.

13 The VEEB contract has been fully
14 funded. The contract will provide for the
15 continued training of our 71 volunteer fire
16 departments and the fire service will continue
17 to receive their training at the Nassau County
18 Fire Service Academy.

19 The 2021 budget submission will
20 provide the fire commission the ability to
21 continue to serve the residents and fire
22 service in our proudest tradition.

23 Thank you for this opportunity and
24 I will answer your questions to the best of my
25 ability.

1 Full - 10-14-20

2 LEGISLATOR FORD: Thank you Chief
3 Tusa for your presentation. I'm just quickly
4 scanning through all this. I do appreciate
5 all the work that all of your members do.
6 Whether or not they're the fire marshals going
7 out investigating, also of course with the
8 training and stuff like that they really are
9 dedicated professionals and I appreciate all
10 the hard work they do.

11 Because it's always my lament every
12 year with the fire marshal that it always seem
13 to be reduction rather than an increase of
14 personnel.

15 I look on page 471 that last year I
16 guess they had proposed five fire marshal
17 trainees but they're not in this year's
18 budget. And then also with the fire marshal,
19 fire marshal two we're going from five to
20 four. Then everything else at least
21 thankfully stays constant. But there is no
22 increase but there is a decrease.

23 Are these the fire marshals that
24 would go out like say if I was going to open
25 up a business that they would go out and do

1 Full - 10-14-20

2 the inspection to make sure that they comply
3 with all the fire codes? Or am I thinking
4 something different?

5 MR. TUSA: You are correct. Last
6 year we were unable to bring on the trainees.
7 We were kind of held up in flux because, I
8 heard it mentioned earlier as one of the other
9 departments, we were without a list for fire
10 marshal three, which is a division
11 supervisor. Also, the assistant chief fire
12 marshal list had expired. Both of those lists
13 the results just came out I think a month ago,
14 six weeks ago, and we are in the process now
15 of getting ten or 11 promotions approved for
16 the fire marshal. Both of them. The fire
17 marshal and I believe two are for fire
18 communications. That's a step in the right
19 direction to get our promotions done. We were
20 lacking severely in supervisory staff. We
21 will be almost up to 100 percent for our
22 supervisory staff with these promotions.

23 We are a small department. We
24 can't bring a whole lot of people in at once
25 and these promotions are a whole new training

1 Full - 10-14-20

2 process for these people who are going to get
3 promoted.

4 I have spoken to OMB and the groups
5 of fire marshals that we have hired over the
6 last couple of years, the second group just
7 came off of probation. The third group will
8 come off of probation in June. The group that
9 just finished their training, businesses are
10 open, they will becoming revenue-generating
11 fire marshals. I'm hoping that my revenue
12 might take an uptick next year and afford us
13 the ability to hire more trainees on the
14 bottom.

15 LEGISLATOR FORD: Sometimes I
16 always feel like you guys don't have enough
17 for yourselves. I know the wonderful job that
18 you do. It's like you're always reluctant to
19 ask for too much. So I always look to see
20 whether or not can we sort of help you along
21 and make the case for you. I'm glad that you
22 explained that. So civil service did not send
23 out the test so that you could establish a new
24 list?

25 MR. TUSA: The test we normally

1 Full - 10-14-20

2 take are in the fall. The guys took them last
3 fall and they generally come out around March
4 or April. I think when the state shut down
5 that put a kibosh on the grading of the exams
6 and we only just recently got the test scores
7 back.

8 LEGISLATOR FORD: Perfect. Thank
9 you very much. Anyone else? I think this is
10 it. I thank you very much. Keep up the good
11 work and stay healthy.

12 I think that we will close the
13 hearing on the public safety budget. Thank
14 you very much.

15 (Hearing concluded at 7:05 p.m.)

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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 22nd day of
October 2020

FRANK GRAY