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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 PUBLIC SAFETY COMMITTEE

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13 LEGISLATOR DENISE FORD

14 CHAIR

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16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 June 14, 2021

23 1:57 P.M.

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

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4 LEGISLATOR DENISE FORD

5 Chair

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7 LEGISLATOR STEVEN RHOADS

8 Vice Chair

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10 LEGISLATOR VINCENT MUSCARELLA

11

12 LEGISLATOR JOHN FERRETTI

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14 LEGISLATOR DELIA DERIGGI-WHITTON

15 Ranking member

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17 LEGISLATOR SIELA BYNOE

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19 LEGISLATOR DEBRA MULE

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2 LEGISLATOR RHOADS: Call the
3 members of the Public Safety Committee to
4 order. I'll call the roll. Debra Mule.

5 LEGISLATOR MULE: Here.

6 LEGISLATOR RHOADS: Siela Bynoe.

7 LEGISLATOR BYNOE: Here.

8 MR. PULITZER: Ranking Member
9 Delia DeRiggi-Whitton.

10 LEGISLATOR DERIGGI-WHITTON:
11 Here.

12 LEGISLATOR RHOADS: Legislator
13 John Ferretti.

14 LEGISLATOR FERRETTI: Here.

15 LEGISLATOR RHOADS: Vincent
16 Muscarella.

17 LEGISLATOR MUSCARELLA: Here.

18 MR. PULITZER: I'm here as vice
19 chairman and Denise Ford, our chairperson.

20 LEGISLATOR FORD: Here.

21 LEGISLATOR RHOADS: Thank you.

22 We have a quorum. There are seven items on
23 our main agenda today and we have one item on
24 addendum which are clerk items number 177-21,
25 184-21, 195-21, 196-21, 198-21, 199-21 and

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2 205-21.

3 First item on our agenda is clerk
4 item 177-21 which is a local law to amend the
5 miscellaneous laws of Nassau County in
6 relation to the imposition of a public safety
7 and driver responsibility fee for violations
8 issued pursuant to Title 86 thereof.

9 May I have a motion. Motion by
10 Legislator Ferretti. Seconded by Legislator
11 DeRiggi-Whitton. The item is now before us.

12 This is a majority-sponsored item.
13 Clerk item 177-21 is a proposed local law that
14 prohibits Nassau County from imposing its
15 existing public safety fee, which is \$55, and
16 driver responsibility fee, which is \$45, on
17 tickets that are issued pursuant to the
18 county's demonstration program which imposes
19 monetary liability on owners of vehicles that
20 illegally pass a school bus while its stop arm
21 is deployed and equipped with recording
22 equipment that captures vehicles engaging in
23 such illegal activity.

24 The rationale behind this is that
25 the penalties themselves that have been

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2 imposed for this violation are \$250 for a
3 first violation, \$275 for a second violation
4 committed within 18 months of the first and
5 \$300 for violations committed within 18 months
6 of the first violation and are already a
7 deterrent for drivers to stop at school buses
8 when the stop arm is deployed. For this
9 demonstration program we believe that an
10 additional \$100 fee, which would be the \$55
11 public safety fee and the \$45 driver
12 responsibility fee, would be excessive and
13 unnecessary.

14 Of course, the safety of children
15 in Nassau County is our top priority, which is
16 why the legislature approved the program that
17 allows school districts to install cameras on
18 school bus stop arms. However, this interest
19 of the legislature is sufficiently met by the
20 existing high penalties.

21 Is there any debate or discussion?
22 Is there any public comment? We will move to
23 a vote. All those in favor of clerk item
24 177-21 please signify so by saying aye. Those
25 opposed say nay. The item is agreed to and

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2 passes on to Rules.

3 Next on our agenda is clerk item
4 184-21. 184-21 is an ordinance supplemental
5 to the annual appropriation ordinance in
6 connection with the police department. Do we
7 have someone here from the police department.

8 Moved by Legislator Ferretti and
9 seconded by Legislator Bynoe. That item is
10 now before us. Now do we have someone from
11 the police department?

12 MR. FIELD: Good afternoon
13 William Field, deputy inspector from the
14 police department.

15 LEGISLATOR RHOADS: Welcome.
16 Thank you.

17 MR. FIELD: Item 184-21 is a
18 supplemental appropriation from the 2021
19 Surveillance Apprehension Vehicle Enforcement
20 program grant. It's the SAVE grant in short.
21 It appropriates \$145,869. This program is
22 used to enhance law enforcement efforts and
23 assigns police officers and detectives on an
24 overtime basis to identify and arrest persons
25 wanted for vehicle crime, vehicle theft and

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2 vehicle insurance fraud. That's all I have.

3 LEGISLATOR RHOADS: Do we have

4 any questions from the legislators?

5 Legislator DeRiggi-Whitton.

6 LEGISLATOR DERIGGI-WHITTON:

7 Thank you. How do you determine where you're

8 going to be allocating these resources?

9 MR. FIELD: So, the money is
10 allocated -- the funds come in. We then
11 distribute the funds to the officers or
12 detectives that are most -- that are best for
13 that we think will best promote the efficiency
14 and effectiveness of the grant I guess is the
15 best way of doing it.

16 LEGISLATOR DERIGGI-WHITTON: Do
17 you have like a particular part of Nassau
18 County that you're going to be focusing on?
19 How do you decide what areas to focus on?

20 MR. FIELD: We'll generally put
21 it towards where ever I guess some of our
22 investigations and intelligence leads us to in
23 order to best use the resources. This grant
24 also allows for -- there is some equipment
25 allowed in the grant as well. So it's not all

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2 overtime but the majority is overtime.

3 LEGISLATOR DERIGGI-WHITTON: I
4 know different areas, I know Sea Cliff has a
5 problem with people just trying the door and
6 opening it up. I just didn't know if you have
7 any way of determining what are the hot spots
8 for this type of crime.

9 MR. FIELD: That's always how we
10 generally try to allocate our resources is to
11 intelligence-led policing. To direct them to
12 locations that we feel will help deter and
13 stop the crime and for this specific one, auto
14 crime and insurance fraud, things of that
15 nature.

16 LEGISLATOR DERIGGI-WHITTON:
17 Thank you.

18 LEGISLATOR RHOADS: Any other
19 questions from the legislators? Deputy
20 Inspector the amount of grant is we have it as
21 \$145,869; is that correct?

22 MR. FIELD: Yes, I'm sorry if I
23 misspoke.

24 LEGISLATOR RHOADS: Not a
25 problem. Is there any debate or discussion?

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2 Is there any public comment? All those in
3 favor of item 184-21 please signify so by
4 saying aye. Those opposed say nay. The ayes
5 have it and item is agreed to and referred to
6 Finance.

7 Next item on the agenda is clerk
8 195-21, which is an ordinance supplemental to
9 the annual appropriation ordinance in
10 connection with the Office of Emergency
11 Management.

12 I have a motion by Legislator
13 Mule. Seconded by Legislator Muscarella.
14 That item is now before us. Do we have
15 someone from the Office of Emergency
16 Management?

17 MR. DELANEY: Thomas Delaney,
18 Emergency Management.

19 LEGISLATOR RHOADS: Welcome.

20 MR. DELANEY: This is a \$50,000
21 supplemental appropriation. The funding comes
22 from New York State passed through FEMA. New
23 York state takes 25 percent of the Homeland
24 Security grant funds and has set aside money
25 for their administrative and other purposes.

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2 Of that they create targeted grants. This is
3 one of them. So, the cyber security grant is
4 aimed at exactly that, helping to promote
5 cyber security within our jurisdictions.

6 LEGISLATOR RHOADS: Do we have
7 any questions from legislators? No
8 questions. Thank you very much. I appreciate
9 it. Any debate or discussion? Is there any
10 public comment? All those in favor of clerk
11 item 195-21 please signify so by saying aye.
12 Those opposed say nay. The item is agreed to
13 and is referred to Finance.

14 Clerk item 196-21 is an ordinance
15 supplemental to the annual appropriation
16 ordinance in connection with the Office of
17 Emergency Management. We have a motion by
18 Legislator DeRiggi-Whitton. Seconded by
19 Legislator Ferretti. And Mr. Delaney, if you
20 can speak on this item as well.

21 MR. DELANEY: This is also a
22 targeted grant under the same FEMA just
23 described. It's for \$75,000. This one is
24 going to target our Nassau County fire
25 service, tactical rescue teams that exist

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2 within our fire service. It's going to
3 provide training for them and some equipment
4 purchases.

5 LEGISLATOR RHOADS: How is the
6 training going to be done?

7 MR. DELANEY: We're going to
8 contract with VEEB for specialized classes and
9 structural collapse rescue.

10 LEGISLATOR RHOADS: Any other
11 questions from legislators? Is there any
12 debate or discussion? Any public comment?
13 Seeing none, we will move to a vote. All
14 those in favor of item 196-21 please signify
15 so by saying aye. Those opposed say nay.
16 That item is agreed to and referred to
17 Finance. Thank you Mr. Delaney.

18 Next we have clerk item 198-21,
19 which is an ordinance supplemental to the
20 annual appropriation ordinance in connection
21 with the fire commission. We have a motion by
22 Chairwoman Denise Ford. Seconded by
23 Legislator Mule. That item is now before us.
24 Do we have someone here from the fire
25 commission?

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2 MR. PILCZAK: Good afternoon,
3 Bohdan Pilczak, division supervisor from the
4 fire marshal's office.

5 This item before you is for the
6 appropriation of New York State targeted
7 hazmat grants to our office, the Nassau County
8 Fire Service and the police department. It's
9 \$94,000 which will go towards equipment and
10 training to enhance our capabilities in the
11 region.

12 LEGISLATOR RHOADS: Do we have
13 any questions from legislators? Legislator
14 Bynoe.

15 LEGISLATOR BYNOE: Hi. Good
16 afternoon. So, some of this funding goes
17 towards like air quality when you talk about
18 hazmat?

19 MR. PILCZAK: So, some of this
20 funding will be put towards specialized meters
21 that we can use for air quality testing and
22 metering at a variety of different scenes.

23 LEGISLATOR BYNOE: Because that
24 was quite a concern when we had the Jamaica
25 ash fire in that area.

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2 MR. PILCZAK: Yes. And some of
3 the equipment that was used at the Jamaica ash
4 fire was purchased with grant funds from
5 previous years. So this will supplement that
6 equipment as well.

7 LEGISLATOR BYNOE: That type of
8 scene are there multiple air quality control
9 mechanisms in the area or is it just one?

10 MR. PILCZAK: So, depending on
11 the scene, like that one in question, we have
12 a hazmat team that goes out and we will deploy
13 our equipment, our meters throughout the
14 area. We'll make sure that we set up
15 perimeter and check the surrounding areas as
16 well during the entire scene. Then at the
17 conclusion of the scene make sure everything
18 is safe before we leave.

19 LEGISLATOR BYNOE: Thank you.
20 It's only at that point if the meter reads
21 positive that we would engage with the state
22 or --

23 MR. PILCZAK: If the meter reads
24 positive we would ourselves here in Nassau
25 County do something to attempt to mitigate

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2 that situation. It could be anything from
3 shelter in place to evacuation notices to
4 potentially, if we have the ability, we'll try
5 to stop the problem ourselves.

6 LEGISLATOR BYNOE: Thank you for
7 all that you did during that emergency. I was
8 in contact with your department and it was
9 very much appreciated and I think we were able
10 to kind of help some of the residents feel a
11 lot more comfortable. Thank you very much.

12 MR. PILCZAK: Thank you.

13 LEGISLATOR RHOADS: Thank you
14 Legislator Bynoe. Any other questions from
15 legislators? Any debate or discussion? Any
16 public comment? Seeing none, we will move to
17 a vote. All those favor of clerk item 198-21
18 please signify so by saying aye. Those
19 opposed say nay. The item is agreed to and
20 referred to Finance.

21 Clerk item 199-21 is an ordinance
22 supplemental to the annual appropriation
23 ordinance in connection with the office of the
24 medical examiner. We have a motion by
25 Legislator DeRiggi-Whitton. Seconded by

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2 Chairwoman Ford. That item is now before us.

3 Do we have someone from the office of the
4 medical examiner?

5 MS. DOOLING: Karen Dooling,
6 crime laboratory.

7 LEGISLATOR RHOADS: Good
8 afternoon. Welcome.

9 MS. DOOLING: This is a New York
10 State Division of Criminal Justice Services
11 grant. It's for the aids crime lab program.
12 It's in the amount of \$504,885. It is a
13 no-match program. It supports our
14 accreditation program. We purchase supplies,
15 equipment, calibrations for laboratory
16 instrumentation and a small amount of
17 overtime.

18 LEGISLATOR RHOADS: Do we have
19 any questions from the legislators?
20 Legislator DeRiggi-Whitton.

21 LEGISLATOR DERIGGI-WHITTON: How
22 is the lab coming along? What percentage of
23 capacity or how much work are you doing inside
24 now? In-house?

25 MS. DOOLING: The lab is coming

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2 along very nicely. It's hard to realize with
3 the bail reform where we will be at because
4 COVID kind of slowed things down. But we seem
5 to be keeping up with the work right now. At
6 the end of this year we should be putting in
7 an application for accreditation for our
8 firearms discipline, which is very exciting.

9 LEGISLATOR DERIGGI-WHITTON: Good
10 news. Thank you.

11 LEGISLATOR RHOADS: All those in
12 favor of clerk item 199-21 please signify so
13 by saying aye. Those opposed please say nay.
14 The item is agreed to and referred to
15 Finance.

16 Finally, on the main agenda, we
17 have clerk item 205-21 which is an ordinance
18 supplemental to the annual appropriation
19 ordinance in connection with the office of the
20 district attorney. Motion by Mr. Muscarella.
21 Seconded by Mr. Ferretti. That item is now
22 before us. Do we have someone from the DA's
23 office?

24 MR. MCMANUS: Bob McManus,
25 district attorney's office.

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2 LEGISLATOR RHOADS: Welcome Mr.
3 McManus.

4 MR. MCMANUS: Thank you. Item
5 205-21 is a supplemental appropriation for the
6 Aid to Prosecution grant program. The
7 district attorney's office has been the
8 recipient of this grant for over 20 years.
9 Grant funding is used to support the
10 prosecution of repeat violent offenders and
11 serious felony offenders as defined by penal
12 law 70 by maintaining a staff of highly
13 experienced prosecutors who focus on such
14 cases in order to achieve convictions and
15 maximum sentences.

16 LEGISLATOR RHOADS: Thank you.
17 Do we have any questions from the
18 legislators? Seeing none, do we have any
19 debate or discussion? Any public comment?
20 Move to a vote. All those in favor of clerk
21 item 205-21 please signify so by saying aye.
22 Those opposed say nay. Clerk item 205-21 is
23 agreed to and referred to Finance. Thank
24 you.

25 We will move on to addendum. We

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2 have two items on the addendum, clerk item
3 212-21 and 215-21. We'll tackle 212 first.
4 That is a local law to amend -- we will
5 entertain a motion to suspend the rules. We
6 have a motion by Legislator Bynoe. Seconded
7 by Legislator Ferretti. All those in favor of
8 suspending the rules please signify so by
9 saying aye. Those opposed say nay. The rules
10 are suspended.

11 So now we have clerk item 212-21
12 which is a local law to amend Title 86 of the
13 miscellaneous laws of Nassau County, as added
14 by local law 19-2019 in relation to changing
15 to 60 days the period that a written warning
16 will be issued in lieu of a notice of
17 liability following commencement of the school
18 bus photo violation demonstration program.

19 We have a motion by Legislator
20 Ferretti. Seconded by Legislator Mule. That
21 item is now before us. Do we have someone
22 here from the administration to speak upon the
23 item?

24 MR. RICH: David Rich, Traffic
25 Parking Violations Agency.

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2 LEGISLATOR RHOADS: Welcome.

3 MR. RICH: Thank you. The local
4 law would change from 30 days to 60 days the
5 public education period at the beginning of
6 the operation of the county's school bus photo
7 violation monitoring program.

8 LEGISLATOR RHOADS: Just one
9 question. Is there a reason why we cannot
10 extend that further than 60 days?

11 MS. HORST: Katie Horst from the
12 administration. Are you asking legally if we
13 can extend it past 60 days?

14 LEGISLATOR RHOADS: The question
15 is we picked the 60-day window. Is there a
16 particular rational behind the 60 days or is
17 there a reason why we couldn't extend it?

18 MS. HORST: I think we were being
19 consistent with what Suffolk did in their
20 program rolling it out which is a 60-day
21 period. That doesn't mean that we can't go
22 beyond those 60 days if we find that it's
23 warranted. But they had just entered their
24 finding -- when we put this before you or when
25 we put the contract before you they were just

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2 entering, they were just starting to issue
3 violations.

4 LEGISLATOR RHOADS: Again, just
5 if you can, refresh my recollection. When do
6 we plan on having our program implemented?

7 MS. HORST: We were hoping for
8 September but the contract is still with you.
9 So, we're not sure we're able to make that
10 September date. It's with the IG.

11 LEGISLATOR RHOADS: It is with us
12 but we're waiting on the IG's report?

13 MS. HORST: Correct.

14 LEGISLATOR RHOADS: Just to
15 clarify. So, now we're looking at, even
16 assuming that it was September, we're looking
17 at an actual date of November or December the
18 earliest that even if we were able to go into
19 the warning program before anyone would
20 receive a ticket of consequence?

21 MS. HORST: Correct.

22 LEGISLATOR RHOADS: Do we have
23 any questions from legislators? Legislator
24 Ferretti.

25 LEGISLATOR FERRETTI: Hi

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2 Mr. Rich. I kind of had this question last
3 time but I don't think there was really an
4 answer at the time and I think you were still
5 going to look into it. Assuming that a
6 district does not opt in right off the bat, if
7 they choose to opt in down the road, whether
8 it be two, three months after the program is
9 enacted, would this 60-day grace period apply
10 to that district?

11 MR. RICH: Legally yes.
12 Operationally not yet. The vendor still
13 has -- they're looking into doing enhancements
14 so that way they can have districts that may
15 share the same bus opt in at different times.
16 Right now it's not technologically feasible
17 but they do know that's one of our high
18 priority enhancements.

19 LEGISLATOR FERRETTI: When you
20 say legally yes, are you saying that this bill
21 would require a 60-day grace period for any
22 district that opts even after the enactment of
23 the program?

24 MR. RICH: Yes. We think that
25 feasibly we would be able to do the 60 days

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2 per school district.

3 LEGISLATOR FERRETTI: Just for
4 clarity because I want to make sure we're
5 completely on the same page. If district Y
6 opts in from the beginning but then district X
7 says we don't want to start September of 2021
8 we want to start in January of 2022. District
9 X, who starts in January of 2022, would get 60
10 days from January of 2022 for the grace period
11 and then sometime in March the actual fees
12 would hit? That's basically --

13 MS. HORST: We're still trying --
14 the technology is not there for that yet. But
15 we're still looking to be able to do that,
16 yes.

17 LEGISLATOR FERRETTI: I guess if
18 the technology is not there how will we be
19 sure it will be there? If the bill requires
20 that, how are we ensured that we will be able
21 to roll out this program in accordance with
22 the bill if the technology is not there?

23 MS. HORST: Our goal is to have
24 every school district on board when we roll
25 this out.

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2 LEGISLATOR FERRETTI: That's
3 great. I support this bill and I support the
4 program. So I hope so too. But I've also had
5 discussions with some school districts in my
6 district and they're not on board with it. At
7 least for now.

8 MS. HORST: We haven't engaged,
9 more than the survey, we have not engaged or
10 started negotiating with the school districts
11 to put the cameras on their buses and get
12 their bus contract vendors on board either.
13 Those are all discussions that have to take
14 place once the contract is approved.

15 LEGISLATOR FERRETTI: I
16 understand. But I go back to my question of
17 if that's what this requires, it requires a
18 60-day grace period from when the actual
19 district opts in, which I think we're on the
20 same page, that's how it should be, if the
21 technology isn't there how do you do that?

22 MS. HORST: I'll have to get back
23 to you. I don't know what you're saying is
24 exactly what the law as written is saying. I
25 think it might be gray in that area.

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2 LEGISLATOR FERRETTI: Is that the
3 intent of the administration though for that
4 to be the case where 60 days grace period for
5 the district as of when it opts in?

6 MS. HORST: I believe so. Yes.

7 LEGISLATOR FERRETTI: But we're
8 not sure if that's what's written in the
9 bill?

10 MS. HORST: I didn't draft the
11 bill. That's my interpretation.

12 LEGISLATOR FERRETTI: Thanks.

13 LEGISLATOR RHOADS: Any other
14 questions from legislators? Any debate or
15 discussion? Legislator Ferretti.

16 LEGISLATOR FERRETTI: I'm going
17 to support this here in the committees but
18 specifically that question I would like an
19 answer before we vote on the full
20 legislature.

21 LEGISLATOR RHOADS: Any other
22 debate or discussion? Any public comment?
23 Hearing none, all those in favor of clerk item
24 212-21 please signify so by saying aye. Those
25 opposed say nay. The ayes have it. The item

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2 is agreed to and is referred to Finance.

3 We move on to clerk item 215-21,
4 which is resolution approving an amendment via
5 a memorandum of understanding to the
6 collective bargaining agreement between the
7 county of Nassau and the Nassau County Police
8 Benevolent Association.

9 We have a motion by Legislator
10 Bynoe. Seconded by Legislator Muscarella.
11 That item is now before us. Do we have
12 someone here from the administration?

13 MS. FOX: Good afternoon. Deputy
14 County Executive Tatum Fox. Good afternoon
15 Chairwoman Ford, Vice Chairman Rhoads and
16 fellow legislators.

17 Item 215-21 is a memorandum of
18 agreement between the county and the PBA
19 related to the county's implementation of the
20 body worn camera program.

21 In line with the pattern
22 established in the agreement with the SOA,
23 each active PBA member shall receive \$3,000
24 annually over 26 pay periods. The PBA has
25 agreed to withdraw the pending PERB action.

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2 County anticipates commencing the
3 program this fall on or about September 30th
4 with full implementation by December 31st,
5 2021. Currently there are approximately 1700
6 police officers on board and approximately 350
7 SOA members. Any questions?

8 LEGISLATOR RHOADS: I've got a
9 couple. Am I correct in my understanding that
10 the reason that we have the memorandum of
11 understanding is because this had to be
12 negotiated through collective bargaining?

13 MS. FOX: The stipend had to be
14 negotiated but not the actual program itself.

15 LEGISLATOR RHOADS: With respect
16 to the body camera program, the memorandum of
17 understanding is rather simple with respect to
18 the stipend. However, with respect to police
19 reform, obviously the rules regarding the
20 implementation of the body camera program were
21 a lot more extensive.

22 MS. FOX: Absolutely. And the
23 department and the administration are working
24 with the unions and the police department's
25 meeting. They're having stakeholder

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2 meetings. So there's a lot of input from
3 everyone involved on the implementation.

4 LEGISLATOR RHOADS: On the
5 stipend end then, the stipend would only begin
6 when the program is actually implemented,
7 correct?

8 MS. FOX: Correct.

9 LEGISLATOR RHOADS: When would we
10 expect receiving the rules on how the body
11 camera program is actually going to run?

12 MS. FOX: I'm actually going to
13 turn the microphone over to First Deputy
14 Commissioner Kevin Smith.

15 LEGISLATOR RHOADS: Thank you.
16 Deputy Commissioner welcome.

17 MR. SMITH: Kevin Smith, deputy
18 police commissioner. In regards to your
19 question, basically we are in a draft form of
20 having the protocols for the use of the body
21 worn camera. It's gone through several drafts
22 already. We've been using Mike Balboni's firm
23 as well to see different policies around the
24 country, IACP, as well as New York City. I
25 don't think our policy will be much of a

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2 departure from New York City other than the
3 way we have different policing styles in that
4 they use a turn out version. We use a turn
5 out in the street type of version when we
6 change shifts. I think a lot of it will be
7 the same. I don't think it will be very
8 complicated. As I said, it's in draft form
9 now with revisions probably taking place every
10 other week until we get the product that we
11 want.

12 LEGISLATOR RHOADS: When
13 ultimately there's a policy that's put in
14 place will that be subject to legislative
15 review? How would it actually be
16 implemented?

17 MS. FOX: While we would be happy
18 to share it with the legislature, policies and
19 procedures don't go to the legislature for
20 approval.

21 LEGISLATOR RHOADS: With respect
22 to those policies and procedures is there any
23 opportunity for public input or no?

24 MS. FOX: Those are the meetings
25 that the police department will be having,

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2 will have the advisor, Michael Balboni is the
3 advisor, that's his task, is to get community
4 input, public input, district attorney input,
5 department input.

6 LEGISLATOR RHOADS: You had
7 reference stakeholder input. That's how it's
8 being done?

9 MS. FOX: Yes, sir.

10 LEGISLATOR RHOADS: Through
11 Michael Balboni's firm. Okay. Do we know how
12 many of those meeting have been scheduled?

13 MS. FOX: I don't as I stand here
14 but we can definitely get you that schedule.
15 Commissioner Smith can add to that too.

16 MR. SMITH: I had a discussion
17 with Mike Balboni today in that we were
18 talking about the policy and the other thing
19 we were talking about is bringing the
20 information to the public about what we're
21 going to do and having stakeholder meetings.

22 He is working embarking right now
23 on probably our pilot if you will, will
24 probably take place in the Eighth Precinct.
25 What he's going to do is contact community

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2 leaders in the Eighth and let them know how we
3 are going to roll out this program and ask for
4 comments and concerns that they might have
5 about that program. Which, of course, might
6 cause us to take different veins in terms of
7 the draft itself.

8 LEGISLATOR RHOADS: Of course,
9 Deputy Commissioner Smith, some of the items
10 that are going to be covered as part of that
11 policy would be when those cameras are
12 actually activated?

13 MR. SMITH: That's correct.

14 LEGISLATOR RHOADS: Does the
15 officer have control of the camera?

16 MR. SMITH: The officer does.
17 The officer has the ability to turn it on and
18 turn it off. And will have to go through a
19 training period to let him know -- I'm not
20 sure how lengthy the training block will be at
21 this point -- but he will go through all of
22 the protocols that we put in place and be
23 trained when to put it on, when to turn it
24 off, under what circumstances it's essential,
25 under what circumstances if something were to

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2 go wrong how to report that and a slew of
3 other items as well.

4 LEGISLATOR RHOADS: So they'll be
5 training on, for example, dealing with
6 children in a domestic incident when or not
7 that camera would be operated?

8 MR. SMITH: Yes, sir.

9 LEGISLATOR RHOADS: Again, that's
10 all subject to those stakeholder meetings as
11 well?

12 MR. SMITH: That will play a part
13 in it. Right now we have I think a pretty
14 extensive draft but that certainly will play a
15 part in it. If adjustments need to be done we
16 will take that into consideration.

17 LEGISLATOR RHOADS: I appreciate
18 your answers. Thank you Deputy Commissioner.
19 Thank you Deputy County Executive Fox. Are
20 there other questions from legislators?
21 Legislator Bynoe.

22 LEGISLATOR BYNOE: Thank you
23 Vice-chair Rhoads. Good afternoon. I'm sorry
24 Deputy Commissioner, did you say that the
25 pilot would be in the Eighth Precinct?

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2 MR. SMITH: We're looking at the
3 Eighth Precinct right now for a variety of
4 reasons. It's pretty much a precinct that
5 calls for service are kind of moderate. I
6 would say it's not a lot or not too many. The
7 close proximity to our fleet service bureau
8 plays a part in that if equipment needs to be
9 installed in the cars it's close, the venue is
10 close to have that done. It could probably be
11 done during working hours in fleet service.
12 There's a variety of reasons that we're
13 looking at.

14 The manpower in the Eighth Precinct
15 is about 17 cars during the day, 18 at night.
16 We want to get a moderate look at how the
17 system's going to work and get out all the
18 kinks in that precinct before we move it along
19 to the other precincts.

20 LEGISLATOR BYNOE: That's
21 interesting because I believe the litigation
22 that was birthed out of the PBA was based on
23 pilots that would have run in I think it was
24 the First, the Fourth, maybe the Third, some
25 other precincts. I just find it odd that we

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2 would be going to the Eighth Precinct.

3 MR. SMITH: I can't speak to
4 that. I can only really just tell what I told
5 you in terms of how we looked at it, how we
6 assessed that precinct as being probably the
7 optimal place to start.

8 LEGISLATOR BYNOE: I'm not
9 actually asking you to speak on it. I'm just
10 registering my concern that we're starting at
11 the Eighth Precinct as opposed to the
12 precincts that were earlier identified as
13 pilots under the previous administration.

14 So, I'd like to maybe ask a couple
15 of questions about or just ask an open
16 question regarding what are the outstanding
17 issues related to rolling out this body worn
18 camera program?

19 MR. SMITH: In terms of the
20 camera itself, I don't think it's a hard sell
21 to get someone to wear the cameras. That's
22 first of all. What we've seen around the
23 nation is that there's a training curve.
24 There's going to be a training curve. And
25 putting them on, putting them is muscle memory

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2 just like going for a taser or going for your
3 weapon. It's going to take the officers
4 getting used to the fact that they're going to
5 have to hit something probably in the middle
6 mass of their body to turn it on and then to
7 turn it off at the appropriate moments as well
8 and not have it constantly running. If we
9 have it constantly running battery life would
10 be compromised severely. But there's more to
11 it. There's hardware. There's training.
12 There's procedures. There's protocols. And
13 that's only one step.

14 After that there's getting it up to
15 the cloud for storage purposes. There's
16 vehicle equipment that has to be installed to
17 determine if we're going to use certain items
18 in a vehicle. The station house prep as
19 well. There's going to be programs that will
20 have to be put into computers so that officers
21 can see the fruits of their labor, their video
22 to enhance their investigations and items like
23 that.

24 So there's multiple things.
25 There's ancillary services that will take

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2 place also in having the firms themselves,
3 like Island Tech, which is going to be helping
4 us, they'll be connecting and installing to
5 our systems. They'll be consulting for us.
6 They'll help with setups. They'll be training
7 our trainers how to use the cameras until we
8 get to the point where we can have our own
9 officers teach officers how to use the camera,
10 under what circumstances, under what protocols
11 etcetera. So there's a lot to it.

12 There's also kind of what I've been
13 calling kind of a back room but it's our intel
14 service where all that video is going to feed
15 into. That video will be placed in an area so
16 that it can be looked at to be able to be
17 delivered to court, to the attorney general,
18 for other investigations etcetera for the
19 other purposes that we might need video.

20 LEGISLATOR BYNOE: So you
21 mentioned equipment in the vehicles. Are we
22 talking about dash cams or are we talking
23 about hardware?

24 MR. SMITH: No one has ever
25 talked about dash cams in this program. We've

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2 always talked about the body worn camera. The
3 camera that will sit in center mass of an
4 officer on his person.

5 LEGISLATOR BYNOE: Thank you
6 Deputy Commissioner. Just give me a second.
7 I was going to ask another part to that
8 question. I was asking whether we were
9 talking about cameras in the vehicle or are we
10 talking about hardware that is going to have
11 to interface with the body worn camera?

12 MR. SMITH: As we go along in
13 this process we're learn what we can use and
14 what we can't use. There may be just a simple
15 wire connection to that camera to keep the
16 battery fresh and keep it charged. Or we
17 might decide to go with kind of a hard wired
18 battery charger as well.

19 So, there are different things that
20 we're looking as we go along in the process
21 we're deciding kind of what we need and what
22 we can do without.

23 Right now when it comes to the
24 wiring system and keeping the battery fresh we
25 are giving each officer basically his own

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2 camera. They're going to get a take home
3 battery charging unit, which also has the
4 battery -- the camera itself has an internal
5 camera and battery, but it also has an
6 external battery. So if that battery starts
7 to lose life you can attach an external
8 battery which will give the camera new life
9 and keep it fresh for hopefully for the entire
10 12 hours plus of their tour.

11 LEGISLATOR BYNOE: So while it's
12 sitting on their body in the event that it
13 starts to run low there's an attachment that
14 they can --

15 MR. SMITH: Much the way you
16 charge your iPhone there will be a similar
17 wire that does that in the car.

18 LEGISLATOR BYNOE: Then you
19 talked about uploading the information that
20 they capture on the camera to a cloud. That's
21 something that the officer would be required
22 to push up to the cloud?

23 MR. SMITH: That's correct. That
24 officer will be required to do it, but right
25 now they'll probably be required to do it at a

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2 station house or a facility otherwise
3 designated where there will be the proper
4 equipment for him to do that.

5 LEGISLATOR BYNOE: So, I suspect
6 like the time frame to which one would have to
7 upload this information into the cloud or the
8 requirement for them to charge this device at
9 home those are some of the things that are
10 being discussed in impact negotiations; is
11 that correct?

12 MR. SMITH: Not to my knowledge.

13 LEGISLATOR BYNOE: I'm trying to
14 understand what would be negotiated in terms
15 of impacts to the officer in terms of their
16 responsibilities for wearing this camera.
17 What are those outstanding items that are
18 currently being addressed?

19 MR. SMITH: My understanding is
20 that their responsibility will be to wear the
21 camera. Their responsibility will be to take
22 the camera home with them since it's a
23 personal issued camera and have it charged and
24 ready to go. Both the camera itself and the
25 external battery that can be attached later on

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2 if needed. It will be their responsibility to
3 come to work with those batteries charged at
4 the beginning of their tour.

5 LEGISLATOR BYNOE: I suspect it
6 also is when they can turn the camera on and
7 off. That has to some of the discussions
8 that's happening at the impact negotiation
9 table. Maybe Tatum can better answer some of
10 those questions that I'm asking.

11 MS. FOX: Yes to all of your
12 questions. Those would be the discussions
13 that deal with impact.

14 LEGISLATOR BYNOE: What are the
15 other items that are bubbling up at that
16 table?

17 MS. FOX: I have not been there
18 yet since the agreement was just signed. I
19 can let you know but you pretty much hit the
20 ones that I would identify as well as things
21 that would be brought up.

22 LEGISLATOR BYNOE: Because
23 earlier on there was a question about the
24 program having to be negotiated versus the fee
25 being negotiated. But all of these items have

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2 to be negotiated?

3 MS. FOX: For impact, yes.

4 LEGISLATOR BYNOE: So there is a
5 part of the program that has to be
6 negotiated?

7 MS. FOX: One caveat is you can
8 still implement while you're having those
9 impact negotiations. They run parallel.

10 LEGISLATOR BYNOE: Very good. I
11 had a question in the item. I just wanted to
12 get an idea of what would be extenuating
13 circumstances when an officer would not be
14 wearing the camera, therefore not receiving
15 the \$3,000?

16 MS. FOX: Most obvious to me
17 would be if you were suspended.

18 LEGISLATOR BYNOE: Or out sick
19 for any length of time or administrative
20 leave?

21 MS. FOX: Administrative leave.
22 Line of duty. That might be different because
23 207C there's no diminution of your salary if
24 you're in line of duty injury. So, that's an
25 example of where they may still receive it.

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2 LEGISLATOR BYNOE: But there
3 shouldn't be any extenuating circumstances
4 when an officer is fully deployed and able
5 bodied?

6 MS. FOX: That's absolutely
7 right.

8 LEGISLATOR BYNOE: At some point
9 I think we should clarify that in a later
10 document that would be a part of I guess the
11 full negotiated package that is really related
12 to health or status, work status, correct?

13 MS. FOX: That's right.

14 LEGISLATOR BYNOE: Then we're
15 going to have to have additional personnel as
16 it relates to this program and if you could
17 talk a little bit about that. I'm just asking
18 if either one of you can shed some light on
19 that.

20 MS. FOX: I'll turn it to
21 Commissioner Smith but there will be a body
22 camera unit.

23 MR. SMITH: So, the body camera
24 unit will be part of our intel bureau. It
25 will have four sergeants who will supervise

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2 the unit. My understanding is that now we're
3 looking at somewhere in the neighborhood of 13
4 or 14 intel analysts that will be hired to
5 work with the program.

6 LEGISLATOR BYNOE: They'll be
7 working I guess directly also with the courts
8 as this is --

9 MR. SMITH: That's correct. They
10 will prep video, make it ready for subpoena
11 purposes or anything else that's needed, FOIL
12 requests, in working with the district
13 attorney's office, attorney general, whoever
14 might that be.

15 LEGISLATOR BYNOE: Thank you for
16 your time. I appreciate it.

17 LEGISLATOR RHOADS: Any other
18 questions from legislators? I do have one or
19 two follow-ups. Just so I'm clear on my
20 understanding now, there will be a portion of
21 this that comes back to the legislature for a
22 supplemental memorandum of understanding
23 then? Because I was under the initial
24 impression based upon the first response that
25 the item will simply be implemented. But

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2 that's apparently not accurate, right?

3 MS. FOX: Impact negotiations,
4 that's what is the confusion. It has the word
5 negotiation. So in your mind you
6 automatically think a contract. That's just
7 the labor law term. It's discussions. So
8 it's working, discussing the policy at the
9 table with the impacted employee. But it
10 doesn't result in an MOA like this.

11 LEGISLATOR RHOADS: So, that
12 there will not be any further changes, to your
13 knowledge, with respect to the memorandum of
14 understanding?

15 MS. FOX: Correct.

16 LEGISLATOR RHOADS: We know that
17 the cameras have been purchased at this point
18 but I imagine we will be receiving a contract
19 for video storage, software, tech support?

20 MS. FOX: I asked Robert Cleary
21 from procurement. He drafted -- if you don't
22 mind I'll just read the procurement.

23 Following a request for expression
24 of interest, the Nassau County Police
25 Department identified G Tech as a qualified

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2 manufacturer to offer the county body worn
3 cameras and related goods and services. G
4 Tech is included on the New York State Office
5 of General Services manufacturer technology
6 umbrella contract. That contract allows for a
7 competitive solicitation of a manufacturer's
8 listed goods and services among a number of
9 authorized distributors.

10 The Office of Purchasing, Nassau
11 County, issued a mini bid to seven authorized
12 distributors of G Tech, plus the manufacturer
13 itself, for the purchase of a comprehensive
14 cloud-based body worn camera program including
15 all goods and services required by the police
16 department.

17 The county reviewed two responses
18 to the mini bid. Island Tech, the distributor
19 offering the lowest cost proposal, met with
20 Nassau County PD representatives to
21 demonstrate its products. Following
22 discussion and demonstration, the police
23 department authorized, awarded the mini bid to
24 Island Tech through purchasing.

25 So there's a purchase order off of

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2 a state contract. So that does not require
3 leg approval because it's OGS.

4 That's a simple answer.

5 LEGISLATOR RHOADS: That's for
6 both the cameras then as well as the tech
7 support and storage?

8 MS. FOX: Correct.

9 LEGISLATOR RHOADS: So G Tech is
10 sort of a one-stop shop for lack of a better
11 word?

12 MS. FOX: Correct. Distributed
13 by Island Tech.

14 LEGISLATOR RHOADS: Any other
15 questions from the legislators? Any debate or
16 discussion? Any public comment? Hearing
17 none, we will move to a vote. All those in
18 favor of clerk item 215-21 please signify so
19 by saying aye. Those opposed. The item is
20 agreed to and referred to Finance.

21 There being no further business
22 before the committee I will entertain a motion
23 to adjourn. Motion by Legislator Ford.
24 Seconded by Legislator Muscarella. All those
25 in favor of adjournment please signify so by

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2 saying aye. Those opposed say nay. We stand
3 adjourned.

4 (Committee adjourned at 2:41 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 23rd day of
June 2021

FRANK GRAY