

1. FULL LEGISLATIVE SESSION, 10-14-20

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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:

3

4     LEGISLATOR RICHARD J. NICOLELLO

5             Presiding Officer

6             9th Legislative District

7

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

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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  
25

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2     LEGISLATOR JOHN FERRETTI, JR.

3             15th Legislative District

4

5     LEGISLATOR ANDREW DRUCKER

6             16th Legislative District

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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

16

17    MICHAEL PULITZER

18             Clerk of the Legislature

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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.

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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.



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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.

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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.

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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

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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

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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

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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



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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?

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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.

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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

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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.

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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

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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

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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



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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

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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.

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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

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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.

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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

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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,

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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.

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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



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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,

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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

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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

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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

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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

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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

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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.

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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,



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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

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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

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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.

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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

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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

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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

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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

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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



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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

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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

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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.

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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

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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

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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.

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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

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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.



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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

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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.

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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

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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.

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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

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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

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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

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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



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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

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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,

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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.

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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.

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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.

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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

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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

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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

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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

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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



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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.

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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?

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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 --

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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

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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.

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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,

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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

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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.



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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

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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.

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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

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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

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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

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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

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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

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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.



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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

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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

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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

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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.

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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

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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

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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

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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.



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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

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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

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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

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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.

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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

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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

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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

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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



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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

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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

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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

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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

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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,

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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.

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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.

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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



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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

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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.

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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

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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

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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?

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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

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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

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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



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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

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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

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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

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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,

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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

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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

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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

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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



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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.

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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.

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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

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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

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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



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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

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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.

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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.

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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.

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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

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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

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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

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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

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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.

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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



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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

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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.

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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

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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.

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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

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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

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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.

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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?



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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.

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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

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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

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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,

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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

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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

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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

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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



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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

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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.

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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

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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

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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

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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.

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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?

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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



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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

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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

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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

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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

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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.

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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

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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

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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



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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

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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

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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.

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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

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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.

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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

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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

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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.



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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

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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

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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

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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

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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

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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

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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

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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



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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

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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,

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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

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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.

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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

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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

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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

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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

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FRANK GRAY