

## Opinion

# The County Where Cops Call the Shots

Fiscal conservatives and liberal activists both want to curb the power of police unions in Suffolk County. Can they do it?



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March 26, 2021

SMITHTOWN, N.Y. — Rob Trotta, a cranky Republican county legislator on Long Island who worked as a cop for 25 years, might be the unlikeliest voice for police reform in America. He’s full of praise for the rank and file. The phrase “defund the police” makes his skin crawl. When he talks about race, he sounds like he’s stuck in the 1980s.

Yet Mr. Trotta has railed for years about the political influence of police unions in Suffolk County, Long Island, a place where the cops are known to wield exceptional clout. He’s a potent messenger, since he can’t be smeared as anti-cop. He wore a badge and walked a beat. Mr. Trotta’s small, quixotic battle is part of a much larger struggle in the United States to wrestle power away from police unions that for too long have resisted meaningful reform.

Since the killing of George Floyd, the push to rein in the police has gained public support across the country, as liberal activists demand sweeping changes to policing and greater accountability for officers who commit crimes. But the headwinds are stiff. Few other occupations demand the deference and trust that police officers say they require to do their jobs. They even have their own version of the American flag — it’s black with a blue line running down the center, representing the idea that the “thin blue line” they embody is all that separates civilization from anarchy.

There’s some truth to that. The news is full of stories of the sacrifices police officers make, most recently the officer who lost his life responding to a mass shooting in Colorado. That’s one reason the growing criticism of the police has been met with a passionate counter-movement, called Blue Lives Matter. But there are also far too many cases of police officers who abuse their positions and are protected by powerful police unions.

What began as national calls for reform last summer are now in the hands of local communities to bring about. There are more than 18,000 policing organizations in the United States. In the state of New York, police departments have been scrambling to adopt a reform plan by April 1, the deadline set by Gov. Andrew Cuomo for communities that want to remain eligible to receive state funding.

In many cases, reform plans are rolled out by the same politicians who once cozied up to police unions to get elected. But momentum for change is building, as both fiscal conservatives and liberal activists take aim at the outsize political power of police unions.

Nowhere is that dynamic more clear than in Suffolk County, N.Y. It’s a place where the residents are well off, crime is relatively low and the Police Department has made national news for a huge corruption scandal. Yet the police union still holds great sway. It’s sometimes said that the county doesn’t run the police; the police run the county. Now people in the county are watching the reform process play out, to see whether that’s still true.

Suffolk County is home to some 1.5 million people, many of them current or former New York City police officers. Last year, the county hosted what was billed as the largest “Back the Blue” rally in the country. Donald Trump gave a speech there in 2017, encouraging officers to rough up suspects and drawing cheers. But what really stands out about Suffolk County is the compensation that police officers receive and the money their unions spend on local elections.

In 2019, more than 1,200 officers — nearly half the force — took home over \$200,000 a year. Even an officer who was criminally charged for falsifying time sheets walked away with a payout of \$291,868. Eye-popping a sum as that might seem, it’s par for the course in Suffolk County. Another superior officer left with \$624,082, including unpaid vacation days and sick time.

With so much money at stake, the Suffolk County Police Benevolent Association doesn’t leave elections to chance. It has not only a PAC, but also a super PAC that spends hundreds of thousands of dollars on local elections. That super PAC is generally funded by contributions from law enforcement. Last September, it also collected tens of thousands of dollars from Long Island businesses, including two \$10,000 checks from construction and maintenance companies, which super PACs are allowed to do. State law forbids the police from soliciting political donations from the public. Thus far, police benevolent associations have operated outside those restrictions.

With those generous salaries, the citizens of Suffolk County have paid for what should be world-class law enforcement. Instead, it got a police chief, James Burke, who went to prison in 2016 for running the department like a mafia boss. That scandal, which led to the conviction of the powerful district attorney, Thomas Spota, who was scheduled to be sentenced this month, and the head of his anti-corruption unit underscored how easy it can be for cops and politicians to get in bed together and turn law enforcement into a system of political favors and personal vengeance. Police officers testified that they feared for their families’ safety or that they’d be framed for crimes if they blew the whistle on their boss. It’s hard to imagine a starker illustration of the need to reinvent policing.

Steve Bellone, the Suffolk County executive who appointed Mr. Burke, says he was fooled by Mr. Burke and Mr. Spota and turned against them when he discovered their “criminal enterprise.” He vows that a new day has dawned. He touts a new district attorney who set up a conviction integrity bureau to investigate wrongful convictions. On March 11, the county unveiled its long-awaited plan for police reform.

Mr. Trotta watched the rollout on Zoom at his office desk in Smithtown. He pointed out his fellow county legislators on the screen and rattled off how much the police union had spent to help each one get elected. He said some elected officials visibly stiffened when police union representatives walked into county meetings. A member of the union sat on the reform task force.

“I can’t stress to you enough how afraid of the union these people are,” he said of his fellow legislators.

“This is a good thing,” he said, gesturing at the meeting on his screen. “But it’s not getting at this,” he declared, holding up printouts about the union’s political donations. “The root of the evil is the money.”

Even those who disdain Mr. Trotta acknowledge that he has a point when it comes to the money. But I dug around and found articles about the power of the Suffolk County police unions from the 1970s, long before it was legal for police officers to donate to political campaigns in New York.

During the first half of the 20th century, police unions were “rare, weak and lacked legal status,” Aaron Bekemeyer, a Ph.D. student at Harvard who is writing his dissertation on the history of police unions, told me. In the 1950s and 1960s, police unionists managed to convince a large part of the American public that their own safety depended on a strong police union. Without unions, they argued, the police would never get the funding and legal protections needed to keep crime in check.

In the 1960s, a series of debilitating public sector strikes across New York persuaded lawmakers to pass the Taylor Law, which outlawed strikes but granted access to a labor-friendly board that resolved disputes. In 1974, police officers and firefighters in New York got an additional boost from a new provision in the Civil Service Law that gave

them compulsory binding arbitration if they reached an impasse in a contract dispute. Other unions didn't get that. Since then, the average salaries of the police and firefighters have risen far faster than other government employees', and well above the rate of inflation, according to E.J. McMahon of the Empire Center for Public Policy.

Politicians bellyache that compulsory binding arbitration is bankrupting their communities by handing power over police salaries to an unelected, police-friendly arbitrator. But legislators have not had the guts to get rid of the provision.

The justification for this sweetheart deal for the police and firefighters is that they are so essential to safety that communities can't risk a strike. But that same logic beat back an attempt to unionize the American military. In 1976, an A.F.L.-C.I.O.-affiliated union voted to admit military personnel, prompting a freakout at the Pentagon, according to Jennifer Mittelstadt, a history professor at Rutgers who wrote "The Rise of the Military Welfare State." Congress swiftly outlawed union membership for soldiers. Giving a paramilitary force the right to collective bargaining would undermine the military chain of command, they argued. It was true. But that's also true of the police.

Across the country, police commissioners who have attempted to hold police officers accountable for killings have seen their authority undermined by police union leaders who get fired officers reinstated. That's one reason police reform so often gets announced at news conferences but so rarely seems to occur in the real world. Police commissioners come and go. Union leaders always outlast them.

In 1983, police unions in New York successfully lobbied to amend a law that barred them from donating to politicians. A longstanding prohibition on police officers' soliciting political donations from the public remains on the books, but appears to be rarely enforced. While private sector unions have withered, police unions have flourished, supported by Democrats, who champion labor rights, and Republicans, who champion law and order.

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In Suffolk County, the police unions wield outsize influence. In 2008, when the county executive tried to cut costs by having the sheriff's department patrol the Long Island Expressway instead of the police, who earned more, about 2,000 police officers and their relatives joined a local political party to try to oust the sheriff. The union also began collecting \$2 a day from every officer to put toward an "education fund" — to educate politicians about the importance of police patrols on the Long Island Expressway.

In 2011, the Suffolk Police Benevolent Association backed Steve Bellone. After he won, they got their expressway back, along with a new contract. But the union kept collecting special assessments of \$1 a day from officers, which eventually funded the super PAC they established, the Long Island Law Enforcement Foundation.

Mr. Trotta talks about politics as broken because police unions' donations have been able to purchase deference from politicians, leading to unsustainable salary increases. A sheet of paper in his office hangs above his desk with the number 62 on it, showing that Suffolk County ranks 62 out of 62 New York counties in fiscal stability. The bathroom in his office is decorated with rows of articles from the Long Island newspaper Newsday about corruption in the county. Other politicians, particularly those allied with Mr. Bellone, call Mr. Trotta a "toxic character," a "bomb-thrower," a hypocrite or a loon. Railing about the influence of the police union in Suffolk County is like railing against the moon in the sky.

Mr. Trotta's crusade against police unions grew out of his personal hatred for James Burke, his former boss. Mr. Trotta had loved being a cop. As a detective, he uncovered drug dealers in places others didn't think to look. If a guy was known to live beyond his means, Mr. Trotta asked around about where the money came from. In 2001, he busted a cocaine trafficker, in a case that recovered a million dollars in cash from a safe hidden under a bathroom rug. He was named detective of the year.

Eventually, he got on an F.B.I. task force. In 2012, he flew to Costa Rica to testify in court in a money-laundering case. As soon as he returned, he got reassigned. His new job? Catching thieves who stole copper pipes out of abandoned homes. "I went from the pinnacle of law enforcement to the basement," he told me.

The new police chief, Mr. Burke, had reassigned all three Suffolk County detectives who had been working with the F.B.I., including two who were working on a major gang case. A new seven-part true-crime podcast called “Unraveled” alleges that Mr. Burke hampered the F.B.I. because he didn’t want them prying into his own misconduct.

A lot of cops knew what kind of guy Mr. Burke was. Before he was appointed chief, members of the police force wrote an anonymous letter to Mr. Bellone warning him that Mr. Burke was “known to frequent prostitutes,” interfered with an officer-assault investigation and used information obtained from a wiretap as leverage against a politician. Mr. Bellone appointed him anyway, after Mr. Spota vouched for Mr. Burke.

“It took time to understand the corrupt operation that existed in this county,” Mr. Bellone told the hosts of the podcast.

Yet that corrupt operation was intimately connected to the police unions that he and so many other politicians have been forced to make peace with by election time. Mr. Spota was once a police union lawyer. At his trial, witnesses described a union official coaching officers to lie to cover up Mr. Burke’s crimes. No union official has ever been charged.

“Historically, in Suffolk County, you can’t win a major office without the police unions’ endorsement,” said Gus Garcia-Roberts, a journalist with The Washington Post who is writing a book about Mr. Burke. “Suffolk is an extreme version of the same problems that are elsewhere.”

The revelation that officers lied shocked many on Long Island. But it didn’t shock the loved ones of Kenny Lazo, a Black man who got pulled over by Suffolk County officers in 2008 and wound up beaten to death in a case the medical examiner ruled a homicide. No police officers were held accountable for the death. Police statements about Mr. Lazo’s death contained obvious falsehoods and omissions, according to Fred Brewington, a lawyer who has been fighting for years to bring a civil suit on behalf of Mr. Lazo’s estate to court. “They lied like rugs,” he told me.

Nor did it surprise activists who demanded justice for Marcelo Lucero, an Ecuadorean migrant who was stabbed to death by high school students. That case revealed a stunning indifference on the part of police officers. At least one officer was charged with systematically robbing undocumented drivers he pulled over. In 2013, the department agreed to oversight from the Justice Department over its treatment of Latinos, which mandated the department to collect data on racial disparities in traffic stops, forcing the department to admit it had a problem.

Mr. Burke was still a powerful police chief that year when Mr. Trotta decided to run for office.

“I thought, this is a great way to get back at them: I’ll become their boss,” Mr. Trotta told me. “I was reading the county charter about what a legislator does. And it said in it, ‘Investigate any department you wish.’ My eyes lit up. This is great. I can investigate the Police Department.”

A fiscal conservative in a deep-red district, Mr. Trotta won handily, even though the union hated him. But he could not get rid of the dirty police chief.

The very first bill Mr. Trotta presented required all officers above the rank of captain to have a bachelor’s degree and be free of complaints about civilian abuse or moral turpitude — requirements that Chief Burke, who did not have a college degree, did not meet. The police union spoke out against the bill. It never made it out of committee.

Transcripts of the public safety meetings in that era are full of county legislators praising the “chief.” Backed by the union, the district attorney and the county executive, Mr. Burke seemed untouchable. Some legislators joked about Mr. Trotta’s obsession with taking him down. “In every conversation, he found a way to bring it back to Jimmy Burke,” one told me.



James Burke escorted by F.B.I. personnel in 2015. Steve Pfozt/Newsday, via Getty Images

Mr. Trotta opposed the police contract, calling it unsustainable at a time of fiscal crisis. Everybody else voted for it. He couldn't get assigned to the public safety committee, even as a former police officer. Eventually, he said, it dawned on him: "The county doesn't run the police. The police run the county."

Less than a year after he was appointed police chief, Mr. Burke beat up a heroin addict who had stolen a duffle bag full of sex toys out of his SUV. For years, the feds couldn't prove it. The officers who saw the beating were too afraid to talk. Mr. Trotta kept in touch with the feds, feeding them things he'd learned and trying to keep the case alive. Eventually, one guy told the truth. Then another. Then another. In 2019, when a local paper asked Mr. Trotta what he had accomplished as a legislator, he replied: "The chief of police went to jail and the district attorney has been indicted. The system works, but very slowly."

But Mr. Trotta is reviled by the political establishment. Allies of Mr. Bellone say he is rude, hypocritical and prone to exaggeration. Most of all, they take umbrage at the notion that police union donations influenced their political decisions. Half a dozen current and former elected officials in Suffolk County told me they vote their conscience, regardless of what the union gives. None were willing to publicly refuse to accept police union donations.

As hated as Mr. Trotta is among the political establishment, many of his former colleagues respect him. Gerard McCarthy, who recently retired as chief of operations for the Suffolk County Police Department, lauded Mr. Trotta for being the sole person willing to raise the issue of the police union's political donations.

"I believe that it is illegal and it's unethical," Mr. McCarthy said of the \$1-a-day political assessment that was taken out of his paycheck and sent to the Long Island Law Enforcement Foundation. He contends the payments were not voluntary, as required.

Mr. McCarthy told me that most police officers don't pay attention to the union and that some resent the insular group that runs it. "Some say the union's corrupt," he told me. "Others say, 'As long as I'm making \$250,000 a year, I don't care.'"

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Something changed last summer, after George Floyd's death. Protesters began demanding that politicians stop taking money from the police. In New York, many elected officials did just that. Lawmakers in Albany worked up the courage to repeal 50-a, a state statute that prohibited the release of police officers' personnel records. In

November, the Long Island Law Enforcement Foundation spent nearly \$500,000 attacking two state senators who had voted for the repeal. The ads backfired. One got voted out, but the other, James Gaughran, survived.

“To be honest with you,” Mr. Gaughran told me, “it was very effective in generating volunteers.”

Police reform had become a thing, even in Suffolk County. A task force set up to produce the reform plan held community listening sessions through video chats. It was on one of those calls that Mr. Trotta encountered other people railing about the power of police unions — liberal activists. He was impressed.

The activists mostly ignored him. He was a Republican who had predicted in a radio interview that police reform wouldn’t amount to much. But his reasoning — the police union’s political donations — caught the ear of an activist named Emily Kaufman.

Ms. Kaufman was a clinical social worker who joined a Black-led community coalition called LI United to Transform Policing and Community Safety, which was helping to put together an alternative police reform called The People’s Plan.

Ms. Kaufman and another organizer, Alexandra Saint-Laurent, were working on the part of The People’s Plan that proposed the creation of an unarmed alternative to the police that would respond to 911 calls about homeless people, or drug overdoses or the mentally ill. Studies showed that social workers and counselors could produce far better outcomes than the police in such situations — at a much lower cost.

Ms. Kaufman thought Mr. Trotta might support the plan. He was one of just two county legislators, both Republicans, who took no police money. Ms. Kaufman called him.

“I wonder if we can talk about creating an effort for a non-police response that could be as safe or safer, and maybe even cheaper,” she told him in a conversation she later recounted to me.

Mr. Trotta was skeptical: “What if a mentally ill person turns violent on a dime?”

Mr. Trotta and the activists did not see eye-to-eye on much. The activists saw racism as the reason people in Black and Latino communities got stopped at higher rates. Mr. Trotta thought it was because they lived in communities with more crime. But they agreed that the police budget was bloated.

“I’m not against people getting a cost-of-living increase, but they were getting three times the cost of living,” Mr. Trotta told them of the raise that Mr. Bellone’s contract gave the police. (Mr. Bellone argued that an arbitrator would have given them more.) It amounted to more than \$200 million over the life of the contract, when the county was already in debt. Without that extra spending, Mr. Trotta said, “We could have done the roads. We could have done the parks.”

There might have been enough money, too, for the social workers the activists wanted.

A few weeks later, three members of the Suffolk County Democratic Socialists of America visited Mr. Trotta’s office. He advised them to drop the word “socialist” from their name and avoid the phrase “defund the police.”

“You should say what I say: We would love to pay them \$500,000 a year, but we just can’t afford it,” he told them.

The activists found his suggestions absurd. But they talked to him for three hours anyway. Establishment Democrats avoided Mr. Trotta, but the socialists were intrigued. He reminded them of Jimmy McNulty, the quirky detective from the TV show “The Wire.”

“He made me realize it was even worse than I’d thought,” one of the Democratic Socialists, a 25-year-old from Setauket named Hannah Erhart, told me.

The night the police commissioner, Geraldine Hart, rolled out Suffolk County’s reform plan on Zoom, much of it sounded like more of the same old thin gruel: more community policing, more money for training, more body cameras — which police officers will be paid extra to wear.

But there were moments that felt inspiring and new. Fred Brewington, the lawyer who has been fighting for 12 years for justice since the beating death of Kenny Lazo, the Black motorist, took notice when Commissioner Hart acknowledged racial disparities in police stops.

“That’s a major point,” he told me afterward. “That means they are not adverse to having a very important conversation about policing.”

Ms. Kaufman felt hopeful about the mention of a “three-tiered” mental health crisis response and a 911 Call Diversion, although the plan contained few specifics. The activists behind The People’s Plan put out a statement that lauded parts of the county’s plan, but criticized the lack of a civilian review board or outside investigators for complaints against the police. They cited political donations from the police union as the reason.

“It is not a donation, it’s an investment,” the statement read. “It seems the P.B.A. just got their return.”

After a quarter of a century as a cop, Mr. Trotta found it hard to believe that any plan would significantly change how the police operate. But he stayed on the video call long enough to hear his new friend Tim Karcich, a 32-year-old Democratic Socialist from Centereach, rattle off a bunch of demands, from reducing the public’s contact with police officers to establishing a reparations fund for police victims.

Then he added one that made Mr. Trotta smile: Investigate the Long Island Law Enforcement Foundation.

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