

**STATEMENT OF  
CHIEF RAFAEL PINEIRO  
CHIEF OF PERSONNEL  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE  
NEW YORK CITY COUNCIL  
PUBLIC SAFETY COMMITTEE  
JUNE 4, 2007**

Good morning, Mr. Chairman and members of the Council. I am Chief Rafael Pineiro, Chief of Personnel of the New York City Police Department. I am joined by Deputy Chief John Gerrish, Commanding Officer of the NYPD's Office of Management Analysis and Planning, Inspector Walter Salowski, Commanding Officer of the Department's Applicant Processing Division, and Deputy Inspector Martin Morales, who commands the NYPD's Recruitment Section. On behalf of Police Commissioner Raymond Kelly, we are pleased to be here today to discuss the NYPD's staffing levels and recruitment efforts.

As Commissioner Kelly indicated two weeks ago, during the Department's FY'08 Executive Budget hearing, the Police Department is currently facing a serious challenge in attracting and retaining quality candidates to fill our ranks. I would first like to briefly describe the current situation and how staffing decisions are made. I will then outline for you our recruitment efforts, aimed toward maximizing our ability to hire the officers we need.

From a high of nearly 41,000 police officers in October of 2000, the Department's uniformed staffing level as of April 30<sup>th</sup> is just under 36,000, a decrease of 5,000 officers, or 12%. We anticipate hiring between 700 and 800 recruits for our next Police Academy class, commencing July 9<sup>th</sup>, and will therefore fall about 2,000 officers short of our hiring goal. In fact, we have fallen short of our hiring goals for the last two classes, in July, 2006 and in January, 2007, failing both times to meet the authorized budgeted headcount. However, even in the face of diminished personnel levels, Commissioner Kelly has made it clear that we will not compromise our hiring standards, and will continue to fulfill our mission notwithstanding the challenge presented by having fewer police officers in place.

We believe that the difficulty in attracting a sufficient number of qualified candidates, for what we believe is one of the best jobs in the world, is due primarily to the low starting salary while recruits are undergoing their initial training in the Police Academy. Addressing that issue is beyond our purview, and we will not comment further except to say that we are hopeful that the situation will be resolved and that we will soon be able to fill our Academy classes to their 2,100-recruit capacity once again.

A companion issue which has been raised in this context is the attrition of police officers who file for service retirement after 20 years, or who resign, usually relatively early in their careers. As Commissioner Kelly noted, the attrition rates for both retirement and resignation have remained relatively constant over the years. Attrition rates for 20-year service retirement vary according to the rank of the officer, with police officers retiring at a

rate of about 80%, detectives at about 65%, sergeants and lieutenants at 50 to 60%, and captains and above at about 15 to 20%. The actual number of retirements will also fluctuate according to how many officers were hired 20 years prior. For example, from 1982 through 1987 we hired between 3,000 and 4,000 officers each year, and our attrition over these past five years has been correspondingly high. We anticipate less attrition over the next two years, due to smaller hiring classes in 1988 and 1989, but expect it to rise again in 2010 when the officers hired pursuant to Safe Streets, Safe City start reaching their 20<sup>th</sup> anniversary.

Resignations average 2% per year, and most occur within the first five years of an officer's career, for a variety of causes. The most common reasons which officers cite are: joining other police departments; joining other government agencies including the Fire Department; personal reasons; and private sector employment. Officers also resign due to disciplinary or performance problems.

When planning for our staffing needs, we must also take into account the number of recruits who resign during their Police Academy training. We currently estimate the attrition rate for Police Academy classes at 18%; in the current class there are 214 resignations among a class which started at 1,346 in number, for an attrition rate of 16% so far. Again, recruits tell us that they are resigning for a variety of reasons, primarily because of academic difficulty, financial reasons, family obligations, personal reasons, or because the job is simply not for them. Our Police Academy staff work closely with the recruits to assist them in mastering the curriculum, but it is a demanding six months meant to prepare recruits for the rigors of police work. We must therefore acknowledge that not every recruit will graduate, and plan our staffing assignments with that in mind.

In a city as complex as New York, with a police department the size of the NYPD, the decisions we make about how to utilize our personnel resources assume vital importance, especially when confronting lowered personnel levels. We must ensure that the day-to-day operations of the Department are carried out: officers must patrol the streets, housing developments and subways; radio runs must be answered, crimes must be investigated, quality of life concerns must be addressed, and our relationship with the communities we serve must be nurtured. But beyond the more conventional aspects of police work, we must also devote a significant percentage of our resources to counter terrorism efforts and to all of the less visible needs of the Department which are also critically important: training, internal investigation, long-term criminal investigation, obtaining and managing emerging technologies, and so forth.

Balancing these competing needs takes creativity and strategic planning, requiring us to weigh the personnel needs of specialized units, support units, and patrol commands. A further challenge we confront is to find the proper balance among the patrol commands themselves. We are aided in this effort by the Patrol Allocation Plan, a formula for the distribution of police officers within the Patrol Services Bureau and among precinct commands. The Plan consists of five components:

- the Patrol Car Allocation Model, initially developed by the RAND Corporation,

which uses the most recent 12 months' data regarding radio runs to determine the number of patrol cars and officers necessary to respond to calls for service on a daily basis;

- the Sustained Operational Component, which is designed to address unique operational needs, particular to each precinct, for example, missions, hospitals, fixed posts, large parks, etc.;
- the Staff/Support Factor, which accounts for critical, non-patrol functions in the precinct, such as youth officers, domestic violence officers, crime prevention, community affairs, traffic safety, and CompStat/crime analysis;
- the Public Safety Factor, which allocates resources according to the level of crime and population in the precinct, weighted more heavily toward violent crime such as robberies and shootings; and
- Local Police Judgment, which incorporates the recommendations of Borough Commanders and the Chief of Patrol as they consider the other four factors, in light of seasonal needs and other emerging trends.

The Patrol Allocation Plan is usually exercised when a recruit class graduates from the Academy, so that an equitable distribution of the new officers may be made, including deployment to the Housing and Transit Bureaus. It also ensures that the staffing levels already existing in the commands may be rebalanced appropriately, to meet changing workload needs and replenish attrition. However, because the Department is constantly reevaluating its strategies with the overarching goal of reducing crime, a new factor has been added to the mix: Operation Impact.

Operation Impact is a successful crime-fighting strategy which began in January, 2003 as a 90-day initiative to reduce crime in particular violence-prone areas of the city. High crime target areas were saturated with police resources, utilizing newly-graduated recruits and personnel from the Detective Bureau, the Gang Division, the Narcotics Division, the Warrant Section, and the Vice Enforcement Division. Because of its immediate and striking success in reducing crime, and especially violent crime, Operation Impact continues to represent a critical component of our overall crime reduction strategies. For example, in the 16 current Operation Impact locations, major felony crime decreased almost 19% when comparing the first four and a half months of 2007 to the first four and a half months of 2006, outpacing the City's 9% overall decrease in major felony crime for the same time period.

It is clear that a reduced Police Academy graduating class will limit our options as we make our staffing decisions. We will, however, continue to exercise our judgment to maximize the use of all of our personnel in the best manner possible, and will also continue to think "outside the box" as we devise new strategies to address emerging crime trends as they develop.

**Of course, the easiest way to solve a staffing problem is to increase the size of the staff, and to that end I would like to describe the Department's recruitment efforts.**

**In spite of the low starting salary for police officers, the NYPD continues to attract highly qualified and motivated applicants who understand that there is unlimited opportunity and fascinating work available for them, if they choose to take advantage of it.**

**The mission of our Recruitment Section is to get that message out. I invite you to visit the NYPD's website at [www.nypdrecruit.com](http://www.nypdrecruit.com), to get a sense of how much information and assistance is available for anyone interested in becoming a police officer. The Recruitment Section reaches out in person and through advertising, in all major media – print, radio, television, internet – as well as in local newspapers, foreign language publications, and media that target audiences of specific ethnic backgrounds. They attend job fairs, set up booths at community gatherings and schools, and, most important, talk to people everywhere they can about the benefits of the job and what it can offer, not only in financial terms but also from the sense of personal reward that can come with public service.**

**Working with the Department of Citywide Administrative Services, we have made it as easy as possible to apply for the police officer test: waiving the application fee; providing for online filing of the application and allowing filing at any time, every day of the year; conducting three New York City exams per year on several dates; and conducting "walk in" exams with no filing period at colleges and military bases throughout the country. In addition, the Police Department provides several candidate services, such as offering free four-week tutorial programs throughout the City, during evenings and weekends, to assist applicants in passing the exam; providing test preparation kits; and inviting anyone who is interested or needs assistance to call (212) RECRUIT. Finally, the Recruitment Section's Relationship Marketing Plan uses e-mails, post cards, phone calls, and an interactive CD to encourage and remind applicants to take the exam.**

**We would like to note that notwithstanding a decrease in the number of applications we have received, our positive message is being communicated, and interest in the NYPD as a career choice remains strong, evidenced by an average of 8,000 calls per month to our (212) RECRUIT line, and almost one million visits to the Recruitment Section's web page last year. In fact, our advertising campaign, which is created and placed in partnership with the Bernard Hodes Group, won eight awards for excellence last year, including the prestigious Dansker Award for the recruitment ad campaign judged the best overall in North America. In the advertising world, this is the equivalent of winning the Oscar for Best Picture, and is a testament to both the excellence of our advertising campaign and the strength of the NYPD as an employer.**

**Once an applicant takes and passes the police officer exam, our Applicant Processing Division is responsible for selecting the most qualified police officer candidates, ensuring that every pertinent aspect of the candidate's background is thoroughly investigated and reviewed. Again, I invite you to visit the NYPD's website, at [www.nypdtrainees.com](http://www.nypdtrainees.com), which outlines in great detail the steps that a candidate must take in order to be found qualified and appointed as a police officer recruit, and offers guidance**

**on many topics, including preparing for the physical ability exam, gaining the required college credits, even finding an apartment and/or a roommate among their fellow recruits. The applicant investigation can be a long and daunting process, and in the interest of retaining the candidate's interest and maximizing his or her chances of success, the Applicant Processing Division provides assistance and counseling for candidates through its Candidate Relations Unit.**

**We would like to close by affirming again the absolute commitment of the NYPD to ensuring the safety of the people of this City, and our hope that we will soon be able to expand our ranks to meet the challenges that lie ahead. Thank you, and we will be pleased to answer your questions.**

**TESTIMONY BEFORE THE PUBLIC SAFETY COMMITTEE:  
ON POLICE STAFFING AND RETENTION ISSUES**

Good Morning, Mr. Chairman, distinguished members of the Public Safety Committee and other members of the Council. I want to thank you for the opportunity to address this Committee on such an important issue. This issue is important not only to NYC police officers, but also to every City resident, every visitor and tourist and every person or entity that does business in this City.

[My name is Patrick Lynch. I am the president of the Patrolmen's Benevolent Association, which represents about 50,000 active and retired police officers.]

I am here today to reiterate what I have been saying for some time – there is a personnel crisis within the NYPD. Specifically, the NYPD is unable to recruit and retain enough qualified candidates to staff the precincts and commands in the City at a level that is safe. And despite what others say, this crisis has been building for some time.

Although the situation has existed for some time, senior department officials have only recently acknowledged that they cannot maintain adequate force strength and that we face a serious problem. Sadly, the issue had been masked by City officials, who had asserted that there was no recruiting and retention problem – instead, they had claimed for some time that they had planned the headcount reductions in the

NYPD. And no one except the PBA had challenged those assertions.

In a post 9/11 world, we were the only Department of which I am aware that was claiming that it was voluntarily shrinking its force size—not by hundreds but by thousands, or about 10-15%. Now, when we are at a crisis point, where even a significant effort to increase wages will not immediately turn the ship around, we have public admissions of the crisis.

The Department has reported that headcount for uniformed services of the NYPD stands at around 35,000, about 5,000 to 6,000 below historical highs. The headcount the Department reports includes those who are out sick and those who are on terminal, military or other leave. This diminishes headcount even further. To



put it in perspective, when I took over the PBA in 1999, I represented in excess of 26,000 active police officers or between 3000-4000 more than I do now.

But one doesn't have to rely on the falling aggregate headcount numbers to appreciate the problem; you can merely observe the individual precincts and commands within the City. It is apparent that the number of radio cars and visible uniformed patrols has dropped dramatically.

As an example, in my own precinct, the 111 Pct in Queens, there are at times 2 or 3 patrol cars servicing the entire precinct, which covers 9.4 square miles. Within its borders, there are 116,000 legal residents, countless business establishments, 27 elementary schools, 4 junior highs, 3 high schools, and 1 college

and no fewer than 55 Houses of Worship. 2 or 3 cars on certain tours are simply not enough to cover a precinct of that geographic breadth and resident population.

While the 111<sup>th</sup> is just one of the City's precincts, this is the type of staffing shortage that is seen Citywide and, if allowed to persist, will create a danger to City residents and to NYC Police Officers. In the 28<sup>th</sup> precinct in Harlem, for example, according to Department data, since 2000, headcount has been reduced from 252 to 188 officers, a decrease of roughly 25% at a time when several index crimes have increased there.

I could go on with examples but I am certain that every council member is familiar with these shortages in their resident precincts and districts.

A look at historical headcount will give you a further perspective on just how short staffed we are and what it means for the City.

Prior to the renaissance in this City in the 1990's, NYPD headcount stood in the neighborhood of 28,000. These were numbers pre merger with the Transit and Housing PD's, which brought approximately another 6,000-7,000 police officers to the NYPD in 1995. Adjusted for the impact of the transit and housing mergers and those police officers on various leaves, we have staffing levels that are now at or about where we were in 1990 -- a time where it was conceded by all that we were dangerously short staffed.

1990, of course, was a time where this City was out of control, as it had been for much of the two preceding decades. Just recently, the NY Observer called those times "The Bad Old Days," in a retrospective about that period.

To remind you of what the City was like in those days, I will read some excerpts from that piece:

Our City was best known for graffiti-decorated subways, blasting boom boxes and the faint smell of urine rising from the summer pavement . . . The rest of the country thought we were goners, collapsed in a sputter of crime, crack and fiscal disaster. There were landlords burning down the buildings – you couldn't give them away! Hookers hanging out on 83<sup>rd</sup> and Broadway – right near Zabar's. . . . The dog [excrement] was piled so high in the streets you needed a mountain ax just to traverse the sidewalk . . . The buildings were so blackened by grime you could barely see them in the dark . . . The subways were so dangerous you felt you were descending into Hell . . . There were no hedge fund gods. No \$1,000 pizzas or latte factories, no \$50 million mansions or elliptical trainers at Equinox . . .

And, not coincidentally, during that same period, there were not enough police officers. There was a direct correlation between the absence of adequate patrol strength and the real and perceived sense that this City was out of control.

Then the Safe Streets, Safe Cities legislation came along and provided the funding to put the right amount of cops on the streets and, as night follows day, the problems that many thought were too entrenched to be addressed, began to disappear. NYC police officers took back this City, literally block by block. And safety and prosperity followed. Business flourished. Tourism boomed. And the coffers of the City filled.

At about the same time, beginning in 1990, a new policy of labor relations was crafted in this City—literally out of whole cloth. According to the City, it required that every City union, both uniformed and civilian, receive exactly the same raise in every contract. This was the beginning of what is called lock-step pattern bargaining, an artifice that on its face violates this state's Taylor Laws and, as Commissioner Kelly recently conceded, has been a disaster for the NYPD.

And, during the 1990's, NYC police officers received 3 1/2 years of zero raises under this regime; this, at a time where other police departments around this country were receiving not exorbitant increases, as some suggest, but ordinary and appropriate raises.

This era, and the application of pattern bargaining which required unlike groups to be paid the same, led to a situation where NYC Police Officers are now paid anywhere between 20%-40% less in real terms than virtually every other police officer in the country. This situation has existed for some time, but certainly since I came into office in 1999.

What has happened since 1999? The PBA had legislation passed and its legality confirmed, that was designed to get us out from under the jurisdiction of the Office of Collective Bargaining, an agency that failed to do its job in two 1990's arbitrations. We have since 1999 conducted two arbitrations under the state agency rules. We have made incremental gains and have averted another zero increase that the City was attempting to force upon its police officers in the last

round of bargaining. However, in both arbitrations, awards were rendered that rejected the concept of pattern bargaining. But we still have not received enough to address the compensation problem.

Why? Because, absent the City's acknowledgement of the problem in arbitration, arbitrators have shown a reluctance to make up for a decade of poor labor relations and compensation practices in the City in one arbitration. In other words, arbitrators have shown that they will not save the City from itself. That is why, at the City's request, arbitrators awarded a new low starting salary. The City asked for it and they got it; now they are seeking to lay the blame on everyone but themselves and their policies.



I am here to call for an abandonment of pattern bargaining as practiced in this City. This concept exists no where else in this country. Why? Because it simply makes no sense. Significantly, it also violates our own state's Taylor Law.

Inevitably, a system that provides the same level of raises to every class of employee will produce over time an outcome where there will be some groups that will be paid above market, some at market and some that will be paid below market rate. And that is exactly what has happened in this City--New York City police officers are being paid well below market.

In the end, pattern bargaining is lazy bargaining. Instead of bargaining with each group on the merits, as the law requires, we have our labor officials saying

because clerks have accepted a certain raise, police officers have to accept the same. And that has been the extent of collective bargaining in this City since pattern bargaining was created.

As a result of this lazy bargaining style, we have the Police Commissioner, who remarkably has no say in the setting of salaries in his own agency, saying that pattern bargaining has hurt the NYPD. Significantly, the Commissioner has told us that Operation Impact, the last band aid that prevents a full scale return of crime, is endangered.

What has been the Administration's reaction to the Police Commissioner's sounding of the alarm? The Mayor, apparently advised by others who are in denial about the negative effects of pattern bargaining, has

reaffirmed a commitment to pattern bargaining. While acknowledging that pattern bargaining has endangered public safety, the Mayor has said there will be no exemption for police officers.

Instead, he recklessly asserted that every other contract with every other group of City employees would have to be reopened in the event police officers receive more than the below inflation raises being offered.

Is every other group in the same competitive position as NYC police officers?

Does every other group perform the type of job that New York City police officers perform, under the same conditions with the same type of scrutiny, in a

City that is admittedly one the hardest to police in the world?

The time has come for the Mayor to lead. To say yes when the facts suggest it is right to do so and say no when they don't. One size fits all bargaining makes no sense and it has been shown to be a failure in this City. It is time for the sun to set on the 17-year old failed policy of pattern bargaining.

You need only look to the recent history of this City to predict what will happen if the staffing crisis is not addressed immediately. Let's not return to the bad old days of New York City. The stakes are too high and there is too much that must be kept right in this City.

Abandon the illegal practice of pattern bargaining and pay police officers a fair wage. Only in that way will we be able to recruit and retain enough qualified police officers to ensure the continued safety and financial health of this great City.



THE CITY OF NEW YORK  
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**Testimony**  
**Of Preston Niblack, Deputy Director**  
**Before the City Council Public Safety Committee**  
**On NYPD Uniformed Hiring and Retention**  
**June 4, 2007**

Good morning Chairman Vallone and members of the Committee on Public Safety. My name is Preston Niblack and I am a deputy director of the New York City Independent Budget Office. Thank you for the opportunity to testify today regarding New York City Police Department (NYPD) Uniformed Hiring and Retention.

As you are aware, the Bloomberg Administration in May 2006 announced plans to at least partially reverse the generally downward trend in NYPD uniformed staffing that had been occurring since the start of the decade. More specifically, the average daily number of uniformed police personnel on the force fell from a high of 40,078 in 2000 to 36,284 during the first four months of the current fiscal year.

An IBO analysis finds that efforts to increase the size of the force may be further complicated by the sharp rise in the number of recruits in the three most recent Police Academy classes who resigned before completing their training. As of May 18, nearly 15 percent of the more than 1,400 recruits in the January 2007 class have voluntarily resigned before completing their six-month training. In comparison the resignation rate for the July 2005 class was 7.5 percent, similar to the rate among the classes over the preceding five years.

The upward spike in the Police Academy resignation rate has occurred in the wake of the June 2005 arbitrator's decision to lower the pay for new recruits to an annual rate of \$25,100 during their first six months of employment, beginning with the January 2006 recruit class. In contrast, the class just before it, the Police Academy class of July 2005, earned \$40,658, almost \$16,000 more than recruits hired just six months later.

**Background and Additional Detail**

The NYPD's uniformed staffing plan announced in May 2006 seeks to attain peak uniformed staffing of 37,838 twice each year, once in January and again in July. Each new recruit class should be big enough to replace all attrition from the force over the previous six months. But the police department has not yet been able to attract enough new police recruits to reach its peak staffing goal.

In January 2007, the newly hired class of 1,408 recruits raised NYPD uniformed police staffing to 37,080, or 758 below the peak target. In order to reach the budgeted peak of 37,838 this coming July, the agency must make up for the shortfall of 758 recruits in the class entering

the Police Academy in January 2007 as well as replace all attrition from the force occurring between January and June of the current year. Such attrition includes not only retirements and other departures from the force, but also resignations among the class of new recruits currently in the Police Academy.

During his May 21, 2007 City Council testimony, Police Commissioner Raymond Kelly predicted that his agency's attempt to reach its staffing target this coming July will likely fall about 2,000 recruits short. More specifically, Commissioner Kelly indicated that only 700 to 800 of a projected 2,800 vacancies are likely to be staffed with the hiring of the July 2007 recruit class. Assuming that resignations among members of the current academy class continue at their current rate, IBO projects that of those 2,800 vacancies, 286 will be the result of recruits resigning from the January 2007 class. (As of May 18, 2007, a total of 205 recruits had already resigned from the class. This total excludes recruits who were involuntarily dismissed from the academy.)

In examining the recent upward trend of new police recruits voluntarily leaving the NYPD, IBO has tracked resignation rates from the 12 most recent classes passing through the six-month initial training period at the Police Academy. Beginning with the January 2006 class, the rate at which new recruits resign before completing their initial six-month Police Academy training has risen steadily—from 10.4 percent in the January class to 13.7 percent in the July 2006 class to 14.6 percent (as of May 18) among the current class.

This rate is higher than had been the case for all prior classes going back as far as the class admitted in March 2000. Only one class, September 2000, had a rate near 10 percent, and the rest were substantially lower. The fact that the recruit class admitted in January 2006 constituted the first group of new recruits paid at the reduced annual rate of \$25,100 per year lends support to the argument that the lower rate of pay for new recruits is affecting retention.

Thank you and I would be happy to answer any questions you may have.

# Police Academy Resignation Rate, 2000-2007

Shaded area reflects three recruit classes paid at reduced annual rate of pay of \$25,100. Immediately preceding class (entering Police Academy in July 2005) was paid at \$40,658 annual rate of pay.

Police Academy Class Entry Date	Number of New Hires	Resignations Prior to Completion of Police Academy	Police Academy Resignation Rate
January 2007	1,408	205	14.6%
July 2006	1,646	226	13.7%
January 2006	1,400	146	10.4%
July 2005	1,906	142	7.5%
January 2005	1,731	99	5.7%
July 2004	1,710	62	3.6%
January 2004	730	52	7.1%
July 2003	1,467	82	5.6%
July 2002	2,549	195	7.7%
July 2001	1,644	125	7.6%
September 2000	1,333	131	9.8%
March 2000	1,542	103	6.7%

SOURCES: IBO, Police Pension Fund.

NOTES: \*Resignation figure for January 2007 class includes only recruits having resigned as of May 18, 2007. In all instances above, only voluntary departures from force are included.



**TESTIMONY OF PBA PRESIDENT PATRICK J. LYNCH**  
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At about the same time, beginning in 1990, a new policy of labor relations was crafted in this City– literally out of whole cloth. According to the City, it required that every City union, both uniformed and civilian, receive exactly the same raise in every contract. This was the beginning of what is called lock-step pattern bargaining, an artifice that on its face violates this state's Taylor Laws and, as Commissioner Kelly recently conceded, has been a disaster for the NYPD.

And, during the 1990's, NYC police officers received 3 1/2 years of zero raises under this regime; this, at a time where other police departments around this country were receiving not exorbitant increases, as some suggest, but ordinary and appropriate raises.

This era, and the application of pattern bargaining which required unlike groups to be paid the same, led to a situation where NYC Police Officers are now paid anywhere between 20%-40% less in real terms than virtually every other police officer in the country. This situation has existed for some time, but certainly since I came into office in 1999.

What has happened since 1999? The PBA had legislation passed and its legality confirmed, that was designed to get us out from under the jurisdiction of the Office of Collective Bargaining, an agency that failed to do its job in two 1990's arbitrations. We have since 1999 conducted two arbitrations under the

state agency rules. We have made incremental gains and have averted another zero increase that the City was attempting to force upon its police officers in the last round of bargaining. However, in both arbitrations, awards were rendered that rejected the concept of pattern bargaining. But we still have not received enough to address the compensation problem.

Why? Because, absent the City's acknowledgement of the problem in arbitration, arbitrators have shown a reluctance to make up for a decade of poor labor relations and compensation practices in the City in one arbitration. In other words, arbitrators have shown that they will not save the City from itself. That is why, at the City's request, arbitrators awarded a new low starting salary. The City asked for it and they got it; now they are seeking to lay the blame on everyone but themselves and their policies.

I am here to call for an abandonment of pattern bargaining as practiced in this City. This concept exists nowhere else in this country. Why? Because it simply makes no sense. Significantly, it also violates our own state's Taylor Law.

Inevitably, a system that provides the same level of raises to every class of employee will produce over time an outcome where there will be some groups that will be paid above market, some at market and some that will be paid below market rate. And that is exactly what has happened in this City--New York City police officers are being paid well below market.

In the end, pattern bargaining is lazy bargaining. Instead of bargaining with each group on the merits, as the law requires, we have our labor officials saying because clerks have accepted a certain raise, police officers have to accept the same. And that has been the extent of collective bargaining in this City since pattern bargaining was created.

As a result of this lazy bargaining style, we have the Police Commissioner, who remarkably has no say in the setting of salaries in his own agency, saying that pattern bargaining has hurt the NYPD. Significantly, the Commissioner has told us that Operation Impact, the last band aid that prevents a full scale return of crime, is endangered.

What has been the Administration's reaction to the Police Commissioner's sounding of the alarm? The Mayor, apparently advised by others who are in denial about the negative effects of pattern bargaining, has reaffirmed a commitment to pattern bargaining. While acknowledging that pattern bargaining has endangered public safety, the Mayor has said there will be no exemption for police officers.

Instead, he recklessly asserted that every other contract with every other group of City employees would have to be reopened in the event police officers receive more than the below inflation raises being offered.

Is every other group in the same competitive position as NYC police officers?

Does every other group perform the type of job that New York City police officers perform, under the same conditions with the same type of scrutiny, in a City that is admittedly one the hardest to police in the world?

The time has come for the Mayor to lead. To say yes when the facts suggest it is right to do so and say no when they don't. One size fits all bargaining makes no sense and it has been shown to be a failure in this City. It is time for the sun to set on the 17-year old failed policy of pattern bargaining.

You need only look to the recent history of this City to predict what will happen if the staffing crisis is not addressed immediately. Let's not return to the bad old days of New York City. The stakes are too high and there is too much that must be kept right in this City.

Abandon the illegal practice of pattern bargaining and pay police officers a fair wage. Only in that way will we be able to recruit and retain enough qualified police officers to ensure the continued safety and financial health of this great City.

Testimony before the Public Safety Committee of the New York City Council

For Delivery on June 4, 2007

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Thank you very much Mr. Chairman and members of the Public Safety Committee:

You, Mr. Chairman, the members of the Committee, and indeed the leadership of the Council, are to be commended for inserting yourselves into this most critical debate which unfortunately is a debate about the very future of the New York City Police Department. While it's true that the Council is not a direct participant in the city's collective bargaining process, you are playing a vitally important oversight and leadership role in signaling your grave concern about the recruitment meltdown that has occurred as a result of the reduction of police starting salaries.

Of course, there is a danger that in focusing exclusively on the absurd starting salary now on offer to those considering a career in the police service, we will lose sight of the fact that the entire compensation structure in the NYPD is in desperate need of overhaul. The fabric of the department is being threatened.

The crisis being faced by the Police Department is certainly not something that will be fixed by a 5% raise here or there. It will almost surely not be remedied in the ordinary give and take of collective bargaining and arbitration. Over the past decade, the NYPD has fallen off the map in terms of what it pays its newest officers, but also in terms of what it pays veteran street cops. Thousands of cops with fewer than five years service

presently earn a base salary of less than \$45,000. The salary for the most important police title, Sergeant, is so paltry, that few officers are prepared to immerse themselves for months to master the material tested on the promotional examination. And each year, hundreds of detectives, at the peak of their performance, leave the department, feeling that there is little incentive to stay.

Cops today survive on a lifeline called overtime. This is literally what keeps many veteran cops afloat economically. This means they are at work more than they should be, that their lives are stressed and that they are never quite sure of being able to handle financial challenges immediate and in the future. This also means that for quite a few, not having a second job is simply not an option.

We are seeing an unprecedented situation in which the NYPD has become a revolving door. Aside from the obvious cost of recruiting, investigating and training men and women who will not stay in the department, there is a potential for a destabilization that we have not witnessed in the past. No one wants to work in a "Going out of Business" atmosphere. Today, newly minted officers talk openly about those who have left for better pay and many consider doing so, while most of the seats in entering police academy classes go unfilled. Some officers who would like to leave are, through fate or circumstance, not able to do so and grudgingly remain in a place where they feel undervalued.

NYPD Sergeants leave to become rookie officers in quieter organizations with superior remuneration. In explaining why she traded her sergeant's chevrons for an entry level position on Long Island, Elizabeth Campos told the *New York Times*: "In the city you're running from one job to the next, and many are serious crimes." Referring to her new employer, the Nassau

County police, she noted: "There's crime here too, but a lot of calls are for, say, a house alarm going off."

Police officers have responsibilities which can only be described as quasi-judicial in nature. They have powers to take away people's freedom and even their lives; to take people's children and to search their homes and personal effects.

Today's New York city police officers work in an environment where the pressures and stresses are unmatched in any other police department in the United States. Cops today are first responders in times of crises ordinary and unimaginable. Not only do officers face physical attack and the risk of death or maiming at work, they are also expected to produce results in thwarting and detecting crime

Gone are the days when rising crime was met with a shrug of the shoulders by those at police headquarters. To that end, officers are under pressure to make arrests, to issue parking, traffic, noise, criminal and other summonses, and to stop and question persons who are acting suspiciously. In short, to keep the city safe and orderly, officers are expected to be creative, proactive and engaged. Many of these interactions are adversarial and risky.

The Department, correctly, is intolerant of misconduct at work and off the job as well. Officers are subjected to drug testing, are required to be fit for duty 24 hours a day and can have their rights to work off-duty diminished or denied almost at whim. Officers can be transferred on short notice across the five boroughs. Joining the NYPD is a total experience: the job demands nothing less than the whole person. And officers are constantly reminded that should their ever be a collision



between their needs and the department's that the department's needs will triumph each time.

With all of these responsibilities and such intense accountability, it seems clear that what the NYPD needs in order to recruit the best and brightest is a competitive advantage. Instead, sadly, department salaries languish at the bottom in any comparison with other police agencies- one survey ranks NYPD salaries 157<sup>TH</sup> out of 200 law enforcement agencies. Proposals that unions buy back the right to a living wage by trading previously won benefits are unrealistic and will ultimately be counterproductive.

Once it was thought that having police officers live within the city they protected would foster an enhanced feeling of community and would connect officers to the people they serve. With police pay so low, the prospect of many officers living in the city becomes more remote. I would note parenthetically that District Council 37 has negotiated a contract that for the first time allows union members to live outside of the city, and that the Queens District Attorney has made a plea for a similar residency waiver for his prosecutors. So, perhaps in the not too distant future, city employees will serve a city they have little hope to live in. And, this naturally raises a profound question: is being a cop in this city ever again going to be a pathway into the middle class?

What makes this conversation so mystifying is that we are not talking about a city without a tax base or one that has fallen on hard times. Rather, thanks to the courageous decision to enact the expensive Safe Streets, Safe City program during the Dinkins administration, we are talking about an unmatched world city that was strong enough to shake off a lethal attack aimed at its heart half a decade ago. It is hard to imagine what would have been the fate of this town if the unchecked

crime and disorder of the 1990's was permitted to proceed unhindered. Today, it is virtually impossible to quantify the benefits of having a safe city, but sadly there are far too many American cities that wish- wish wholeheartedly- that they could summon up the vision and muster the will to smother rising levels of violent crime.

Mr. Chairman, members of the Committee, take a close neighborhood-by-neighborhood look at a map of this city and you will see something startling: construction cranes and the breaking of ground in scores of places that were not so long ago virtual no-go areas. Billions of dollars of economic development have occurred directly as a result of the city becoming such a safe place. And, of course, thousands of people are alive today because violent crime has been reduced to near unbelievable levels. This is a terribly inopportune time to win points at the collective bargaining table and lose an entire generation of potentially excellent police officers.

Until recently, the NYPD has enjoyed the luxury of having enough resources to handle just about any incident small or large. The Police Commissioner has wisely blazed a trail in developing a municipal anti-terrorism mechanism. The Police Department has had the ability to flood areas where crime seemed to be on the uptick with special units. But even in matters more mundane such as crowd control, a robust officer headcount allows for the peaceful backdrop necessary for parades and rallies to occur. It is worth noting that several weeks ago the always overstretched Los Angeles Police Department received fierce criticism, and the city an international black eye, after an immigration march turned out of control, something that is improbable here.

While corruption is never acceptable and must always be viewed as intolerable, the potential resurgence of a corrupt

police culture should never be dismissed. To the extent that the recruiting pool becomes more and more shallow, a laser-like focus needs to be trained on the process of entry-level hiring. And once officers are hired, we must not ignore the reality that many of them, on day one, will not have the financial ability to pay basic living and maintenance costs. As someone who conducted workshops for police officers in Eastern Europe and Africa under the auspices of the United States Department of State, I can tell you first hand that there are quite a few places in the world where it is expected that officers will engage in a kind of subsistence corruption. What a sad day it would be if New York became such a place. Mr. Chairman, you and the members of the Committee can do the math yourselves: with take home pay of \$600 every two weeks, what living standard could newly hired officers realistically hope for in this very expensive city and region?

With the future viability of policing as a career at stake, the Council should do everything in its power to exert its positive influence to fix these totally unsustainable compensation problems. To that end, the Council should undertake a comprehensive review of the reasons why officers leave the department, whether as new hires or veterans. Clearly, there would be much to learn from hearing the opinions of those who have been doing the job. What are some non-economic ways that the quality of work life for officers can be improved?

The conversation about police compensation should be a mature and reasoned one, and one which is fact-based and unprejudiced. It also must necessarily take place in a backdrop that recognizes the need for the city to maintain a balanced budget and not to crush residents and visitors with taxes. But make no mistake: what the Council is doing here is courageous and necessary and you deserve the praise of all

who are gravely concerned about the future of one of the nation's most respected institutions, our police department.

I would be remiss if I did not say a word about the sometimes unfair criticism that the NYPD receives. It is extremely healthy in a free society that the actions of a powerful agency such as the Police Department receive consistent scrutiny. However, it should be said that incessant and unrelenting criticism of the department which is unfair does hamper efforts to interest young people in a public service career. Specifically, any suggestion that the NYPD is cavalier about its responsibilities in the area of deadly force is appallingly unfair and wholly without foundation. The Police Department in this city can be justifiably proud that the primacy of human life is at the epicenter of all that it does. When suggestions are made about officers being callous killers or people who show wanton disregard for human life, every person who can be heard should step forward and refute that type of rhetoric. Otherwise, the police career, one of the greatest opportunities to do public service at the most basic and critical level, will seem tarnished and unworthy of the aspirations of young people.

The greatest challenge for public servants is to leave the government they serve in better shape than when they inherited it. Should those who can prevent a potentially irreversible slippage in the NYPD fail to do so, this will be in every sense a historic error. Mr. Chairman, members of the Committee, please do everything you can to ensure that this does not happen on your watch.

Thank you for this opportunity to testify today.