



BEFORE THE NEW YORK STATE SENATE
STANDING COMMITTEE ON CIVIL SERVICE AND PENSION

**Public Hearing to discuss retention and recruitment for civil service jobs
in New York State and the New York State pension fund.**

Tuesday, October 17, 2023, 10:00 am
Senate Hearing Room
250 Broadway
New York, NY 10007

STATEMENT OF PATRICK HENDRY,
PRESIDENT OF THE POLICE BENEVOLENT ASSOCIATION
OF THE CITY OF NEW YORK

Good morning, Senator Jackson and Senate committee members. Thank you for the opportunity to provide testimony on this very important and very urgent issue.

As you may know, our union represents more than 21,000 rank-and-file members of the New York City Police Department. They are the women and men who are in the patrol cars and on the streets of your neighborhoods, engaging with your constituents, protecting your local businesses, and putting themselves at risk to keep New York City safe.

We not only protect New York City's communities – we *are* the community. A majority of our members reside within the five boroughs, a majority are people of color, and every one of us works in partnership with the neighborhoods we protect.

On behalf of those members, I want to speak very frankly about recruitment, retention and staffing levels in the NYPD, because the current situation is nothing short of a crisis.

The NYPD currently reports a headcount of 33,582 uniformed members.¹ That is nearly 7,000 police officers short of the department's peak headcount in the year 2000,² when there were almost

¹ "Statistics & Dashboards - Personnel Demographics Dashboard," New York City Police Department, accessed October 13, 2023, <https://nypdonline.org/link/7>. The NYPD reports a uniformed headcount of 33,582 as of July 10, 2023. The NYPD's most recent hiring of police officers occurred on July 5, 2023, and a total of 695 NYPD members resigned or retired in the months of July, August and September according to data from the Police Pension Fund. The NYPD's current uniformed headcount is most likely substantially lower than it has publicly acknowledged.

² "Uniformed Personnel Data," New York City Police Department, December 31, 2000, reporting a uniformed headcount of 40,540.

800,000 fewer New York City residents.³ It is also the lowest uniformed headcount our department has seen in more than thirty years.⁴

To find a lower level of police staffing in New York City, you would need to go back to 1990 – a year in which our city saw more than 2,000 murders,⁵ and the same year that then-Mayor David Dinkins announced a plan to hire more than 6,000 additional police officers through his Safe Streets, Safe City initiative.⁶

That historic investment in public safety marked the beginning of New York City’s crime turnaround and the beginning of a renaissance in many of our neighborhoods. But over the past 20 years, Mayor Dinkins’ investment has been completely erased, and some of our key public safety gains have faded along with it.

While our members, working with our communities, have made significant progress in curbing the surge in violent crime that began in 2020, shootings are still 26% above 2019 levels, and other crime categories including felony assaults and car thefts have continued to increase.⁷

Moreover, as the NYPD has diverted more personnel to address violent crime, other forms of basic police service have suffered. Over the past five years, the NYPD’s average 911 response time to all crimes in progress has increased by more than 4 minutes, and response times to non-critical calls have increased by more than 7 minutes.⁸ Even response times to critical crimes in progress – including shots fired and other assaults with a weapon – have increased by almost two minutes, a delay that could have life-or-death consequences in certain situations.⁹

New York City simply does not have enough police officers to meet its public safety needs. Our elected leaders have recognized that fact, and the City’s current budget contains funding for at least 1,400 additional police officers.¹⁰

However, for at least three years now, the NYPD has been unable to hire enough police officers to meet its budgeted staffing targets, and it has been unable to retain enough experienced officers to prevent the headcount from slipping lower and lower.

³ “Population,” New York City Department of City Planning, accessed October 13, 2023, <https://www.nyc.gov/site/planning/planning-level/nyc-population/nyc-population-data.page>

⁴ “Fiscal History – Actual Full-Time Positions,” New York City Independent Budget Office, accessed October 13, 2023, <https://www.ibo.nyc.ny.us/fiscalhistory.html>

⁵ “CompStat Report Covering the Week 10/2/2023 Through 10/8/2023,” New York City Police Department, accessed October 13, 2023, https://www.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-city.pdf

⁶ Ralph Blumenthal, “DINKINS ON CRIME; DINKINS PROPOSES RECORD EXPANSION OF POLICE FORCES,” *The New York Times* (New York, NY), Oct. 3, 1990.

⁷ “NYPD CompStat 2.0 Dashboard,” New York City Police Department, accessed October 12, 2023, <https://compstat.nypdonline.org/2e5c3f4b-85c1-4635-83c6-22b27fe7c75c/view/89>

⁸ “Mayor’s Management Report – September 2023,” City of New York, pg. 59.

⁹ *Id.*

¹⁰ “The Financial Plan of the City of New York – Fiscal Years 2023-2027 Full-Time and Full-Time Equivalent Staffing Levels,” City of New York, pg. 27.

Last year, we saw 3,701 uniformed members resign or retire from the NYPD – that was a full 10% of our ranks¹¹ and the highest number of departures in more than two decades.¹² This year, we are on pace to lose more than 3,000 police officers once again.¹³

One of the most troubling trends is the growing share of police officers who are leaving before becoming eligible for a full pension – in other words, police officers who quit in the prime of their careers, often to take better-paying policing jobs elsewhere.

From 1999 to 2020, those mid-career departures represented an average of 26% of the NYPD’s total attrition. Last year, they accounted for 47% of the total and the ratio this year is above 40% once again.¹⁴

On the recruitment side, the NYPD’s hiring has not kept up with the historic exodus. For the July 2022 Police Academy class, for example, the department was seeking to hire more than 1,000 new police officers but was able to graduate just 561.¹⁵ Overall, the department has hired fewer than 3,000 police officers to replace the nearly 6,000 it has lost since the start of 2022.¹⁶

The NYPD is not only struggling to hire qualified recruits – it is failing to attract applicants who have any interest in an NYPD career at all. In 2019, a single police officer civil service exam attracted more than 14,000 applicants. But fewer than 6,500 applicants sat for any of the *three* exams offered in 2022.¹⁷

The downward spiral in NYPD staffing has dramatically increased the workload for police officers who remain on the job. Our members are routinely held past the end of their tour or deprived of their regularly scheduled days off in order to meet the department’s staffing needs.

This extreme workload has driven even more of our members to seek other opportunities. In exit interviews with members who leave for other police departments, “improved quality of life” ranks just behind pay and benefits among the reasons those members are leaving the NYPD.

We need immediate help to break this vicious cycle before public safety in New York City is eroded any further. The fastest and most straightforward solution is to incentivize talented, experienced police officers to remain on the job.

As you have heard from many others during these hearings, the law enforcement labor market in our state is extremely competitive. There are several factors that put the NYPD at a unique disadvantage in comparison to other police departments.

¹¹ Richard Khavkine, “Bleeding blue: Cops leave NYPD in record numbers,” *The Chief-Leader* (New York, NY), Jan. 4, 2023.

¹² “2023 Retirement Activity Report,” New York City Police Pension Fund.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Tina Moore and Bruce Golding, “NYPD makes fitness tests easier after increased retirements,” *New York Post* (New York, NY), Jul. 6, 2022.

¹⁶ *Supra* Note 12.

¹⁷ Tina Moore, “NYC blues: The number of potential NYPD cops plummets,” *New York Post* (New York, NY), July 15, 2023.

Chief among those are the grossly inequitable pension benefits received by our members hired under pension Tier 3, an antiquated plan that was never intended to apply to public safety employees.

As you may know, following the 2009 veto of the Tier 2 extender bill, many other police and fire groups in New York State were able to work with their employers and the Legislature to incorporate many key benefits – such as the 20-year service retirement¹⁸ and incentives for members who serve beyond their minimum eligibility for retirement¹⁹ – into Tiers 5 and 6.

That has yet to happen for New York City police officers, and it is an issue that this committee and your legislative colleagues can fix. I would like to call your attention to two pieces of pending legislation in this area:

The first is A.7791, sponsored by Assembly Member Pheffer-Amato, which has not yet been introduced in the Senate. This bill would restore the 20-year service retirement for New York City police officers hired since 2009, replacing the current 22-year minimum service requirement.

This change would put our Tier 3 members on a more equal footing with their counterparts across the state, reducing the incentive for members to jump to another police department with a more favorable pension plan. It also corrects a portion of the injustice that has left our newer members – who, as I noted, are increasingly diverse and largely city residents – with fewer benefits than their more senior colleagues.

The second bill is S.2148-A, introduced by Senator Addabbo. This bill would provide enhanced pension benefits for senior New York City police officers who remain in rank for periods of 25 or 30 years. It mirrors a longevity incentive that is already afforded to NYPD members in the rank of captain and above.

This bill could have an immediate, positive impact on attrition by incentivizing members who are on the verge of retirement to extend their careers by another five or ten years.

It would also help keep those veterans in the police officer rank, where they can best utilize their experience and training to engage with our communities and directly address crime and disorder, rather than seeking to promote to a specialized or supervisory role.

However, we must still back up our veteran cops with an adequate pipeline of qualified new recruits. I would like to briefly discuss one issue for which we will be seeking a legislative solution.

Following the Tier 2 veto, the City took the position that our members in Tier 3 could not avail themselves of several free-standing provisions that allowed police officers to buy back pension credits for their time served in other city and state civil service titles.

That includes service with the NYC Department of Corrections, as well as other titles within the NYPD, including Traffic Enforcement Agents, School Safety Agent, and NYPD Cadets who serve with the department as interns while completing their college education.

¹⁸ See RSSL § 1201(a) & RSSL § 384(d).

¹⁹ See RSSL § 384-b & RSSL § 384-e.

These public safety titles have long served as a valuable source of dedicated, diverse recruits for the NYPD's uniformed ranks. Mayor Eric Adams himself has called for a "promotion pipeline" to recruit police officers from these titles.²⁰

Despite this, the City has steadfastly opposed the PBA's litigation over the pension buy-back provisions. Now that the Court of Appeals has upheld the City's interpretation of the law, the Legislature must act to correct this injustice.²¹ We will therefore seek the introduction of legislation to do just that during the upcoming session.

We look forward to continuing to work with this committee and the entire Legislature on solutions to these urgent staffing issues. As you begin that important work, you will find very little opposition on the merits. Almost everyone we talk to – from key policymakers to the communities we serve - agree that we must correct the current staffing situation among public safety agencies and the civil service as a whole.

With respect to New York City police officers, resolving our staffing crisis is not only what your constituents want – it is absolutely critical to the economic and social health of the city.

The public safety gains achieved by a fully staffed NYPD in the 1990s paved the way for the city's economic resurgence and the social advances that have made the city more diverse and equitable than at any time in its history. Despite some recent rhetoric to the contrary, New Yorkers have made it clear that they want more police presence²² and more resources devoted to public safety.²³ And as our city continues to regain its post-pandemic footing, business and community leaders have pointed to public safety concerns as a key factor holding back that recovery.²⁴

The question, therefore, is not whether New York City can afford to correct the NYPD's recruitment and retention crisis. The question is whether it can afford to allow this crisis to continue any longer.

I thank you again for your time and attention to these important issues. I am happy to answer any questions you may have.

²⁰ Eric Adams, "New York's cops deserve a raise: They've made the city and should be recognized for it," *New York Daily News* (New York, NY), Jul. 1, 2019.

²¹ Matter of Patrick J. Lynch, v. City of New York, 2023 NY Slip Op 02753

²² Clayton Guse and Nicholas Williams, "NYC poll finds 86% want more cops in subways; 61% fear riding trains at night," *New York Daily News* (New York, NY), May 5, 2022.

²³ Snejana Farberov, "Majority of New Yorkers want a bigger budget for the NYPD: poll," *New York Post*, (New York, NY), Jun. 8, 2022.

²⁴ Thomas Barrabi, "Citadel boss Ken Griffin urges Mayor Eric Adams to make NYC crime top priority," *New York Post* (New York, NY), Jan. 12, 2023.