

PATROLMEN'S BENEVOLENT ASSOCIATION

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Setting the Record Straight

Professor Sides With PBA Against City in Contract Fight

By PATRICK J. LYNCH



In June, I testified before the New York City Council Public Safety Committee and pointed out how the city's labor relations policy of slavish adherence to pattern-bargaining has been unfairly and unlawfully deteriorating police salaries and creating a long-standing and acute recruitment and retention crisis, leaving the city with dangerous staffing levels in local police precincts and commands. Although the city remains in denial, I am, of course, not the only one who feels that way. In fact, Prof. Eugene O'Donnell of the John Jay College of Criminal Justice delivered testimony before that Council committee on the very same day that wholeheartedly supported that position.

The following is a condensed version of his testimony, which Prof. O'Donnell has emphasized represents his personal and professional judgment and not that of John Jay.

Testimony of Professor Eugene O'Donnell

NYC Council –
Public Safety Committee
June 4, 2007

Professor O'Donnell:

Mr. Chairman, thank you so much. This really has been tremendously helpful and hopefully this will have a reverberating effect throughout the media, throughout our city and bring some more reason to

what needs to be a situation that has to be corrected.

First of all, I think, first thing I have to say to you Mr. Chairman is thank you for having this hearing, clearly the Council did not have to get involved here. Clearly, the Council could say Collective Bargaining is where this lies but I think you, Mr. Chairman, have recognized that this is really a serious issue. We're not looking at an issue that can be solved with five-percent raises here or there or that's going to be fixed in the ordinary course of collective bargaining or arbitration. What we're looking at in the New York Police Department not only on the entry-level issue, but really across the board is a meltdown. **It's a meltdown of recruitment. It is a meltdown in terms of officers wanting to stay within the first few years. Officers at the top end of their service who are leaving and it is not something again that's going to be fixed incrementally. We have published reports of police sergeants in the New York Police Department that are leaving... to become rookie officers in Nassau and, as probably has been alluded to, we're not just talking Nassau and Suffolk, and Port Authority. We are talking about many, many police departments now that pay far superior wages, not ten or fifteen thousand dollars more — thirty, forty thousand dollars — New Jersey State Police, New York State Police. And one thing I would caution the committee is that this starting salary is becoming a little bit of a false issue. It will be fixed soon enough. It will certainly probably go to \$35,000 and the question the committee has to ask is, what then? **Is a \$35,000 starting salary... going to make the NYPD a competitive place to work? And I think clearly the answer is going to be no.** Thirty-five thousand dollars is not where we need to be. The salary for New York City cops as we sit here today, up until about five years, is \$45,000 — that's what a street cop is making. What's keeping these cops afloat at this point? Overtime is keeping those cops afloat, it's their lifeline and should it be severed at any time many of them would be in... extreme economic duress. **It also, I think, needs to be raised that this entire issue of officers not being paid properly, officers resigning****

en masse, officers constantly looking for other departments they can go to, has created... what I would call a going-out-of-business atmosphere, and I don't think anybody really wants to work in that kind of an atmosphere, where there is a feeling that if you haven't yet left that other colleagues will soon be leaving.

Two real important points... One, New York City cops work; it is probably the most... responsible pressurized job in the United States in terms of law enforcement. Not only do officers have extraordinary powers ... almost what you would say are quasi-judicial powers, but here in the city ... there are issues about first-responding responsibility to terrorism. They are under enormous pressure thanks to the COMPSTAT, which is necessary, but cops in New York City are under pressure to produce results in thwarting crime and responding to crime... Beyond that... there is an enormous level of accountability for New York City cops. When you put together the accountability that cops have to face and the responsibility they face, it would seem what you really need in the city is a recruiting advantage; you need a financial advantage and what we don't even have is a parity situation... By the way, there's been a survey done (and of) 200 law enforcement agencies in the United States, the NYPD is 157th of those departments (in salary), which, with all due respect, is really an obscenity at this point.

One of the other things I wanted to mention is that we're possibly seeing for the first time ever the police officer's job not being a middle class job anymore. It is not a gateway into the middle class and this is maybe a wider issue. I noticed (that) District Council 37 has negotiated a contract (and) one of their priorities is the right for their people to live out of city. Queens DA Brown wants his people to have the right to live out of the city. **So maybe were going to see a point in which the people who protect the city can't even live here.** They are going to be forced to live outside of the city. For a long time we said it would be terrific to have cops live in the community, interact with people; it would build a fabric of the city. Now it seems that those officers... will not have any potential possibly to live there...

One other point... the issue of corruption... I've had the privilege to... go around to Africa and Eastern Europe and train police officers there and what you find out (is that) in many places in the world it's not unusual for officers to engage in what is... referred to as subsistence corruption. Everybody knows to live that you have to involve yourselves in improper conduct. We should never be complacent about the potential for a resurgence of that kind of problem. Police officers are taking home \$600 every two weeks. Police officers who at day one, the day they are hired, cannot meet their bills, no way, no how can they meet their bills. We should not... disregard the possibility that going forward that can create a problem. So this is going to take a real serious across-the-board approach. This is not going to be done with three-, four- or five-percent increases. This is a serious issue and what the Council is doing here is courageous and is necessary. You deserve the praise of all of us who are gravely concerned about the future of one of the nation's most respected institutions, our police department. **Certainly, this idea that we're going to win collective bargaining points at the collective bargaining table and lose a whole generation of police officers seems to be a foolish idea — this idea that by keeping raises so small that you can show a ever-increasing budget surplus.** We see it, by the way at John Jay, where young people, when recruitment comes... have an ever-diminishing interest in the NYPD; we see department (recruiters) coming from all over the country, some of them incidentally... former NYPD officers. So, you have this whole revolving-door effect.

...No question that the first thing that's going to suffer here is patrol and I did notice yesterday, reading one of the local papers from Queens — I think it's the 114th Precinct they were alluding to — that the patrol strength in the precinct went from 320 officers to 180 officers. Patrol is the first casualty here and, as the Committee has pointed out, not just in terms of areas that are suffering violent crime but also quieter communities; we need to have officers available to do the job.

...(With these hearings) the Public Safety Committee... (is) doing a public service (that) I

think hopefully will help stop what is a historic mistake that we're making...

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Chairman Peter Vallone, Jr.:

I want to thank you because, number one, I thought that there were no more points to be made but you come up with a lot more for us to assimilate and for recognizing what we're doing here today. This was not a topic we waded into lightly and we wanted to wear our life jackets today. I think we survived; it was something that could have made a lot of people angry at us but the reality of the situation is such that we thought that it was necessary and I thank you for recognizing that ...

Professor O'Donnell, you would acknowledge that this (pay) disparity that exists is related to the pattern bargaining that's been going on since 1990 and has created the vast situation that we are in that, just having collective bargaining at this point, we're never going to catch up.

Professor O'Donnell:

Right, the cops are at a position now where the job is not even a middle-class job and they are stuck in that going forward. I just want to make one point here, which is that it is becoming increasingly the case in other parts of New York State and New Jersey that young people actually pay to go to the police academy. I am not suggesting that this is the way to go but just to show you why we shouldn't get trapped in the \$25,000 issue. If you go to a lot of departments in Jersey, the cops aren't even paid while they are in the academy. For six months they actually pay themselves to go to the academy — the reward for that is a living wage, is more than a living wage, is a reasonable wage when they get out. So, I just want to caution that... the whole issue of pattern bargaining should be looked at because it's not just, fix the \$25,000 wage and they will come. That is a simplistic solution; undoubtedly it's not going to solve this problem.

Chairman Vallone:

It underscores what you are saying, what the PBA said, concerning the fact that when applicants look at the job, they look at it as career choice, and what happens to them over the course of a career, and where they end up, not only where they start but also where they end up in terms of benefits and

salary and being able to be a part of the middle class, as you make a good point, it's no longer become a middle-class existence, middle-class job at this point.

Professor O'Donnell:

Right, it seems to be the last thing we need is people relocating from Iowa, perhaps because they saw a show about the NYPD on television, and coming to the city and seeing the cost of living, the cost of surviving here, and trying to do that on \$25,000. I certainly have heard stories of people coming from the Midwest to New York City to be cops and landing here and it's a totally different experience than they would have expected.

Chairman Vallone:

I am curious, when you have your career days at John Jay do you actually invite the other police departments or do they initiate the contact? They want to come in or are you inviting them in, how does that work?

Professor O'Donnell:

They want to come, and the tragedy of all this is that the New York City Police Department is still the most respected police department any place and, notwithstanding the fact that we're committed to not paying them what we should be paying them, I am amazed at John Jay how many of our excellent students still become New York City Police officers. It still has that pull, it's still seen as the best police department any place... **Yet, increasingly when we have career days you have the NYPD recruiters, its almost like the Maytag repairperson standing there forlorn, nobody is coming over there to see them, and (then you have) these other departments in other places you never heard of, small agencies, that offer superior salaries and benefits. So that's a tragedy. Might I just add this should be done without emotion, it should be done factually because it's the pay and benefits issue that has to be looked at. We shouldn't get too overly emotional about the topic. But I am confident whether it's the IBO or anybody else that does the analysis were going to find the NYPD having been left completely, the job has really fallen off the ledge in terms of the way it pays its officers.** Thank you.



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