



BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

**Joint Legislative Public Hearing on 2024 Executive Budget Proposal:
Topic “Public Protection”**

Thursday, January 25, 2024, 9:30 a.m.
Hearing Room B
Legislative Office Building
181 State Street, 2nd Floor
Albany, NY 12247

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

Good morning, Senators and Assemblymembers. Thank you for the opportunity to provide testimony regarding the Fiscal Year 2025 New York State budget and for your consideration of the Police Benevolent Association of the City of New York’s views on public safety matters.

As many of you know, our union represents over 21,000 rank-and-file members of the New York City Police Department. We are the women and men who are in the patrol cars and on the streets policing your neighborhoods, engaging the public, protecting local businesses and putting ourselves at risk to keep New Yorkers safe.

Our members not only do the work to protect New York City’s communities – we have a personal stake in the outcome. To put it simply: we are your constituents. The majority of our members are New York City residents, and all reside in New York State.

New York City is the economic engine of our state, and its economic success matters to us and our families, as it does to all of your constituents. As Mayor Eric Adams has frequently noted, public safety is the prerequisite for New York City’s prosperity. However, none of our city’s public safety goals can be achieved without an adequate number of highly trained, highly skilled police officers on its streets.

Unfortunately, current NYPD staffing levels are grossly inadequate to meet the city’s public safety needs. I want to discuss several actions that the Legislature can take as part of this budget to address the challenge of retaining and recruiting the Finest police officers.

The NYPD currently reports a headcount of 33,612 uniformed members¹ — down nearly 7,000 police officers from the department’s peak headcount in the year 2000,² when there were almost 800,000 fewer New York City residents.³

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 over 2,000 murders,⁴ 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.⁵

That historic investment in law enforcement personnel ushered in a period of sustained public safety gains. With more police officers, crime plummeted. Safer streets elevated the collective quality of life for New York City residents. But over the past two decades, Mayor Dinkins’ investment has been completely erased, and some of those public safety gains have begun to fade along with it.

Working with our communities, our members have made significant progress in curbing the surge in violent crime that began in 2020. But those gains have come at a heavy cost: our members have been required to work excessive amounts of overtime to make up for staffing shortfalls. Officers routinely stay past the end of their tour and are often deprived of their regularly scheduled days off to meet the department’s staffing needs. This extreme and unsustainable workload has driven even more of our members to seek other opportunities.

Our local elected leaders recognize the dire staffing needs of our department, and the mayor’s preliminary budget restores funding for an April police academy class of 600 new recruits.⁶ However, the NYPD’s recruiting efforts have failed to keep up with its historically high attrition rates. Since the start of 2022, the department has hired just over 4,500 police officers to replace the more than 6,500 it has lost to resignation or retirement during the same period.⁷

One of the most alarming trends is the growing share of police officers leaving before becoming eligible for a full pension, quitting in the prime of their careers for policing jobs elsewhere that provide better benefits, better pay and a better quality of life.

Given the NYPD’s critical staffing shortfall, there is a clear need to incentivize talented, experienced police officers to remain on the job. This is an area in which the Legislature has direct

¹ “Statistics & Dashboards - Personnel Demographics Dashboard,” New York City Police Department, accessed January 18, 2024, <https://nypdonline.org/link/7>. The NYPD reports a uniformed headcount of 33,612 as of January 12, 2024.

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

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 “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

⁵ Ralph Blumenthal, “DINKINS ON CRIME; DINKINS PROPOSES RECORD EXPANSION OF POLICE FORCES,” *The New York Times* (New York, NY), Oct. 3, 1990.

⁶ “Mayor Adams Releases Preliminary Budget for Fiscal Year 2025,” City of New York, accessed January 18, 2024, <https://www.nyc.gov/office-of-the-mayor/news/040-24/mayor-adams-releases-preliminary-budget-fiscal-year-2025#/0>.

⁷ *Supra* Note 12.

authority and can make an immediate, positive difference. We therefore respectfully request your support for the following initiatives during the budget process and the legislative session:

20-Year Retirement for Tier 3 Members

Among the many factors hampering the NYPD's recruitment and retention efforts are the pension benefits available to our members hired since 2009 under pension Tier 3, which are grossly inequitable when compared to those available to our counterparts across this state.

As you may know, following Governor David Paterson's 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 retirement⁸ and incentives for members who serve beyond their minimum eligibility for retirement⁹ – into Tiers 5 and 6. That has yet to happen for New York City police officers.

We support S.7714/A.7791, sponsored by Senator Chu and Assembly Member Pheffer Amato, a bill that 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 peers, reducing the incentive for members to jump to another police department with a more favorable pension plan. It would also correct a portion of the injustice that has left our newer members – who are increasingly diverse and largely city residents – with fewer benefits than their more senior colleagues.

Final Average Salary Incentive

Another piece of legislation that would incentivize our most talented, experienced police officers to remain on the job is S.2148-A/A.5202-A, introduced by Senator Addabbo and Assembly Member Pheffer Amato, which would provide enhanced pension benefits for New York City police officers who remain in rank for periods of 25 or 30 years. This bill would help alleviate our attrition problem by incentivizing members 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 apply their experience, training and institutional knowledge to engage with our communities and directly address crime and disorder, rather than seeking to promote to a specialized or supervisory role.

Pension Credit Buyback Program

We must also back up our veteran cops with an adequate pipeline of qualified new recruits.

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.

⁸ See RSSL § 1201(a) & RSSL § 384(d).

⁹ See RSSL § 384-b & RSSL § 384-e.

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

These public safety titles have long served as a valuable source of dedicated, diverse recruits for the NYPD's uniformed ranks. Mayor Adams himself has called for a "promotion pipeline" to spur police recruitment from these titles.¹⁰

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.¹¹

Congestion Pricing Exemption

Amid all these staffing challenges, the implementation of the Manhattan congestion pricing program is poised to exacerbate the NYPD's staffing crisis, especially in parts of midtown and lower Manhattan that have seen increasing crime in recent years.

The imposition of a \$15 per trip toll on police officers who must report for duty in Manhattan south of 60th Street will place an undue financial strain on our already underpaid members.¹² It will undoubtedly prompt members assigned to the congestion zone to seek transfers to other parts of the city and will add yet another disincentive for police recruits to choose the NYPD over another police agency.

We hope to find a resolution that can minimize the impact on our members before the toll takes effect. S.5509/A.3341, introduced by Senator Scarcella-Spanton and Assembly Member Pheffer Amato, represents a path forward, amending the Vehicle and Traffic Law to exempt our members from the new congestion pricing toll.

We look forward to continuing to work with the members of these committees and the entire Legislature on solutions to the NYPD's staffing crisis. Almost everyone we talk to – from policymakers to the community members we serve – agrees that we must correct the current staffing situation among public safety agencies and the NYPD in particular.

This strategy has worked in the past. The public safety gains Mayor Dinkins achieved through a fully staffed NYPD paved the way for the city's economic and social resurgence. Despite some recent rhetoric to the contrary, New Yorkers have made it clear that they want more police presence¹³ and more public resources devoted to their safety.¹⁴ And as our state continues to regain its post-pandemic footing,

¹⁰ 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.

¹¹ Matter of Patrick J. Lynch, v. City of New York, 2023 NY Slip Op 02753

¹² Patrick Adcroft, Spectrum News Staff and Samantha Liebman, "MTA board approves congestion pricing plan," *Spectrum News NY1* (New York, NY), Dec. 6, 2023.

¹³ 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.

¹⁴ Snejana Farberov, "Majority of New Yorkers want a bigger budget for the NYPD: poll," *New York Post*, (New York, NY), Jun. 8, 2022.

business and community leaders have pointed to public safety concerns as a key impediment to that recovery.¹⁵

Public safety is indeed a prerequisite to our collective prosperity. But to arrive at a more prosperous future, we ask this Legislature to make the proper investment in our existing police officers. A fully staffed, fully supported New York City police Department will pay dividends in the long run — for both our City and State.

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

¹⁵ 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.