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## **2024 Joint Legislative Budget Hearing Testimony Higher Education**

**Submitted on Behalf of the  
New York State University Police  
Officers, Investigators and Lieutenants Benevolent Associations**

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Good evening, my name is James McCartney, and I am the Director of New York State's University Police Lieutenants and President of the PBA of New York State which represents New York's State University Police, Environmental Conservation Officers, Forest Rangers, and Park Police Officers.

I have had the honor of serving as a New York State University Police Officer for 24 years and I currently work at the State University at Morrisville campus.

I am disappointed to say that as I speak with you today, pension parity remains our number one priority. We are grateful that the state legislature has stood with us for the past four years - overwhelmingly passing legislation to provide PBANYS members with the same 20-year pension that 96 percent of police officers and firefighters in the state already receive.

Sadly, your twenty-year pension legislation has now been vetoed three times by Governor Hochul. Our members have spent the last several years living a demoralizing version of the movie "Ground Hog Day" in which the same cycle repeats over and over.

The legislature passes our 20-year retirement bill near unanimously. The legislation is transmitted to the Governor at the end of the calendar year. The Governor vetoes the legislation stating it needs to be part of the state budget. By the time the veto is issued the following year's budget has already been drafted and does not include the 20-year retirement. Rinse and repeat year after year.

We are asking that the Legislature please add the 20-year into your one house legislative budget proposals and force the issue during budget negotiations. We see no other way to meet the Governor's procedural demands and deliver the retirement parity you strongly and consistently support for our members and their families.

The state has seen fit to provide nearly every police officer and firefighter in the state with a 20-year retirement because the unique stresses and dangers of our jobs result in statistically shortened lifespans.

This hit close to home for PBA members last month when one of our members, Environmental Conservation Officer Lt. David McShane, died at the age of 50 from 9/11 related illness. Lt. McShane had 23 years on the job but was unable to retire with full benefits because he had not gotten to 25 years of service. In his last years he should have been retired with a full pension that he earned during a career of selflessness and sacrifice, able to focus on his wife and three children.

Likewise, we lost two senior Forest Rangers to suicide in little more than a year. The mental toll from policing and dealing with other people's challenges and tragedy can

take a heavy toll on those whose sole career focus is protecting and serving. The stress of this service builds up, impacts personal and family relationships, and tragically can lead to officers seeking an escape from the pain.

One of the Forest Rangers had commented to friends and colleagues that he needed to retire because he couldn't handle the job any longer, but retirement wasn't an option despite having more than 20 years of service as a Forest Ranger. In his words he needed to keep working to provide for his children. We can't help but wonder if he would still be alive had he been able to retire after 20-years on the job?

It is anecdotes like this that can help you understand why we have such an exodus of Officers to municipal agencies that offer higher pay, and the opportunity to retire after 20 years of service instead of 25. Given a choice, our members would prefer to stay with the agencies they love, but simple economics and protecting their own wellbeing and families forces them to make the choice to leave.

Why do our members want to stay with their agencies? Simply put, they chosen these agencies because of the communities they serve. University Police Officers serve culturally diverse campus communities and play a formative role in the future of our nation and in reality, the world as the students, faculty, and staff come from a host of nations and backgrounds. Our state university campuses are microcosm of the world at large.

Parents send their children to our campuses trusting that they will be safe both physically and intellectually – free to exchange ideas and grow as adults and members of a greater society without fear of intimidation.

A cornerstone of our Officers' commitment to diversity, equity, and inclusion is the sense of community and safety that our officers work tirelessly to promote. The past few months have proven to be a challenge in this regard as world affairs have brought unprecedented tension to our campuses.

Governor Hochul called on University Police Officers to work with student groups who have conflicting world views to ensure that disagreements in ideology and culture do not transform into harassment, intimidation, or violence on our campuses.

I am pleased to say that we were not plagued with the issues experienced at many of New York's prominent private colleges and universities because we have worked for years to foster a tolerant and supportive campus environment where everybody feels safe.

The relationships that our Officers proactively develop with various communities within our campuses pay dividends as they build trust and break down barriers that might

prevent a student from seeking help, if needed in the future. Sharing a meal today may foster a feeling of security to report a crime or ask for help in coping with debilitating stress before a student harms themselves or another.

Unfortunately, we have seen the void created when an officer who has built ties to a student community is lured away to an outside agency offering better pay and a 20-year retirement. Our students deserve better than a revolving door the state has created for those tasked with their protection.

Our officers are faced with the decision of caring for their university family, or their families at home. That decision is difficult but predictable, and no officer should be made to make that choice.

The dangers of the outside world do not miraculously stop at the borders of our campuses. University Police Officers enforce Extreme Risk Protection Orders, deal with violent assaults, drug trafficking, sexual assault, domestic violence, dangerous and illegal weapons, as well as responding to thousands of mental health crisis calls each year. Through our specialized training, and focus on de-escalation and community policing, we prevent and mitigate these threats and dangers to the greatest degree possible.

A recent incident at SUNY Farmingdale underscores these dangers. A subject was apprehended after a dangerous car chase. The individual was violating existing electronic monitoring and custody orders from previous arrests including among other charges; assault in the 1st degree, intent to cause serious injury with a weapon, attempted murder with intent, assault in the 1st degree causing serious physical injury during a felony, criminal use of a firearm in the 1st degree, and possession of a deadly loaded weapon.

Our University Hospitals have seen shootings, stabbings, and the seizure of deadly weapons including firearms and knives. We cannot allow places of refuge and healing to become the scenes of murders and assaults. New York State University Police stand the line to provide sanctuary, at the risk of their own safety and lives.

I think we can all agree that our officers deal with dangerous criminals and serious crimes – the same as every other police officer in the state. However, we are treated very differently in ways that seriously impact our future and our families.

Our University Police Departments have learned the hard lessons from active shooter events on college campuses going back as far as the Virginia Tech shooting in 2007.

We have taken proactive measures to ensure that our police departments have the training and equipment to respond to violent incidents on campus including providing every officer with active shooter response training as well as access to tactical rifles, Level 4 rated ballistic plates, trauma kits, and additional ammunition.

As threats can present anywhere and at any time we must be prepared to respond quickly, effectively, and with overwhelming force to save innocent lives.

Many of the dangers students face are internalized. The transition from adolescence to adulthood poses a number of new and novel changes for college students. For some this transition is overwhelming and the students need professional assistance in coping with this stress and navigating new experiences and responsibilities.

State University Police Officers saved the lives of 1,021 individuals in 2023 who were taken into custody pursuant to Mental Health Law provision 9.41. University Police Officers safely transported these individuals to hospitals to undergo mental health evaluations and to prevent them from causing harm to themselves or another. University Police Officers also performed nearly 1,411 welfare checks in that same time period ranging from missing persons to persons in crisis.

A major component of our community-centric policing is ensuring that we have the diversity among our officers to reflect our campus communities and breakdown barriers in communication that result from a homogenous police force that does not look like those we serve.

We continue to struggle to meet Governor Hochul's challenge to increase the number of female officers to 30 percent by 2030. Currently, approximately 17 percent of sworn State University Police Officers are female.

While this is a higher percentage than in other units represented by our union, we lose a staggering number of female officers to state and local agencies that offer a 20-year retirement instead of the 25-year retirement that our members currently work under.

With the State Troopers now offering four academies per year we will continue to lose outstanding officers - but at an accelerated rate. The lack of a 20-year pension is not only a threat to Governor Hochul's 30x30 Initiative, it is essentially New York state cutting off its nose to spite its face. The ranks of female Troopers will soar while the ranks of female State University Police Officers, Park Police Officers, Forest Rangers, and Environmental Conservation Officers will suffer.

Dangling prior service credit, substantial pay raises, and the ability to retire five years sooner are potent recruiting tools that many officers cannot resist.

Over the past three years we have lost 200 State University Police Officers – only 43, or approximately 20 percent, were due to retirements. The rest were officers who resigned to take jobs elsewhere. In the same time period, we have seen 372 officers across all four of our units leave service with only 122, or less than one-third, to retirement. These numbers are staggering, alarming, and unsustainable.

In our conversations with our former colleagues, we hear over and over that our antiquated and uncompetitive retirement system is the leading reason for their departure.

With 96 percent of police and firefighters in New York State eligible to retire after 20 years there is no shortage of agencies for our members to consider. When thinking about one's future and the financial well-being of one's family, the choice is obvious, and the impact is evident.

Not only does this attrition jeopardize campus safety, undermine established relationships between State University Police and the campus community, and decrease diversity, it also greatly harms taxpayers.

While the projected cost of a 20-year retirement is 66.7 million dollars, every officer that walks out the door represents in the neighborhood of \$120,000 dollars in lost training and equipment costs for their first year of service. This doesn't factor in the invaluable on-the-job experience developed on our multicultural campuses that is so highly sought after.

The State University of New York System promotes that it is comprised of 64 institutions – most of which are community colleges across the state. These are welcome additions that increase the reach of SUNY's mission and leverage additional resources to serve a greater number of New York's residents.

At the same time only 28 of these institutions, the traditional four-year state universities, are protected by State University Police Officers. The remainder rely upon a patchwork of public safety which can include local law enforcement as well as Campus Public Safety Officers which are not DCJS certified police officers.

Just as these campuses have been brought under the SUNY umbrella for administrative efficiency and improved academic resources for students and faculty alike, so too should their security operations to ensure all students, faculty, staff, and visitors

are equally well protected whether at a four-year state university or a two-year SUNY Community College.

Furthermore, it is past time that we centralize State University policing for efficiency, efficacy, and fairness. Policies vary across campuses. There is no standardization of equipment or uniforms. Hiring and transfers between campuses are hampered, and there is no central point of reporting within the SUNY administrative system which makes empirically based policing difficult at best, and untenable at worst. We need to stop addressing campus safety through 28 individual campus police departments and create a modern centralized law enforcement agency.

Our members and their families need not live through a cycle of uncertainty and disappointment. The state Senate and Assembly have the ability to bring an end to our 20-year retirement Groundhog Day by working with Governor Hochul to include pension parity in the final budget. Your decisive leadership and perseverance can see this to fruition. Our members and their loved ones sincerely thank you for all you've done to date, and they are counting on each and every one of you.

I thank you for the opportunity to present this testimony and thank you for your ongoing support of higher education in New York State and the men and women who put their lives on the line daily to allow our State University campuses to serve as cauldrons of diversity and academic exploration.