

# Create a Police Liability Fund to Offset Misconduct Claim Payouts

Savings: \$45 million annually

Total tort settlements and judgements involving the New York City Police Department (NYPD) cost the city an average of \$241 million per year, including claims settled pre-litigation. Among litigated misconduct cases against individual police officers, officers named in two or more cases accounted for about 60 percent of payout costs, despite representing only one third of officers with litigated cases.

A police liability fund, financed by police officer paycheck reductions, would offset city spending on misconduct. For this budget option, an officer's potential paycheck reduction amount would be determined by the total complaints filed against them. Complaints are the metric—rather than substantiated complaints or lawsuits—under this option for two reasons. First, misconduct investigations and lawsuits are often protracted; paycheck reductions tied to those metrics would begin after a substantial amount of time elapsed, decreasing their effectiveness as a misconduct-reduction tool. Second, while one-off complaints may occur over the course of an officer's career, multiple complaints are atypical and may indicate a pattern of misconduct. Complaint data support this: Civilian Complaint Review Board (CCRB) data indicate 73 percent of active NYPD officers have a record of zero to two CCRB complaints. The remaining officers received between 3 and 43 complaints—22 percent of all active officers have three to eight complaints. To file a complaint with the CCRB, individuals must complete a form detailing the allegations and appear for an in-person interview with a CCRB investigator.

Under this option, officers with three or more complaints filed against them would pay into the police liability fund at escalating levels based on the number of complaints, starting at \$150 per paycheck for three complaints and increasing by \$60 for each additional complaint. Officers with zero, one, or two complaints would not pay into the fund. Such a fee structure would offset misconduct payments by approximately \$45 million per fiscal year. Procedures could also be put into place to remove a complaint from an officer's record under certain conditions. Funds collected would only be used to offset NYPD tort claims and settlements. The implementation of this option would have to be negotiated as part of a collective bargaining agreement between the city and the police labor unions.

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**Proponents might argue** that an officer-funded liability pool would increase accountability in a system with few financial or disciplinary repercussions for officers accused of misconduct. This system is therefore likely to both reduce city spending on misconduct payouts and to over time reduce misconduct itself, leading potentially to even larger savings. They would argue that this option does not penalize officers who do not receive complaints, which should be the standard. The opportunity to incentivize positive behavior through fee reductions could also create buy-in among officers for improved training and policy revisions to further reduce inappropriate behavior. Even if misconduct rates remain the same, the city's savings would be substantial.

**Opponents might argue** that an officer-funded liability pool could discourage compliance with other policies intended to reduce police misconduct, such as body-worn cameras, or even reduce officer willingness to engage with the public for fear of incurring complaints. Depending on the policy's structure, misconduct reductions could unfairly target officers in "high-touch" positions, who are more likely to receive complaints even if unsubstantiated. Because this is a novel approach to reducing police misconduct, there is no evidence from other jurisdictions that it would change police behavior, and it would unfairly increase the financial burden of an inherently high-risk profession.

## Alter Staffing Pattern in Emergency Medical Service Advanced Life Support Ambulances

Savings: \$6 million annually

The fire department's Emergency Medical Service (EMS) currently staffs 199 Advanced Life Support (ALS) and 544 Basic Life Support (BLS) ambulance tours each day. The latter are staffed with two emergency medical technicians (EMTs); in contrast, two higher-skilled and more highly paid paramedics are deployed in ALS ambulance units. This option proposes staffing ALS units operated by the fire department with one paramedic and one EMT as opposed to two paramedics. Budgetary savings would result from lower personnel costs as the number of fire department paramedics is allowed to decline by attrition while hiring additional EMTs to take their place.

New York City is the only jurisdiction in the state where Advanced Life Support ambulances are required to have two paramedics. Regulations governing ambulance staffing in New York State are issued by entities known as regional emergency medical services councils. The membership of each council consists of physicians from public and private hospitals as well as local emergency medical services providers. There is a council with responsibility solely for New York City, the New York City Regional Emergency Medical Advisory Council (NYC-REMSCO).

In 2005, the city unsuccessfully petitioned NYC-REMSCO for permission to staff ALS ambulance units with one paramedic and one EMT, with the city contending "there is no published data that shows improved clinical effectiveness by ALS ambulances that are staffed with two paramedics." In January 2009, the Bloomberg Administration again expressed its intention to approach NYC-REMSCO with a similar request, but thus far the double-paramedic staffing policy applicable to the city remains in place.

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**Proponents might argue** as the fire department did in 2005, that staffing ALS ambulances with one paramedic (accompanied by an EMT) would not jeopardize public safety. They might also argue that rather than seeking to attain the full budgetary savings associated with allowing paramedic staffing to decline, the fire department could instead take advantage of having the flexibility to staff ALS ambulances with only one paramedic and thereby boost the total number of ambulances staffed with at least one paramedic without requiring the hiring of additional paramedics. This in turn would enhance the agency's ability to deploy paramedics more widely across the city and improve response times for paramedic-staffed ambulances to ALS incidents. During the first six months of calendar year 2021, 48 percent of ALS incidents were responded to within 10 minutes by a paramedic.

**Opponents might argue** that that the city should not risk the diminished medical expertise that could result from the removal of one of the two paramedics currently assigned to ALS units. They might also argue that a more appropriate solution to the city's desire to deploy paramedics in a more widespread manner would be to increase their pay and improve working conditions, thereby enhancing the city's ability to recruit and retain such highly skilled emergency medical personnel.

## Consolidate Building, Fire, Environmental Protection, and Housing Inspections

Savings: \$25 million annually

Several agencies are charged with inspecting the safety of city buildings. The Department of Buildings (DOB) inspects building use, construction, boilers, and elevators under its mandate to enforce the city's building, electrical, and zoning codes. The Department of Housing Preservation and Development (HPD) inspects multifamily residences to ensure they meet safety, sanitary, and occupancy standards set forth in the housing code. Fire department (FDNY) inspectors evaluate buildings' standpipe, sprinkler, ventilation, and air-conditioning systems as part of their duties to enforce fire safety requirements. The Department of Environmental Protection (DEP) inspects sites where construction work might disturb asbestos-containing materials to ensure air quality standards are maintained.

All together DOB, HPD, FDNY, and DEP currently employ over 1,400 inspectors at a cost of \$95 million in salaries (excluding overtime, fringe benefit, and pension expenses) to ensure that building owners and construction crews are meeting safety requirements. In fiscal year 2019, inspectors from these agencies performed almost 1.4 million inspections. While inspectors at each agency are trained to check for different violations under their respective codes, there are areas—inspections of illegally converted dwelling units or the demolition of buildings with asbestos containing materials, for example—where responsibilities overlap.

Under this option, the city would consolidate the various inspection functions now housed in DOB, HPD, FDNY, and DEP into a new inspection agency while existing agencies' other functions would remain unchanged. This option would require legislative changes to the city's Administrative Code and Charter.

Because inspectors from each agency currently visit some of the same buildings, there would be efficiency gains by training inspectors to look for violations under multiple codes during the same visit, although some more specialized inspections would still require dedicated inspectors. If the city were to reduce the number of inspection visits by 25 percent, the annual savings—after accounting for additional executive and management staff required for a new agency—would be about \$25 million.

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**Proponents might argue** that consolidating inspections would streamline city resources and increase the consistency of inspections while allowing DOB, HPD, FDNY, and DEP to focus on the other aspects of their missions. They could point out that other major cities, including Chicago and Philadelphia, centralize building inspections in one agency. They might also argue that public safety may be improved by eliminating the need for cross-agency coordination. Also, most of HPD's inspections are funded through a federal grant, which has been cut repeatedly in recent years. Increasing efficiency, therefore, is especially important as fewer federal dollars are likely to be available for housing code inspections in the future.

**Opponents might argue** that inspections and code enforcement are too closely linked with each of the agencies' missions, making separation into a single agency difficult. There is also a limit to efficiency gains because some inspections, such as elevator inspections, are highly technical and would still require specialized staff. Some interagency memoranda of understanding already allow for one agency to issue certain violations for another.

# Eliminate City Dollars and Contracts for Excellence Funds For Teacher Coaches

Savings: \$12 million annually

Coaches work to improve teachers' knowledge of academic subjects and help educators become better pedagogues. Instructional expertise is an important goal because research indicates that of all factors under a school's control, teacher quality has the greatest effect on student achievement. When coaches are successful, they give teachers the ability to help students meet challenging academic standards and they also give teachers better classroom management skills. Under this option the Department of Education (DOE) would essentially eliminate city and unrestricted state funding for teacher coaches and rely instead on other professional development programs to help teachers improve their performance.

Coaches are one piece in a large array of ongoing professional development programs in the city's schools. The DOE provides a variety of opportunities to teachers at all levels including "model" and "master" teachers, lead teachers, after school "in-service" courses, and (online) staff development. DOE continues to work to align teacher support and supervision with the demands of the new Common Core curriculum and also to use technology to support teacher effectiveness. Some professional development activities are school-based while others are administered citywide.

In 2021, \$14 million from a variety of funding sources (down significantly from \$32 million in 2016) is expected to be spent on math, literacy, and special education coaches. Fifty-seven percent (\$8 million) of these expenditures are funded with city dollars. There is also nearly \$4 million in state Contracts for Excellence money dedicated to coaches which can be redirected for other school needs.

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**Proponents might argue** that city funding for teacher coaches is not necessary given the DOE's myriad professional development offerings and funding from federal grants like Elementary and Secondary Education Act Title II—Improving Teacher Quality, which is intended for professional development. Similarly, they could point out that although in New York State the federal government has waived the specific set-asides from a school's Title I allocation for teacher development, those funds can still be used to support coaching positions.

**Opponents might argue** that if professional development is a priority then it should be supported with adequate city funding. Opponents can also argue that reliance on grants could put these positions in jeopardy if the funding disappears over time. They can also say that the schools are supposed to have a high level of autonomy and should have many options for providing professional development to their teaching staff.

## Eliminate City Paid Union Release Time

Savings: \$30 million in the first year

Most, if not all, of New York City's collective bargaining agreements contain provisions relating to union release time. In most cases they mandate that Executive Order 75, issued in March 1973, governs the conduct of labor relations by union officials and representatives. The Executive Order delineates union activities eligible for paid union leave (such as investigation of grievances and negotiations with the Office of Labor Relations) and other union activities eligible only for unpaid leave. The Office of Labor Relations determines who is eligible for paid union release time. In 2018, approximately 193 employees of city agencies were on paid full-time union release, such as unions' presidents and vice presidents. Another 55 were scheduled for part-time paid union release. In 2018, 2,062 additional employees were approved to take paid union leave on an occasional basis. By far, the New York City Police Department had the most employees on preapproved union leave with 51 on full-time and 16 on part-time city paid union leave.

Under this option, the city would no longer pay for union release time. Union release time will be granted, but without pay. If this option were to be adopted, unions would have to decide whether to compensate their members who take union release time. This option would save the city \$29.7 million in 2019, with the savings increasing by about \$700,000 each year thereafter. Implementation would require collective bargaining with the municipal unions, an amendment to Executive Order 75, and a change in the Administrative Code. Changes to the state's Taylor Law might also be necessary.

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**Proponents might argue** that the city should not subsidize work performed by its employees for any private entity, including a labor union. Others might argue that it is inappropriate to ask city taxpayers to fund paid union leave because some activities of those on leave, such as political organizing, may not serve the public interest. Some might argue that forcing unions to bear the costs of their activities would motivate unions to make their operations more efficient, benefitting union members, in addition to the city. Finally, some might argue that it is unfair for the city to pay for union leave time when nonunion employees do not have city-funded individuals to address their grievances and concerns.

**Opponents might argue** that the 40-year tradition of granting paid leave to union officials has been an efficient arrangement for addressing union members' concerns and conflicts with management—less costly and less time-consuming than formal grievance arbitration. They might argue that if unions were to compensate those on union leave in lieu of city pay, this option would result in higher costs to union members through increased union dues. Finally, others might argue that eliminating city-paid union leave time would undermine the union's effectiveness in responding to grievances and in bargaining matters, which in turn would hurt worker morale, reduce productivity, and add other costs to unions' operations.