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**Testimony of Preston Niblack,
Deputy Director, New York City Independent Budget Office,
before the
City Council Committee on Public Safety
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The Future Cost of the Police Force

Thank you Mr. Chairman and members of the Committee. My name is Preston Niblack, and I am the Deputy Director responsible for Infrastructure, Environment, and Uniformed Services agencies at the New York City Independent Budget Office. I have with me Bernard O'Brien, our senior analyst for public safety issues.

Uniformed staffing within the NYPD was set to rise to an all-time high of 41,440 with the admission of a class of new recruits into the Police Academy on September 29. Although the Department fell short by about 350 recruits, the total number of police officers on the city's payroll is now some 9,000 officers (or 28 percent) higher than a decade ago. However, for several reasons that I will discuss today, maintaining a force of this size in the future will become more expensive for the city, and increasingly require tradeoffs with other city budget priorities.

Background on Uniformed Staffing Issues

Let me begin by reviewing some background on recent uniformed staffing issues. The class of 1,589 recruits that was scheduled to enter the Police Academy on September 29 was to have included 1,230 new positions partially funded by the federal Violent Crime Control and Law Enforcement Act of 1994, commonly known as the Crime Bill.

The Crime Bill provides localities with three-year grants averaging \$25,000 annually per officer. Local police agencies are required to fund any additional salary and fringe benefit costs.

Recipient agencies are also required to retain the funded police officer positions at their own expense for one full year following expiration of the grant.

As reported by IBO in May, the \$92.2 million in recently awarded federal funds would ultimately need to be matched by about \$116.0 million in city taxpayer funds—or about \$1.26 for every \$1.00 in federal funds anticipated from 2001 to 2004. Any wage increases secured by police officers through ongoing collective bargaining discussions with the city would result in a larger city share.

The latest Crime Bill award brings to 4,730 the number of NYPD uniformed personnel partially funded by the federal government since 1996 (a figure cited by former Commissioner Safir last May). As I noted, however, the grants run for three years, after which the city must retain grant-funded officers at its own expense for one year. Due to the expiration of previously awarded grants, 1,600 of those 4,730 positions originally funded by the Crime Bill are now being fully paid for with city resources. By next year, the number of such hires fully funded by the city will rise to 3,500. In 2004, federal grant funding for all 4,730 positions will have expired, so that the cost of maintaining a force size of 41,000 or more officers beyond that point will be borne entirely by the city, at an additional cost of \$118 million annually.

Also significant is the fact that about two-thirds of the 9,000-officer buildup in the police force over the past decade was initially funded by the 12.5 percent personal income tax (PIT) surcharge enacted in 1991 and subsequently allowed to expire in December 1998. The PIT surcharge was a key component of the *Safe Streets, Safe City* program, which called for a build-up in the size of the city's police force as well as a number of other anti-crime efforts. In calendar year 1998, the last year of its existence, the PIT surcharge generated just under \$500 million, about \$185 million of which was earmarked for police staffing costs. During the nearly two years since the surcharge expired, other resources from the city's general fund have been tapped to cover police staffing costs previously funded by the surcharge.

Overtime and Arrest Trends

Another issue that has received attention recently is that of police overtime. NYPD overtime expenditures in FY 2000 totaled \$237 million, 46 percent more than in 1999 and 63 percent higher than in 1998. The \$237 million in NYPD overtime expenditures during FY 2000 was

more than double the amount originally budgeted by the Mayor and City Council, as shown in the accompanying figure (Figure 1). According to the FY 2000 Mayor's Management Report (MMR), the additional overtime expenditures in FY 2000 were attributable to planned anti-crime and quality-of-life initiatives, planned and unplanned public events, and work performed by civilian personnel in facilities maintenance, traffic enforcement, and Y2K computer preparation projects.

The 63 percent jump in overtime expenditures from 1998 to 2000 occurred against a backdrop of a 5 percent increase in the average size of the police force. Over the same period, there was a 3 percent decrease in total arrests, with major felony arrests dropping by 15 percent. Misdemeanor narcotics arrests rose by 33 percent from 1998 to 2000. Arrests in which misdemeanor possession of marijuana was the top arrest charge nearly doubled in the first six months of this calendar year as compared to the same period in 1999, from 16,203 to 31,380. Such arrests are up by a factor of more than ten as compared to five years ago.

Civilianization

For many years, observers of NYPD operations have argued that the Department uses hundreds of police officers to perform duties that could be adequately and less expensively performed by civilian personnel. Civilianization of these functions would allow more officers to be deployed in direct law enforcement activities at lower total cost. During the course of City Council budget hearings this past May, NYPD representatives estimated that there were over 400 civilianizable positions within the agency. An audit released last year by the City Comptroller identified a total of over 1,200 positions within the Police Department that could be filled by civilians, which the City Comptroller argued would save the Department on average \$29,000 annually per position, or over \$36 million per year.

The NYPD's ability to attain even its own more modest civilianization objectives has been hampered by diminishing federal support for police civilianization, in particular the gradual expiration of grant funding from a federal program referred to as COPS MORE (Making Officer Redeployment Effective), another component of the 1994 Crime Bill. The objective of COPS MORE is to enhance direct policing activities by law enforcement officers through the funding of civilian support staff and technological initiatives. As a result of the expiration of the COPS

MORE grant, the number of NYPD civilians fully funded by non-city sources fell to 575 in September 2000 from a high of 1,828 in July 1997 (as shown in Figure 2).

The nationwide total of \$39 million made available by the federal government through this year's COPS MORE program was less than 10 percent of that offered in the last round two years ago. According to officials in Washington, the NYPD elected not to apply for this year's considerably slimmed down version of the COPS MORE program. Given that the recently awarded Crime Bill grant requires the city to maintain a specified uniformed police headcount, any police officers retiring or otherwise leaving the NYPD until 2004 will need to be replaced with other uniformed police personnel. Any attempt by the city to replace retiring police officers with less costly civilian personnel (without forfeiting federal funds) would first require securing a waiver from the U.S. Department of Justice.

There is no doubt that New York City has enjoyed a remarkable decline in reported crime in recent years. There is and always will be debate about what share of the drop in crime is attributable to changes in the number of police officers and in policing strategy and tactics. I'm sorry to tell you that I am not able to provide you with the solution to that mystery today. What I can say with certainty, however, is that in the coming years the NYPD is going to have to do more with less—or more precisely, that in order to the same, it will require a greater effort from city taxpayers. The Mayor's Preliminary Budget for fiscal year 2002 will be submitted in just two months. That event will provide the Council with another opportunity to address this issue.