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UNIVERSITY POLICE | ENCON POLICE



PARK POLICE | FOREST RANGERS

2018 Joint Legislative Public Protection Hearing Testimony

**Submitted on behalf of the Police Benevolent
Association of New York State**

**By: Peter Barry, PBA President &
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Introduction

Good afternoon respected members of the joint committee. My name is Peter Barry, and I am the Director of the University Police Officers and the current President of the Police Benevolent Association of New York State ("PBA of NYS").

The PBA of NYS was established in 2011, and is the law enforcement labor union representing the interests of approximately 1,200 members of the New York State Agency Police Services Unit ("APSU"). The PBA of New York State is the exclusive bargaining agent for the New York State University Police, the Environmental Conservation Police ("EnCon"), the State Park Police, and the Forest Rangers. Our members patrol and protect New York State's public universities and colleges, state parks and historic sites, enforce state laws and protect our lands, forests and wilderness areas to ensure environmental safety and quality.

The four (4) units of the PBA of NYS comprise the second, third, fourth and fifth largest units of police officers employed by the State of New York. These officers live and work in your districts. We are keeping you and New York State's natural resources safe. We have the specialized skill set necessary to respond to a crisis anywhere in the State of New York.

The testimony today will specifically address the budget priorities of the PBA of New York State. In addition, my testimony will touch upon specific issues related to the University Police Officers. The budget priorities of the PBA of NYS are reasonable requests that are designed to provide our units with parity and properly address staffing that we can continue to keep the public safe and continue to fulfill our basic job responsibilities. The PBA of New York State is well aware of the budget deficit facing New York State of approximately \$4.5 billion dollars, and of the uncertainty from the federal Tax Cuts and Jobs Act of 2017.

However, it is our respectful position, that the PBA of NYS budget requests, such as three-quarter disability legislation, increased Forest Ranger staffing, and University Police "heart presumption" legislation have small fiscal impacts yet provide strong protection and benefits that all New Yorkers can enjoy.

Accidental Three-Quarter Disability Legislation

S.5594B Golden

Same as A.7600B Abbate

A top budget priority of the PBA of NYS is the enactment of three-quarter disability legislation. Three-quarter disability is a benefit that is enjoyed by almost every other branch of law enforcement. Parity is desperately needed for the PBA of NYS membership. The job responsibilities are equally dangerous and present identical risk of injuries due to the wide range of incidents they respond too. These risks and dangers are completely out of our members' control which is no different from other branches of law enforcement.

Currently, three-quarter disability legislation is not codified for University Police Officers or New York State Forest Rangers. Environmental Conservation Officers and Park Police Officers are simply not entitled to three-quarter disability benefits whatsoever. This must be changed. The legislature should immediately include three-quarter disability benefits in the one house budget proposals and ensure it is included in the final budget due April 1, 2018.

There is no better justification than the recent shooting tragedy of New York State Environmental Conservation Officer James Davey who sustained a gunshot while investigating a call for "shots fired" in rural Columbia County, which was ultimately two men attempting to poach deer in a field at night. These types of terrible incidents demonstrate the risks that Environmental Conservation Officers, Forest Rangers, Regional Park Police and State University Police encounter on a day-to-day basis in performance of their job duties. They should receive the same accidental disability benefits as other law enforcement members.

There is 'same as' standalone legislation in both houses that grants members of the PBA of NYS with three-quarter disability legislation. S.5594B sponsored by Senator Golden same as A.7600B sponsored by Assemblyman Abbate. Last session, the Senate passed S.5594A. The Assembly failed to bring this legislation to the floor.

However, we remain confident that both houses will include three-quarter disability legislation in their one house budget proposals. The fiscal impact of the legislation there would be an immediate past service cost of \$2.78 million and an annual cost to New York State of \$450,000. The fiscal note's estimated costs are based on 724 members having an annual salary for the fiscal year ending March 31, 2017 of approximately \$60 million.

Granting all members of the PBA of NYS three-quarter disability benefits will also help lower the attrition rates because we will have parity with other branches of law enforcement. For these reasons, Three-Quarter Disability legislation for the PBA of New York State should be included as part of the final 2018-2019 State Budget due April 1, 2018.

Forest Ranger Staffing Needs

S.3987 Funke

Same As A.1459 Jenne

Today there are 137 Forest Rangers in New York State who help protect nearly 5 million acres of DEC administered lands. By comparison, in 1970, there were 140 Forest Rangers and only 3.5 million total acres of DEC administered land. This is evidence that over the past half century the number of Forest Rangers has remained stagnant while DEC has acquired roughly 30 percent more landmass. The Legislature and Governor's efforts to drive tourism have been successful in increasing usage of DEC administered land. One unavoidable result of the positive increase of state land use has been an increase in the number of search and rescue missions undertaken by New York State Forest Rangers.

The PBA of NYS respectfully submits that a more appropriate number of New York State Forest Rangers is 175 and not the current 137 force size. Increasing the number of Forest Rangers to 175 is justified by weighing public safety, outsourcing Forest Rangers to emergency response needs outside of New York State, and examining the historical amount of acreage that a Forest Ranger has been accustomed to patrolling. Since DEC administered landmass is equal to approximately 5 million acres, and assuming the state had 175 Forest Rangers, each Forest Ranger would be responsible for approximately 28,500 acres. The reduced size of the territory for each Forest Ranger will lead to faster response times to search and rescue missions and help curtail overtime costs for New York State. In addition, a force of 175 will give the Forest Rangers more flexibility and a work force to respond to out of state needs which generates revenue for New York State since the costs are reimbursed by the other state and/or federal government.

During the current legislative session, the PBA of NYS will advocate for A.1459 (Jenne) / S.3987 (Funke) entitled "An act to amend the environmental conservation law, in relation to protecting newly acquired state land". The proposed legislation is attempting to reduce the amount of acreage that each Forest Ranger is responsible for patrolling. In addition, the PBA of New York State respectfully requests that the 2018-2019 State Budget include an increase in funding for the Department of Environmental Conservation to increase the staffing levels of Forest Rangers to approximately 175 members.

Heart Presumption

An equally important budget priority for the PBA of NYS is "heart presumption" coverage legislation. This will create a presumption that any condition of impairment of health caused by diseases of the heart, resulting in disability or death to police officers and certain other first responders shall be presumptive evidence that it was incurred in the performance and discharge of duty. Almost all New York State Police Officers are afforded the protections of the "heart bill" provisions in the retirement and social security law. The fiscal note of this legislation states that the fiscal impact of this legislation is "negligible".

Under current law, University Police Officers are excluded in the categories of police officers that are protected by this statute. University Police Officers work in dangerous, physically demanding, and stressful jobs. This inequity is unfair and disrespectful to the police officers who put their lives on the line protecting our institutions, faculty, staff, students and the public. This bill will provide University Police Officers with the same benefit as it pertains to a heart presumption as is provided other state police officers.

There is also 'same as' standalone legislation in both houses that grants University Police Officers with heart presumption. S.4634A sponsored by Senator Golden same as A.6413A sponsored by Assemblyman Abbate. The Senate passed S.4634 last year on May 2, 2017. This year, we ask the legislature to include this legislation in the one house budget proposals and enact it in the final Budget due April 1, 2018.

University Police Officers Active Shooter Response

Since the tragic event of the Virginia Tech massacre in 2007, a shooting which left 32 innocent people dead, college campuses across the country have made great efforts to better prepare their police departments against such threats. And though State University of New York Police Departments are no exception to this trend there is still much work that needs to be done. Equipment is needed for our officers to safely respond to threats of an active shooter on many SUNY campuses.

Because SUNY's twenty-nine police departments are de-centralized each is under the control of the local campus, otherwise known as its hiring authority. Each local campus assigns a budget to its university police department, some enjoy a healthy budget for training and resources, and others do not. Typically, bigger campuses get bigger budgets and officers are issued proper resources to respond to a variety of calls. Smaller campuses sometimes "make do" and officers are compelled to respond to calls without safe equipment.

It is not that the PBA does not understand the budget dilemmas of university police departments on smaller SUNY campuses; with a single patrol rifle costing \$1,500; ballistic vest \$500; ballistic helmet \$400, ballistic shield \$1,500 and ammunition for a twenty-member department qualifying twice a year, \$1,500, we understand the financial realities campuses struggle with, however, we also understand that our campuses are asking our

members to respond to very dangerous, and possibly deadly calls for service. Regardless of budget realities our officers must be given the resources needed to do their jobs as safely as they can.

Therefore, we are asking that the legislature include in the one house budget proposal an Appropriation of \$75,000, to be distributed by SUNY Systems Administration. This Appropriation shall be disseminated to university police departments requesting such funds to purchase active shooter response equipment (i.e., patrol rifles, ballistic vests and carriers, ballistic helmets, ballistic shields and ammunition).

Conclusion

In closing, the PBA of NYS encourages the Legislature to provide University Police, Park Police, Forest Rangers and Environmental Conservation Officers with the proper tools and give us parity with other law enforcement. This will assure the PBA of NYS can continue to keep the public safe and maximize the public's ability to take advantage of New York State's natural beauty. We ask that you include Three-Quarter Disability benefits, increased Forest Ranger Staffing, and University Police Officer with heart presumption in this state budget process. Thank you for giving me the opportunity to testify before you today.