



POLICE DEPARTMENT

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Honorable Eric L. Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Honorable Adrienne E. Adams
Speaker
The New York City Council
250 Broadway, 18th Floor
New York, NY 10007

Honorable Jocelyn Strauber
Commissioner
Department of Investigation
180 Maiden Lane
New York, NY 10038

Jeanene Barrett, PhD
Acting Inspector General
Office of the Inspector General – NYPD
180 Maiden Lane
New York, NY 10038

Dear Mayor Adams, Speaker Adams, Commissioner Strauber and Acting Inspector General Barrett:

The New York City Police Department (“the NYPD” or “the Department”) hereby submits its response to the May 2023 Report of the Office of Inspector General for the NYPD (“OIG”), “Overtime Under Review: NYPD Overtime and the Increased Risk of Negative Policing Outcomes” (the “Report”).

The NYPD thanks the OIG for examining the relationship between the NYPD’s overtime hours and certain negative policing outcomes (“NPOs”). Overtime is a critical tool that the NYPD utilizes in furtherance of its public safety mission to efficiently and effectively enhance deployments on the streets and subways, investigate crimes, and address gun violence. At the same time, the NYPD is committed to reducing NPOs and safeguarding the health and wellness of the members of service.

At the beginning of this year, the NYPD released its Strategic Plan for 2023. As set forth in that plan, the NYPD seeks to strengthen its workforce via initiatives that provide accessible services supporting the mental, emotional, and physical health of members of service, as well as improving the quality of life for members of service and their families. Consistent with these objectives, the Department recently implemented a pilot program offering ten-hour and twelve-hour tours to determine which schedule helps officers maintain a better work-life balance and reduce fatigue. Furthermore, a new NYPD overtime portal helps to ensure that overtime is distributed fairly.

More broadly, the NYPD's Health and Wellness Section ("HWS") supports the physical and mental health of the Department's workforce. HWS support services include clinical support, peer support, referrals to mental health professionals, and stress management tools. HWS has also created specific programs to address stress and fatigue. The Department has prioritized accessibility to, and awareness of, HWS support services by making the HWS portal available on all Department cell phones. This provides members with easy access to training videos, key points of contact, and other resources. HWS also spearheads a command-level peer support program, which places trained peers in each command to proactively check in with members of service who may be experiencing stress.

With respect to the potential relationship between overtime and an increased risk of NPOs, the Report does not find a specific causal relationship between overtime and these outcomes. Rather, looking at data from 2019 to 2021—including the period of a global pandemic that presented unprecedented challenges for the members of the NYPD and all New Yorkers—the Report finds a statistically significant correlation between overtime hours and NPOs. Without disputing that fatigue can affect work performance, there are many factors that go into such performance and a variety of considerations that can result in NPOs. Indeed, the Report does not attribute any particular NPO to overtime. Moreover, there are particular limitations to the data analysis in the Report.

First, the Report does not consider the facts and circumstances of the overtime performed. The methodology of the Report, which involves a predictive analysis estimating the possibility that an event will occur, uses selected data to perform a series of logistic regressions. The Report then utilizes an estimated baseline to calculate the odds that an NPO would occur. This is significant because the particular assignment, timing, and location of overtime could affect the likelihood of an NPO occurring. For example, assignment to a mobile field force involves different duties and engagement with the public than court appearances or administrative assignments. Also, when comparing the odds of an NPO occurring following overtime over one-day, three-day, five-day and seven-day timeframes, the Report aggregates overtime hours accrued. This means that a member of service performing eight hours of overtime on a single day would, after five days, be viewed in the same way as an officer who had performed two hours of overtime daily for four straight days. This does not appear to be an equivalent comparison.

Second, on various occasions the Report excludes select NPOs from data charts when such NPOs were deemed "not statistically significant," though the Report fails to specify the basis for that determination. This data may be relevant, as it may demonstrate a decreasing risk of an NPO in relation to overtime within certain datasets.

Third, the Report examines a random sample of 993 officers who are in “public-facing roles,” but excludes some commands from that analysis. Additionally, the Report does not provide specifics about the assignments of the 993 officers other than that they are police officers, detectives, and sergeants. Knowing the officers’ specific assignment is critical to assessing the likelihood of an NPO. Certain assignments in the Department are more likely to lead to lawsuits, CCRB complaints and TRIs than other assignments due to the nature of the officers’ responsibilities. These factors would affect the logistic regressions and risk analysis in the Report.

Notwithstanding the foregoing, the NYPD agrees that addressing fatigue and its effect on work performance is essential to ensuring the well-being of the NYPD’s employees. The NYPD responds to the Report’s six recommendations as follows:

Recommendation One: The NYPD accepts this recommendation.

Recommendation Two: The NYPD rejects this recommendation. The Department’s current policy regulates the off-duty employment of members of service.

Recommendation Three: The NYPD accepts this recommendation

Recommendation Four: The NYPD rejects this recommendation. There are multiple entities within the Department that have the expertise to evaluate overtime policies, fatigue-associated risks, and risk-mitigation strategies. These include, but are not limited to, HWS, the Strategic Initiatives Bureau, and the Professional Standards Bureau.

Recommendation Five: The NYPD rejects this recommendation. To the extent that the NYPD conducts risk assessments regarding the subjects discussed in the Report, it will consider making those assessments publicly available.

Recommendation Six: The NYPD rejects this recommendation. To the extent that the NYPD conducts risk assessments regarding the subjects discussed in the Report, it will consider making changes to Department policy.

The NYPD thanks the OIG for its Report. The Department is committed to improving the implementation and monitoring of overtime assignments and working with the OIG to do so.

Regards,



Michael Gerber
Deputy Commissioner of Legal Matters
NYPD