

March 2017

Overtime for Correction Officers Continues to Increase

Overtime spending for uniformed officers at the Department of Correction (DOC) has been rising rapidly over the past few years, requiring the agency to repeatedly seek increases in its budget for overtime. The Mayor’s 2018 preliminary budget includes an additional \$52 million in city funds for overtime expenses in 2018, increasing the agency’s overtime spending for next year by 46 percent to \$165 million (all years are fiscal years unless otherwise noted).

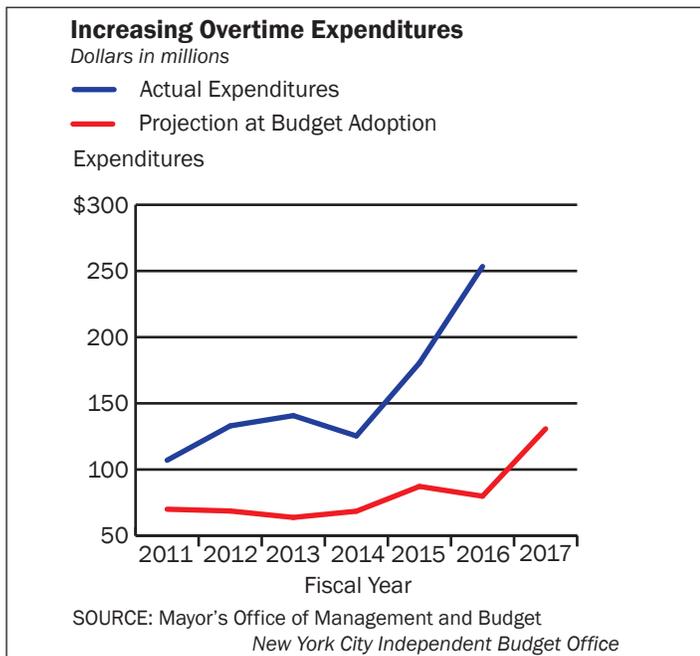
In an effort to more realistically budget for overtime expenses, the Mayor’s financial plan also increased the agency’s budget for overtime to \$150 million for each year from 2019 through 2021. The additional funding amounts to \$29 million in 2019, \$37 million in 2020, and \$48 million in 2021. If DOC is able to achieve its authorized

level of uniformed staffing by the end of the year and to maintain it in the future, the agency does not expect to need any additional overtime funds beyond the levels included in the preliminary budget.

Since 2015, DOC has been working to improve hiring and reach its budgeted headcount in an effort to reduce reliance on overtime. Thus far, due to limitations on the number of officers who can be trained in a given year, rising staff attrition, and an increased need for uniformed officers due to changes in procedures and programs for inmates in the city’s jails, this effort has not reduced overtime use.

Overtime Spending Trends. The department’s uniformed overtime expenditures have exceeded the amount budgeted in each year for more than a decade. Beginning in 2015, however, the gap between budgeted and actual spending on overtime widened because DOC began to implement new policies that required more officers for each shift. Overtime expenditures jumped from \$125 million in 2014 to \$181 million in 2015 and to \$253 million in 2016. Actual overtime expenditures in 2016 were more than three times the amount budgeted in the plan adopted for the fiscal year.

The current overtime budget for 2017 is \$133 million, including \$2.1 million added in the preliminary budget specifically for overtime needed to staff posts in the Enhanced Supervision Housing unit, newly created as a substitute for punitive segregation (solitary confinement). Overtime spending for the first six months of 2017 already totaled \$121 million, suggesting that, once again, additional funds will be needed later in the year. IBO estimates that \$10 million in additional city funds will need to be added for 2017; if our estimate is correct, this year’s

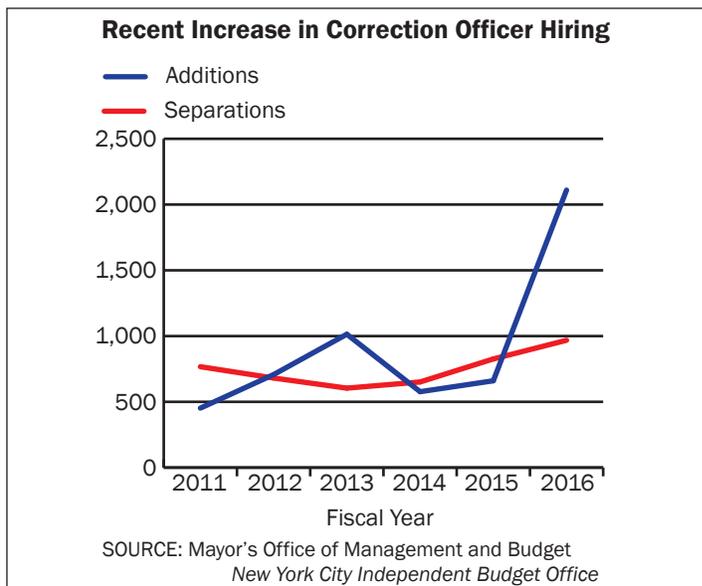


spending on overtime will total \$143 million, well below the \$253 million spent for overtime in 2016.

Maintaining Staffing: Hiring and Attrition. The financial plan assumes that the recent increase in hiring of correction officers will begin to reduce the level of spending on overtime. Anticipating a need for additional officers as it began to implement such new inmate policies as the reduction in punitive segregation and the development of new housing options for violent offenders, DOC increased its budget for correction officers by about 700 in 2015 and an additional 700 in 2016. But filling all of these new positions has proved to be challenging for the department. At the end of 2015, DOC had approximately 800 unfilled uniformed positions. As a result of increased hiring, the number of unfilled positions decreased to 400 by June 2016 and further reduced to about 150 by December 2016. From June 2015 through December 2016, the actual uniformed headcount increased from 8,756 to 10,181. DOC expects to be fully staffed by the end of the year.

In order to achieve the higher staffing levels, DOC increased its capacity to train new uniformed officers. City Council members originally raised concerns about the agency's plans to rapidly expand its uniformed staff. The limited capacity of DOC's training academy was a stumbling block in the agency's ability to increase the size of their recruit classes. As part of its efforts to increase its training capacity, DOC added funding for 40 more civilian academy instructors.

An additional hurdle to filling all of its budgeted positions has been the high attrition rate of uniformed employees. Separations have increased steadily over the past few

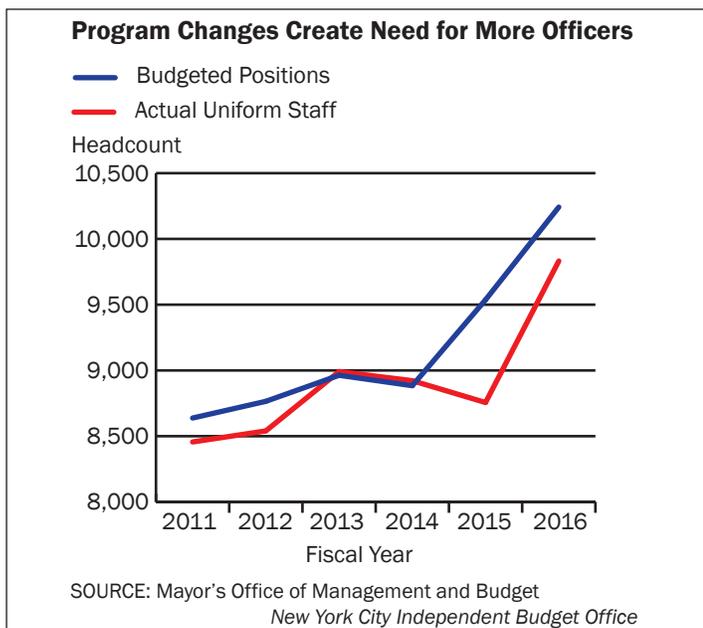


years, rising from 604 in 2013 to 968 in 2016. Since 2011, the number of uniformed staff leaving DOC has averaged about 750 officers per year. As attrition continues to edge up, this offsets some of the gains from the finally accelerated hiring of new officers and keeps overtime expenses high in order to maintain the necessary staff on each shift.

Reasons for the Staffing Increase. The increased need for uniformed staff also results from changes in standards and procedures that are designed to reduce the level of violence in the city's jails and improve conditions for inmates. These reforms were outlined in Mayor de Blasio's 14-point plan announced in March 2015, and reinforced by the settlement of the *Nunez v. City of New York* lawsuit in October 2015. The changes include the elimination of punitive segregation for younger inmates, new enhanced supervision housing units for the most violent inmates, a crackdown on the smuggling of contraband into the jails, and greater supervision of visits to inmates.

Many of these changes require the presence of additional uniformed officers, which results in a larger complement of officers required for each shift. For example, the elimination of punitive segregation for young adults and adolescents and its reduction for the rest of the jail population has prompted the development of less punitive and more rehabilitative housing options, such as Enhanced Supervision Housing. These units are for inmates who are having behavior issues and are guilty of disciplinary infractions.

These newer housing units allow for more out-of-cell time than punitive segregation. While an inmate in punitive segregation is only allowed 1 hour per day out of their cell,



the new alternatives can allow anywhere from 7 to 14 hours, depending on the housing unit and security risk. Part of the out-of-cell time for inmates in the rehabilitative units is set aside for education, which must be offered for a minimum of three hours; inmates in punitive segregation are limited to cell study only. Another portion of the out-of-cell time is dedicated to programming, such as dialectical behavior therapy, interactive journaling, creative arts, and violence intervention, which must be offered for a minimum of four hours, and is completely unavailable to those in punitive segregation. These alternatives to punitive segregation require additional staffing as officers must be available to accompany inmates to and from education and program sessions.

This new policy required the creation of four new units as alternatives to punitive segregation. In addition, the minimum amount of nonschool programming hours that is required to be offered to the general jail population was increased from one hour to five hours a day, as part of the Mayor's 14-point plan. The new minimum went into effect for adolescents in August 2015, young adults in December 2015, and adults in March 2016. These units and the additional hours of out-of-cell time add to the number of "posts" that must be staffed each shift.

Prepared by Shannon Hakh

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