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2023 Joint Legislative Budget Hearing Testimony Public Protection

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

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Good evening Madame Chairwomen and respected members of the panel, My name is Frank McGarity, and I am the Director of the New York State Park Police Sergeants Benevolent Association, one of the four collective bargaining units that comprise the Police Benevolent Association of New York State. In addition to the Sergeants Benevolent Association, our Park Police members are also represented by the Park Police Officers Association and the Park Police Superior Officers Association. My testimony today addresses the priorities of these associations as well.

In the coming weeks you will hear from my colleagues from the ranks of New York's Environmental Conservation Officers, Forest Rangers, and State University Police during their budget testimony. Today however my testimony will focus on one of New York's oldest state law enforcement agencies, the New York State Park Police, which has served and protected New York's state parks and visitors since 1885.

This year I will celebrate my 20th anniversary as a New York State Park Police Officer. In that time, I've seen tremendous transitions within the Park Police and not all of them positive. I have witnessed our ranks drop to below 60% of authorized staffing levels, making it more difficult to do the job we are entrusted with – keeping our parks and historic sites safe for the public.

Last year when my friend and colleague Troy Caupain appeared before you, New York had 192 sworn Park Police Officers to protect 235 state parks from Montauk to Niagara Falls. Today, we are down to just 178 Officers – a loss of 7% of our already depleted ranks in just one year. While we have 38 cadets in our Academy class, they are not scheduled to graduate until May. These cadets will be a welcome addition when they graduate, but honestly, they are barely keeping our collective heads above water.

Fortunately, Governor Hochul's budget proposal includes provision for another Academy class. This is welcome news, but we will never be able to bring our staffing levels to the 378 Officers outlined in an early 2000's DCJS staffing study without addressing the root causes of attrition. We must make recruitment and retention of the best, brightest, most qualified, and diverse women and men a priority to protect the 78 million people who visit New York's state parks and historic sites each year.

The elephant in the room is retirement parity. New York state must provide Park Police, and the other members of the PBA of New York State with the same 20-year retirement that 96% of state and local police in New York state ALREADY receive. We have lost, and continue to lose, too many talented and dedicated Officers to other agencies that offer better pay and benefits; including the ability to retire five years earlier.

Taxpayers are the ultimate losers from this out-of-control attrition as it costs approximately \$130,000 to train and equip a replacement Officer, never mind the lost invaluable on the job experience. While Governor Hochul has recognized retention as a priority for the state workforce, we contend that our 20-year retirement goes hand-in-hand with this commitment and saves the state money long-term.

We've also noticed that when other agencies poach our Officers, they specifically target female and ethnically diverse Officers as every agency seeks to be more representative of the communities they serve. We support this, but if we're being honest, the lack of a competitive retirement makes it very hard to achieve diversity. Our agency is largely white and overwhelmingly male. We simply need a 20-year retirement to compete on and create a level playing field.

Governor Hochul has wisely recognized the need for more women in law enforcement - and we couldn't agree more. We have always openly embraced and continue to champion the Governor's 30x30 Initiative to increase the percentage of women in law enforcement to 30 percent by 2030. The perspective that female officers bring to law enforcement is invaluable, and in many instances, they have proven better able to break down barriers with the public that impede our work.

In their conversations with elected officials and the media, our female members have pointed out a number of impediments that dissuade women from careers in law enforcement with a PBANYS member agency, or from remaining with us when offered greater financial security with a competing agency.

For women who choose to have a family, the lack of paid family-leave may create a financial burden that limits her choices. Time away from the job is frequently cited as a concern when it comes to promotional opportunities for women. This concern shared by female and male Officers alike centers around how a 25-year retirement takes five precious years away from the officers and their families.

As we witnessed over the December holidays PBANYS members answered the Governor's call to rush to Western New York to protect imperiled residents. Our families put their needs aside, and our members placed their lives at risk, so that New Yorkers in need received life-saving emergency services.

For how many years can we expect Officers to perform this dangerous work while putting their loved ones through missed family events, undo stress, and the fear that the job might claim their loved one? Providing recognition that

their work is important to New Yorkers' safety can be expressed through parity in retirement benefits.

CDC studies show life expectancy drops precipitously the longer that Officers are forced to work before they can retire with full benefits. Assuming an Officer starts a career at the age of 22, under a 20-year retirement they could retire at the age of 42 instead of 47 under a 25-year retirement. These sobering statistics are the basis for nearly every Officer in the state receiving a 20-year retirement.

The Park Police were founded in 1885 to serve as both protectors and ambassadors to those visiting Niagara Falls. It is a storied history and one that deserves to endure. We are specialists in de-escalation and non-confrontational policing. Every time our members visit this building or run into a legislator at one of our parks, we are told that the Park Police are the model for a new era of policing. We are proud of this legacy and endeavor to live up to its challenge. But we need your help.

A Joint Working Group was convened last year that included OPRHP, the New York State Police, and the State Park Police to explore the future of our agency, but our union was not invited to participate. Assemblywoman Woerner advocated that PBANYS be part of that group as well. Unfortunately, our union was not provided the opportunity to provide unique insight borne from years of field work.

We have asked to see a copy of the Joint Working Group's report that was issued in December and eagerly await the opportunity to review the group's recommendations. When Governor Hochul took office, she pledged transparency. Unfortunately, it appears that in this respect the Joint Working Group has yet to deliver on the Governor's directive.

For the past three years the state legislature has passed our 20-year retirement bill with near unanimous bipartisan support, and for three years running it has been vetoed because it was not contained in the budget. Let me speak clearly and emphatically, we could not be more grateful for this overwhelming support that transcends party affiliation and geographic region. However, we must try harder if we want to realize a 20-year retirement for our hardworking members who serve and protect the people of this great state.

All involved – the public, advocacy groups, this esteemed body, and Governor Hochul share a high regard for our members, their mission, and their accomplishments. It is time to do the right thing and include a 20-year retirement as part of this year’s budget. The game of hot potato that has been played over the past three years with this 20-year retirement has resulted in greater attrition along with diminished capability to protect New Yorkers.

On behalf of my fellow Park Police Officers and PBANYS members I’m asking that the State Senate and Assembly come together and include an equitable retirement package in their budget proposal. This is the only way that a 20-year retirement will become law and avoid yet another veto.

I would like to thank you for this opportunity to present our priorities and concerns. The spirit of cooperation in the Capitol that we all felt last year was a welcome change from the rancorous atmosphere under the previous administration. I am confident that together we can take the steps necessary to keep New York’s state law enforcement agencies at the national forefront of public safety and service and ensure that they are staffed by the most committed, experienced, and diverse Officers in the country.