



New York State Police

# Investigators Association

I.U.P.A.–Local 4 AFL-CIO



February 26, 2015

Good afternoon,

My name is Jeffrey Kayser and I am the President of the New York State Police Investigators Association, the union that represents a little over 1,100 Investigators and Senior Investigators of the New York State Police who are all assigned to the Bureau of Criminal Investigation, or more commonly referred to as the BCI.

It is an honor for me to speak today on behalf of these brave men and women of the BCI, and I would like to thank you for affording me the opportunity to testify here this afternoon at these budget hearings.

The New York State Legislature has always been supportive of the New York State Police Investigators Association and the work that our hard-working members do each and every day. I would like to extend to you our thanks for your support.

I would first like to take a moment or two to explain that the job of a State Police Investigator or Senior Investigator is a very unique and challenging one and that the members of the BCI perform a broad range of duties. The BCI is the plain-clothes and undercover arm of the New York State Police and some of the assignments that we carry out are extremely dangerous, especially in the arena of undercover investigations, where anything can become a life-threatening situation in just a matter of seconds. These brave men and women perform their undercover duties in extremely perilous environments and we have had our members shot and killed while operating in these undercover assignments. It should be noted that the special investigative work that the BCI does every day accounts for millions of dollars in seized assets from criminals and criminal enterprises and that those assets are placed into the State General Fund.

The NYSP BCI not only perform State Police case investigative duties, they also assist local law enforcement agencies from the smallest village to major cities across this state, with their specific technical or special investigative needs that in some cases, these local agencies are not adequately equipped or experienced to handle.

The BCI arm of the State Police has a diverse mission and although we are not as visible as the uniform force, the missions that we fulfill are nevertheless extremely important to the safety of the citizens of the great State of New York.

We have two major budgetary concerns this year that I trust you will all understand.

Our first concern is manpower. The ranks of the BCI are down over 200 positions since just a few short years ago. We are doing a great deal more in workload with considerably less manpower and this trend needs to be addressed. In 2008 our strength was 1316. Today we have only 1103 members. Let me now say that I believe our staffing levels would be even worse if not for the steadfast efforts of our State Police Superintendent, Joseph D'Amico. Superintendent D'Amico has continually endeavored to lobby for Recruit Basic School classes at the State Police Academy. Although there have been recent Academy classes, more needs to be done because unfortunately, these classes are not keeping up with the retirements, much less the decreased staffing levels we endure. Staffing levels were gutted a few years ago due to a lengthy period of time without any Academy classes. The Division of State Police sees on average 225-250 retirements each year. Basic math demonstrates that we need that many new recruits graduating the Academy each year just to keep up with attrition and maintain current staffing levels. Unfortunately, the current staffing levels simply are not adequate and they need to be increased, both in the uniform force as well as the BCI.

In order to get new Investigators placed into the BCI, there has to be an adequate staffing level of Troopers in the field in order to promote Troopers to Investigators. I hope that you recognize how important additional Academy classes are to the mission of the State Police, both for the uniform force as well as the BCI force. Currently for 2015, the Division of State Police will not meet the attrition rate with the one Academy class that is scheduled for this spring. This year there are plans to add 50 uniformed Trooper positions to be assigned to New York City under a Governor's initiative. Last year the Governor promised 100 new Investigator positions to fight the scourge of the heroin epidemic but there were only 25 new Investigator positions added. The upcoming class is tentatively

scheduled for 225 new Trooper recruits. The Division of State Police is currently down approximately 200 Trooper positions and about the same amount of Investigator positions. Add in the attrition of well over 200 retirements and we are not catching up at all on where the manpower levels need to be. There needs to be a second Academy class in 2015 and that is paramount to the safety of all New Yorkers and anyone that travels through New York.

The second issue that I would like to explain to you again relates directly to the safety of the Investigators and Senior Investigators of the BCI and that is the deterioration and the aging of our fleet of vehicles. State Police vehicles, both marked and unmarked, often operate in response to emergencies at high-speeds and our vehicles need to be maintained to reflect that dynamic. BCI Investigators are operating vehicles that are greater in age and with higher mileages than the State Police has in the past 36 years. There are approximately 1172 vehicles in the BCI fleet. Over half of the BCI fleet has from 105,000 to 211,000 miles on them. I can tell you stories of rotted-out holes in floorboards, doors falling off, brake line failures, entire roofs being replaced and a host of other issues mostly related to rot and corrosion attributed to the age of the vehicles.

a On January 6<sup>th</sup> of this year a BCI vehicle was being operated by an Investigator traveling down a mountain road in Waverly, NY when the brakes completely failed on this vehicle. The vehicle that I am referring to was ten years old and had 172,993 miles on it. The road where this occurred was a steep downhill section of road that intersects into the Village of Waverly. Fortunately, the Investigator that was operating this vehicle was very familiar with this road because as he was traveling down this mountain road without any brakes, he had to travel through two intersections before the road ended into a T-style intersection. Luckily, this Investigator made it through the two intersections without colliding with any vehicles or pedestrians. The Investigator was finally forced to use the vehicles transmission and emergency brake to stop the vehicle just before it would have crashed into a building at the T-intersection. Only the skill of the driver and a good amount of luck prevented what could have been a catastrophic accident. The Investigator who was operating that car that day told me that all he could think about while this ride without brakes was taking place was his two little boys back at home.

Unbelievably, only two days later a BCI Lieutenant was operating a BCI vehicle on the NYS Thruway when his brakes failed in the same manner as the other vehicle I just mentioned. This BCI vehicle had over 160,000 miles on it. Both of those vehicles lost their brakes because of brake lines that were rotted from

corrosion. I have attached to my testimony package photos of the undercarriage of the BCI vehicle involved in the brake-fail in on the mountain road in Waverly. The photos clearly show a disturbing amount of corrosion, especially on the brake lines. Mileage is not the only factor in determining vehicle serviceability, the age of the vehicle also has to be considered. We have ten-year old vehicles in our fleet. These vehicles are rotting from all their years of being exposed to the elements.

What kind of calamity could we cause on a crowded interstate highway when one of our vehicles loses its brakes, or a wheel falls completely off of the vehicle? The public expects the New York State Police to make traveling on the highways of New York safer, but in those cases that I just mentioned we are actually endangering the public by operating police vehicles in such poor mechanical condition. What if it was your family members walking on the streets of the Village of Walden or driving along the Thruway on those two days that I just described? A point that needs pondering is what amount of money is a life worth. These are police vehicles that operate at high speeds responding to emergencies every day across this state.

I explained earlier that although the investigative work of BCI Investigators brings millions of dollars into the state coffers, the money simply never gets allocated back to BCI needs. I find it perplexing that the BCI does not benefit from the fruits of their labor, and that the seized assets that they were responsible for go into the State General Fund while the BCI is left to plea year after year for basic equipment and vehicle issues that would afford them a much safer work environment. I ask you, what can we do to make the "budget-makers" realize that police vehicles need to be maintained at the highest level, and that the interest of public safety demands it.

(continued)

**NYSP BCI Vehicle Fleet – 1,172 Vehicles**

- Average replacement cost for each BCI vehicle is \$18,000-\$19,000

**Past Years BCI Vehicle Replacement Purchasing**

<b>Year</b>	<b>Number of BCI Vehicles Purchased/Replaced</b>
2005	450
2006	300
2007	225
2008	150
2009	-0-
2010	-0-
2011	-0-
2012	-0-
2013	80
2014	165

**BCI Vehicle Fleet Mileage Breakdown @ 2/10/2015**

Under 105,000 miles	587 vehicles
105,000 - 120,000 miles	162 vehicles
120,000 - 135,000 miles	159 vehicles
135,000 - 150,000 miles	127 vehicles
150,000 - 211,000 miles	137 vehicles
<b>585 vehicles over 105,000 miles (50% of BCI Fleet)</b>	

- Division hoping to purchase 185 vehicles this budget year, that will leave at least 400 BCI vehicles that have over 105,000 miles.
- *Worst condition the fleet has been in 36 years!”*
- In 2013 NYS OGS had Mercury Associates Group conduct a study of all NYS agencies fleets to ascertain “right fleet sizing”, as well as “appropriate life cycle” of the fleet vehicles.
- Where are the official results of this study?
- Sources claim the study recommended to consider that the life cycle of a fleet vehicle before it becomes a liability rather than an asset is 5 yrs old or 125,000 miles. This was for the civilian fleet vehicles – not for police service vehicles!
- Why does Division of Budget fail to recognize these recommendations?
- Current maintenance costs for the NYSP fleet are astronomical. NYSP is spending an average of \$750,000 a month and is on target to get to \$1,000,000 a month soon. **These repair costs are DOUBLE what we were spending when we were regularly replacing cars at 100,000 – 125,000 miles.**
- **Vehicles with over 125,000 miles are seeing so much in repair costs that for what money is being spent on repairs they could have replaced the vehicle with a new one.**
- Newer cars are much cheaper with virtually little or no maintenance costs until the vehicles reach 60,000 miles.
- Why not lease unmarked BCI vehicles? Possible 3-year lease?
- Why is there no State contract for leasing?

- Leased vehicles would have high trade-in value and with little maintenance costs. We would be saving huge amounts of money driving these vehicles vs. maintaining vehicles with over 125,000 miles on them.

I would like to add that I believe Governor Cuomo made a good choice when he selected Joseph D'Amico to become the Superintendent of the State Police. I have been a member of the New York State Police for over 28 years, I have been a union representative in both the Troopers PBA and the Investigators Association dating back to the days of the Pataki administration. During all of that time and in my capacity as a union representative, I have dealt directly with several Superintendents and their respective administrations. I think I am certainly qualified to state that Superintendent D'Amico is doing an excellent job as the Superintendent of the New York State Police.

Superintendent D'Amico has been willing to listen to our concerns as a union and he has been quite responsive to our issues. He has both depth and vision and he demonstrates a clear understanding of the needs of the men and women who serve in the field for the State Police. Superintendent D'Amico is a strong leader and he advocates to the very best of his ability to bring the Division of State Police the resources it needs to conduct its mission for the people of the State of New York, but his voice is just one. A continual process of State Police Academy classes is paramount to the safety of the citizens of the State of New York and I am hoping that you will all support us in securing a steady flow of new recruits coming into the State Police by advocating for a second Academy class in 2015.

Additionally, I would hope that you will recognize and consider the concerns that I have shared with you here today relating to the safety of the members of the BCI, specifically in regards to their vehicle safety. I respectfully ask for your assistance in any way possible to help secure funding specifically earmarked for BCI vehicle fleet needs. In my humble opinion, the Office of Budget simply does not recognize the desperate need for more money in the State Police budget. The lives of our members as well as the lives of the public that we serve are in jeopardy due to the terrible condition of our fleet of police vehicles.

The New York State Police Investigators Association is eager to work with you on this budget as well as other issues that are important to our members. We have always enjoyed positive and cooperative relationships with you and we look forward to continuing these relationships in the future.

Thank you again for affording me the opportunity to testify here today. I will be happy to answer any questions that you might have.

Most respectfully,

A handwritten signature in black ink, appearing to read 'J. Kayser', with a long horizontal stroke extending to the right.

Jeffrey J. Kayser  
President  
New York State Police Investigators Association

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