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**DEPARTMENT OF
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CITY OF YONKERS**

TO: Philip A. Amicone, Mayor
Edmund Hartnett, Police Commissioner

FROM: Philip A. Zisman, Inspector General

RE: Review of Police Overtime

DATE: December 10, 2007

At the Mayor's request, the Inspector General's Office has conducted a review of Police overtime. This memorandum sets forth our findings.

Overview

In calendar year 2006, the Yonkers Police Department spent \$16.7 million on overtime.¹ The Mayor requested that the Inspector General provide an analysis of overtime to determine whether there were necessary internal controls in place to ensure that overtime was being properly monitored and that payments were justified and supported by proper documentation.

Objective, Scope and Methodology

The objective of this review was to evaluate whether Police Department documentation supported the payments to police officers who were paid the most overtime in 2006, and whether Police Department policies and procedures are in place to ensure the propriety and accuracy of overtime payments.

¹ Between fiscal years 2000 and 2006 Police overtime in the City's operating budget increased from \$5.6 to \$13.8 million or approximately 147%. (Total Police Department overtime expenditures of \$16.7 million in calendar year 2006 included \$13.8 million from the annual operating budget, and an additional \$2.9 million in grant funding and reimbursements from private parties who pay for specific police services staffed through overtime.) In fiscal year 2006, the Police Department had total operating expenditures of \$76,519,383. Total salary payments were \$75,080,134 of which 18.4% was for overtime.

We selected 11 members of the Police Department to conduct a comprehensive audit of their paid overtime. Our selections were based on total overtime payments and payments in the sub-category of court overtime for calendar year 2006. Of the 11 officers we selected, 8 earned the most in total overtime in 2006, with each having been paid more than \$100,000. In addition, 6 of the officers were paid the most in court-related overtime, with each receiving in excess of \$43,000.² We specifically reviewed court overtime because we received independent reports that the Police Department did not closely monitor overtime earned at the County Courthouse in White Plains, and that reported court overtime hours may have been inflated.

Our review consisted of analyzing the records and creating a profile of each officer's regularly scheduled work and overtime hours that were paid for a 6 month period between September 1, 2006 – February 28, 2007, and then determining whether there were any irregularities or questions regarding the overtime that was reported. We reviewed all overtime and attendance records including approximately 1,500 UF-73s (overtime slips) and hundreds of pages of desk blotters (the daily attendance record of all police officers' activity). In addition we reviewed payroll records, District Attorney subpoenas,³ and all applicable Police Department policies and procedures related to overtime.

From the outset of our review we received the full support of Police Commissioner Edmund Hartnett who assigned the Internal Affairs Division to assist us. In addition, we reviewed our preliminary findings with Westchester County District Attorney Janet DiFiore and her executive staff and sought their assistance in our review of overtime earned at the County Courthouse.

Summary of the Findings and Recommendations

Our records review of overtime paid to 11 police officers for a 6 month period in 2006/2007 raised serious questions about the Police Department's overtime policies and procedures and the administration of overtime. It is evident that overtime policies had not been enforced, written overtime procedures had not been followed, and overtime slips submitted for payment had not been properly reviewed before payment was authorized.

The failure to implement and enforce overtime policies and procedures created an opportunity for abuse, and our review revealed numerous irregularities that raised questions about the appropriateness of some of the paid overtime.

² Of the 8 officers who were paid over \$100,000 in total overtime in 2006, 3 were also among the 6 officers who were paid the most court-related overtime. All 8 officers who earned over \$100,000 are now retired. A spreadsheet setting forth base salary and total overtime for the officers who were paid more than \$100,000 in overtime in 2006 is attached as Exhibit "1".

³ We only reviewed subpoenas dated January 1 through February 28, 2007 because the Police Department did not retain the subpoenas issued prior to that date.

Specifically, we found:

- 4 instances of duplicate overtime payments.
- 106 instances in which overtime was paid but not recorded in the applicable desk blotter as required by Police Department policy and procedure.
- 35 instances in which extra overtime was improperly paid because overlapping hours were not detected.
- 115 instances in which officers worked more than 16 consecutive hours in violation of departmental policy and procedure.
- 158 instances in which officers worked double shifts without the required 48 hour interval in violation of departmental policy.
- 25 instances in which officers were paid more than 40 hours of “scheduled” overtime in a two-week pay period in violation of departmental policy and procedure.
- No evidence that the Police Department evaluated excessive overtime and took corrective action as required by departmental policy and procedure.
- Thousands of questionable hours of court-related overtime because departmental policies and procedures were not followed and required documentation was not generated.
- Additional irregularities regarding schedule changes, duplicate overtime slips for appearances at City Court, and using vacation, compensatory or personal time to accommodate overtime.

Before completing our review and filing this report, we referred our preliminary findings to the Police Commissioner for further investigation and appropriate administrative action.

In response to our preliminary findings the Commissioner took disciplinary action against one officer and also imposed certain interim directives to address deficiencies in overtime oversight and recordkeeping while awaiting the final recommendations of the Inspector General and a Police Department overtime review committee that he has appointed to review Police overtime policy and procedure. Specifically, the Commissioner has taken the following action in response to our preliminary findings:

- Disciplinary proceedings were brought against one Police detective. Allegations of overtime abuse were substantiated; and he was fined 40 days of pay.
- Monthly overtime reviews are now mandatory for every Police command. Every commanding officer, who is in charge of a precinct or other Police command where officers report to duty, is now provided with a monthly overtime report that lists the amounts of overtime that each police officer in their command has been paid. The commanding officers are charged

with reviewing all overtime, and are required to identify and eliminate excessive overtime.

- Supervisors must now submit reports of all overtime over 2 hours that is performed as part of an extended tour. This requirement was put in place to ensure that once the need for the overtime work has been completed, the officer is promptly signed out and the overtime is ended. Ongoing work is then reassigned to a police officer working a regular tour of duty.
- District Attorney subpoenas are now being carefully scrutinized and court appearances on overtime are being limited as much as possible to actual trials, hearings and grand jury appearances. The Department no longer accepts subpoenas that request police officers to report for routine conferences and meetings on overtime. Efforts are also being made to schedule Court overtime during police officers' regularly scheduled tours of duty.

Finally, in light of our findings, we make the follow recommendations to promote full accountability with respect to overtime paid to police officers:

1. The Police Department Must Adopt and Enforce Comprehensive Overtime Policies and Procedures and Closely Monitor Overtime Payments.

With respect to new policies and procedures, at a minimum the Department should:

- Eliminate the meaningless distinction between “scheduled” and “unscheduled” overtime, and enforce the 40 hour overtime cap that is currently part of the existing policy.
- Create policies that require all overtime to be recorded in the command's desk blotters. All overtime should be fully documented in the blotter at the time that it is worked. First line supervisors who approve overtime slips should be required to compare overtime slips to the blotter to ensure accuracy. Slips which are submitted that are not listed in the blotter should not be approved for payment.
- Create an express policy which prohibits an officer from changing his or her schedule to accommodate overtime. Moreover, officers should be prohibited from performing overtime during any day in which they take a personal, vacation or compensatory day off.
- Establish specific procedures for how supervisors are to monitor overtime and establish regular reporting requirements regarding efforts to minimize the need for overtime and eliminate overtime abuse.
- Create appropriate penalties for officers who are found to have violated the new overtime policy.

2. The Police Department Should Establish Protocols with the Westchester County District Attorney's Office Regarding Court-Related Overtime.

The Police Department's policy and procedure pertaining to County Court overtime was in effect for many years but was never enforced. A system needs to be put in place that can ensure the accuracy of and necessity for court-related overtime. The Police Department and the District Attorney's Office should issue written directives setting forth the policies and procedures for all court-related overtime.

3. The Police Department Should Automate its Procedures for Processing and Monitoring Overtime.

The Police Department recognizes the need to automate the method by which overtime is recorded and processed. As the Department deploys its new computerized record management system, the Department should work with the City's information technology personnel to ensure that the new system will flag improper overtime payments and generate reports that will make monitoring officer overtime easier.

4. One Year After the New Police Overtime Policies and Procedures have been in Place, the Police Commissioner Should Issue a Report to the Mayor and City Council Assessing the Effectiveness of the Reforms. Thereafter, the Inspector General Will Conduct a Follow-up Audit of Paid Overtime.

Given the significant lack of internal controls over police overtime, we believe that one year after the final reforms have been in place, the Police Commissioner should report to the Mayor and the City Council regarding the effectiveness of those reforms. Thereafter, the Inspector General's Office will conduct a follow up audit.

5. The City Should Create an Overtime Review Board.

The proper administration of overtime is an issue for every City department. The Mayor should create an Overtime Review Board to review overtime for all City Departments. Members of the Board could include the Finance Commissioner, Corporation Counsel, and Human Resources Commissioner. On a quarterly basis, the Commissioners of the Police, Fire, Public Works, Parks and other Departments as deemed necessary should submit reports on overtime to the Board and then, if required, appear before the Board to explain and justify the overtime that was worked. The focus of this Board would be to review the internal controls in place at the various City departments to ensure the integrity of the administration of overtime, and also to review the departmental justifications for the specific overtime that City employees worked.

6. The City Should Lobby the State Government for Pension Reform.

The New York State pension laws create an incentive for police officers to work excessive amounts of overtime and to be tempted to inflate the overtime that they claim to have worked. A rational pension law would eliminate this incentive for abuse, and base pensions on a police officer's final base salary and not on excessive amounts of overtime worked during a three year build up period. We urge the City Council and the Mayor to lobby Albany for pension reform.

Background on Police Overtime

The deployment of police officers on overtime is an integral and necessary part of Police Department staffing. There are many reasons for police overtime including: emergencies, vacancies, illnesses, special events, court appearances, and case-related meetings at the District Attorney's Office. Under labor agreements and Police policies and procedures, overtime is generally paid at time and one half of an officer's hourly rate of pay.

The Department keeps track of overtime through two departmental records: the UF-73 (also called an overtime slip) and the desk blotter. The UF-73 is the form that a police officer submits to his or her supervisor to document overtime hours worked. The UF-73 is reviewed and signed by two supervisors, usually the desk officer and commanding officer, before it is forwarded to the fiscal services unit for processing and payment. The blotter is a continuous log that is maintained in a precinct or other Police command where members of the Department report to work that lists the daily activity of all assigned police officers. When overtime is worked, a notation of when the overtime is started and ended is supposed to be entered in the blotter. The blotter page number with the corresponding overtime notation is required to be listed on the UF-73 in order for the slip to be processed for payment. With court-related overtime, the case name and number is also usually listed on the UF-73. During an average two-week pay period, the Police Department typically processes approximately 1,500 UF-73s for payment, which results in approximately \$650,000 in overtime payments. (Copies of a UF-73 and corresponding blotter page are attached as Exhibit "2".)

The Police Department's policies and procedures differentiate between overtime that is either "scheduled" or "unscheduled." Scheduled overtime occurs when regularly scheduled assignments or posts need to be filled because of vacancies or absences, or when specifically unassigned posts are regularly filled by officers working overtime. Examples of scheduled overtime include substituting for an officer who is on sick leave or filling an extra post to staff a parade or special event. The nightly 11 PM to 3 AM security detail at Yonkers Raceway is an example of a regularly scheduled post that is unassigned and always staffed with officers working overtime.

Unlike scheduled overtime, “unscheduled” overtime is considered unplanned and cannot be scheduled ahead of time. Examples of unscheduled overtime include appearances in court or at the District Attorney’s Office, off duty officers being recalled and told to report to work because of an emergency or other activity requiring additional police presence, or on duty officers having their tours extended to meet a staffing requirement. In order for an officer to attend appearances at court and conferences with an assistant district attorney, the District Attorney’s Office must issue a subpoena for the officer to appear.

The City’s payroll records provide a breakdown of the categories of overtime worked by members of the Police Department. In 2006, the \$16.7 million in overtime was paid as follows:

Traditionally, the top earners of overtime are police officers planning to retire. New York State pension law provides generous pension benefits to retired police officers and overtime payments are included in the calculations of an officer’s pension. To maximize pension benefits, an officer must begin increasing the amount of overtime worked three years before the expected retirement date. Within the Police Department, these three years are known as the “build up period.” Police officers seeking to maximize their pensions often set goals for the overtime they plan to work during the last years of their careers. By working a great deal of overtime during the build up period, it is not uncommon for police officers to retire with pensions that are significantly higher than their base salaries. Of the 11 police officers that we reviewed, 8 have now retired. The New York State Employees Retirement System has informed us that 3 of the officers that we reviewed are now receiving annual pensions of \$140,141, \$137,610, and \$127,874. These pensions exceed the officers’ yearly base salaries by \$35,000, \$53,000 and \$43,000, respectively.

Six of the top overtime earners in the Police Department in 2006 were detectives. Unlike most police officer schedules, certain detectives, specifically those in the narcotics, fraud and burglary squads, have schedules that allow for somewhat flexible starting times. This flexibility makes it easier for these detectives to fit overtime work into their schedules. Also, all detectives are required to work overtime on important cases, and can log significant amounts of court overtime, as they are often important witnesses in criminal proceedings.

⁴ Includes overtime worked at double time and termination pay.

According to Police Commissioner Hartnett, he became aware of the need to review overtime policies and procedures early in his tenure. (He was appointed in November of 2006.) He spoke about overtime with the Mayor during the appointment process and the topic was broached in his confirmation hearing before the City Council. Also, in his first weeks in office, he learned that the Police Department was projected to significantly overspend the overtime budget for that year. As a result, before the Inspector General started this review, Commissioner Hartnett appointed his own Police Department overtime committee to conduct a departmental review of overtime and to make recommendations regarding the adoption and implementation of new overtime policies and procedures to ensure that necessary internal controls for overtime are in place. Deputy Chief Thomas Sullivan is the chairperson of the overtime committee which also includes captains in charge of Fiscal Services, the Courts, Internal Affairs, Training, Planning as well as one precinct commander. The final recommendations of this committee are expected by the end of 2007. According to Commissioner Hartnett, he will consider the Inspector General's and Police Department's overtime committee's recommendations when he makes his final decisions regarding changes to the current Police Department overtime policies and procedures.

Finally, the Police Department has recognized the difficulty in reviewing the large volume of manually generated overtime slips. The Department is currently in the process of purchasing a new computerized records management system which will ultimately lead to an automated system of overtime recordkeeping, which should make it easier to identify improper overtime payments and monitor the overtime that each police officer works. This new system, however, is not expected to be operational for at least a year.

Applicable Policies and Procedures

The Police Department's Policy and Procedure ("P&P") No. 1.03.08 sets forth the general rules and regulations pertaining to overtime. The policy provides, in pertinent part, that:

- No officer is to work more than 16 straight hours unless there is an emergency.
- There must be 48 hours between double shifts.
- There is a 40 hour cap on "scheduled" overtime in any two-week pay period.
- "Scheduled" overtime does not include overtime which is earned during extended tours or at court.
- With respect to court overtime, no officer shall respond to court or the District Attorney's office without the authorization of his/her supervisor.
- An officer will be credited with a minimum of 3 hours for all court overtime.

- Use of compensatory time for time off, which creates an overtime hiring requirement, is limited to one occurrence per day, per command.
- Periodically, all officers' gross salary and overtime will be tabulated and projected during the calendar year, and any officer whose projected gross salary appears excessive will be evaluated and corrective action taken when appropriate.

P&P No.1.04.02 sets forth additional rules and regulations pertaining to officers' appearance in court, and requires, in part, that:

- The officer telephones his or her command when he or she is leaving to attend a proceeding, and that the desk officer enter the officer's name, shield number, time of call, and place of attendance in the desk blotter.
- The officer has his or her copy of the required subpoena endorsed by the Assistant District Attorney or other person handling the case. The endorsement shall indicate the time of arrival and departure.
- The officer telephones his or her command when he or she has returned from the proceeding, and the desk officer enters that information in the blotter.
- The officer submits a UF-73 with their copy of the endorsed subpoena to their command for approval.
- Supervisors are required to check the UF-73, subpoena, and blotter for accuracy before signing the UF-73.

(Copies of P&P Nos. 1.03.08 and 1.04.02 are attached as Exhibit "3".)

Findings

Our review raises serious questions about the efficacy of the Police Department's overtime policies and procedures, and the Department's enforcement of those policies. We found that the main overtime policy and procedure did not place any meaningful limitations on the amount of overtime that a member of the Police Department could work. We also found that the Department has not implemented the stated policy related to overtime earned at County Court. In addition, we found irregularities in overtime reporting and recordkeeping that raised questions about whether the overtime was actually worked and whether the Department was monitoring overtime. We forwarded a summary of our preliminary analysis to the Police Commissioner recommending that the Police Department conduct a further investigation and take administrative action to address any irregularities that were confirmed by the Police Department.

Set forth below is a summary and explanation of the irregularities that we found:

1. Duplicate UF-73s Resulting in Double Payments

We found 4 instances in which officers were paid twice for the same period of overtime based on the submission of duplicate or overlapping UF-73s. Collectively, the officers were paid an extra 21 hours of overtime.

To illustrate, one officer submitted 2 overtime slips for the same 8 hour extended tour. In another instance, the officer submitted 2 slips – one for 8 hours and the other for 7 hours – of court overtime. The two slips claimed overtime that overlapped for 7 hours. In each case, duplicate UF-73s were submitted for the same or overlapping overtime shifts, and the duplicate was not detected by the supervising officers or the Police Department's fiscal services unit, which processed the UF-73s for payment. (We note, however, that we did find a few instances in which the fiscal services unit discovered duplicate overtime payments and reversed the extra payments that were made.)

2. Overtime Not Documented in the Blotter

For the 11 officers whose overtime we reviewed, we compared approximately 1,500 UF-73s submitted for payment to the corresponding blotter pages. Overtime procedures require that all overtime must be listed in the blotter for the date that it was worked, and that the blotter page number must be written on the UF-73. We found 106 instances in which there were UF-73s submitted for payment with blotter page references, but when we checked the blotter page to confirm that the overtime was duly noted, we found no reference to the allegedly worked overtime.

The failure to have overtime listed in the blotter raises questions as to whether the overtime was actually worked. Given the large number of overtime slips that the Police Department processes each pay period, the blotter is the only record that supports the accuracy of the UF-73. It is the affirmative obligation of the officer submitting an overtime slip to ensure that all of the information on the UF-73 is accurate. The failure of overtime work to appear in the blotter also raises questions about the review conducted by the first line supervisor who approved the UF-73s before they were submitted to the commanding officer. P&P No. 1.04.03 requires supervisors to compare the UF-73s to the blotter before approving the overtime slips. Apparently, this procedure was not followed.

3. One Hour Overlaps

Our review of blotters and overtime slips revealed 35 instances when officers reported overtime and regular tours overlapping by one

hour.⁵ Thus, in these cases the officers were paid one extra hour of unwarranted overtime.

In the records of one of the officers that we reviewed, we found a regular pattern in which the officer reported to have worked an overtime shift at County Court of 8 hours followed by a regularly scheduled tour of duty for 8 hours and then another overtime shift of 4 hours. The records indicated that the officer was paid for 20 consecutive hours. However, in actuality, the attendance records revealed that the officer only worked 19 consecutive hours. In 20 instances, we found that the officer submitted UF-73s claiming one hour of overtime which was actually part of his regularly scheduled work shift. Thus, in each instance the officer was paid an extra hour of overtime that he was not entitled to. In addition, the reported 20 consecutive hours of work violated P&P No. 1.03.08, which prohibits working more than 16 straight hours. (see below)

With respect to the other 10 officers that we reviewed, we found that 4 officers had been paid one hour of extra overtime on 15 separate occasions.

Under the current overtime reporting system, overlaps between regularly scheduled tours and overtime tours can only be detected by reviewing and analyzing officers' schedules, the blotters and the UF-73s. We found this review to be both labor intensive and time consuming, and appropriately should be done when the UF-73s are first submitted for approval. The responsibility for the accuracy of an overtime slip falls first on the officer who worked the overtime and submits the slip, and second on the supervisors who approve it for payment. It is imperative for the Police Department to develop and implement new policies and procedures that ensure internal controls over the accuracy of submitted overtime records, which would safeguard against the payment of overlapping overtime hours and other irregularities.

4. Policy Violations: Working More than 16 Straight Hours; Working Double Shifts without a 48 Hour Interval between the Double Shifts; and Working More than 40 Hours of Scheduled Overtime in a Pay Period

P&P 1.03.08 is the Police Department's most comprehensive overtime policy and procedure. The only specific limitations placed on the amounts of overtime that a police officer can work are set forth in section III.C, which provides that no officer can work more than 16 straight hours unless there is an emergency (Section III.C.2); that double shifts may be worked with the commanding officer's approval, but there must be a 48 hour interval between double shifts (Section III.C.3); and that no officer

⁵In two of the instances, the tours overlapped for only 30 minutes.

shall work more than 40 hours of scheduled overtime in any one payroll period, without permission of the Police Commissioner. (Section III.C.4)

Notwithstanding these prohibitions, in our sample of 11 officers we found 115 instances when the officers worked more than 16 consecutive hours, and 158 instances when officers worked double shifts without the required 48 hour interval.

Although the plain language of this P&P suggests that there are limits to the amounts of overtime that can be worked, as reflected in the above findings, our review revealed that these provisions had little impact on limiting overtime hours. These prohibitions, as traditionally implemented by the Police Department, are limited to “scheduled” overtime, and have been interpreted to only place limits on working double shifts of “scheduled” overtime or working more than 40 hours of “scheduled” overtime in a pay period. As a result of this interpretation, “unscheduled” overtime, consisting of court overtime, extended tours and recall time, does not trigger the prohibitions in the policy.

Still, using this narrow interpretation of the P&P, we found 25 instances in which officers were paid more than 40 hours of “scheduled” overtime during a pay period. Thus, from our limited sample, it appears that the Police Department has also not enforced the prohibition of working more than 40 hours of scheduled overtime in a pay period.

The ineffectiveness of this P&P is evident by the apparent unlimited amounts of overtime that was available to the officers we reviewed. We found many instances when officer’s reported working for extended periods of time with little or no rest. In three instances, officers were paid for working 115, 124 and 131.5 hours of overtime in a two-week pay period. This is in addition to their regularly scheduled 40 hour work week. To illustrate further, examples of some of the most concentrated work periods for one of the detectives that we reviewed was as follows:

- September 11 – 14, 2006: Worked 74 hours out of a possible 88 hours (40 hours on duty, 8 off duty, 18 on, 6 off, 16 on)
- January 8 – 11, 2007: Worked 79 hours out of a possible 91 hours (19 hours on, 2 off, 22 on, 5 off, 19 on, 5 off, 19 on)
- February 19 – 23, 2007: Worked 82 hours out of a possible 103 (12 hours on, 5 off, 19 on, 2 off, 4 on, 4 off, 14 on, 5 off, 19 on, 5 off, 14 on)

According to Police Commissioner Hartnett, there are important reasons for limiting the number of hours that a police officer should work in a concentrated period of time. Police officers need to be well rested to be

effective. Moreover, common sense dictates that an officer working multiple shifts with little time for sleep cannot be performing up to their capabilities. Excessive overtime hours creates a safety issue for police officers and the public. P&P 1.03.08, as implemented, is not addressing the health and safety concerns created when officers work many continuous hours with little rest for an extended period of time.

We also note that P&P 1.03.08 provides that “all officers’ gross salary and overtime will be tabulated and projected during the calendar year, and that any officer whose projected gross salary appears excessive will be evaluated and corrective action taken when appropriate.” We found no evidence in our records review of the 11 officers that the Police Department utilized this provision to monitor their overtime and take necessary actions to eliminate excessive overtime hours.

5. Policy and Procedure Governing Court Overtime was not Enforced

P&P No.1.04.02 sets forth specific rules and regulations pertaining to an officer’s appearance in court, which include requirements that an officer telephone his or her command when setting out for and after leaving court; that subpoenas be issued and endorsed by the assistant district attorney with the time of arrival and departure; and that UF-73s be verified for accuracy and checked against the desk blotter by a supervisor before they are approved for payment. (See attached P&P No.1.04.02.)

From our review of the overtime slips and blotters pertaining to County Court overtime and our discussions with members of the Police’s Internal Affairs Division and the District Attorney’s staff, it is apparent that P&P No.1.04.02, which became effective on November 1, 1999, has never been implemented. The blotters that we reviewed did not contain the detailed information that P&P No. 1.04.02 required, and there were no endorsed subpoenas documenting the officers’ time spent at the District Attorney’s Office. As a result, all of the overtime that was reportedly earned at the County Court and the District Attorney’s Office in White Plains was not documented as required. The failure to enforce this policy represents a significant lapse in the Police Department’s internal efforts to properly monitor overtime in order to ensure that overtime is justified and that the officers are only compensated for overtime that was worked and supported by underlying documentation.

The failure to enforce P&P No. 1.04.02 raised questions about the court overtime that we reviewed. There are two locations where most court overtime is earned– County Court at the District Attorney’s Office in White Plains and City Court at the Cacace Justice Center in Yonkers.⁶ We noticed that with respect to overtime at City Court, which usually

⁶ Small amounts of overtime are also earned in courts of other jurisdictions.

pertains to traffic trials and arraignments, officers submitted slips for 3 hours of overtime which is the minimum payment as set forth in the City's labor agreements and P&P No. 1.03.08, and those slips were supported by a blotter maintained for the purpose of recording officers reporting for City Court. In contrast, officers reporting to the County Courthouse in White Plains almost always submitted overtime slips for either 7 or 8 hours, and there was no blotter maintained at the County Courthouse or other documentation which could confirm the accuracy of this overtime.

We found 301 instances in which the 11 officers submitted slips for 7 or 8 hours of County Court overtime. The hours on these slips totaled 2,374. Almost all of these slips were submitted by members of the Detective Division, who work closely with the District Attorney's Office. Assuming that a detective earns approximately \$68 per hour when working overtime, the City's total payments for these 2,374 hours of overtime was over \$160,000.⁷

We questioned the validity of these overtime slips for several reasons. First, there appeared to be little or no controls over this overtime because P&P No.1.04.02 was not being enforced. Second, we received reports that overtime at County Court had been inflated. Third, the subpoenas we reviewed generally requested an officer's appearance at 9 AM; however, the overtime slips indicated that overtime began at 8 AM.⁸ Fourth, we found examples where reported court overtime overlapped with regularly scheduled work shifts. Finally, fifth, on its face some of the overtime appeared excessive. Some of the officers claimed that they reported to the County Courthouse 3 or 4 times a week and stayed all day before reporting to work for their regularly scheduled tours of duty. According to the Commissioner Hartnett, it is unusual for police officers to routinely spend all day at County Court or the DA's Office.

We reviewed our findings and concerns with District Attorney Janet DiFiore and her executive staff.⁹ We were told that the District Attorney's Office had never been made aware of the City policy regarding monitoring court overtime. The District Attorney also stated that her office worked closely with Yonkers police officers and especially with the Detective

⁷ A police detective with an annual base salary of \$84,000 would earn an hourly overtime rate of approximately \$68. We note that 6 of the officers that we reviewed accounted for 289 of the 301 instances of spending 7 or 8 hours at the County Court. All of these 6 officers were assigned to the Detective Division and earned between \$16,000 and \$33,000 in court overtime during the 6 month period subject to our review.

⁸ We were informed that the Police Department has in the past recognized "travel time" as part of court overtime hours, but we found no express policy that authorizes time spent commuting to the County Courthouse as being included in overtime pay. Time spent commuting is generally not compensable as part of an overtime tour.

⁹Police Commissioner Hartnett attended one of the three meetings that we had with District Attorney DiFiore and her staff.

Division, but did not keep attendance records related to when police officers reported to court. Thus, the DA's Office did not have records that could confirm the accuracy of the court overtime as reflected on the UF-73s. The District Attorney's Office stated that the detectives with the largest amounts of overtime were very active and were regularly needed to meet with assistant district attorneys and to appear in court. A review of DA records indicated that the dates of the UF-73s were consistent with ongoing criminal cases which would require the presence of the police officers and detectives at the Courthouse. The DA's Office could not, however, vouch for the fact that Yonkers Police officers were regularly required to spend 7 or 8 hour shifts at the DA's Office. District Attorney DiFiore informed us that the DA's Office would cooperate with the Police Department in its future efforts to monitor the Court-related overtime of Yonkers Police officers.

Our review revealed a significant lack of internal controls over Police overtime reportedly earned at the County Courthouse in White Plains. The failure to implement and enforce the Police Department's court overtime policies and procedures created an opportunity for abuse. Given our findings, we believe that the accuracy of thousands of hours of paid court-related overtime is questionable, and that there is a strong likelihood that overtime was abused at the County Court.

6. Other Irregularities

Schedule Changes to Accommodate Overtime

Our review of the UF-73s and the blotters also raised questions about one of the officers who submitted multiple UF-73s for overtime at the County Court. We found 11 instances in which it appeared that the officer's regularly scheduled day tour had been changed to accommodate an overtime day tour at the County Court. We viewed this to be an irregularity because if there was a legitimate reason for the officer to appear at the District Attorney's Office it should have been done on straight time, during the regularly scheduled day tour, and not overtime. It appears from the records we reviewed that there was no substantive reason for the tour change. From our limited sample of 11 officers this was an unusual practice, and we did not see similar schedule changes with the other officers we reviewed.

Submitting Two Overtime Slips for City Court Overtime on the Same Day

We found another officer who submitted two overtime slips for City Court on the same day on 13 separate occasions. The officer claimed at least the minimum 3 hours of overtime for each court appearance on those days. This practice resulted in the officer being paid at least 6 hours

of court overtime even if his actual time in court was only 1 or 2 hours for each appearance. The submission of two separate overtime slips violated P&P No. 1.03.08, which guarantees a minimum of 3 hours court overtime. Under this policy the officer should have been paid a minimum of 3 hours of overtime, and any payments of additional overtime should have been based on actual time worked over the 3 hour minimum.

Working Overtime When Taking Vacation, Compensatory or Personal Time

We found instances when an officer took a vacation, compensatory or personal day off from work, which created a vacancy that was then filled by overtime. The officer on leave, however, worked overtime during the day that he or she was supposed to be off duty. In essence the officer worked overtime during his day off, and by taking vacation, compensatory or personal leave, the officer created a vacancy that was filled by another officer working overtime. P&P No. 1.03.08 limits leave use in this manner to one occurrence per day per command.

We found one extreme example of an officer using leave time in this manner with respect to work performed on Thanksgiving Day. The officer in question was scheduled to work a 3 to 11 PM tour. Instead of working that regular tour, the officer took a personal day. The officer then worked two overtime tours from 8 AM to 4 PM and 3 PM to 11 PM. Because overtime on Thanksgiving is paid at double time, and not just time and one half, the net result was that the officer received 40 hours of pay (8 hours for the personal day and 32 hours for the overtime) for working just 15 hours of overtime. (We note that the officer was also improperly paid an extra hour of overtime because the overtime tours overlapped between 3 and 4 PM.) In addition, a second officer worked overtime to cover the vacancy created by the use of the personal day.

Police Department Interim Response

During the course of our review we kept Commissioner Harnett apprised of our interim findings, and referred our findings regarding the specific irregularities back to the Police Department for further investigation and appropriate administrative action. Commissioner Hartnett has informed us that he has taken the following interim action as he awaits the final recommendations from the Inspector General and the Police overtime committee.

- Allegations of overtime abuse were substantiated against Detective Christopher Deering, who was fined 40 days of pay. Detective Deering is now retired.
- Monthly overtime reviews are now mandatory for every Police Command. Every commanding officer, who is in charge of a

precinct or other Police command where officers report to duty, is now provided with a monthly overtime report that lists the amounts of overtime that each police officer in their command has been paid. The Commanding officers are charged with reviewing all overtime, and are required to identify and eliminate abuses.

- Supervisors must now submit reports of all overtime over 2 hours that is performed as part of an extended tour. This requirement was imposed to ensure that once the need for the overtime work has been completed, the officer is promptly signed out and the overtime ends. Ongoing work is then reassigned to a police officer working a regular tour of duty.
- District Attorney subpoenas are now being carefully scrutinized and court appearances on overtime are being limited as much as possible to actual trials, hearings and grand jury appearances. The Department no longer accepts subpoenas that require officers to appear on overtime for routine conferences and meetings.¹⁰ Moreover, to the greatest extent possible, the Department is now requiring that court appearances and conferences with assistant district attorneys are to be scheduled during regular tours of duty.

Conclusion and Recommendations

The deployment of police officers on overtime is an important and necessary tool of the Department to meet the public safety needs. Our report does not question the necessity for police overtime; instead we looked only at whether the Police Department has established the necessary internal controls to ensure the accuracy of overtime payments.

Our records review of overtime paid to 11 police officers for a 6 month period raises serious questions about the Police Department's overtime policies and procedures and the administration of overtime. From this limited review, it is evident that overtime policies have not been enforced, written overtime procedures were not followed, and overtime slips submitted for payment were not properly reviewed before payment was authorized.

The failure to implement and enforce overtime policies and procedures created an opportunity for abuse, and our review revealed numerous irregularities that raised questions about the appropriateness of some of the paid overtime. We referred our preliminary findings of irregularities to the Police Commissioner for further investigation into the conduct of the Police officers and

¹⁰During our meetings with the District Attorney and her staff there were discussions about ensuring that all court overtime was necessary and that subpoenas were not being issued to facilitate an officer's desire to work overtime.

to take appropriate administrative action. As a result, the Police Commissioner took disciplinary action against one detective.¹¹

It should be noted that Police Commissioner Hartnett was appointed shortly before this audit began. Throughout this review, as we provided preliminary findings to him, the Commissioner made it clear that overtime abuse is unacceptable and that meaningful overtime policies and procedures had to be put in place and enforced to ensure public confidence that the Police Department overtime expenditures are justified. He has taken interim steps to rein in overtime by requiring close monitoring, and promises to take further action based on the recommendations of the Inspector General and the Police Department's overtime review committee.

We believe that the Commissioner's preliminary steps to better control overtime are a start for addressing the problems that our review has revealed. Given these problems, the Police Department must now be vigilant in ensuring the integrity of its payroll, and eliminate the opportunities for the abuse of overtime. Based on our findings we make the following recommendations:

1. The Police Department Must Adopt and Enforce New Comprehensive Overtime Policies and Procedures and Closely Monitor Overtime Payments.

Our findings revealed that the Police Department abdicated its responsibilities by not enforcing its overtime policies and procedures. We believe that most of the overtime irregularities that we found would have been eliminated if the Department had enforced its policies. Nevertheless, an analysis of the existing policies (P&P Nos.1.03.08 and 1.04.02) clearly shows that reforms are necessary. Specifically, we believe that the Department must adopt and enforce comprehensive overtime policies and procedures, and thereafter closely monitor overtime payments. With respect to new policies and procedures, at a minimum the Department should:

- Eliminate the meaningless distinction between "scheduled" and "unscheduled" overtime. We believe that the Department should

¹¹ Our discussions with District Attorney DiFiore and her staff led us to believe that the documentary evidence we had developed was insufficient to press criminal charges against the individual police officers that were the subject of our review. The apparent irregularities and overpayments that we found are the results of the Police Department's collective failure to enforce stated overtime policies and to meaningfully review overtime slips for accuracy. We also note that because our review focused only on officers who earned the most overtime, we can draw no conclusions as to whether the hundreds of other officers who earned lesser amounts of overtime also violated departmental policies and procedures.

enforce the 40 hour overtime cap that is currently part of the existing policy.¹²

- Create policies that require all overtime to be recorded in the command's desk blotters. All overtime should be fully documented in the blotter at the time that it is worked. First line supervisors who approve overtime slips should be required to compare overtime slips to the blotter to ensure accuracy. Slips which are submitted that are not listed in the blotter should not be approved for payment.
- Create an express policy which prohibits an officer from changing his or her schedule to accommodate overtime. Moreover, officers should be prohibited from performing overtime during any day in which they take a personal, vacation or compensatory day off.
- Establish specific procedures for how supervisors are to monitor overtime and establish regular reporting requirements regarding efforts to minimize the need for overtime and eliminate overtime abuse.
- Create specific penalties for officers who are found to have violated the new overtime policy.

2. The Police Department Must Establish Protocols with the Westchester County District Attorney's Office Regarding Court-Related Overtime.

The Police Department's policy and procedure (P&P No. 1.04.08) pertaining to County Court overtime was in effect for many years but was never enforced, and the District Attorney's Office was never aware of its existence or the specific requirement pertaining to the issuance and endorsement of subpoenas for police officers' appearances in court. Our joint discussions with District Attorney DiFiore and her executive staff and Police Commissioner Hartnett has led to an understanding that a system needs to be put in place that can ensure the accuracy and necessity of court-related overtime. We believe that Police Department and the District Attorney's Office should issue written directives setting forth the policies and procedures for all court-related overtime.

3. The Police Department Should Automate its Procedures for Processing and Monitoring Overtime.

The Police Department recognizes the need to automate the method by which overtime is recorded and processed. As the Department deploys its new computerized record management system, the Department should work with the City's information technology personnel

¹²With a 40 hour cap in place, officers could still work over 1,000 hours of overtime annually. If approved by the Commissioner, commanding officers should be given the flexibility to exceed the cap when justified and appropriately documented.

to ensure that the new system will flag improper overtime payments and generate reports that will make monitoring officer overtime easier.

4. One Year After the New Police Overtime Policies and Procedures have been in Place, the Police Commissioner Should Issue a Report to the Mayor and City Council Assessing the Effectiveness of the Reforms, and Thereafter the Inspector General Will Conduct a Follow-up Audit on Paid Overtime.

Given the significant lack of internal controls over police overtime and the yet to be implemented reforms to address the problem, we believe that one year after the final reforms have been in place, the Police Commissioner should report to the Mayor and the City Council regarding the effectiveness of those reforms. Thereafter, the Inspector General's Office will conduct a follow up audit of paid overtime in the Police Department.

5. The City Should Create an Overtime Review Board.

Although the focus of this review was Police overtime, the proper administration of overtime is a concern for every City department. The Mayor should create an Overtime Review Board to review overtime for all City Departments. Members of the Board could include the Finance Commissioner, Corporation Counsel, and Human Resources Commissioner. On a quarterly basis the Commissioners of Police, Fire, Public Works, Parks and other Departments as deemed necessary should submit reports on overtime to the Board and then, if required, appear before the Board to explain and justify the overtime that was worked. The focus of this Board would be to review the internal controls in place at the various City departments to ensure the integrity of the administration of overtime, and also to review the departmental justifications for the specific overtime that City employees work.

6. The City Should Lobby the State Government for Pension Reform.

The New York State pension laws create an incentive for police officers to work excessive amounts of overtime and to be tempted to inflate the overtime that they claim to have worked. A rational pension law would eliminate this incentive for abuse, and base pensions on a police officer's final base salary and not on excessive amounts of overtime worked during a three year build up period. We urge the City Council and the Mayor to lobby Albany for pension reform.

**Department of Inspector General
Yonkers Police Department Overtime Review
Calendar Year 2006-Officers With Over \$100,000 of Overtime**

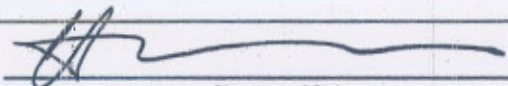
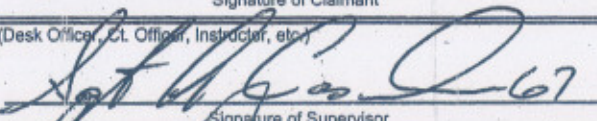
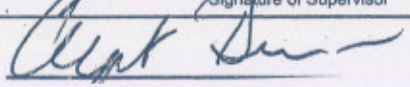
<u>Officer</u>	<u>Base Pay</u>	<u>Overtime</u>	<u>Other Payments</u>	<u>Total Pay</u>
Det. Donald Foley	\$84,871.80	\$125,057.65	\$10,959.57	\$220,889.02
P.O. Hugo Tassone	\$77,740.00	\$109,090.87	\$13,697.37	\$200,528.24
P.O. Mario Mazzei	\$77,740.00	\$106,944.18	\$10,319.83	\$195,004.01
LT. Stephen Scaramuzzo	\$104,876.20	\$106,148.77	\$15,551.08	\$226,576.05
P.O. Robert Galindo	\$77,740.00	\$103,892.24	\$12,136.03	\$193,768.27
P.O. Michael Calabrese	\$77,740.00	\$102,565.35	\$12,038.26	\$192,343.61
Det. Christopher Deering	\$84,871.80	\$101,820.98	\$10,044.98	\$196,737.76
Det. David Zadorozny	\$84,871.80	\$101,036.48	\$11,080.31	\$196,988.59

Note: Other Payments include Holiday Pay, Sick Pay Incentive, Uniform Allowance & Shift Differential Pay.

OVERTIME CLAIM
UF-73 (11/98)

YONKERS POLICE
DEPARTMENT

Time

Rank <i>DET</i>	Full Name of Claimant <i>CHRISTOPHER DEERING</i>	Shield <i>658</i>	Command <i>ND</i>
Location <i>2ND PRECINCT</i>		Blotter Page <i>7</i>	
Date of Overtime <i>10/25/06</i>	Exact Hours of Overtime From <i>2300</i> To <i>0300</i>	Total Hours Worked <i>4</i>	Total Hours Worked Computed at Time and One Half <i>6</i>
Description of Overtime Performed: <i>EMPIRE CITY DETAIL</i>			
"I certify that the above information is true and correct and in accordance with the Rules and Procedures of the Police Department."		 Signature of Claimant	
VERIFICATION OF IMMEDIATE SUPERVISOR: (Desk Officer, Ct. Officer, Instructor, etc.) "I certify that the above named individual has performed said overtime at the time and date stated above."		 Signature of Supervisor	
COMMANDING OFFICER: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied			

CONT	TUESDAY	OCTOBER 24, 2006
1500	TO DUTY	SGT BLAIR (EMPIRE CITY SUPERVISOR)
1530	TO DUTY	PO LANDERS (CENTRAL/CLARK) PO KOSMOWSICK (YONKERS/TRENCHARD) PO VATAT (CENTRAL MAIN ENTRANCE) PO FOSTER (YONKERS/TRENCHARD) PO TIMMONS (YONKERS/TRENCHARD) PO ROMANO V (RELIEF 1) PO AHEARN (RELIEF 2)
2300	TO DUTY	LT LEGAN' - SUPERVISOR/EMPIRE CITY DETAIL
	TO DUTY	PO HECKIN (RELIEF CAR 1) PO WANDERMAN (RELIEF CAR 2) PO TRAYNOR (YKS/TRENCHARD) PO DEERING (CPA/EXIT) PO TILSON (YKS/CPA) PO SULLIVAN (YKS/CPA) PO KIVEL (CPA/CLARK)
2330	FROM DUTY	SGT BLAIR, PO LANDERS, PO KOSMOWSICK, PO VATAT, PO FOSTER, PO TIMMONS, PO ROMANO, PO AHEARN
2305	FROM DUTY	LT LEGAN, PO HECKIN, PO WANDERMAN, PO TRAYNOR, PO DEERING, PO TILSON, PO SULLIVAN, PO KIVEL
0001	DATE CHANGE	WED OCTOBER 25, 2006
00	TO DUTY	LT MELVIN - SUPERVISOR
30	TO DUTY	PO SPANO (CPA/CLARK) PO PRESTAMO (YKS/TRENCHARD) PO CAPRANO (CPA/EXIT) PO ONEILL (YKS/CPA) PO MASCHAK (YKS/CPA) PO DONALDSON (RELIEF) PO HODIO (RELIEF)
10	TO DUTY	SGT CASAREALE (SUPERVISOR) PO SULLIVAN, R (RELIEF) DET YASINSKI (RELIEF) DET DEERING (YKS/TRENCHARD) DET TILSON (CPA/EXIT) PO HECKIN (YKS/CPA) PO GIANNANTONIO (YKS/CPA) PO KIVEL (CPA/CLARK)
00	FROM DUTY	LT. MELVIN
30	FROM DUTY	PO'S SPANO, PRESTAMO, CAPRANO, O'NEILL, MASCHAK, DONALDSON, HODIO
01	DATE CHANGE	THURSDAY OCTOBER 26, 2006
00	FROM DUTY	SGT CASAREALE, PO'S SULLIVAN, HECKIN, GIANNANTONIO, KIVEL, DET'S YASINSKI, DEERING, TILSON
00	TO DUTY	CAPT BRUNO - SUPERVISOR/EMPIRE CITY DETAIL
06	TO DUTY	P.O STARUCH (CPA-CLARK), P.O MASCHAK (YONKERS-C.P.A) P.O ZAMERIAL (YONKERS-C.P.A) P.O RENZI (CENTRAL)

POLICY & PROCEDURE
YONKERS POLICE DEPARTMENT

No. **1.03.08**

SUBJECT: OVERTIME		EFFECTIVE DATE: May 15, 2005
DISTRIBUTION: ALL MEMBERS	AMENDS/SUPERSEDES: P&P 1.03.08 dated 7/1/96	Page 1 of 3 Pages

I. Purpose

To compensate members of the service for work performed in excess of the member's regular work schedule, to standardize procedures for that purpose, to define overtime and place responsibility for overtime usage.

II. Background

The vital nature of police service and manning requirements necessitates that a method be devised and consistently applied to compensate members for time worked beyond contractual obligations (overtime).

III. Policy

Members will be compensated in money at a rate of time and one half for overtime worked, or at other rates as per contract. In lieu of money, personnel may elect to be compensated in time for extra duty performed at the same rate. Commanding officers are responsible for the judicious implementation and the utilization of overtime within their respective commands.

IV. Procedure

- A. **Overtime Claim (UF73)** - claim form filed with Fiscal Services for compensation of any overtime worked. The UF73 should be submitted to Fiscal Services within seventy-two hours of the related overtime worked.
- B. **Compensatory Time** - each officer may accrue an amount of compensatory time not to exceed the cap identified in the current collective bargaining agreement.

APPROVED:
COMMISSIONER OF POLICE



1. Once a member selects compensatory time as compensation for time worked, it shall be irrevocable.
2. Members promoted to higher rank shall be entitled to carry over that amount of compensatory time permitted by the contract governing the members of the rank promoted to.
3. Compensatory time off may be granted by commanding officer if it does not create a hiring situation or, if a hiring situation exists, one compensatory tour off may be granted per day (twenty-four hour period) per command.

C. Scheduled Overtime - includes all planned overtime except extended tour overtime and court overtime.

1. The commanding officer of each precinct/division shall be responsible to ensure compliance with this policy & procedure by officers assigned to their respective commands.
2. No officer is to work more than sixteen straight hours unless there is an emergency and with the approval of the commanding officer. The commanding officer must forward a copy of that approval in writing to his or her bureau chief within seventy two hours of occurrence.
3. Double shifts may be worked with the commanding officer's approval, but there must be a forty-eight hour interval between any double shift.
4. No member of the force shall work more than forty hours of scheduled overtime in any one pay period without the permission of the Commissioner of Police or his designee.
5. Any member of the force who exceeds forty hours of scheduled overtime in any pay period shall be denied any scheduled overtime during the subsequent pay period.
6. Should an emergency situation arise, the forty hour cap may be exceeded on authority of the commanding officer. In this event, the affected officer's overtime allocation for the subsequent pay period will be reduced by the amount of hours s/he exceeded the cap.
7. A member on vacation should not be hired to fill his/her own void unless an emergency exists and this hiring is approved by the commanding officer.

D. Court Overtime - all overtime connected to a court process, including filing complaints, arrest information, filing for warrants, District Attorney (D.A.) consultations, etc.

1. No officer shall respond to court or the District Attorney's office without the authorization of his/her supervisor.
2. Officers under subpoena are required to notify their commanding officer prior to responding to the subpoena.

3. In the absence of a subpoena, Court Authorization Form (YPD #51) must be completed to document supervisor authorization for an officer's appearance at local court. Court appearance without this written authorization will not be compensated.
 4. If authorization is granted, the member will take the authorizing form to court and submit it to the court supervisor. The court supervisor will complete the form and distribute it as per form instructions.
 5. Court overtime will be compensated at time and one half rate with a minimum of three hours including all court overtime commencing prior to the affected officer's regular tour. Compensation for court overtime connected to the end of a tour will be at the rate of time and one half for the actual time worked.
- E. **Extended Tour Overtime** - any overtime created when an officer is required to work beyond the time his/her regular scheduled tour was to end.
1. Supervisors shall, at the beginning of each tour, ascertain if any officer(s) from the previous tour has not been properly relieved.
 2. An officer shall notify his supervisor when he becomes aware that he is likely to incur overtime at the end of his tour. If a phone is not available he shall make notification via the police radio to the Communications Division and the communications supervisor shall notify the affected officer's command.
 3. Once notified, the affected officer's supervisor shall make relief arrangements as soon as practical.
- F. **Recall Overtime** - any time period when an officer is required to work before, but contiguous to, the time of his/her regularly scheduled tour of duty.
1. Members will be compensated at time and one half with a minimum of four hours for time worked by a member when the member has been notified during off-duty hours to report at a time in advance of his next regularly scheduled tour, except in situations expressed below.
 2. Members notified during their tour of duty or during their swing between the cycle of tours, that such member(s) have been scheduled to report in advance of their next regular tour of duty, shall not be entitled to the four-hour minimum provided above.
- G. **Maximum Yearly Compensation**
- Periodically, all officers gross salary and overtime will be tabulated and projected at that rate to the end of the calendar year. Any officer whose projected gross salary appears excessive, will be evaluated and corrective action taken where appropriate.

POLICY & PROCEDURE

YONKERS POLICE DEPARTMENT

No. **1.04.02**

SUBJECT: COURT APPEARANCE AND CONDUCT		EFFECTIVE DATE: Nov. 1, 1999
DISTRIBUTION: ALL MEMBERS	AMENDS/SUPERSEDES: P.&P. 227 and R&R 5.2.27-30	Page 1 of 2 Pages

I. Purpose

To establish procedures governing attendance at court or other quasi-judicial proceedings.

II. Policy

To aid the department in the effective performance of its law enforcement functions, it is the policy of the Yonkers Police Department to fulfill its responsibilities for the proper presentation of evidence at court cases and other quasi-judicial proceedings. Officers shall appear before any court, hearing officer, or investigating body as required. Officers shall be properly prepared and present a professional image while attending proceedings.

III. Procedure

The following procedures shall apply to attendance at court or other proceedings:

- A. A subpoena, notice of hearing, or verbal notification through official channels shall constitute proper notification for appearance.
- B. Officers and other department employees shall be punctual when appearing before any court, hearing officer, or investigating body.
- C. Upon arrival at the proceeding, officers shall report to the clerk of the court, judge, district attorney, or hearing officer.
- D. Officers shall attend proceedings in appropriate attire; and while in attendance, conduct themselves in a professional manner at all times. Proper attire shall consist of the following:
 - 1. Officers assigned to perform duty in uniform who are attending proceedings during their tour of duty shall wear the uniform of the day.
 - 2. Officers who are off duty, or who ordinarily perform duty in civilian clothes, shall wear business attire.

APPROVED:

COMMISSIONER OF POLICE



- E. Officers shall report to all proceedings properly prepared. While testifying, officers shall:
1. Answer all questions truthfully and completely.
 2. Not volunteer information or opinions.
 3. Be calm and impartial, and speak clearly.
- F. Officers shall remain in the court until there has been a final disposition of the matter, or until dismissed by competent authority.
- G. Officers shall notify their command if they believe that they will be late for work due to a court appearance.
- H. Officers unable to appear as directed shall notify the court or agency, and their command, stating the reason for their inability to appear. Notifications shall be made with adequate advance notice. Officers shall appear as directed unless excused.
- I. Officers who have been directed to appear anywhere other than a court within the City of Yonkers shall:
1. Telephone their command when they are leaving to attend the proceeding. The desk officer shall enter the officer's name, shield number, time of the call, and the place of attendance in the desk blotter.
 2. Have their copy of the subpoena endorsed by the Assistant District Attorney, hearing officer, or other person handling the case. The endorsement shall indicate the time of arrival and the time of departure. When an officer appears pursuant to a verbal notification, he shall obtain a subpoena upon reporting to the proceeding.
 3. Telephone their command when they have returned from the proceeding. The desk officer shall enter the officer's name, shield number, and the time of the call in the blotter.
 4. Submit a UF-73 (Overtime Claim), with their copy of the endorsed subpoena attached, to their command for approval. Supervisors shall check for the UF-73, subpoena, and blotter for accuracy before signing the UF-73.