



## **TRANSPARENCY ON OVERTIME AND PROGRAM SPENDING AT THE MTA POLICE DEPARTMENT – FINAL REPORT**

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### **I. EXECUTIVE SUMMARY**

The Metropolitan Transportation Authority Police Department’s (MTAPD) jurisdiction includes Grand Central Terminal, Penn Station, and the entire infrastructure of the Long Island Rail Road (LIRR), Metro-North Railroad (MNR), and Staten Island Railway (SIR): stations, tracks, yards, shops, and railroad crossings across 14 counties in New York and Connecticut.

Between 2018 and 2020, MTAPD’s total payroll grew by 11.3% – from \$103.9 million to \$115.6 million – and overtime expenditures for the same period grew by almost 21%, from \$27.5 million to \$33.3 million, averaging \$29.5 million per year. In response to MTA Board members’ concerns, the Office of the MTA Inspector General (OIG) conducted this review to determine the reasons for this significant increase.

#### **A. Summary of Findings**

- The growth in overtime resulted primarily from several directives from the Governor’s Office or MTA senior leadership that were described as “special projects” undertaken by MTAPD. In addition to its routine patrols, in 2019 and 2020 the MTAPD was tasked with high-priority special projects to address such issues as homelessness, enhanced station security, fare evasion deterrence, and public health safety. The overall objective of these projects was to provide a safer and more secure transportation system for MTA’s customers and employees.
- MTAPD reported overtime expenditures of \$7.4 million and \$11.7 million for 2019 and 2020, respectively for a total of \$19.1 million to implement these special projects in 2019 and 2020, but this represents just the overtime cost for the police officers assigned to the projects. Policing for these projects was also performed during officers’ regular work tours; this cost is not known to MTAPD, but OIG estimates that these special projects cost MTAPD an additional \$12.5 million in regular pay (also known as “straight-time pay”) for a total cost of \$31.6 million.

- MTAPD did not prepare a budget or cost estimate for any of the 2019 and 2020 special projects before or during its deployment, nor were actual costs tracked as they were spent.

The MTAPD explained to the OIG that the urgent nature of the special projects did not allow for sufficient planning. However, because special projects to enhance security or the customer experience will likely continue, the cost of such efforts should be transparent to policymakers and riders. MTAPD also needs to establish a budget or cost estimate for each project after the initial deployment has been accomplished. The Acting Chief of Police accepted the OIG recommendations below and explained how MTAPD will approach implementation (see page 7).

### **B. Recommendations**

1. Prepare a program budget for future special projects identifying the staffing requirements and all associated costs, including regular pay and anticipated overtime expenses.
2. Track the actual spending on each project, including both regular and overtime costs. This information should be made available to MTA management and Board members.

## **II. BACKGROUND**

The MTAPD, the MTA's primary law enforcement unit, is responsible for the safety and security of Grand Central Terminal and Penn Station; the infrastructure of the LIRR, MNR, and SIR; and the customers and employees who use or work at these facilities. MTAPD employed 766 sworn members in 2019, which then increased to 850 by the end of 2020. Approximately 2/3 of the police force is assigned to patrol duty daily in 2 12-hour tours. The remainder of the force consists of the command staff, detectives, specialized units, and support units. In addition to routine patrol duty, the MTAPD is often directed to deploy resources to address heightened safety and security concerns.

Between 2018 and 2020, MTAPD's total payroll grew by 11.3% – from \$103.9 million to \$115.6 million – and overtime expenditures for the same period grew by almost 21%, from \$27.5 million to \$33.3 million, averaging \$29.5 million per year.

### III. FINDINGS

#### A. Special Projects Were the Biggest Driver of Overtime in 2019 and 2020

MTAPD's combined overtime expenditures for 2019 and 2020 amounted to approximately \$60.8 million, which was driven by:

- Special projects - \$19.1 million (31% of the total)
- Backfill of vacancy and absence coverage - \$15.8 million (26%)
- Extra coverage requested and reimbursed by federal grants and other MTA agencies - \$13.9 million (23%)
- All other activities, including service disruptions, special events, handling of incidents, arrest processing, investigations, etc. - \$12 million (20%)

In 2019, the Governor's Office and MTA management directed the MTAPD to deploy additional resources to take on 2 separate special projects as a member of a task force: 1) to reduce homelessness in the subway system through coordinated emergency outreach for homeless services and enforcement of Transit Rules of Conduct and 2) to assist in reducing revenue losses from fare evasion. The general coverage for those efforts were as follows:

- *Homeless Assistance Outreach Operational Orders #19-270 and #20-01*: The purpose of this project is to remove homeless individuals from the subway system by working with outreach personnel to help them obtain social assistance, including other housing/shelter options. MTAPD's resources were to be deployed 7 days a week with various tours and in phases to targeted stations with existing homeless conditions. Phase 1 started on August 18, 2019, covering 4 stations. The deployment plan called for a team of 1 sergeant and 8 officers to be assigned to each station. Phase 2 started on January 2, 2020, and expanded to 16 stations, each of which has 6 officers assigned. A Lieutenant would assign Sergeants to supervise multiple teams and stations, as necessary.

*Fare Evasion Task Force Operational Orders #19-186 and #19-186 Rev.1*: As a member of the MTA Fare Evasion and Worker Safety Task Force, MTAPD is tasked to assist in reducing revenue losses and improving worker safety. The task force commenced on June 17, 2019 and was expected to continue Monday through Friday each week until further notice. MTAPD has committed about 110 members to this project daily. NYC

Transit had identified 50 stations and 50 bus routes that were believed to have the most fare evasion incidents as the initial focus of the task force. Notably, the MTA 2020 budget indicated the fare evasion project would cost approximately \$62 million over a 5-year period (or \$12.4 million annually),<sup>1</sup> but no details are available to ascertain whether MTAPD's staffing cost was included.

In early 2020, the COVID-19 pandemic hit New York. For the safety of customers and employees, the subway system was shut down overnight for a more thorough cleaning and disinfecting of trains and stations. Once again, the MTAPD was tasked with an additional deployment, this time to ensure an orderly shutdown of the system nightly. MTAPD did not issue a specific operational order or prepare a deployment plan identifying its staffing requirements.

1. *Limited Resources Available to Deploy for Special Projects*

As shown in Table 1 below, MTAPD staffing remained static during 2018 and 2019 at 766 active sworn members.

**Table 1 – MTAPD Sworn Members, 2018 - 2020**

Status	2018	2019	2020
Active	766	766	850
On long-term leave	4	8	10
Retired	35	51	53
<b>Total</b>	<b>805</b>	<b>825</b>	<b>913</b>

<sup>1</sup> \$40 million is to be funded by a grant from the Manhattan District Attorney Office.

MTAPD informed OIG that under normal operating conditions, the department requires a total of 525 members (including Police Officers, Sergeants, and Lieutenants) to provide what MTAPD management described as a “preferred security coverage level” of 98 members for each of the 2 daily 12-hour tours (see Table 2 below).

**Table 2 – MTAPD Preferred Daily Deployment (2 Tours of 12 Hours Each)**

District	Supervisors	Officers	Total
1 - Suffolk County	2	12	14
2 - Nassau County	2	12	14
3 - Queens & Kings Counties	6	30	36
4 - Penn Station	6	30	36
5 - Grand Central Terminal & 125th St. Station	4	30	34
6 - Lower Westchester, New York & Bronx Counties	2	20	22
7 - Upper Westchester, Dutchess, Rockland, Putnam, & Orange Counties	2	14	16
8 - Fairfield & New Haven Counties in Connecticut	2	10	12
9 - Richmond County	2	10	12
<b>Total</b>	<b>28</b>	<b>168</b>	<b>196</b>

As noted above, the remaining personnel include command staff, detectives, specialized and support units such as K-9, emergency services, training, and communications, who are generally not available to perform this general patrol function. MTAPD informed OIG that as a result, when a special project requires additional staffing, the work must be performed on overtime.

In December 2019, the MTA authorized MTAPD to hire additional police officers to address the safety and security concerns in the subway system; however, no significant hiring occurred until mid-2020. Of the 138 new officers, MTAPD deployed 58 officers to the fare evasion project and 79 to the homeless project on a regular time basis (the remaining officer has been on long-term military leave). Although MTAPD has been able to hire more officers, the department also lost 139 officers through retirement during the 3-year period ending in 2020. As a result, MTAPD continues to rely on overtime to accomplish these special projects.

## 2. Tracking the Cost of Projects

As previously explained, these special projects often required the immediate deployment of officers to respond to emergent concerns. As a result, special project coverage was done mainly on an overtime basis until 2020, when new officers were hired and trained. MTAPD has been keeping track of overtime spending for each special project. With the hiring of new officers, the MTAPD was able to assign officers to the special projects on regular time. However, we found that the MTAPD does not track the *regular* time cost for the projects that were staffed by officers on both overtime and regular pay. For example, the OIG previously reported that from August 2019 through February 2020, MTAPD spent \$2.6 million on officers' overtime for the homeless project, but this figure does not include the straight-time salary payments made to some officers assigned to the project, a number which grew as officers were hired.<sup>2</sup>

Overall, the MTAPD documented combined overtime expenditures in 2019 and 2020 for the homeless, fare evasion, and COVID-19 projects were more than \$19.1 million. OIG determined this figure represented approximately 61% of the total cost of the projects. MTAPD informed us that the department was able to deploy 26 existing and 137 newly hired officers to the homeless and fare evasion projects on regular time basis. Based on this information, we estimated that the MTAPD spent an additional \$12.5 million in regular pay plus benefits, for a total cost of more than \$31.6 million on the 3 special projects in 2019 and 2020.

### **B. Program Budgets Were Not Fully Established for Special Projects**

A well-established budget, including all expected funding sources, is a crucial management tool to measure the success of any program or project in an efficient manner. It increases transparency on how public money has been spent and helps in planning and managing the delivery of additional services in the future. We believe it is beneficial for an agency to establish cost estimates for each significant project. MTAPD had created this type of estimate for at least 1 past project, a security surge in 2014, but has not done so for the recent projects concerning homelessness, fare evasion, and the COVID-19 safety shutdown.

In 2014, due to heightened security concerns, the Governor's Office directed the MTA and other state agencies to increase security at mass transit sites. In responding to this directive, the MTAPD increased its presence on both trains and stations throughout the LIRR and MNR systems, with their primary focus at Penn Station and Grand Central Terminal. The agency deployed more K-9 and Emergency Services teams, conducted random bag checks, and

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<sup>2</sup> See [MTA/OIG Report #2020-13](#), page 15.

conducted perimeter checks and curbside sweeps at stations and terminal. As this was deemed an urgent need, MTAPD officers were deployed immediately to provide extra coverage on an overtime basis. During the first 4 months of deployment, MTAPD expended approximately \$4 million in overtime, which was funded by the federal Transit Security Grant Program. Soon after the initial deployment, working with MTA Department of Security, MTAPD prepared a 2-page plan outlining its future staffing requirements, which called for an additional 294 12-hour tours per week to provide enhanced security at Grand Central Terminal and Penn Station. The plan also provided an estimate ongoing monthly cost of approximately \$1 million in overtime for this heightened security directive.<sup>3</sup>

In this 2014 heightened security deployment, MTAPD issued operational orders to all members of the department explaining the scope, objectives, tasks to be performed, and post assignments. Additionally, the department developed an estimate of the monthly cost for the extra security coverage. In contrast, for the homelessness and fare evasion special projects in 2019 and 2020, MTAPD issued operational orders but did not prepare cost estimates.

#### IV. RECOMMENDATIONS

The MTA Police Department should:

1. Prepare a program budget for future special projects identifying the staffing requirements and all associated costs, including regular pay and anticipated overtime expenses.

*Agency Response: Agreed. Operational Orders will be prepared for all special projects and initiatives to explain project's mission objectives, scope, staffing requirements and costs including straight time and overtime pay.*

2. Track the actual spending on each project, including both regular and overtime costs. This information should be made available to MTA management and Board members.

*Agency Response: Agreed. Upon the hiring of a Budget Manager, MTAPD will identify and track each special project and initiative's staffing costs, which will be used as a basis to estimate and request funding for future special projects and initiatives.*

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<sup>3</sup> The Governor's Office did not specify the duration of the heightened security directive, and therefore, MTAPD did not estimate the total expected cost of the project.