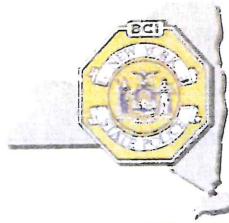


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New York State Police

Investigators Association

I.U.P.A.-Local 4 AFL-CIO



Testimony Before the New York State Budget Hearing Committee

Thursday, February 4, 2016

Given by Christopher M. Quick, President

New York State Police Investigators Association

Good afternoon Senate and Assembly members.

My name is Christopher M. Quick, I am an Investigator with the New York State Police as well as the President of the New York State Police Investigators Association (NYSPIA). NYSPIA is the employee union that represents 1086 State Police Senior Investigators and Investigators that are strategically located throughout New York State. These Investigators are assigned to stations or special details and are referred to as the Bureau of Criminal Investigation or more commonly, the BCI. The station Investigators are commonly known as the back room. The offices are generally located at the back of the barracks where they investigate crimes that include:

- Larcenies
- Robbery
- Burglary
- Identity Theft
- Sex Crimes
- Homicides

The Investigators in the special details are tasked with:

- Computer Crimes
- Forensic Investigations
- Narcotics
- Auto Theft
- Dignitary Protection
- Special Investigations
- Gaming
- Counter Terrorism

Well trained, educated, courteous, compassionate and respectful are some qualities exemplified by a Trooper who is then selected to become an Investigator. The Division of State Police maintains a 99 year tradition of carefully selecting the right men and women who have a special calling for law enforcement and who ultimately make up the composition of the New York State Police.

On June 6, 2015 two convicts escaped from the Clinton Correctional Facility and commenced a massive manhunt that would end on June 28, 2015. Investigators were called in from all parts of the State to assist with the investigation, many who left their families and missed out on family memories, such as seeing their child graduate from high school, family vacations, birthday parties and weddings. These are a few of the many sacrifices Investigators are expected to make. For 22 days, Investigators worked around the clock, some conducting line searches through the thick wooded area of the Adirondacks, going from building to building looking for the convicts or attempting to detect any type of evidence they may have left behind. Other Investigators gathered intelligence, collected evidence and immediately analyzed DNA that would confirm the convicts' bread trail. Convict Matt was shot and killed on June 26, 2015. Two days later, convict Sweat was shot and captured by a member of the state police, a short distance from the Canadian line.

It was the expertise, dedication and due diligence of the State Police Investigators that helped bring this manhunt to a close without any member of the public being harmed.

Investigators in the past have responded to natural disasters such as Hurricanes Sandy and Irene, the Ralph Phillips manhunt (western New York) and the terrorist attacks on September 11, 2001. Although we are scheduled for 8 hour shifts, we remain on call 24/7. Investigators are routinely called upon in the middle of the night to respond to emergencies requiring their expertise. It is for that reason, we are assigned unmarked Division vehicles to expedite this response. These vehicles are often operated at high speeds and sometimes treacherous conditions which is why it is imperative the vehicles are dependable and safe.

The unmarked vehicles also serve the purpose of an office while the Investigator is in the field. They are used to interview victims, witnesses or complainants and used to transport those members of the public to State Police facilities. Over the past few years our requests to replenish the BCI fleet of cars has been denied due to budget constraints. As a result, we have numerous BCI vehicles with more than 200,000 miles. There have been many incidents of mechanical, electrical or structural damage to these vehicles. Brake lines rusting through and loss of brakes, loss of headlights at night due to electrical wiring becoming corroded and integral structural frame failure due to years of exposure to weather and salt. The results could have been catastrophic to the member and/or the public, luckily no one was injured in these incidents. But, we cannot and should not continue to take that risk.

As the mileage of a vehicle is pushed, the demand for maintenance is greater. Monthly repair costs for Division are astronomical; they exceed over one million dollars per month since enacting this new protocol of pushing the mileage limits of the fleet. Vehicles in need of engines, rear ends and new suspensions are now common, with the costs being exorbitant due to expired warranties.

It would be much more fiscally prudent to purchase a new car with a warranty versus paying high maintenance bills for questionable cars that pose a risk to the Investigator and the public. Sources claim that studies recommend considering the life cycle of a fleet vehicle before it becomes a liability rather than an asset, suggesting replacement by the time the vehicle is 5 years old or hits 125,000 miles on the odometer. This recommendation is made for civilian/corporate fleet vehicles, not for police emergency vehicles.

Many of our BCI details act in undercover capacities. The Investigators often wear typical street clothes to imitate the habits of people in the communities they are working in order to fit in. Whether they are in the field performing surveillance, conducting drug or counterterrorism investigations or following a target through traffic, the identity of their vehicle to be undercover is just as important as the Investigator playing the role of an undercover. To fathom that they should do this in a typical fleet type vehicle is unjust; it increases their chances of being identified as "Police" and jeopardizes their safety and the investigation. It is common for criminals to familiarize themselves with the types of vehicles Police typically utilize and they conduct their own surveillance while they are operating in their criminal enterprise operations. We ask that the Division of Budget consider a pilot program for the special details of leasing vehicles. A lease vehicle will give the Division of State Police many more choices of diverse makes and models non-typical of police fleet vehicles. The leases would be cheaper than buying and owning a new vehicle, cheaper on maintenance (just oil changes, tire and maybe brakes) and turning the vehicle around before hitting the high mileage that bring safety concerns and high cost repairs into question.

- There were no BCI vehicles purchased or replaced in 2009, 2010, 2011 or 2012
- Currently, of the 1,177 fleet vehicles, 58% have over 100,000 miles.
- 755 vehicles are seven years or older.
- 165 vehicles are 10 years or older.
- It is not uncommon for fleet vehicles to exceed 200,000 miles.

The Division of Budget should consider reviewing the positive effects of the Car Allowance Rebate System enacted by President Obama in 2009, otherwise known as "Cash for Clunkers." A Key point of the program was putting safer vehicles on the roadways. Again, the consumer was buying a new vehicle with a warranty that was safer, cleaner and fuel efficient.

In addition to the desperate need for more unmarked vehicles, the Division of State Police must be made whole again in terms of manpower in order to meet today's security threats.

Terrorism in the United States of America is on the rise. In order to thwart terrorist attacks on the public, counterterrorism efforts are a priority in these ever changing times we live in. When an act of terrorism is successful, it strengthens the terrorists' confidence giving them motivation and causes greater public fear. Finding a needle in the haystack approach must be taken, constant attention needs to be expanded to gather intelligence, monitor the potential terrorists and take action, either preventing the terrorist acts or eradicating the terrorist lone wolf or cell groups. The men and women of the BCI will be involved on the front line of these terrorist incidents, just as they have always been involved

when a large scale incident or event occurs. They will need the tools and equipment needed to protect the public and themselves when these events occur.

The responsibilities of an Investigator are vast and often can be linked. While Investigators have various areas of expertise, their specialties often parallel with one another to come full circle in many ways. Whether it's a back room Investigator interviewing an arrested subject who may have information on potential terrorist threats, or a narcotics Investigator who may develop intelligence while conducting an intricate investigation of a drug smuggling operation, or a forensic Investigator who analyzes recovered evidence from an attack and links DNA to a suspect, or an Investigator in gaming monitoring people who may be laundering money through a casino, or a computer crimes Investigator conducting a cyber-attack.

Governor Cuomo recognizes the threat of Terrorism and this past year implemented a dedicated uniform Trooper presence in New York City to thwart it. Governor Cuomo identified precise areas of large gathering masses of people that were vulnerable. The Governor first concentrated on the security of the mass transit systems by having Troopers ride the trains and be vigilant at the train stations. The Governor's next step was to permanently assign Troopers to NYC, continuing with the aforementioned actions and progressing to special street patrols in his continuing efforts to make the people of New York safe and feel secure.

From 2009 through 2012 times were very lean for New York State Government as well as many of the residents of the state. Every year, it is estimated that approximately 225 -250 DSP members will retire. Yet Academy classes have not kept pace dealing a devastating blow to the manpower number of State Police. The ranks of the BCI was well above 1300 members in 2008, as of today, that number has plummeted to 1086 and yet another Academy class was postponed this past fall.

Superintendent D'Amico has continually requested to have Recruit Basic School classes at the State Police Academy in order to bolster the needs of the Division. Although we did have a spurt of classes recently, more needs to be done to address the attrition rate. The classes that have graduated have added to the number of Troopers in the field but these additions are still failing to keep up with the attrition rate of the Division. In 2015 NYSPIA reported to this Hearing Board that the ranks of the BCI were numbered at 1,144. Over the course of the year 28 Senior Investigators and 44 Investigators retired. 58 of those 72 positions remain vacant. In order for the BCI to return to the original numbers of 2008 or greater, there has to be adequate staffing of Troopers in the field in order to allow the promotion of those special Troopers to the rank of Investigator. We can't stress enough the importance of continually running Academy classes in order to maintain the manpower numbers and execute the missions of both the uniform and BCI forces of the Division of State Police. The number of 210 prescribed by the Division of Budget in this year's proposed budget for the addition to the State Police is hardly relevant to keep up with the attrition rate (projected at 255), let alone promoting Divisions growth.

New York State is ranked fourth in terms of population. Over 19.75 million people reside in this Great State. The population has grown by more than a half a million people in the last decade. As Governor

Cuomo continues to encourage growth and job creation in New York State, we must be able to ensure the safety of its residents and visitors alike. The only way to do that is to make sure we have the proper staffing levels for law enforcement.

In closing, we are calling on you to ensure our Investigators are safe, as well as the public by adequately funding the Division of State Police to allow for the purchase of unmarked vehicles and other necessary safety equipment as well as funding new and regular academy classes so we can accomplish our core mission of protecting and serving the people of this great state. Action is needed to continuously train new Troopers in the Academy in order to re-build the ranks of our members who face greater threats with decreasing numbers in the field.

These issues I have discussed with you today are important to the citizens of New York and our members of the New York State Police Investigators Association along with all of the members of the Division of State Police. I would like to thank all of you for the opportunity to allow me to testify here today. I know you have heard an abundant amount of testimony from others as well over the past weeks and at this time I welcome any questions that you may have for me.