

City of Syracuse

Office of Audit  
Nader P. Maroun  
City Auditor

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To: The Honorable Ben Walsh, Mayor  
The Honorable Helen Hudson, President, Common Council  
The Honorable Members of the Common Council

From: Nader P. Maroun

Re: Report on the Syracuse Police Department COVID-19 Procedures

Date: April 22, 2021

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The Office of the City Auditor is responsible for reviewing the activities of all the Departments of the City of Syracuse per the Syracuse City Charter.

Our office is required to plan and perform the audit to afford a reasonable basis for our judgements and conclusions regarding the Department, organization, and program activity or function under examination. An audit also includes assessments of applicable internal control and compliance with requirements of law and regulations when necessary to satisfy audit objectives. The management of the City of Syracuse, New York, is responsible for establishing, maintaining and complying with the internal control structure and for compliance with applicable laws, regulations and contracts.

Performance audits entail an objective and systematic examination of evidence to provide an independent assessment of the performance and management of a program against objective criteria as well as assessments that provide a prospective focus or that synthesize information on best practices. Performance audits provide information to improve program operations and facilitate decision making by parties with responsibility to oversee or initiate corrective action and improve public accountability.

The attached Performance Report is in response to the letter received from Members of the Common Council Finance, Taxation and Assessment Committee of September 25, 2020, requesting our office to investigate the procedures the Syracuse Police Department implemented in regards to the Corona Virus Pandemic from approximately March 27, 2020 through May 31, 2020.

Lastly, Performance Audits may entail a broad or narrow scope of work and apply a variety of methodologies, involve various levels of analysis, research, or evaluation: generally provide findings, conclusions and recommendations and result in the issuance of a report.

# **Syracuse Police Department COVID-19 Procedures Audit Report**



**Submitted to:**

**Mayor Ben Walsh**

**and**

**Hon. Members of the Syracuse Common Council**

**April 22, 2021**

**Nader P. Maroun**

**City of Syracuse Auditor**

## Table of Contents

<b>Introduction .....</b>	<b>5</b>
<b>Audit Objective.....</b>	<b>5</b>
<b>Audit Scope .....</b>	<b>5</b>
<b>Purpose .....</b>	<b>5</b>
<b>Methodology.....</b>	<b>5</b>
<b>Scope Limitations .....</b>	<b>8</b>
<b>Background Information .....</b>	<b>8</b>
<b>Findings .....</b>	<b>12</b>
<b>Finding 1 – The Syracuse Police Department Admitted to the Auditor That There Was No Written Policy in Effect When Officers Were Put On-Call. In Further Communication, the Syracuse Police Department Acknowledged There is Still No Written Policy in Place, Over One Year On From Chief Buckner’s Decision. ..</b>	<b>12</b>
<b>Finding 2 - There is No Evidence That the Mayor and Deputy Mayor Played a Role in This Decision.. ..</b>	<b>12</b>
<b>Finding 3 – The Syracuse Police Department Erred by Not Notifying the Common Council of the New Policy.</b>	<b>12</b>
<b>Finding 4 – The Chief of Police Was Remiss in Not Developing Alternative Socially Distanced Assignments For the Officers.....</b>	<b>12</b>
<b>Finding 5 - There Were Extra Personnel Given Overtime To Reach Full Strength On a Shift While Other Officers Were Taken Off Their Normal Schedules To Be On Call.. ..</b>	<b>13</b>
<b>Finding 6 - There Is No Evidence That the Policy Was Any More Effective in Preventing the Spread of COVID than Other Means of Workforce Separation.. ..</b>	<b>13</b>
<b>Finding 7 - The Syracuse Police Department Could Not Submit Data With Regard to Any Overtime Paid to Officers Who Also Participated in the On Call Policy.....</b>	<b>13</b>
<b>Recommendations.....</b>	<b>14</b>
<b>Recommendation 1 .....</b>	<b>14</b>
<b>Recommendation 2 .....</b>	<b>14</b>
<b>Recommendation 3 .....</b>	<b>14</b>
<b>Recommendation 4.....</b>	<b>14</b>
<b>Recommendation 5.....</b>	<b>15</b>
<b>Recommendation 6.....</b>	<b>15</b>
<b>Recommendation 7.....</b>	<b>15</b>
<b>Management Response.....</b>	<b>16</b>
<b>Auditor’s Response to Management Response .....</b>	<b>26</b>

<b>APPENDIX.....</b>	<b>28</b>
<b>A. Letter from Common Council Requesting Audit.....</b>	<b>28</b>
<b>B. Syracuse Post-Standard Article, September 20, 2020.....</b>	<b>29</b>
<b>C. Syracuse Post-Standard Article, September 26, 2020.....</b>	<b>31</b>
<b>D. Syracuse Post-Standard Article, October 3, 2020.....</b>	<b>33</b>
<b>E. Timeline.....</b>	<b>35</b>
<b>F. Memorandum to Chief Buckner; CC, Mayor Walsh and Deputy Mayor         Owens.....</b>	<b>47</b>
<b>G. Original List of Questions to Chief Buckner, October 29, 2020.....</b>	<b>48</b>
<b>H. Furlough Documentation - Currently Requested From Syracuse Police Department - NO         Response.....</b>	<b>50</b>
<b>I. Lt. Lutz Response to Additional Questions; Received January 26, 2021 .....</b>	<b>51</b>
<b>J. New York State Department of Health Memorandum.....</b>	<b>53</b>
<b>K. International Association of Chief of Police COVID Response, March 30,         2020.....</b>	<b>55</b>
<b>L. Article 15 Management Rights Clause, Syracuse Police Department Agreement With the City         of Syracuse.....</b>	<b>65</b>
<b>M. Syracuse Post-Standard Article, November 12, 2020.....</b>	<b>66</b>
<b>N. Bonus Time as Defined by the Labor Agreement Between the Syracuse Police Benevolent         Association and the City of Syracuse (pp. 11-14).....</b>	<b>68</b>
<b>O. Administration Appendix 1 - New York State Department of Health on March 28th, 2020 and         titled Interim Guidance for Law Enforcement Agencies to Limit Potential Exposure to         COVID-19.....</b>	<b>72</b>
<b>P. Administration Appendix 2 - Mayor Walsh’s email on Continuity Plans for City         Services.....</b>	<b>75</b>
<b>Q. Administration Appendix 3 - IACP COVID19 Policy Doc 04092020 (Page 14).....</b>	<b>77</b>
<b>R. Administration Appendix 4 - BJA benchmarks for developing a law enforcement pandemic         flu plan 2009 (Page 23).....</b>	<b>78</b>

### **Introduction:**

On September 25, 2020, the Office of the City Auditor received a letter from members of the Finance, Taxation and Assessment Committee of the Syracuse Common Council. (See Appendix A). The letter referenced articles in *The Post-Standard* of September 18, 2020 and September 26, 2020 about police procedure regarding coronavirus and expressed concern over officers being paid to stay at home on call during the pandemic (see Appendix B & C). The letter formally requested an investigation and an audit regarding the procedures the Syracuse Police Department implemented in regard to the coronavirus pandemic.

### **Audit Objective:**

The objective of this audit was to research and report on the facts and circumstances associated with the Syracuse Police Department decision to reassign officers normally on patrol to paid, on call status and to make appropriate recommendations for Departmental improvements resulting from this inquiry.

### **Audit Scope:**

#### **Purpose**

The purpose of this audit was to get an overview of the procedures implemented by the Syracuse Police Department with regard to Officers being paid to remain at home and be considered on call. The procedure seems to have been in effect from on or about March 27, 2020, through May 27, 2020. Another goal of the audit was to ascertain whether this procedure was occurring without the knowledge of the Administration. Additionally, the audit was undertaken with the intention of reviewing what policies and procedures might be employed in the future to protect the City's taxpayers.

#### **Methodology**

The methodology involved meeting and/or communicating with the Syracuse Police Department and any appropriate City of Syracuse personnel and appropriate non-City individuals, to get a thorough understanding of the procedures, and to obtain any necessary documentation and clarification.

The Office of the City Auditor requested virtual meetings and/or interviews with individuals involved with the procedures in question.

On October 4, 2020, this office contacted Police Chief Kenton Buckner and asked for a virtual meeting. Chief Buckner responded that someone would be in touch to set up a date/time when the team would be available. A virtual meeting was held on October 9, 2020. Present were the City Auditor, Chief Buckner, Capt. Trudell, and Lt. Lutz. At that meeting the Auditor explained in detail the direction we would pursue relative to the investigation and requested that the Chief provide all correspondence and information he had regarding his discussions with the Mayor and the Administration relative to this policy and overtime. He agreed.

On October 20, 2020, the Auditor contacted Brad O'Connor, Commissioner of Finance, and Tim Rudd, Director of the Office of Management and Budget to request the following information:

- 1.) City Budget Office and Syracuse Police Department reports of aggregate actual and reimbursed overtime costs from the dates mentioned above.
- 2.) City 2019-2020 projected Police pension bills from New York State Police and Fire Retirement System.
- 3.) City payroll runs for the current calendar year to date which list overtime payments received by each Syracuse Police Department officer.

This request was referred to the Payroll and IT departments and then sent on to Lt. Brian Lutz on November 12, 2020. On December 4, 2020, the overtime report for the period of March 25, 2020 through May 27, 2020, was sent to the Auditor's Office by Lt. Lutz (see **Appendix I**).

The following example illustrates the difficulty in obtaining information needed to complete this report. A detailed timeline is included (see **Appendix E**). On October 29, 2020, the Auditor sent a Memorandum (see **Appendix F**) and a detailed list of questions to the Chief and requested an answer by November 9, 2020 (see **Appendix G**).

Chief Buckner:

As a follow up to our conversation on Friday October 9, 2020 you mentioned you would forward to me all materials and conversations shared with the Mayor related to your proposed policy (based on your briefing of the Mayor and resulting in his ultimate decisions). To date the only documentation, I have received is the Temporary Operating Procedures 2020 (TOPS) issued to the Department.

Also, if you could advise me as to the participation if the Deputy Mayor and other members of the Mayor's staff briefed leading up to the time period in Question (March 25, 2020 through May 27, 2020), it would be most helpful.....

On November 4, 2020, Chief Buckner responded as follows:

Mr. Maroun, I have met with key staff charged with assisting me with this audit. After a lengthy discussion and review it is clear we will not have the requested documents collected and ready for submission by 11/9. I hope to have a better idea of our progress by this time next week.

Please be advised SPD (Syracuse Police Department) is actively engaged in multiple major initiatives at the same time. This audit is equally important and we will work diligently to complete the request as soon as possible. Again, thank you for your patience.

On November 10, 2020, the City Auditor called Mayor Walsh to discuss this audit, other audits underway by the Office of the Auditor.

The Mayor and Deputy Mayor were copied on the Memorandum of October 29, 2020, which was written specifically to determine how the new Syracuse Police Department's coronavirus procedures were decided upon, implemented, and what level of awareness and participation the Mayor, Deputy Mayor and or any other members of the Administration had in this policy development.

During the phone call the Mayor responded that the Police Department was working on a couple other significant issues; however, he would be in touch with the City Auditor within 24 hours after he checked with various staff regarding each of the performance audits mentioned in conversation and the timing issues for responses to questions raised by the City Auditor. The lack of timeliness in responses, in particular from the Police Department, was a topic raised with the Mayor during our conversation (see above); it did not appear to expedite a response to the City Auditor's inquiries. To date, the Office of the Auditor has received no response from the Mayor.

On Nov 20, 2020, at 12:56 PM, Chief Kenton Buckner wrote:

Nader, we have the response to your audit questions. The file is rather large and has been placed on a thumb drive. I can drop it off today or have it delivered on Monday. What is your preference?

On November 23, 2020, a Syracuse Police Officer delivered to the City Auditor's home a flash drive containing the Chief's response to the questions that had been submitted by the Office of the Auditor on October 29, 2020.

### **Scope Limitations:**

It was difficult to complete the audit in a timely manner due to the on-going restrictions in place due to the pandemic, the challenges of meeting via WebEx, and the length of time spent gathering data needed for the review.

### **Background Information:**

Much of the information regarding the procedures under examination was first reported on several articles in *The Post-Standard* on September 18, 2020, September 26, 2020 and October 3, 2020. Until that time neither the Common Council, which has oversight of the City Budget, the City Auditor nor the general public was aware of the new policy.

Several key questions were generated by these articles:

1. How was this policy decided upon?
2. Given the justification that this policy was designed to protect both officers and the general public from the spread of COVID-19, how would the policy prevent its spread?
3. What guidance did the Syracuse Police Department solicit when devising this policy?
4. What other efforts to reduce the spread of COVID-19 were taken by the Syracuse Police Department?
5. What was the justification for moving active Officers to on call status while also paying other personnel overtime during the same period?
6. How much did City taxpayers pay for the on call policy?
7. How much did City taxpayers pay for Syracuse Police Department overtime during the duration of the on call policy?



The on call policy allowed for an Officer to spend one shift on call at home every two weeks while being paid. On call Officers were required to remain at home and be available for duty at a moment's notice. They were not allowed to consume alcoholic beverages, go out of town or do anything that would make them unfit for duty. According to the Chief of Police, these Officers were not needed in any other capacity during this pandemic and were given work "when it was available."

The justification for this policy, in addition to officer safety during the pandemic, is in part due to their contract; patrol Officers cannot be furloughed, as many non-essential City employees have been (**see Appendix H**). The number of Officers on call would be determined based on the volume of 911 calls and was regularly up to eight Officers per shift, according to a spokesperson for Mayor Walsh. The total could cover nearly 800 shifts.

According to information received from Lt. Lutz on January 26, 2021, this policy cost the city \$293,423.20 in salary over two months. At the same time the City of Syracuse incurred Police overtime costs of \$864,760 (**see Appendix I**). These numbers do not include FICA and Pension costs which the City of Syracuse incurs in addition to salary.

After gathering information over several months from the sources mentioned above, on October 29, 2020, the City Auditor submitted to the Chief of Police a list of some 22 items for which he requested additional information, clarification and explanation.

In response, the Chief stated that the Syracuse Police Department's (SPD) practice of having officers on call during the 2020 COVID crisis was made based in part on a memorandum from the New York State Department of Health dated March 28, 2020 (**see Appendix J**). In addition, the policy was developed following the New York State Governor's Executive order 202.8 and the International Association of Chiefs of Police COVID Response of March 30, 2020 (**see Appendix K**). The Onondaga County Health Department was not consulted.

According to Chief of Police Buckner, he has the authority to modify work schedules under the Syracuse Police Department's Emergency Mobilization policy which specifically states:

*"The purpose of this policy is to establish procedures for an organized emergency mobilization of personnel and to expeditiously respond to critical incidents or emergency conditions which cannot adequately be controlled by on-duty personnel. Emergency mobilization of the Department may be ordered by the Chief of Police, Duty Chief, or Deputy Chief of Police, in response to these life threatening circumstances."* (Received from Chief Buckner on October 29, 2020)

The Chief also invoked the Article 15 management rights clause in the Syracuse Police Department contract to implement the change in policy regarding scheduling Officers (**see Appendix L**).

Information was also requested with regard to any other policies in place to deal with the COVID crisis. According to the Syracuse Police Department response, they instituted a number of changes to deal with work force social distancing. These measures included:

- Stopping in-person roll calls and transitioning to "electronic roll calls."
- Issuing a temporary operating procedure (TOP) reducing cross contamination among different sections of the Syracuse Police Department during overtime, training and routine work.
- Staggering roll call times so that officers from one shift would not meet or be present when another shift arrived.
- Allowing two Deputy Chiefs to work from home while the Chief and two other Deputy Chiefs worked from the Office.
- Authorizing Support Services Bureau and Investigations Bureau personnel to work from home.
- Reducing, cancelling or postponing various in-service trainings and numerous outside training.
- Issuing a temporary operating procedure (TOP) reducing cross contamination among different sections of the Syracuse Police Department during overtime, trainings and routine work.
- Requiring Syracuse Police Department personnel to adhere to all Temporary Operating Procedures relative to PPE and cloth face coverings. Officers were constantly reminded in roll calls, via emails, signage and in person. Non-adherence to the procedures resulted in counseling and training.

The Syracuse Police Department also contacted other municipalities to discern which Police Departments, if any, had instituted an on call policy. Buffalo had an on call policy. Unfortunately the Syracuse Police Department had only a verbal response from Buffalo. “On March 2, 2020, D/C Trudell spoke with the Buffalo Police Department. The Buffalo Police Department advised that based on their schedule there were days during the week that they were sending half of their shift home to reduce officer contacts and minimize COVID exposure to their officers and citizens.” Schenectady asked for the Syracuse Police Department policy, and Rochester did not respond.

**Findings:**

**Finding 1: The Syracuse Police Department Admitted to the Auditor That There Was No Written Policy in Effect When Officers Were Put On-Call. In Further Communication, the Syracuse Police Department Acknowledged There is Still No Written Policy in Place, Over One Year On From Chief Buckner's Decision.**

Since there is no policy there could not have been any evaluation of the success of the policy, nor is there any written template to follow in case such a policy is needed again. As things stand, there is no accountability regarding how long an Officer on-call is given to report for duty. On March 2, 2021, Chief Buckner responded to this question:

**“When officers were required to come back into work they came from different locations so there was no set time for response. The officers were called and responded directly from their homes.”**

**Finding 2: There is No Evidence That the Mayor and Deputy Mayor Played a Role in This Decision.**

While the Mayor issued a statement supporting the Chief's decision, there is little clarity about exactly when the Mayor was informed about this significant policy change. The Auditor had requested both verbally on October 9, 2020 and in writing on October 29, 2020 and February 12, 2021 for a clarification of this issue. The Syracuse Police Department ultimately acknowledged on March 2, 2021:

**“The Mayor /Administration were not involved in the decision making of the on-call policy. The decision was approved by Chief Buckner.”**

**Finding 3: The Syracuse Police Department Erred by Not Notifying the Common Council of the New Policy.**

Since this new policy required a change in staffing and an increase in the amount of overtime paid, with the Common Council in charge of budgetary oversight, members should have been apprised before the policy was implemented.

**Finding 4: The Chief of Police Was Remiss in Not Developing Alternative Socially Distanced Assignments For the Officers.**

Since the primary rationale for this policy was to contain the spread of coronavirus and protect both officers and the general public, there are other ways that social distancing and workforce separation could have been used to both mitigate the need for an on call policy and provide value to City taxpayers. This seems quite likely since the need for overtime rose despite Officers being on call at home.

**Finding 5: There Were Extra Personnel Given Overtime To Reach Full Strength On a Shift While Other Officers Were Taken Off Their Normal Schedules To Be On Call.**

After these Officers were given overtime, the call volume was assessed to determine whether personnel could be sent home to be on call. If some Officers were subsequently sent home, this suggests that overtime costs were unnecessarily affected. The Syracuse Police Department responded:

**“In retrospect, the shift should not have hired officers on OT and subsequently sent personnel home. This will serve as a lesson learned going forward.”**

**Finding 6: There Is No Evidence That the Policy Was Any More Effective in Preventing the Spread of COVID Than Other Means of Workforce Separation**

While this may be difficult to determine easily, there is no evidence of the Syracuse Police Department reaching out to experts on an ongoing basis regarding the coronavirus for their opinions. The Department did not, for example, consult the Onondaga County Health Department about the policy. **Furthermore, there does not seem to be any accountability for officers to conform to the COVID mask-wearing policy (see Appendix M).**

**Finding 7: The Syracuse Police Department Could Not Submit Data With Regard to Any Overtime Paid to Officers Who Also Participated in the On Call Policy.**

According to the Syracuse Police Department:

**“extensive shortcomings of the City’s current AS-400 payroll system” prevent compiling and searching the data to provide this information in a manner that is not “labor intensive.”**

The overtime for officers who actually worked during the time period was provided, but due to the system’s limitations there is no way to tell whether any of the officers receiving overtime were also on call.

As a result of this lack of data, there is no clear way to determine the actual effect of the policy on the taxpayers.

**Recommendations:**

**Recommendation 1 : The Syracuse Police Department Needs to Provide and Document Formal Policy Information in a Much More Timely Manner. Specifically, in this case, a Formal Written On-Call Policy Needs to be Completed Immediately, to assure the City of Syracuse Taxpayers that Proper Procedures and Internal Controls are in place.**

This audit was requested September 25, 2020. The information the City Auditor required in order to carry out the audit was not immediately forthcoming, which delayed its completion (see **Appendix E**). As previously mentioned in Finding 1, the Syracuse Police Department acknowledged there is still no written policy in place, over one year later.

**Recommendation 2: The Mayor Needs to be Included in the Decision Making Process on All Issues that Have Significant Policy and Budgetary Implications.**

Clearly, the on-call policy decision made by Chief Buckner had both significant policy and budgetary implications; hence the Mayor, as Chief Executive of the City of Syracuse, should have been part of the decision-making process.

**Recommendation 3: In the Future, Information About Any Change in Policy or Procedure Which May Affect the Budget Should Be Communicated Immediately to the Syracuse Common Council.**

Transparency and timeliness are essential to prevent misunderstandings and maintain public trust with the Department. Expenditure of public funds should have oversight, which would ensure that sound management decisions accompanied the disbursement of such funds.

**Recommendation 4: The Syracuse Police Department Needs to Improve its “Outside-the-Box” Thinking When Facing Unprecedented and Unique Situations.**

Police Chief Buckner said the practice of sending Officers home was meant to limit their interactions with each other and the public to prevent the spread of the coronavirus. The Syracuse Police Department didn’t need as many officers because calls plummeted in the pandemic, according to Chief Buckner.

With not enough work to do and a union contract saying officers cannot be furloughed, Chief Buckner said, he made the decision to send them home and pay them:

**“What was I supposed to do? Sit with my hands up my ass and just say, ‘Well, what should we do?’ Let me send all 50 guys out on the street when I need 35 of them?” Buckner said. “What was I supposed to do with them?” (see Appendix B).**

The response to the COVID-19 pandemic regarding deployment of Patrol Officers in the most efficient way possible, to contain the spread of COVID-19 while protecting themselves and the general public, should be seen as a learning experience going forward. Alternative socially distanced assignments for all Officers would have mitigated the need for a special on-call policy while providing value to the City of Syracuse taxpayers.

**Recommendation 5: The Syracuse Police Department Should Differentiate More Clearly Between Overtime Pay and Bonus Pay.**

Based on the information provided by the Syracuse Police Department (see **Appendix E**), the Syracuse Police Department should undertake a strict review of the way overtime pay and “bonus” pay (see **Appendix N**) are accounted for in the Department’s records.

**Recommendation 6: The Syracuse Police Department Needs to Consult with the Onondaga County Health Department and/or Other Health Experts as a Matter of Standard Operating Procedure in All Public Health Issues.**

It is vitally essential that the Syracuse Police Department consistently **and** transparently collaborate with public health officials when necessary, especially in the circumstances surrounding the COVID-19 pandemic.

**Recommendation 7: The Syracuse Police Department and the City of Syracuse Must Find a Scheduling /Payroll System That Is More Efficient in Providing Information**

It is essential that the Syracuse Police Department be able to provide accurate data, records, and documentation regarding its policies, particularly with regard to personnel and payroll. Without receiving this information from the Syracuse Police Department, it is impossible for the Auditor to determine whether officers were paid appropriately.

**Note:** The City of Syracuse has been attempting for nearly two years now the implementation of a time management system called Kronos, which was intended to initiate with the Syracuse Police Department. To date, however, no system is currently in place. Given the antiquated methods of time management currently utilized in the Syracuse Police Department, specifically with overtime accountability, the implementation of Kronos should be priority number one for the City of Syracuse in terms of assuring taxpayers that proper internal controls are in place, and a level of accountability not ever experienced, in regards to overtime/bonus accounting.

**Management Response:**



**MEMORANDUM**

To: Nader Maroun, City Auditor

From: Sharon F. Owens, Deputy Mayor *Sharon F. Owens*

CC: Kenton Buckner, Chief of Police

Date: 4/20/20

Re: Response to Syracuse Police Department COVID-19 Procedures Audit

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**Overview**

As indicated in the Auditor's report, "The response to the COVID-19 pandemic regarding deployment of Patrol Officers in the most efficient way possible, to contain the spread of COVID-19 while protecting themselves and the general public, should be seen as a learning experience going forward." What we can all "benefit" from now is the experience of operating during an unprecedented event. The knowledge gained will equip us for what we hope to never happen again; a worldwide pandemic or other catastrophic event.

At the same time the Syracuse Police Department (SPD) was making its staffing decision to ensure continuity of operations, the Detroit Police Department and New York City Police Department were losing upwards of 20% of their police workforce due to the virus or to quarantines. On March 31, 2020, Syracuse.com reported that more than 30 New York State Troopers tested positive for the virus. Recognizing what was occurring in cities across the nation; SPD feared it was possible to lose an entire shift of officers if someone on the shift became sick.

To avoid depleting its ranks to dangerous levels, SPD quickly sought guidance on how to prevent an outbreak among its ranks. In addition to washing hands and wearing PPE, one of the primary points of guidance SPD received from its own Emergency Management personnel, as well as external experts including the International Association of Chiefs of Police, the Police Executive Research Forum, and national and local health experts was to maintain separation in the workforce as much as possible. Consistent with this advice, the New York State Governor and the Onondaga County Executive both issued Executive Orders mandating a 100% reduction of the presence of the workforce in the workplace. While this order did not apply to essential workers, it did indicate the importance placed on reducing workplace density. Mayor Walsh also issued a directive to reduce the on-site workforce in each department where practicable.

The decision by SPD to place patrol officers on call was intended to reduce the risk of spread of the virus as well as the operational impact of officers being placed in 14-day quarantines. In addition to placing patrol officers on call, SPD took several other steps to maintain separation in



the workforce including:

- Stopped conducting in-person roll calls for patrol and transitioned to "electronic roll calls."
- Issued a temporary operating procedure (TOP) reducing cross contamination between different sections of SPD during overtime, training and routine work.
- Required two of the Deputy Chiefs to work from home while the Chief and two other Deputy Chiefs worked from the office.
- Required personnel from the Support Services Bureau and Investigations Bureau to work from home.
- Reduced the scheduled four-day in-service training to two days of firearms weapon transition training. This allowed for smaller class sizes and social distancing.
- Cancelled or postponed several trainings, including Emergency Vehicle Operations, Cultural Competency, and Rescue Task Force, Fall Firearms, Domestic Violence Instructor, Breath Test Operator, RADAR/LIDAR, Cyber Security and numerous other outside training.
- Modified the 2020 In-Service Training in order to most effectively and safely meet the training mandates set forth by NYS Division of Criminal Justice Services Accreditation Standards.
- Moved the Syracuse Regional Police Academy to Whitman Hall at Syracuse University for social distancing purposes. The recruits were required to complete their physical training on their own, as group exercise was not allowed or recommended.

In addition to these measures, and with the same intent to separate the workforce, it was decided to modify the officers' patrol schedule, as allowed under the Department's Emergency Mobilization Policy. This policy is part of the Department's Rules and Regulations and allows the Chief to modify schedules during times of emergencies. It was decided that patrol officers would be required to be on call from home on the last day of their 4-day tour of duty (patrol officers work 4 days on and 2 days off). This practice kept entire rest groups of officers (i.e. groups of officers that share the same schedule) separate from each other for multiple days in a row, greatly reducing the risk of exposure, infection and the resulting quarantines.

It is critical to note that COVID-19 killed more law enforcement officers in 2020 than all other causes combined. The precautions and policies enacted at SPD to prevent infections in the workforce were instrumental in our ability to navigate the pandemic and maintain a viable public safety workforce that could respond to the community's needs.

Line of Duty Deaths (LODD) according to the Officer Down Memorial Page ([www.odmp.org](http://www.odmp.org)) increased by 99% from 2019 to 2020, with 56% of the 2020 deaths attributable to COVID.<sup>1</sup>

Lastly, we address the time required to present information to and answer the questions of the City Auditor. The report referenced "the difficulty in obtaining information needed to complete this report." The report also states "During the phone call the Mayor responded that the Police Department was working on a couple other significant issues."

Regarding the timeliness of the Administration's response to the Auditor's request for information regarding this audit, the Department was fully immersed in efforts to implement multiple police reform initiatives required at the state and local level, including Executive Order by Mayor Walsh and Governor Cuomo. It should be noted that there is a small number of SPD

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<sup>1</sup> ODMP is a non-profit organization, partially funded by grants from the US Department of Justice Bureau of Justice Assistance. ODMP provides statistical data, notifications and resources pertaining to LODDs.

leaders and administrators who are primarily responsible for reform tasks and other special projects, including the Audit response.

The initial meeting between the Auditor and SPD occurred in early October. At this same time, the Department was finalizing new draft policies for public release, including the highly anticipated Use of Force and Body Worn Camera policies. (They were released on October 15, 2020.) Simultaneously, efforts were being made to complete officer training on body worn camera use. In October, November and December there were internal and external deadlines for progress on the following items under the Mayor's police reform agenda: Implementation of the Right to Know law (EO Action # 1), Military Surplus Procurement (EO Action #6), Dashboard Camera Trial (EO Action #5), Revision of No-Knock Warrants Policy (EO Action # 11), Improvement in Police Recruitment, Screening and Hiring (EO Action #14), and Non-Police Alternatives to Policing (EO # 15).

SPD was also fully engaged in the various components required by Governor Cuomo's Executive Order 203, including the significant role of leading the Onondaga County Police Reform and Reinvention Collaborative Police Operations Sub-committee. In this role, Chief Buckner and his team took the lead to address the topics of Use of Force, Body Worn Camera, and No Knock Warrant policies. Their work on this committee extended through December, 2020.

Concurrently with these police reform activities, the ongoing investigation of SPD by the New York State Office of the Attorney General was in an extremely active phase, with SPD being asked to respond to several labor-intensive information requests with deadlines in late October and November. Also at this time, the environmental situation with COVID was rapidly deteriorating. The Governor was introducing new cluster zone initiatives, and SPD leadership was closely involved in interpreting and enforcing these new guidelines.

And finally, the Department was also working at the time to keep its Commission on Accreditation for Law Enforcement Agencies (CALEA) national accreditation process on track, continuing to work through the Department's entire library of policies to review and, where necessary, update all policies, procedures, rules and regulations.

### **Response to Findings**

**Finding 1: The Syracuse Police Department Admitted to the Auditor That There Was No Written Policy in Effect When Officers Were Put On-Call. In Further Communication, the Syracuse Police Department Acknowledged There is Still No Written Policy in Place, Over One Year On From Chief Buckner's Decision.**

*Since there is no policy there could not have been any evaluation of the success of the policy, nor is there any written template to follow in case such a policy is needed again. As things stand, there is no accountability regarding how long an Officer on-call is given to report for duty. On March 2, 2021, Chief Buckner responded to this question:*

*"When officers were required to come back into work they came from different locations so there was no set time for response. The officers were called and responded directly from their homes."*

We agree with this finding. A written on-call policy would have been appropriate, however, please consider the pace at which the pandemic was unfolding which made the issuance of a

policy at that time very time prohibitive.

The Police Department commits to establishing a written policy regarding placing officers on call within the next 60 days.

**Finding 2: There is No Evidence That the Mayor and Deputy Mayor Played a Role in This Decision.**

***While the Mayor issued a statement supporting the Chief's decision, there is little clarity about exactly when the Mayor was informed about this significant policy change. The Auditor had requested both verbally on October 9, 2020 and in writing on October 29, 2020 and February 12, 2021 for a clarification of this issue. The Syracuse Police Department ultimately acknowledged on March 2, 2021:***

***"The Mayor /Administration were not involved in the decision making of the on-call policy. The decision was approved by Chief Buckner."***

We agree with this finding.

**Finding 3: The Syracuse Police Department Erred by Not Notifying the Common Council of the New Policy.**

***Since this new policy required a change in staffing and an increase in the amount of overtime paid, with the Common Council in charge of budgetary oversight, members should have been apprised before the policy was implemented.***

While the administration agrees that communication between the Chief of the Police and the Common Council is generally important and desirable, we wish to clarify that there was no *legal* requirement that the Chief notify the Council before the policy was implemented. The Charter provides that:

***"The chief of police, with the approval of the mayor, shall make, adopt, promulgate and enforce such reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers and members of the department of police as may be necessary to carry out the functions of the department."*** Section 5-1409 (emphasis added.)

Thus, the authority to change a departmental policy or adjust staffing sits squarely with the Chief, in concert with the Mayor. The policy at issue in this audit was purely a staffing decision—a decision of how best to deploy the budgeted resources of the Department in the context of a public health emergency. These are the types of operational decisions that are reserved for the Chief and Mayor.

Moreover, even if the policy led to the need to shift budgeted resources within the Police Department (and it is not clear that it did), the authority to shift budgeted funds *within* a department is also a mayoral power.

Section 5-205A of the City Charter states as follows:

***"In addition to the powers and duties provided in section 5-205 herein the mayor shall:***

***....(3) Transfer appropriations *within* an office, department, or board, from one class or work***



program to another.” (emphasis added.)

This is in contrast to Section 5-205B, dealing with appropriations *between* departments, which does require Common Council approval. This on-call policy did not require an inter-departmental budget transfer, and so there was no formal or legal requirement for the Council to weigh in or notified prior to the decision.

**Finding 4: The Chief of Police Was Remiss in Not Developing Alternative Socially Distanced Assignments For the Officers.**

*Since the primary rationale for this policy was to contain the spread of coronavirus and protect both officers and the general public, there are other ways that social distancing and workforce separation could have been used to both mitigate the need for an on call policy and provide value to City taxpayers. This seems quite likely since the need for overtime rose despite Officers being on call at home.*

We disagree with this finding for two primary reasons.

a. The officers that were placed on-call had to be available at a moment’s notice to respond back to their patrol function if needed. If the officers had been reassigned to other posts to meet the needs of the pandemic then they would not have been available for patrol when needed.

However, in the future we will consider having officers complete training while they are on call.

b. The Police Department’s written cross contamination policy prevented officers from being utilized in other areas of the Department so as to avoid exposures to other personnel and the lengthy quarantines and contractions of the virus that could result.

**Finding 5: There Were Extra Personnel Given Overtime To Reach Full Strength On a Shift While Other Officers Were Taken Off Their Normal Schedules To Be On Call.**

*After these Officers were given overtime, the call volume was assessed to determine whether personnel could be sent home to be on call. If some Officers were subsequently sent home, this suggests that overtime costs were unnecessarily affected. The Syracuse Police Department responded:*

*“In retrospect, the shift should not have hired officers on OT and subsequently sent personnel home. This will serve as a lesson learned going forward.”*

We agree with this finding. In hindsight this practice should not have occurred. In the future, we will make sure the watches do not incur overtime while still having officers on call.

**Finding 6: There Is No Evidence That the Policy Was Any More Effective in Preventing the Spread of COVID Than Other Means of Workforce Separation**

*While this may be difficult to determine easily, there is no evidence of the Syracuse Police Department reaching out to experts on an ongoing basis regarding the*

***coronavirus for their opinions. The Department did not, for example, consult the Onondaga County Health Department about the policy. Furthermore, there does not seem to be any accountability for officers to conform to the COVID mask-wearing policy (see Appendix M).***

We disagree with this finding. Although SPD did not consult with the Onondaga County Health Department on the specific practice of having officers on call, the Department reviewed guidance issued by the County Health Department, and consulted with a variety of federal and state organizations in determining this course of action. In addition to washing hands and wearing PPE, one of the primary points of guidance the Department received from our Emergency Management team, International Association of Chiefs of Police and the Police Executive Research Forum was to maintain as much separation in our workforce as possible. Please refer to the list of other changes the Department made to reduce exposure in the overview above.

In the future, the Department will specifically ask the County Health Department for guidance.

For more specifics as to what guidance SPD considered when deciding how to respond in the initial stages of the pandemic, consider the following:

- a. A memorandum issued by the New York State Department of Health on March 28th, 2020 and titled *Interim Guidance for Law Enforcement Agencies to Limit Potential Exposure to COVID-19* specifically stated: (Appendix 1)

*"Law enforcement agencies may promulgate specific directives to their personnel and officers that is consistent with this interim guidance. However, given the rapidly changing nature of this public health emergency and the critical mission of law enforcement, agencies may adapt or adjust their specific protocols and procedures to ensure appropriate staffing and effective operations."*

- b. Mayor Walsh also issued a directive to reduce the on-site workforce of each department. (Appendix 2 )

*"As we consider how the City will be managed during this time, the health and wellbeing of our employees is paramount. The guidance my office shared with Department Heads designates essential and non-essential city departments and functions. We have asked the Department Heads and their teams to begin the transition to remote work for non-essential services immediately and to complete it by the end of the day tomorrow. We also asked Department Heads who oversee essential services to ensure that staffing plans are in place to continue those services and to ensure that special health and safety precautions, where necessary, are taken."*

- c. The International Association of Chiefs of Police issued a COVID-19 Response document on March 30<sup>th</sup>, 2020 which stated the following (Appendix 3, page 14):

*9. Assign officers to be "on call" and immediately available should other on-duty officers become ill or be forced to self-quarantine.*

- d. In October 2009, The Bureau of Justice Assistance released a document called *Benchmarks for Developing a Law Enforcement Pandemic Flu Plan*. In that document the following guidance was given (Appendix 4, page 23) :

*"A pandemic influenza can cause significant reductions in a law enforcement department's workforce. Recognizing this, the planning team will need to take several steps to identify the law enforcement department's most critical activities that must continue despite the losses in staffing. The team also must plan to protect employees. Smaller agencies, for example, might plan to use or deputize local security guards or citizen volunteers. Most agencies are experienced in addressing minimum staffing requirements and "ramping up" staffing for significant short-term events. However, fewer departments are familiar with downsizing staffing to ensure longer-term sustainability or with reassigning staff (sworn and non-sworn) to ensure that critical functions are maintained."*

With regard to conformity to the COVID-19 mask-wearing policy, an investigation was conducted and the officers were officially disciplined for not wearing masks as per Department policy for the incident reported in **Appendix M**.

**Finding 7: The Syracuse Police Department Could Not Submit Data With Regard to Any Overtime Paid to Officers Who Also Participated in the On Call Policy.**

**According to the Syracuse Police Department:**

*"extensive shortcomings of the City's current AS-400 payroll system" prevent compiling and searching the data to provide this information in a manner that is not "labor intensive."*

*The overtime for officers who actually worked during the time period was provided, but due to the system's limitations there is no way to tell whether any of the officers receiving overtime were also on call. As a result of this lack of data, there is no clear way to determine the actual effect of the policy on the taxpayers.*

We agree with this finding. The implementation of Kronos and Telestaff are a major priority for the administration and SPD. Please see identified commitment under recommendation 5, below.

**Response to Recommendations**

**Recommendation 1: The Syracuse Police Department Needs to Provide and Document Formal Policy Information in a Much More Timely Manner. Specifically, in this case, a Formal Written On-Call Policy Needs to be Completed Immediately, to assure the City of Syracuse Taxpayers that Proper Procedures and Internal Controls are in place.**

*This audit was requested September 25, 2020. The information the City Auditor required in order to carry out the audit was not immediately forthcoming, which delayed its completion (see Appendix E). As previously mentioned in Finding 1, the Syracuse Police Department acknowledged there is still no written policy in place, over one year later.*

We agree with this recommendation. See the response above, under Finding #1.

**Recommendation 2: The Mayor Needs to be Included in the Decision Making Process on All Issues that Have Significant Policy and Budgetary Implications.**



***Clearly, the on-call policy decision made by Chief Buckner had both significant policy and budgetary implications; hence the Mayor, as Chief Executive of the City of Syracuse, should have been part of the decision-making process.***

We agree with this recommendation.

**Recommendation 3: In the Future, Information About Any Change in Policy or Procedure Which May Affect the Budget Should Be Communicated Immediately to the Syracuse Common Council.**

***Transparency and timeliness are essential to prevent misunderstandings and maintain public trust with the Department. Expenditure of public funds should have oversight, which would ensure that sound management decisions accompanied the disbursement of such funds.***

As discussed under the response to Finding #3, above, the administration agrees that transparency is an essential component of good governance. However, the administration wishes to clarify that while open communication between the Chief of Police and the Common Council is important, there is no *legal or policy* requirement that the Department communicate all policy changes to the Council immediately. The authority to make decisions regarding the deployment of budgeted resources falls within the authority of the Mayor and Police Chief, even if it involves re-allocating resources within the department. Unless there is a need to adjust budgeted amounts through a mid-year transfer, *i.e.*, to add funds to a department's budget by transferring resources from another department, the City Charter does not *require* that the Council be notified.

**Recommendation 4: The Syracuse Police Department Needs to Improve its "Outside-the-Box" Thinking When Facing Unprecedented and Unique Situations.**

***Police Chief Buckner said the practice of sending Officers home was meant to limit their interactions with each other and the public to prevent the spread of the coronavirus. The Syracuse Police Department didn't need as many officers because calls plummeted in the pandemic, according to Chief Buckner.***

***With not enough work to do and a union contract saying officers cannot be furloughed, Chief Buckner said, he made the decision to send them home and pay them:***

***"What was I supposed to do? Sit with my hands up my ass and just say, 'Well, what should we do?' Let me send all 50 guys out on the street when I need 35 of them?" Buckner said. "What was I supposed to do with them?" (see Appendix B).***

***The response to the COVID-19 pandemic regarding deployment of Patrol Officers in the most efficient way possible, to contain the spread of COVID-19 while protecting themselves and the general public, should be seen as a learning experience going forward. Alternative socially distanced assignments for all Officers would have mitigated the need for a special on-call policy while providing value to the City of Syracuse taxpayers.***

We disagree with this recommendation for the reasons discussed under Finding # 4.

**Recommendation 5: The Syracuse Police Department Should Differentiate More Clearly Between Overtime Pay and Bonus Pay.**

***Based on the information provided by the Syracuse Police Department (see Appendix E), the Syracuse Police Department should undertake a strict review of the way overtime pay and "bonus" pay (see Appendix N) are accounted for in the Department's records.***

We agree with this recommendation. In response to a directive from the Mayor, Chief Buckner has engaged in efforts to curtail the use of overtime. The use of "bonus" pay is established through the PBA contract. Chief Buckner, however, has initiated conversations with Chief Administrative Officer Frank Caliva regarding modifying existing systems.

The implementation of Kronos and Telestaff will be extremely helpful in allowing the Department to better account for, analyze and manage the use of overtime and bonus time. The implementation project is ongoing and continues to be a major priority for the administration and SPD.

**Recommendation 6: The Syracuse Police Department Needs to Consult with the Onondaga County Health Department and/or Other Health Experts as a Matter of Standard Operating Procedure in All Public Health Issues.**

***It is vitally essential that the Syracuse Police Department consistently and transparently collaborate with public health officials when necessary, especially in the circumstances surrounding the COVID-19 pandemic.***

We agree with the importance of collaborating with public health experts, and disagree that SPD failed to do so. As detailed under Finding #6, above, SPD consulted a variety of federal, state and local expert organizations in determining this course of action.

**Recommendation 7: The Syracuse Police Department and the City of Syracuse Must Find a Scheduling /Payroll System That Is More Efficient in Providing Information**

***It is essential that the Syracuse Police Department be able to provide accurate data, records, and documentation regarding its policies, particularly with regard to personnel and payroll. Without receiving this information from the Syracuse Police Department, it is impossible for the Auditor to determine whether officers were paid appropriately.***

***Note: The City of Syracuse has been attempting for nearly two years now the implementation of a time management system called Kronos, which was intended to initiate with the Syracuse Police Department. To date, however, no system is currently in place. Given the antiquated methods of time management currently utilized in the Syracuse Police Department, specifically with overtime accountability, the implementation of Kronos should be priority number one for the City of Syracuse in terms of assuring taxpayers that proper internal controls are in place, and a level of accountability not ever experienced, in regards to overtime/bonus accounting.***



We agree with this recommendation. As identified in the report, the city's aging AS400 based payroll system has a number of deficiencies, not the least of which is its limited ability to provide accurate data, records, and documentation regarding end to end payroll rules, practices, and reporting.

The project to update the system kicked off in November of 2019. The original timeline projected that SPD would be live on Telestaff and Workforce Central by September of 2020. A number of unforeseen challenges, including the pandemic, have reset that expectation. That said, additional resources are being identified and applied and the project milestones are currently being updated.

It should be noted that there are four separate technology implementation requirements:

- Telestaff (public safety employee scheduling);
- Workforce Central (city-wide time, attendance and pay policies);
- Kronos (city-wide payroll system); and
- PeopleSoft HCM (human capital management, core system integration.)

Telestaff is the current critical implementation. Telestaff will provide overtime hours\* reporting for public safety until the full integration with the City's accounting system is complete. Telestaff is scheduled for full testing in late spring and to be live this summer.

*\* Telestaff is a digital scheduling and timecard system. Reporting will be limited to number and type of hours. Telestaff will not report on payments.*

**Auditor's Response to Management Response:**

Regarding Finding #2 and Recommendation #2, the Administration/Syracuse Police Department Agree with the Auditor's recommendation that the Mayor/Administration should have been involved in the decision making of the on-call policy. However in their Disagreement with Finding #3 and Recommendation #3, regarding the lack of notification given to the Common Council on the policy change, the Administration/Syracuse Police Department cite the City of Syracuse Charter to justify their Disagreement with Finding #3:

“While the administration agrees that communication between the Chief of the Police and the Common Council is generally important and desirable, we wish to clarify that there was no *legal* requirement that the Chief notify the Council before the policy was implemented. The Charter provides that:

*The chief of police, with the approval of the mayor, shall make, adopt, promulgate and enforce such reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers and members of the department of police as may be necessary to carry out the functions of the department.”* Section 5-1409 (emphasis added.)

Thus, the authority to change a departmental policy or adjust staffing sits squarely with the Chief, in concert with the Mayor. The policy at issue in this audit was purely a staffing decision—a decision of how best to deploy the budgeted resources of the Department in the context of a public health emergency. These are the types of operational decisions that are reserved for the Chief and Mayor.

Moreover, even if the policy led to the need to shift budgeted resources within the Police Department (and it is not clear that it did), the authority to shift budgeted funds *within* a department is also a mayoral power.

Section 5-205A of the City Charter states as follows:

\*In addition to the powers and duties provided in section 5-205 herein the mayor shall:

.... (3) Transfer appropriations *within* an office, department, or board, from one class or work program to another.” (Emphasis added.)

Thus the Administration/Syracuse Police Department's position on their authority to change departmental policy, while citing the City of Syracuse Charter to substantiate their Disagreement with Finding #3, is contradictory; in Finding/Recommendation #3, the Syracuse Police Department does acknowledge, **per the Charter**, that the **Mayor's approval is necessary** in the new policy decision, with the recognized budgetary consequences. Yet according to the Administration and the Syracuse Police Department, they Agree with Finding #2 that the Mayor **was never involved** in the on-call policy decision.

In Finding #4 and Recommendation #4 the Administration/Syracuse Police Department Disagrees with the Audit information provided:

**Finding 4: The Chief of Police Was Remiss in Not Developing Alternative Socially Distanced Assignments For the Officers.**

**Since the primary rationale for this policy was to contain the spread of coronavirus and protect both officers and the general public, there are other ways that social distancing and workforce separation could have been used to both mitigate the need for an on call policy and provide value to City taxpayers. This seems quite likely since the need for overtime rose despite Officers being on call at home.**

“We disagree with this finding for two primary reasons.

a. The officers that were placed on-call had to be available at a moment’s notice to respond back to their patrol function if needed. If the officers had been reassigned to other posts to meet the needs of the pandemic then they would not have been available for patrol when needed.

However, in the future we will consider having officers complete training while they are on call.

b. The Police Department’s written cross contamination policy prevented officers from being utilized in other areas of the Department so as to avoid exposures to other personnel and the lengthy quarantines and contractions of the virus that could result.”

- 1) The Administration/Syracuse Police Department cite the following: *The officers that were placed on-call had to be available at a moment’s notice to respond back to their patrol function if needed.* The Office of the Auditor looked at those officers’ home locations and nearly all officers involved in the on call policy decision either live outside the City boundaries and in some cases, outside of Onondaga County. We fail to see how our officers could, in reality, be available at a “moment’s notice.”
- 2) The Office of the Auditor is unclear on the effectiveness of the Syracuse Police Department’s written cross contamination policy, implemented to avoid exposure to other personnel; based on their response to Finding #6, the Syracuse Police Department states the following: “With regard to conformity to the COVID-19 mask-wearing policy, an investigation was conducted and the officers were officially disciplined for not wearing masks as per Department policy for the incident reported in Appendix M.”

**Appendix:**

**A. Letter from Common Council Requesting Audit**

Common Council Office  
314 City Hall  
Syracuse, N.Y. 13202



Council Office: (315) 448-8466  
Fax: (315) 448-8423

**CITY OF SYRACUSE COMMON COUNCIL**

September 25, 2020

Hon. Nader Maroun  
Auditor  
City of Syracuse  
233 East Washington Street, Room 433  
Syracuse, New York 13202

Dear Auditor Maroun:

We are writing to express our concern over The Post Standard's article regarding Syracuse Police Department officers being paid to stay home during the coronavirus pandemic. The article is available here: <https://www.syracuse.com/crime/2020/09/syracuse-taxpayers-paid-police-officers-to-stay-home-while-city-faced-financial-disaster.html>

We are formally requesting an investigation and for you to conduct an audit regarding the procedures the Syracuse Police Department implemented in regards to the coronavirus pandemic.

Thank you for your consideration in this regard.

Sincerely,

Members of the Finance, Taxation and Assessment Committee

*Khalid Bey*

Khalid Bey  
Councilor-at-Large

*Joseph G. Carni*

Joseph G. Carni  
1<sup>st</sup> District Councilor

*Patrick J. Hogan*

Patrick Hogan  
2<sup>nd</sup> District Councilor

cc: Syracuse Common Council

**B. Syracuse Post-Standard Article, September 20, 2020**

4/9/2021

Syracuse taxpayers paid police officers to stay home while city faced financial disaster - syracuse.com

**Syracuse taxpayers paid police officers to stay home while city faced financial disaster**

[syracuse.com/crime/2020/09/syracuse-taxpayers-paid-police-officers-to-stay-home-while-city-faced-financial-disaster.html](https://www.syracuse.com/crime/2020/09/syracuse-taxpayers-paid-police-officers-to-stay-home-while-city-faced-financial-disaster.html)

By Chris Libonati | [clibonati@syracuse.com](mailto:clibonati@syracuse.com)

September 18, 2020



Syracuse, N.Y. — During the height of the coronavirus pandemic, the Syracuse Police Department regularly paid police officers to go home and not work.

The police department practice, which lasted nearly two months, cost the city as much as \$226,750, according to estimates by Syracuse.com based on the number of officers and the average pay. City officials declined to estimate the cost.

Taxpayers paid for as many as 800 shifts that were never worked.

At the same time, city officials furloughed 104 other employees as they tried to cope with the financial losses caused by the pandemic. Mayor Ben Walsh also recently announced the city will cut \$18.1 million in spending. The cuts include furloughs for more than 400 employees, none in the police department.

Police Chief Kenton Buckner said the practice of sending the officers home was meant to limit their interactions with each other and the public to prevent the spread of the coronavirus. The department didn't need as many officers because calls plummeted in the pandemic, he said.

With not enough work to do and a union contract that says officers cannot be furloughed, the chief said, he made the decision to send them home and pay them.

"What was I supposed to do? Sit with my hands up my ass and just say, 'Well, what should we do?' Let me send all 50 of these guys out on the street when I need 35 of them?" Buckner said. "What was I supposed to do with them?"

A health professor said the city's policy would have had a minimal effect in reducing the risk of getting Covid-19. Measures other than sending officers home such as wearing masks or social distancing likely would have been more effective, experts said.

Common Councilors Tim Rudd and Pat Hogan, who are on the council's Finance Committee, said the policy deserved scrutiny for its financial impact. They only came to know of the policy when they were told about it by Syracuse.com.

Buckner and Deputy Chief Richard Trudell, who heads the patrol division, said there was little work for officers to do and that officers were given work when it was available.

During the same period, the city paid officers more than \$850,000 in overtime, according to documents obtained by Syracuse.com.

The department reassigned other employees when work wasn't available during the pandemic. This spring the department's parking meter checkers took on other duties, including regularly disinfecting the Public Safety Building.

<https://www.syracuse.com/crime/2020/09/syracuse-taxpayers-paid-police-officers-to-stay-home-while-city-faced-financial-disaster.html>

1/3



4/9/2021

Syracuse taxpayers paid police officers to stay home while city faced financial disaster - syracuse.com

Walsh, who Buckner said he notified of the scheduling change before it happened, declined through a spokesman to be interviewed for this report. He issued a statement supporting the chief's decision, saying he "made smart decisions to limit the risk of exposure to Covid-19."

### **How the policy worked**

Every two weeks from about April 1 through May 27, patrol officers were allowed to spend one shift on-call at home while being paid as if they'd worked.

Most officers still arrived at patrol headquarters and had their temperatures taken before attending an outdoor roll call, Trudell said. Other times, officers were called in the morning and told they didn't have to report, according to Jeff Piedmonte, president of the Syracuse Police Benevolent Association, the officers union.

A supervising sergeant or lieutenant marked the officer as having reported for work, Trudell said. A lieutenant then evaluated the number of officers available for the shift and the 911 call volume to determine how many officers the department needed.

In a normal workweek, most Syracuse patrol officers work four days followed by two off days. If call volume allowed, officers were sent home on the last day of their workweek every other week.

While the officers were home, they were considered to be on-call and had to be ready to respond back to work, according to Trudell. He said officers had to be "fit for duty."

As many as eight officers were sent home each shift, mayor's spokesman Greg Loh said.

In interviews with police department officials, they were unable to say how many shifts the department paid officers who were sent home, how many times officers were called back or how much city taxpayers paid for unworked shifts.

"These records were not kept," Trudell said in an email.

Trudell said he could think of a "couple" times that officers were called back to work over the two months.

The unprecedented drop in call volume allowed the department to send officers home, officials said. From April 1 through May 25, call volume dropped 18% year over year.

With such a decline, Buckner said, the department needed fewer officers on the streets. Officers couldn't be furloughed because of the union contract, Buckner and Trudell said. The contract requires that patrol officers be scheduled to work 243 days each year on a "4-2" schedule.

Buckner invoked a management rights clause in the contract to implement the policy and the union didn't fight the change, according to Buckner.

Piedmonte defended the scheduling policy, saying other police departments around the country did the same thing.

"If they didn't need them, if they believed they didn't need them, due to staffing levels — you know, nobody was taking any time off, there wasn't anything to do, so no use of vacation days — because everyone was coming to work, they were able to give them their last days of the week off," Piedmonte said.

### **'Minimal benefit' to stop spread of virus**

The practice likely provided "minimal benefit" in stopping the spread of the novel coronavirus, according to Brooks Gump, a Syracuse University public health professor.

Gump and Ryan Malosh, an assistant research scientist at the University of Michigan, said sending officers home cut down their contact with others and was some help. But measures like wearing masks and social distancing likely would have had a greater value, they said.

"That kind of scheduling manipulation may be important in areas where you have really high rates of infection, where they're more likely to get infected from their community or other situations," Gump said.

Buckner said the department worried it would lose a significant portion of its force if it faced a coronavirus outbreak among its employees. He cited outbreaks in cities like New York City and Detroit.

Syracuse, unlike New York City, never recorded a high infection rate. Through April 1 — about the day the department says it began the scheduling change — 7.3 percent of people tested positive for the coronavirus in Onondaga County compared to 57.6 percent in New York City.

4/9/2021

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Syracuse police took broad recommendations from the Onondaga County Health Department to separate its officers as much as possible and consulted its emergency management team. The team includes several members with paramedic backgrounds.

SPD did not consult with the health department on sending officers home, Trudell said.

The changes the police made included moving roll calls outdoors. The department cut the number of cars that held two officers. Anyone who worked in the Public Safety Building who could work from home was sent home.

Officers also only responded to emergencies. For 911 calls that were not in-progress, callers filled out an online form or were directed to a patrol officer working at a desk. The officer would determine if the call required an officer to be dispatched.

Police officials also could not mandate coronavirus testing, which health experts say is one of the most effective tools to stop the coronavirus' spread. The department could only offer testing on a voluntary basis, according to Trudell.

All four of the department's positive novel coronavirus cases likely came while officers were at home or on vacation, Buckner said. Three officers had a significant other in the medical field and another was not properly socially distanced on a vacation, the chief said.

Gump said the lack of infections indicates the department's scheduling policy "wouldn't help a whole lot" because they were not infected at work.

Malosh, however, cautioned against drawing a conclusion about the policy's effectiveness or lack thereof because he said there isn't enough data available.

### **'Spending the same to do less'**

The cost to the city came as it saw a huge drop in revenue because of the pandemic.

At the same time the department said there was so little work that it was able to pay officers to stay home, officers were paid overtime rates to work routine calls and proactive policing details, among other assignments.

According to documents obtained by Syracuse.com, the department spent \$864,760 in overtime in April and May.

Rudd, a critic of police spending, said the city administration should've found a way to save money.

"We're definitely going to go through a major cash crunch. So let's send the officers home in a way that protects them that (also) helps us spend less money because that's the balance," Rudd said. He said Buckner's approach is an example of how "the police department's often doing what works best for the police department."

Trudell, Buckner and Loh were emailed Syracuse.com's cost estimate. City officials did not dispute the estimate, and they did not provide their own.

The scheduling policy ended May 27, two days before Onondaga County began phase two of its reopening process and the day after protests over George Floyd's death had begun in Minneapolis. Trudell said the numbers surrounding the coronavirus in Central New York and the anticipated protests played a role.

Rudd blasted the policy as secretive and wasteful.

"We basically chose an option — without sharing with the council or the auditor or seemingly anyone other than the chief and the mayor and maybe his very innermost circle — to keep spending the same to do less," he said.

### C. Syracuse Post-Standard Article, September 26, 2020

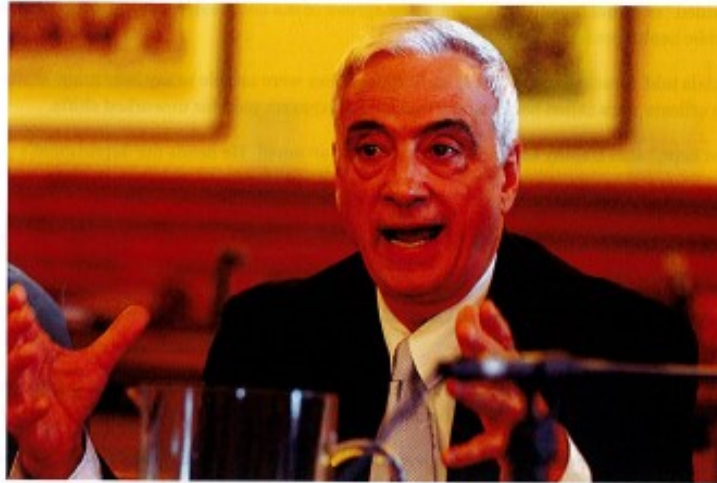
4/9/2021

Syracuse lawmakers ask auditor to investigate police officers being paid to stay home - syracuse.com

#### **Syracuse lawmakers ask auditor to investigate police officers being paid to stay home**

[syracuse.com/news/2020/09/syracuse-lawmakers-ask-auditor-to-investigate-police-officers-being-paid-to-stay-home.html](https://www.syracuse.com/news/2020/09/syracuse-lawmakers-ask-auditor-to-investigate-police-officers-being-paid-to-stay-home.html)

September 26, 2020



Syracuse lawmakers have requested that Auditor Nader Maroun review a policy that allowed Syracuse police officers to be sent home with pay during the pandemic. (John Berry / The Post-Standard) John Berry

By Chris Libonati | [clibonati@syracuse.com](mailto:clibonati@syracuse.com)

Syracuse, N.Y. — Syracuse councilors asked the city auditor to investigate a police policy to pay patrol officers to stay home, according to a letter provided to Syracuse.com | The Post-Standard.

The letter was sent to Auditor Nader Maroun by members of the Common Council's finance committee.

Maroun has not responded to repeated phone calls and email requests for comment by Syracuse.com | The Post-Standard about the policy and whether his office would conduct an audit.

At least two councilors said they want to know more about whether the police department paid overtime to officers at the same time officers were sent home with pay and why. They also questioned the procedure for putting the policy in place.

"It raised some questions. Was there still overtime? How much overtime? I think it warrants an audit," said Joseph Carni, the council's only Republican and one of the councilors who requested the audit. "... There may not be anything actually wrong with it on face value. Maybe the way it was handled maybe wasn't the best use of taxpayer dollars."

The policy was first reported by Syracuse.com | The Post-Standard a week ago: Syracuse taxpayers paid police officers to stay home while city faced financial disaster

Police officers were paid for as many as 800 unworked shifts that cost taxpayers up to \$226,750 over two months, according to estimates by Syracuse.com. (City officials declined to provide an estimate of the cost.) Mayor Ben Walsh was informed of the policy, according to Police Chief Kenton Buckner.

At the same time, the department paid more than \$850,000 in overtime, documents show.

While the policy was in place, more than 100 other city employees were furloughed because of the budget crisis caused by the coronavirus shutdown. Walsh recently announced more than \$18 million more in budget cuts and 400 more furloughs because of the pandemic. None of the furloughs have included police officers. Sworn officers can't be furloughed because of the department's union contract, department officials said.

Councilor Pat Hogan, one of the lawmakers who requested the audit, said, "I think the most frustrating thing was paying \$200,000 for police officers to stay home and then having \$800,000 paid in overtime. That's pretty galling."

From April 1 through May 27, officers in the police department's patrol division were sent home and allowed to be on call for a shift once every two work weeks. Officers were still paid for those shifts whether they worked or not.

<https://www.syracuse.com/news/2020/09/syracuse-lawmakers-ask-auditor-to-investigate-police-officers-being-paid-to-stay-home.html>

1/2



## Performance Audit of the Syracuse Police Department COVID-19 Procedures

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4/9/2021

Syracuse lawmakers ask auditor to investigate police officers being paid to stay home - syracuse.com

Police department officials have said the policy was designed to try to stop the spread of the coronavirus. It was possible to send officers home because call volume dropped 18% year over year.

Walsh declined through a spokesman to be interviewed about the policy. His office provided a statement supporting the chief's decision, saying Buckner "made smart decisions to limit the risk of exposure to Covid-19."

The practice likely provided "minimal benefit" in stopping the spread of the coronavirus, according to Brooks Gump, a Syracuse University public health professor.

Police department officials told Syracuse.com | The Post-Standard they were unable to say how many shifts officers were sent home, how many times officers were called back or how much city taxpayers paid for unworked shifts.

"These records were not kept," said Deputy Chief Richard Trudell in an email. He heads the department's patrol division.

Trudell did say he could remember at least a "couple" times officers were called back to work.

While the department put the policy in place, councilors were not notified. Councilor Tim Rudd, who Walsh appointed Friday to be the city's budget director, earlier panned the policy for its secretiveness and its wastefulness.

Rudd was the only councilor of the four on the finance committee to not sign the letter. Carni, Hogan and Councilor Khalid Bey signed the letter.

Hogan said Friday the policy was indicative of prior issues the council has had with the police department's management of money. In the last 10 years, the department has twice been audited for its overtime spending.

"We've been on this path for a long time and our feeling was to prevent things like this," Hogan said. "Unfortunately, this is a serious instance of not being able to manage the time or the money."

## D. Syracuse Post-Standard Article, October 3, 2020

4/9/2021

Syracuse auditor to investigate police department paying officers to stay home - syracuse.com

### Syracuse auditor to investigate police department paying officers to stay home

[syracuse.com/news/2020/10/syracuse-auditor-to-investigate-police-department-paying-officers-to-stay-home.html](https://www.syracuse.com/news/2020/10/syracuse-auditor-to-investigate-police-department-paying-officers-to-stay-home.html)

October 3, 2020



Syracuse Police Chief Kenton Buckner said there wasn't enough for officers to do during the onset of the pandemic, so he regularly sent some home with pay. Lauren Long | [llong@syracuse.com](mailto:llong@syracuse.com)

By Chris Libonati | [clibonati@syracuse.com](mailto:clibonati@syracuse.com)

Syracuse, N.Y. — Syracuse auditor Nader Maroun will investigate a Syracuse Police Department policy that paid patrol officers to stay home and not work on some shifts.

Maroun confirmed the audit to Syracuse.com | The Post-Standard on Friday.

The decision comes one week after members of the Syracuse Common Council's finance committee sent a letter to Maroun asking for the investigation.

The policy was first reported on by Syracuse.com | The Post-Standard two weeks ago: Syracuse taxpayers paid police officers to stay home while city faced financial disaster.

"All government employees are paid with public funds and the public need to know that sound decisions are accompanying the disbursement of those monies," Maroun said in an email to councilors about their request for the investigation.

Maroun told councilors in the email this week he would report back on how the department handled the decision to pay officers for time on call and make recommendations for how the department could have improved transparency.

For weeks, Maroun has failed to respond to repeated requests for comment from Syracuse.com | The Post-Standard. He did respond Friday to confirm he would do the audit.

City taxpayers paid officers for as many as 800 unworked shifts that cost up to \$226,750 over two months, according to estimates by Syracuse.com (City officials declined to provide an estimate of the cost.) Mayor Ben Walsh was informed of the policy, according to Police Chief Kenton Buckner.

At the same time, the police department paid more than \$850,000 in overtime, documents show.

While the policy was in place, more than 100 other city employees were furloughed because of the budget crisis caused by the coronavirus shutdown. Walsh recently announced more than \$18 million more in budget cuts and 400 more furloughs because of the pandemic.

None of the furloughs have included police officers. Sworn officers can't be furloughed because of the department's union contract, department officials said.

## Performance Audit of the Syracuse Police Department COVID-19 Procedures

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4/9/2021

Syracuse auditor to investigate police department paying officers to stay home - syracuse.com

Police department officials have said the policy was designed to try to stop the spread of the coronavirus. It was possible to send officers home because call volume dropped 18% year over year.

Walsh declined through a spokesman to be interviewed about the policy. His office provided a statement supporting the chief's decision, saying Buckner "made smart decisions to limit the risk of exposure to Covid-19."

The practice likely provided "minimal benefit" in stopping the spread of the coronavirus, according to Brooks Gump, a Syracuse University public health professor.

The policy drew ire from councilors, prompting them to request the investigation.

Councilor Joseph Carni said the policy raised questions. Councilor Pat Hogan said the department paying for officers to be sent home at the same time that it paid officers overtime was "galling."

From April 1 through May 27, officers in the police department's patrol division were sent home and allowed to be on call for a shift once every two work weeks. Officers were still paid for those shifts whether they worked or not.

Police department officials told Syracuse.com | The Post-Standard they were unable to say how many shifts officers were sent home, how many times officers were called back or how much city taxpayers paid for unworked shifts.

"These records were not kept," said Deputy Chief Richard Trudell in an email. He heads the department's patrol division.

Trudell did say he could remember at least a "couple" times officers were called back to work.

City lawmakers were not notified of the change in how the money was spent. Current city Budget Director and then-Councilor Tim Rudd had panned the policy for its secretiveness and its wastefulness.

Councilors from the finance committee -- including Hogan, Carni and Khalid Bey -- requested the investigation.

**E. Timeline**

**Sep. 25, 2020**- Auditor Maroun received Letter from Common Council.

**October 4, 2020** - Auditor Maroun contacted Chief Buckner to request Virtual Meeting to discuss Audit requested by Common Council.

**October 9, 2020** - Chief Buckner's office contacted Auditor Maroun.

**October 9, 2020** – Auditor Maroun submits to Mayor Walsh, Deputy Mayor Owens and Chief Buckner the Administrative Memorandum - Audit of Syracuse Police Management of Personnel - Pandemic 2020, is being undertaken by the Office of the City Auditor.

**October 9, 2020** - Virtual Meeting conducted with Chief Buckner, Chief Trudell, Lt. Lutz and City Auditor Nader Maroun to discuss the Audit of SPD requested by the Common Council.

**October 9, 2020** – Auditor Maroun submits original list of 30 questions to Chief Buckner; Mayor Walsh and Deputy Mayor Owens copied on e-mail to Chief Buckner.

**October 20, 2020** – Auditor Maroun contacted Commissioner O'Connor and Director Rudd for informational research purposes.

**October 27, 2020** – Director Rudd responds to Auditor Maroun.

**October 27, 2020** - Commissioner O'Connor refers Auditor's Office to Payroll.

**November 4, 2020** – Chief Buckner sends e-mail to Auditor Maroun:

*"Mr. Maroun, I have met with key staff charged with assisting me with this audit. After a lengthy discussion and review it is clear we will not have the requested documents collected and ready for submission by 11/9. I hope to have a better idea of our progress by this time next week. Mr. Maroun, I have met with key staff charged with assisting me with this audit. After a lengthy discussion and review it is clear we will not have the requested documents collected and ready for submission by 11/9. I hope to have a better idea of our progress by this time next week. \*

*Please be advised SPD is actively engaged in multiple major initiatives at the same time. This audit is equally important and we will work diligently to complete the request as soon as possible. Again, thank you for your patience."*

*Chief K. Buckner*

**November 6, 2020** – Combined results of information requests to Director Rudd and Commissioner O’ Connor determine the following:

- 1.) City Budget Office and Syracuse Police Department reports of aggregate actual and reimbursed overtime costs from the dates mentioned above.
- 2.) City 2019-2020 projected Police pension bills from New York state Police and Fire Retirement System.
- 3.) City payroll runs for the current calendar year to date which list overtime payments received by each Syracuse Police Department officer.

**November 6, 2020** – Auditor Maroun e-mails Frank Caliva, requesting any documents he has or originated in the course of the Administration’s discussion (s) and correspondence regarding the SPD on call policy.

**November 6, 2020** – Auditor Maroun follows up with Commissioner O’Connor on original requests from October 20, 2020.

**November 10, 2020** - Commissioner O’ Connor forwards another request to Kathleen Wilson in the IT Department to run requested reports:

*Kathleen,*

*Any chance you can look at this one?*

*Looking for Police overtime for a particular period      FM: Stan Ayres*

*-----FM: Brad O’Connor*

*Service record details:*

*Title: Fwd. Information Request*

*Description: Could someone from IT please run the following reports for the auditor?*

*City Budget Office and Syracuse Police Department reports of aggregate actual and reimbursed overtime costs from March 25 through May 27, 2020.*

*City payroll runs for the current calendar year to date which list overtime payments received by each Syracuse Police Department officer.*

*Thanks, Brad*

**November 10, 2020** - Kathleen Wilson e-mails Commissioner O'Connor (copies Lt. Lutz and Stanley Ayres):

*FM Kathleen Wilson*

*Hi Brad, This is Kathleen. Just wondering if you had reached out to Brian Lutz at Police. They have reports available on their system that could be what you are looking for. Payroll has all overtime costs, **not** broken down by reimbursed versus regular overtime. The Police system has overtime cost broken down by programs and I believe they know which program*

**November 20, 2020** – Chief Buckner e-mails Auditor Maroun:

*Nader, we have the response to your audit questions. The file is rather large and has been placed on a thumb drive. I can drop it off today or have it delivered on Monday. What is your preference?*

**November 20, 2020** - Chief Buckner e-mails Auditor Maroun:

*Nader, I have left the office for today. I will get it to you on Monday.*

*Sent from my iPhone*

**November 23, 2020** – Chief Buckner e-mails Auditor Maroun (copies Mayor Walsh and Deputy Mayor Owens):

*What is your address? I will have someone deliver it to you. I prefer someone put it in your hands to protect chain of custody. Thanks*

*Chief Kenton Buckner*

**December 3, 2020** – Auditor Maroun e-mails Lt. Lutz (copies Commissioner O'Connor, Kathleen Wilson and Stanley Ayers):

*Brian,*

*Thank you for your assistance. To date our office has not received any data. Nader*

**December 4, 2020** – Lt. Lutz e-mails Auditor Maroun (copies Joseph Cecile, Brad O'Connor, Kathy Wilson and Stanley Ayers):

*Mr. Maroun, Please find attached the OT report for all OT paid by cost center for the period of 03/25/20-05/27/20. It was my understanding it was being submitted with the rest of the responses to your audit questions.*

*Sorry for any confusion. Thanks, Brian*

**December 4, 2020** – Auditor Maroun e-mails Lt. Lutz (copies Commissioner O'Connor, Kathleen Wilson, Stanley Ayers and Chief Buckner):

*Lt. Lutz, This attachment was included; however there is no document included identifying specific officers in the program areas?*

*Nader*

**December 4, 2020** – Deputy Chief Joseph Cecile e-mails Auditor Maroun:

*Hi Nader, Just so I'm clear, you want the individual names of all officers who worked these 90+ OT details? Thanks, Joe*

**December 5, 2020** – Chief Buckner e-mails Auditor Maroun (copies Deputy Chief Cecile):

*Is this for overtime period of COVID footprint? Specifically, 03/25/20-05/27/20?*

*Chief Buckner*

**January 12, 2021** - Auditor Maroun sends a list of fourteen (14) follow up questions to SPD (Lt. Lutz, Chief Buckner, Chief Trudell and Brian Novitsky).

**January 12, 2021** – Chief Buckner e-mails Auditor Maroun (copies Chief Trudell, Brian Novitsky, Mayor Walsh and Deputy Mayor Owens):

*Nader, we have received your follow up questions. We will review and respond after we have gathered all requested information. Again, I remind you we have several projects going on simultaneously. This audit remains a priority for SPD. Thank you in advance for your patience.*

*Chief Buckner*

**January 20, 2021** – Chief Buckner e-mails Auditor Maroun with a status update (copies Lt. Lutz and Chief Trudell):

*Nader, we are working to complete the most recent request. We should be done by early next week. Chief Buckner*

**January 26, 2021** – Chief Buckner e-mails Auditor Maroun the SPD's response to the list of follow-up questions from January 12, 2021 (copies Mayor Walsh, Deputy Mayor Owens, Chief Trudell, Lt. Lutz, Brian Novitsky and Lt. Eric Lindgren).

**February 12, 2021** – Auditor Maroun e-mails Chief Buckner with the following requests:

*Good morning Chief,*

*As we continue our inquiry please provide the following:*

*(1) A digital copy of the written on call Policy for the COVID-19*



(2) *Please provide what measurable standards there are for how long patrol officers that are on call have to go from being called to the PSB or some designated location where they might be needed?*

(3) *In your earlier response to questions you indicated you had contacted the Buffalo police department regarding an on call policy. Did they provide you with their policy? If so, please also provide to us.*

(4) *Please provide written documentation on how overtime and bonus time are assigned, who verifies time actually worked prior to the information being provided to the information being logged in the AS400 for payroll purposes.*

(5) *During our conversation on October 9, 2020 and again in our Memorandum of October 29, 2020, we requested any and all conversation materials, correspondence and documents that were discussed/provided to the Mayor and any other Administration officials. To date we have not received those items. Please provide.*

*Thank you kindly Chief for your assistance in these matters.*

**February 12, 2021** – Chief Buckner e-mails Auditor Maroun (copies Chief Trudell, Lt. Lutz, Brian Novitsky, Lt. Lindgren and Deputy Auditor Michael Guckert):

*Nader, your request has been received. We are in the process of finishing police reform efforts, drafting 21/22 budget items, and preparing to start a new recruit class. With that said, we will gather the requested material as soon as possible. Again, thank you for your patience.*

*Chief Buckner*

**February 24, 2021** – Auditor Maroun e-mails Chief Trudell (copies Chief Buckner, Lt. Lutz, Brian Novitsky, Lt. Lindgren and Deputy Auditor Guckert):

*Chief Trudell, please see further questions that are requested as a result of the email from you on behalf of the Department. We would appreciate your response in a timely matter to assist the review on behalf of the City taxpayers. Thank you, Nader*

**February 24, 2021** – Chief Trudell e-mails the SPD's response to Auditor Maroun's inquiries from February 12, 2021 (copies Chief Buckner, Lt. Lutz, Brian Novitsky, Lt. Lindgren and Deputy Auditor Guckert):

1) *A digital copy of the written on call Policy for the COVID-19*

***a. We do not have a written policy. The On Call practice was implemented in the midst of a public health emergency to mitigate risk and exposure to our officers.***



(2) *Please provide what measurable standards there are for how long patrol officers that are on call have to go from being called to the PSB or some designated location where they might be needed?*

**a. *Can you please provide clarification on what you are asking? We do not understand.***

(3) *In your earlier response to questions you indicated you had contacted the Buffalo police department regarding an on call policy. Did they provide you with their policy? If so, please also provide to us.*

**a. *We spoke to the Buffalo Police Department on the phone, we did not receive anything in writing from them.***

(4) *Please provide written documentation on how overtime and bonus time are assigned, who verifies time actually worked prior to the information being provided to the information being logged in the AS400 for payroll purposes.*

**a. *Please see our attached Overtime policy relative to this question.***

(5) *During our conversation on October 9, 2020 and again in our Memorandum of October 29, 2020, we requested any and all conversation materials, correspondence and documents that were discussed/provided to the Mayor and any other Administration officials. To date we have not received those items. Please provide.*

**a. *I have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19.***

**February 24, 2021** – Chief Buckner e-mails Auditor Maroun (copies Chief Trudell, Lt. Lutz, Brian Novitsky, Lt. Lindgren and Deputy Auditor Guckert) :

*Nader, we have received your additional questions. As it is with your previous request, I remind you we have several major projects going on simultaneously. Thank you in advance for your patience. Chief Buckner*

**March 2, 2021** – Chief Buckner e-mails Auditor Maroun (copies Chief Trudell, Mayor Walsh and Deputy Mayor Owens):

*Nader, please see our response in green below. I believe you have already received documentation for # 4. Thanks*

(1) *A digital copy of the written on call Policy for the COVID-19*

**a. *We do not have a written policy. The On Call practice was implemented in the midst of a public health emergency to mitigate risk and exposure to our officers.***

*So at the time if there was no written policy generated and we are now 9 (nine) months subsequent from the end date of the on-call implementation, where is a written plan identifying what was undertaken. One can only assume that the Department might be faced with a similar circumstance and then wouldn't it appear plausible that there is a written plan and review that would be undertaken to prepare for any future type situations/circumstances?*

***a. We understand the question. We do not have a written policy. The On Call practice was implemented in the midst of a public health emergency to mitigate risk and exposure to our officers.***

*(2) Please provide what measurable standards there are for how long patrol officers that are on call have to go from being called to the PSB or some designated location where they might be needed?*

***a. Can you please provide clarification on what you are asking? We do not understand.***

*On the day that a Patrol Officer is designated for "on call," and they are subsequently contacted to come in for duty and assignment, how much time is given in advance for each and every officer to be present where they are told to report for duty? Where's the documentation?*

***a. When officers were required to come back into work they came from different locations so there was no set time for response. The officers were called and responded directly from their homes.***

*(3) In your earlier response to questions you indicated you had contacted the Buffalo police department regarding an on call policy. Did they provide you with their policy? If so, please also provide to us.*

***a. We spoke to the Buffalo Police Department on the phone, we did not receive anything in writing from them.***

*What exactly was the information that you obtained verbally regarding Buffalo Police Department's on-call policy. Provide the details/context of those conversations with the specific guidelines they used that did or didn't influence the SPD decision making for the unwritten on-call policy that was implemented.*

***a. D/C Trudell spoke with the Buffalo Police Department. The Buffalo Police Department advised that based on their schedule there were days during the week that they were sending half of their shift home to reduce officer contacts and minimize COVID exposure to their officers and citizens.***

*(4) Please provide written documentation on how overtime and bonus time are assigned, who verifies time actually worked prior to the information being provided to the information being logged in the AS400 for payroll purposes.*

***a. Please see our attached Overtime policy relative to this question.***

(5) During our conversation on October 9, 2020 and again in our Memorandum of October 29, 2020, we requested any and all conversation materials, correspondence and documents that were discussed/provided to the Mayor and any other Administration officials. To date we have not received those items. Please provide.

**a. I have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19.**

When you say, "I" have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19, are you referring to Chief Buckner or are you referring to yourself? Please clarify. If either you or Chief Buckner don't have the information requested, then it is correct that the Mayor/Administration Officials were not involved in the decision making of the on-call policy?

**a. The Mayor/Administration was not involved in the decision making of the on-call policy. The decision was approved by Chief Buckner.**

**March 5, 2021** – Auditor Maroun e-mailed Chief Buckner:

Good afternoon Chief,

There are a couple of follow up questions that need further clarification. We don't understand your responses.

(2) Please provide what measurable standards there are for how long patrol officers that are on call have to go from being called to the PSB or some designated location where they might be needed?

**a. Can you please provide clarification on what you are asking? We do not understand.**

On the day that a Patrol Officer is designated for "on call," and they are subsequently contacted to come in for duty and assignment, how much time is given in advance for each and every officer to be present where they are told to report for duty? Where's the documentation?

**a. When officers were required to come back into work they came from different locations so there was no set time for response. The officers were called and responded directly from their homes.**

We obviously understand all patrol officers do not live in the same location and it is also quite obvious that the officers responded from their homes. However, it seems noteworthy that when an officer is given a report to duty order, that they are not given an exact time when they are to report for their shift and to be logged in for work, correct? Therefore, given the fact that these officers are from a variety of locations within and without of the County, travel time, etc. would be a factor, correct? Is there accounting documentation of officers on call, being called in and the details of time to report and assignment? Please provide.

(5) During our conversation on October 9, 2020 and again in our Memorandum of October 29, 2020, we requested any and all conversation materials, correspondence and documents that were discussed/provided to the Mayor and any other Administration officials. To date we have not received those items. Please provide.

**a. I have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19.**

When you say, "I" have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19, are you referring to Chief Buckner or are you referring to yourself? Please clarify. If either you or Chief Buckner don't have the information requested, then it is correct that the Mayor/Administration Officials were not involved in the decision making of the on-call policy?

**a. The Mayor/Administration was not involved in the decision making of the on-call policy. The decision was approved by Chief Buckner.**

We're looking for clarification about your last answer to this question. In the Post Standard article of September 18, 2020, the following statement was included: {Walsh, who Buckner said he notified of the scheduling change before it happened, declined through a spokesman to be interviewed for this report. He issued a statement supporting the chief's decision, saying he "made smart decisions to limit the risk of exposure to Covid-19."}

Clarification of the exact date the Mayor was informed by you that the on call policy was going live {since you indicate in your last response that the Mayor/Administration was not involved in the decision making but you also say according to the September 18, 2020 news article in the Post Standard the article, that you notified the Mayor}.

Also for clarification, please provide the exact date the on call policy went live for the Department.

**March 5, 2021** – Chief Buckner e-mailed Auditor Maroun (copied Chief Trudell):

Received. For now, we are focused on getting the Police Reform measure to Albany by the deadline. I will follow up after we have completed that time sensitive task. In the meantime, if you can think of anything else you need clarity on, please don't hesitate to add to this list. Have a good weekend. Thanks

Chief Buckner

**March 16, 2021** – Chief Buckner e-mailed Auditor Maroun's requested clarification on previously identified items:

(2) Question - Please provide what measurable standards there are for how long patrol officers that are on call have to go from being called to the PSB or some designated location where they might be needed?

Answer - Can you please provide clarification on what you are asking? We do not understand.

*Question - On the day that a Patrol Officer is designated for "on call," and they are subsequently contacted to come in for duty and assignment, how much time is given in advance for each and every officer to be present where they are told to report for duty? Where's the documentation?*

*Answer - When officers were required to come back into work they came from different locations so there was no set time for response. The officers were called and responded directly from their homes.*

*Question - We obviously understand all patrol officers do not live in the same location and it is also quite obvious that the officers responded from their homes. However, it seems noteworthy that when an officer is given a report to duty order that they are not given an exact time when they are to report for their shift and to be logged in for work, correct? Therefore, given the fact that these officers are from a variety of locations within and without of the County, travel time, etc. would be a factor, correct? Is there accounting documentation of officers on call, being called in and the details of time to report and assignment?*

*Please provide.*

*Answer – Please refer to our answer to question 22 in our original response.*

*(22. Question - What officers if any were called back to work during the above mentioned time frame and did not then participate in the stay home and being payed program?*

*Answer - It was not a stay at home and be paid program. Officers were required to be on call. As for when officers were called back from their work-at-home day due to manpower shortages, no formal record of this was kept. We can say that officers were called back in on at least three separate occasions, and most probably others were as well. However, the exact number is unknown. A good deal of discretion was afforded to the shift lieutenants to determine manpower needs for a given shift. In retrospect this could have been better documented for the record. It should be noted however that the experience of running a shift during a pandemic was a new experience for all involved, both for Officers and Command Officers. We can learn from this going forward.)*

*(5) Question - During our conversation on October 9, 2020 and again in our Memorandum of October 29, 2020, we requested any and all conversation materials, correspondence and documents that were discussed/provided to the Mayor and any other Administration officials. To date we have not received those items. Please provide.*

*Answer - I have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19.*

*Question - When you say, "I" have no conversation materials, correspondence, or documents concerning my discussions with the Mayor/Administration Officials about COVID-19, are you referring to Chief Buckner or are you referring to yourself? Please clarify. If either you or Chief Buckner don't have the information requested, then it is correct that the Mayor/Administration Officials were not involved in the decision making of the on-call policy?*

***Answer - The Mayor/Administration was not involved in the decision making of the on-call policy. The decision was approved by Chief Buckner.***

*Question - We're looking for clarification about your last answer to this question. In the Post standard article of September 18, 2020, the following statement was included: {Walsh, who Buckner said he notified of the scheduling change before it happened, declined through a spokesman to be interviewed for this report. He issued a statement supporting the chief's decision, saying he "made smart decisions to limit the risk of exposure to Covid-19."}*

*Question - Clarification of the exact date the Mayor was informed by you that the on call policy was going live {since you indicate in your last response that the Mayor/Administration was not involved in the decision making but you also say according to the September 18, 2020 news article in the Post Standard the article, that you notified the Mayor}.*

***Answer - #5- I do not recall the exact date and time I first notified the Mayor of our scheduling changes. We communicated consistently throughout the pandemic. I have no official records of our conversation.***

***New Question - Also for clarification, please provide the exact date the on call policy went live for the Department.***

*Answer – 03/25/20*

**March 31, 2020** – Auditor Maroun e-mailed Chief Buckner:

*Good morning Chief,*

*I hope this email finds you well and as always appreciate your assistance with our information requests.*

*Could you please send me the following?*

- 1.) Syracuse Police Department's Emergency Mobilization policy*
- 2.) Documentation that states Police Officers cannot be furloughed*

*Thank you kindly, Nader*



**F. Memorandum to Chief Buckner; CC, Mayor Walsh and Deputy Mayor Owens**



**OFFICE OF THE CITY AUDITOR**

CITY OF SYRACUSE, CITY AUDITOR NADER P. MAROUN

**Memo**

**Date:** October 29, 2020

**To:** Kenton Buckner, Chief of Police

**CC:** Ben Walsh, Mayor

**CC:** Sharon Owens, Deputy Mayor

**From:** Nader Maroun, City Auditor

**RE: Audit of Syracuse Police Management of Personnel- Pandemic 2020**

I'm writing today as a follow up to our conversation on October 9, 2020, that Captain Trudell and Lt. Lutz also participated in, pertaining to the Audit of Syracuse Police Management of Personnel - Pandemic 2020, being undertaken by the Office of the City Auditor. Per that conversation part of the above noted review is in keeping with the letter I received from the Syracuse Common Council formally requesting an investigation of the procedures implemented by the Syracuse Police Department in regards to the payment of police officers to stay home and the review of overtime costs during the ongoing Corona Virus Pandemic.

Attached is a listing of questions that need to be answered by you and your management team to assist my office in moving forward in making recommendations to you, the Mayor and the Common Council. We are all dependent on the support and confidence of city taxpayers and residents to provide evidence that we are all working as effectively as possible in the difficult situation we find ourselves in.

One objective of the Audit is to clearly determine that in the above mentioned situation all government employees who were paid with public funds were paid appropriately.

The scope of the review of the Syracuse Police Department decisions in this matter is subject to change as determined by the Office of the City Auditor during the period of examination.

Please respond to the list of attached questions and information request by November 9, 2020.

Thank you,

**Nader Maroun**

**City Audit Department**

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**G. Original List of Questions to Chief Buckner, October 29, 2020**



**OFFICE OF THE CITY AUDITOR**

CITY OF SYRACUSE, CITY AUDITOR NADER P. MAROUN

October 29, 2020

Chief Buckner:

As a follow up to our conversation on Friday October 9, 2020 you mentioned you would forward to me all materials and conversations shared with the Mayor related to your proposed policy (based on your briefing of the Mayor and resulting in his ultimate decisions). To date the only documentation, I have received is the Temporary Operating Procedures 2020 (TOPS) issued to the Department.

Also, If you could advise me as to the participation if the Deputy Mayor and other (s) members of the Mayor's staff briefed leading up to the time period in Question (March 25,2020 through May 27, 2020), it would be most helpful in reviewing the following:

- (1) Decision making process and all correspondence for Patrol officers (or others) to stay home and be paid
- (2) Specific written justification to proceed with such policy
- (3) What authority did you believe authorizes you for paying Patrol officers (or others) for shifts not worked?

In addition, please provide by November 9, 2020:

1. What documented scientific basis (provide same) was there to determine that the practice employed would do anything to lessen the spread of the COVID-19 virus?
2. Provide City of Syracuse Policy on Face Coverings in the Workplace provided to all officers
3. Provide details of documenting the City of Syracuse Policy on Face Coverings and how it was enforced and was there any disciplinary action taken for non-compliance?
4. To what exact (provide all documentation) extent was Onondaga County Health Department involved with or offered specific consultation (what if any documentation to support same) to determine the health value of having officers to stay home for their shift and be paid?
5. What other municipal Police Departments were contacted in the Departments research and which, if any other municipality, also paid police officers to stay home?
6. Were the only officers allowed to have the day off from work with pay assigned to Patrol? (Were CID, Records officers, etc. included in this program)?
7. In the stay at home payments and the payments for overtime, please have the Department clearly indicate whether costs include just salary, or salary plus FICA and retirement costs.
8. All data (documentation) of exactly (a.) how many officers, (b) which officers were included in the program of stay at home and being paid.
9. If the officers identified in question #6 weren't needed, what justification (details/documentation) was there to authorize the need for significant overtime in the same above mentioned time frame?
10. All data (documentation) for the exact number of shifts the Department paid officers who were paid to stay home.
11. Provide weekly reports during the above mentioned time frame for who was sent home and what shifts.





## OFFICE OF THE CITY AUDITOR

CITY OF SYRACUSE, CITY AUDITOR NADER P. MAROUN

12. All overtime paid to those same officers who participated during the above mentioned time frame AND all documentation for same.
13. All overtime authorized (all documentation for same) by the Police Department for Patrol officers who actually worked during the time frame mentioned above.
14. Was there any union member not usually on patrol (e.g. Supervisors or office workers) given an extra day off with pay? If YES, provide details and documentation.
15. Did the Department, during the above mentioned time frame, reassign any Patrol Officers to other assignments?
16. If the answer to question #15 is YES, provide (a.) who and to (b.) what Division they were assigned to?
17. Did the Department, during the above mentioned time frame, reassign other than Patrol Officers to other assignments?
18. If the answer to #17 is YES, provide all documentation associated with who was reassigned and from what Division to another Division?
19. What justification and authority were officers reassigned from Division to Division?
20. Was there a different roll call process for different officers during the above mentioned time frame? (e.g. Some officers attend at patrol headquarters and have temperatures taken while others stayed home and were instructed to stay home)?
21. Provide call volume documentation for the above mentioned time frame for Fiscal Year 2018-2019 & 2019-2020
22. What officers if any were called back to work during the above mentioned time frame and did not then participate in the stay home and being payed program?

Additionally, please provide the following from Reports prepared by the SPD's Audit, Budget, and Control (ABC) Division regarding:

1. Historical staffing levels for Patrol Shifts and for Departmental authorized vs actual strength
2. Breakdowns of Annual Overtime Salary costs by reasons for overtime for Fiscal Year 2019-2020

Thank you and I look forward to the timely response on behalf of the city taxpayers.

**H. Furlough Documentation – Currently Requested From Syracuse Police Department –  
NO Response**

**I. Lt. Lutz Response to Additional Questions; Received January 26, 2021**

Good afternoon Lt. Lutz,

Pertaining to the Audit our office is conducting I have a few questions for you:

- (1) During March 27, 2020 through May 27, 2020 was any Patrol Officer paid any overtime in their two week cycle, other than the day they were directed to be on-call?

The answer to this is yes. There was at least one patrol officer who was paid overtime for some type of work on a day in a bi-weekly payroll period that wasn't their on-call day.

Providing a detailed answer to this would require us to have someone do 1057 separate queries (the number of shifts that were on-call per Lt. Lindgren's numbers). Rough estimate of 150 hours of data mining for one of my staff.

- (2) Also if that same person was paid overtime for the day they were directed to be on-call?

An answer to this would be part of the same queries/data mining mentioned under question 1.

- (3) If overtime was required, was it recorded and allocated from the Police overtime budget, or was Bonus time used to pay Patrol Officers from March 27, 2020 through May 27, 2020 time period?

Per the PBA Contract, all officers have the option of choosing paid overtime or bonus time as compensation for overtime worked. As such, those officers who elected to be paid overtime were done so from the Police Department overtime budget.

- (4) If Bonus time was authorized, how does the Department budget for the deferred cost when the Bonus time is eventually paid out?

The Police Department does not account for deferred costs related to bonus time or any other expenses. The responsibility for determining and planning for deferred costs would fall with the City Finance/Budget Departments.

- (5) Are there payroll registers from the Police Department like we have in all other Departments? Please provide or where are they filed and how can we inspect them?

There are payroll registers produced for the Police Department. Those records should be available for your review in the City Hall Payroll Department.

- (6) What system or process and or documentation from the ABC Division communicates the biweekly payroll from the Police Department to Finance for payroll? Please provide.

The City payroll is what is called an "exception" payroll system. This means that, absent a change effecting an employee's pay (ie. step increase, longevity increase, etc.) the employee receives a bi-weekly check for the pre-determined amount as logged in the AS-400 payroll system. The ABC Division sends over (2) reports bi-weekly that effect this. One report is a listing of all overtime slips which have been manually entered into the AS-400 by ABC Office personnel. The second report is referred to as the "paychange". The Paychange report provides City Hall payroll with such changes as step increases, longevity increases, pay dockings, etc.

City Hall payroll should be able to provide copies of both of these reports.

- (7) What was the number of Officers in the Patrol Division during the March 27, 2020 through May 27, 2020 time period??

March – 232 (Sworn Officers to include Captains, Lieutenants and sergeants)

March – 188 (Sworn police officers)

April – 229 (Sworn Officers to include Captains, Lieutenants and sergeants)

April – 184 (Sworn police officers)

May – 226 (Sworn Officers to include Captains, Lieutenants and sergeants)

May – 184 (Sworn police officers)

- (8) What was the number of Police Department Uniform Officers during the March 27, 2020 through May 27, 2020 time period?

March – 259 (Sworn Officers to include Captains, Lieutenants and sergeants)

March – 212 (Sworn police officers)

April – 257 (Sworn Officers to include Captains, Lieutenants and sergeants)

April – 209 (Sworn police officers)

May – 254 (Sworn Officers to include Captains, Lieutenants and sergeants)

May – 209 (Sworn police officers)

- (9) What was the percentage of Patrol Officers versus all Uniform Officers during the March 27, 2020 through May 27, 2020 time period?

March – 89.6% (Sworn Officers to include Captains, Lieutenants and sergeants)

March – 88.7% (Sworn police officers)

April – 89.1% (Sworn Officers to include Captains, Lieutenants and sergeants)

April – 88.0% (Sworn police officers)

May – 88.9% (Sworn Officers to include Captains, Lieutenants and sergeants)

May – 88% (Sworn police officers)

- (10) What was the number of incidents responded to during the March 27, 2020 through May 27, 2020 time period?

This was answered in Question #21 in the Police Department's original response.



## J. New York State Department of Health Memorandum



Department  
of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

### Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak April 14, 2020

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#### Background:

In December 2019, a new respiratory disease called the novel coronavirus (COVID-19) was detected. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both confirmed and suspected cases is increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has taken aggressive action through [Executive Order 202](#), as amended, to combat the spread of this infectious disease, reducing the density of people in areas of common congregation by closing the in-person operations of non-essential businesses and prohibiting all non-essential gatherings of individuals of any size for any reason.

#### Executive Order:

[Executive Order 202.16](#), issued on April 12, 2020, provides the following directive:

*For all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law. This requirement shall be effective Wednesday, April 15 at 8 p.m.*

#### Guidance:

Essential businesses, as well as state and local government agencies and authorities, must procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee.

- Businesses are deemed essential by the Empire State Development Corporation (ESD), pursuant to the authority provided in Executive Order 202.6. Please visit the [ESD website](#) for specific information on essential businesses. For the purpose of this guidance, essential businesses shall also provide face coverings to contractors, including independent contractors.
- Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention's "Coronavirus Disease 2019 (COVID-19)" [website](#) for [information](#) on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use and cleaning.



- Direct interaction with the public shall be determined by the employer, but, at a minimum, shall include any employee who is routinely within close contact (i.e. six feet or less) with members of the public, including but not limited to customers or clients.
- Employees are allowed to use their own face coverings, but shall not be mandated to do so by their employer. *Further, this guidance shall not prevent employees from wearing more protective coverings (e.g. surgical masks, N-95 respirators, or face shields) if the individual is already in possession of such PPE, or if the employer otherwise requires employees to wear more protective PPE due to the nature of their work (e.g. healthcare).*
- Employees are required to wear face coverings when in direct contact with members of the public, except where doing so would inhibit or otherwise impair the employee's health. *Employers are prohibited from requesting or requiring medical or other documentation from an employee who declines to wear a face covering due to a medical or other health condition that prevents such usage.*
- Employees who are unable to wear face coverings and are susceptible to COVID-19 based on the "Matilda's Law" criteria (i.e. individuals who are 70 years of age or older, individuals with compromised immune systems, and individuals with underlying illnesses) should consult with their employer to consider reasonable accommodations, including but not limited to different PPE, alternate work location, or alternate work assignment with fewer interactions with the public. Employers should work with their employees to see if they can be accommodated to ensure the employee can continue to deliver essential services in the safest manner possible.
- If an employer is unable to procure, fashion, or otherwise obtain face coverings for their employees, they may consult with their local office of emergency management to determine if extra supplies exist within the municipality for this purpose and, if so, they may submit a request for face coverings. Please note that quantities are extremely limited and are prioritized for health care workers and first responders. *Not being able to source face coverings does not relieve an employer's obligation to provide such face coverings to their employees.*
- Nothing in this guidance shall supercede the respiratory protection equipment requirements set forth by the United States Department of Labor's Occupational Safety and Health Administration (OSHA).

**Additional Information:**

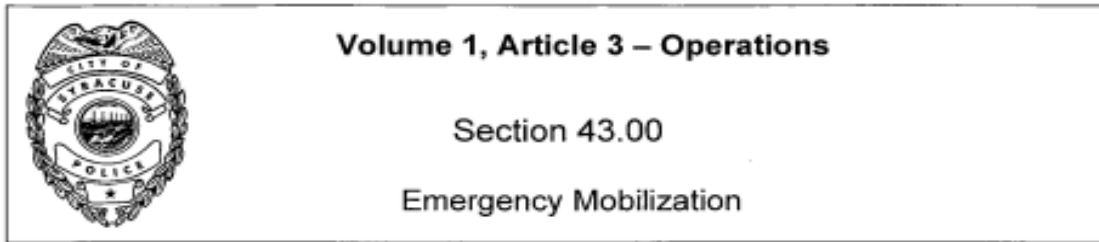
New York State Coronavirus (COVID-19) Website

<https://coronavirus.health.ny.gov/>

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

**K. International Association of Chief of Police COVID Response, March 30, 2020**



**43.00 POLICY:**

The purpose of this policy is to establish procedures for an organized emergency mobilization of personnel and to expeditiously respond to critical incidents or emergency conditions which cannot adequately be controlled by on-duty personnel. Emergency mobilization of the Department may be ordered by the Chief of Police, Duty Chief, or Deputy Chief of Police, in response to these life threatening circumstances.

It is the policy of the Syracuse Police Department to utilize all available departmental resources in response to any critical incident that occurs and to respond quickly in an organized and effective manner to resolve these incidents and restore public order.

The emergency mobilization of personnel shall be conducted in compliance with applicable sections of the New York State General Municipal law, and the provisions of the current collective bargaining agreement in effect.

**43.10 DEFINITIONS:**

- A. **Signal 100** – police radio and news media signal code utilized by the Department to inform all personnel that an emergency mobilization of Departmental personnel has been ordered and is in effect.

**43.11 PROCEDURE:**

**43.12 GENERAL PROVISIONS:**

- A. All members of the Department are required to know their responsibilities as described in this policy.
- B. All members shall ensure that their address and phone number on file with the Department is accurate and correct.
- C. All members are advised to make a personal preparedness plan for their families. Members should consider alternate sources for providing shelter, heat, lighting, water, and food for their family should an emergency mobilization require their extended absence from home.
- D. All members shall ensure that all issued equipment are fully functional; batteries for portable radios and flashlights are charged, all uniforms and equipment including riot helmets, police batons, and clothing sufficient for all weather conditions is readily accessible and available for duty.

Vol. 1 Article 3, Section 43.00

Emergency Mobilization

- E. When members become aware that a Natural or Accidental Disaster, Civil Disorder or Terrorist act has occurred and effected the City of Syracuse, or the Community at large, members should contact the front desk sergeant to determine if an emergency mobilization has been activated.
- F. If a mobilization has not been ordered at that time, members should monitor their telephones, answering machines, pagers, and the mass media during such periods for possible Departmental notification regarding a Signal 100 Emergency Mobilization. Should telephone systems fail, AM Radio 570 WSYR shall be the primary mass media system utilized by the Department to notify members.

**43.13 INITIAL NOTIFICATIONS AND RESPONSIBILITIES:**

- A. Upon the occurrence of a critical incident where it is apparent that an emergency mobilization of off-duty personnel will be necessary, the Duty Chief will immediately be notified. The Duty Chief, or his designee, shall notify the following as soon as practical:
  - 1. Chief of Police
  - 2. Mayor's Office
  - 3. Syracuse Fire Department
  - 4. Syracuse Department of Public Works
  - 5. Other Agencies as may be necessary
- B. The decision to call extra forces to duty shall be made by the Chief of Police, or in his absence the Duty Chief or a Deputy Chief of Police. The Chief of Police shall be notified of any incident for which additional forces are needed. Upon giving authorization for the emergency mobilization of personnel, the Chief, Duty Chief, or Deputy Chief shall assign a Critical Incident Commander who will activate the Emergency Mobilization plan.

**43.14 EMERGENCY MOBILIZATION ACTIVATION:**

- A. The Duty Chief shall:
  - 1. If necessary, respond to the scene to assess the incident.
  - 2. Make appropriate notifications regarding the Signal 100 Emergency Mobilization.
  - 3. Establish an Operations Center in the Patrol Division.
  - 4. Assign a Critical Incident Commander who will assume command of emergency operations.
- B. The Platoon Commander shall:
  - 1. Ensure that a superior officer responds immediately to the scene to establish a Field Command Post.
  - 2. Ensure that an announcement is made via the E911 police communications system informing all on-duty members of the Signal Code 100. The

Vol. 1 Article 3, Section 43.00

Emergency Mobilization

announcement will be made a sufficient number of times to ensure that all on-duty personnel are aware of the condition.

- a. All authorized absences from duty, except medical leave and suspensions, shall be automatically cancelled and all members are obligated to respond to duty when directed to do so.

C. The Critical Incident Commander shall:

1. Assign an Operation's Center Staff.
  - a. The staff should be comprised of an Operations officer, Intelligence Officer, and Public Information Officer.
2. Direct that the Disaster Response Kit be obtained from the front desk vault and set it up in the Operations Center.
3. Establish the mission priorities.
4. Ensure that all necessary communications are established.
5. Designate the location where responding personnel are to report for duty and assignment and announce this location via media in necessary.
  - a. Utilize the roll-call room for a small-scale activation.
  - b. Utilize the gymnasium, or other appropriate location for a large-scale activation.
6. Initiate mobilization procedures
  - a. Assign personnel to call-in the appropriate number of personnel.
  - b. Ensure emergency tools and other special equipment is available to personnel for deployment.
7. Assign and allocate personnel commensurate to mission priorities.
  - a. Create sub-zones and assign personnel to those locations.
  - b. Create and assign task-oriented units for specific tasks as needed.
8. Establish the duration of working shifts of personnel and roll-call times for Command and line personnel.
9. Assign a superior officer to the Onondaga County Emergency Operations Center, as soon as possible, after it becomes operational.
10. Assign a supervisor to the E911 Communications Center to triage calls for service.
  - a. Calls for service that does not require an immediate response of a police officer shall be assessed and either held for later action or cleared as withdrawn by patrol.



Vol. 1 Article 3, Section 43.00

Emergency Mobilization

D. On-duty Personnel:

1. Uniform Bureau personnel should remain at assigned posts unless otherwise directed.
2. Personnel who are on-duty in civilian attire, except detectives, upon notification of a Departmental emergency mobilization signal 100, shall immediately report to their respective Commanding Officer, in full uniform with all assigned and appropriate equipment, for assignment.
3. Personnel who are assigned a position within the PSB, or at any other police facility, and any other administrative or general services assignment, shall contact the desk sergeant and notify of their availability to respond.

E. Off-duty Personnel:

1. Emergency conditions may be announced over radio and television stations. Off-duty personnel learning about the occurrence of an Accidental or Natural Disaster, Civil Disorder or Terrorist Act as defined in Volume 1, Article 3, Section 46.10 – A, B, C & D, "Critical Incident Response & Management" over the media, must immediately contact the Patrol Division Front Desk Sergeant. The Front Desk Sergeant, or designated supervisor, will advise members as follows:
    - a. To report immediately for duty as directed, or
    - b. To report for duty at routine duty hours, or
    - c. To report for duty at a time other than routine duty hours, or
    - d. To remain available on a stand-by basis.
  2. A public announcement of an existing emergency or serious condition will not be considered notice of Departmental emergency mobilization unless the announcement specifically states "Signal 100 Emergency Mobilization" has been ordered.
  3. When mobilization is ordered, all off-duty members are required to immediately respond for duty as follows:
    1. Report for duty in full uniform with all assigned and appropriate equipment.
    2. Report to the designated staging area for assignment.
  4. A public announcement of an existing emergency or serious condition will not be considered notice of a Departmental mobilization unless the announcement specifically states that the Chief of Police has ordered a mobilization of Departmental personnel.
- F. Upon notice that an emergency mobilization has been activated, on-duty Commanding Officers of all units of the Department will ensure that all off-duty members of their respective commands are notified when to report for duty. Members on regular rest or approved furlough time shall be called last, and members on sick or injured status shall be excused from call to duty.



Vol. 1 Article 3, Section 43.00

Emergency Mobilization

- G. Bureau Deputy Chiefs of Police shall assign a Command Officer in their respective Bureau to contact off-duty Command Personnel who will ensure that personnel assigned to their command are informed of the Emergency Mobilization Activation Order, and when and where personnel are to report for duty.
- H. In all instances, members assigned to call other members shall maintain a record of each call made, until the member is contacted. A log indicating the date and time notifications were made will be kept. These records shall be retained until such time as the Critical Incident Commander requests them.

**43.15 REPORTING FOR DUTY:**

- A. Depending on the type of the critical incident, the Commanding Officer in charge of operations shall direct that off-duty members are to report to the Uniform Bureau roll call room, or to any other designated staging area.
  - 1. All members of any unit normally working in uniform shall report in uniform, unless otherwise ordered.
  - 2. All members of any unit normally working in plainclothes shall report in uniform, unless otherwise directed.
  - 3. Immediately upon reporting for duty at any designated area, personnel shall report to the Commanding Officer in charge at that location, and the date and time shall be recorded on an emergency operations assignment log.
- B. Upon being relieved from duty, all personnel shall report directly back to their reporting location so that the Commanding Officer in charge may properly record the date and time of relief, or issue orders of release or to stand by for further assignments.

**43.16 SPECIAL SITUATIONS:**

- A. Members of the Department are expected to respond to a wide variety of emergency situations. This order provides guidance in the basic principles for establishing an organized response to emergencies. Specific types of emergencies will require special actions that are unique to that type of incident. When confronted by these special situations, members should consult the appropriate departmental policy for specific procedures to be followed. Departmental policies developed for responses to specific types of incidents are:
  - 1. Critical Incident Response and Management
  - 2. Barricaded Suspects
  - 3. Special Operations
  - 4. Weather Emergencies
  - 5. Hazardous Materials Incidents

Vol. 1 Article 3, Section 43.00

Emergency Mobilization

6. Transportation Carrier Accidents
7. Underwater Search and Recovery Operations
8. Land Search and Rescue Operations

**43.17 PLAN "B" EMERGENCY MOBILIZATION:**

- A. An emergency of this scope is one that will require a limited or partial mobilization of personnel. The Critical Incident Commander shall consider:
  1. Equalized, or imbalanced, shifts for personnel, and the duration of shifts.
  2. Cancellation of days off, vacations ,and or holidays for personnel
  3. Augmentation of the uniform patrol with personnel from any or all Bureaus of the Department.
  4. Identify food and liquid refreshment sources for the personnel deployed, and times and location(s) for meals & rest periods.

**43.18 PLAN "A" EMERGENCY MOBILIZATION:**

- A. An emergency of this scope is one that will require a full-mobilization of all personnel. The Critical Incident Commander shall ensure the following is implemented:
  1. Establish Twelve-hour overlapping shifts for personnel. Roll calls for these shifts will be held at 0600 and 0700, and 1800 and 1900hrs.
  2. Cancellation of days off, vacations, and or holidays for personnel
  3. Augmentation of the uniform patrol with personnel from any, or all, Bureaus of the Department.
  4. Identify food and liquid refreshment sources for the personnel deployed, and times and location(s) for meals & rest periods are established.

**43.19 DE-ESCALATION AND DEBRIEFING RESPONSIBILITIES:**

- A. The Critical Incident Commander may authorize the de-escalation of the police presence to the situation when:
  1. It appears that the incident has discontinued and the public safety is no longer in jeopardy, and
  2. The effect of the incident (i.e., vandalism, injuries, etc.) no longer presents a danger to the community.
- B. The de-escalation procedures may involve the reassignment of personnel from the field to:

Vol. 1 Article 3, Section 43.00

Emergency Mobilization

1. Detention areas to facilitate the processing of prisoners.
  2. Complete written reports.
  3. Perform maintenance and return special operational equipment.
  4. Return to normal duty assignments.
  5. Be released from duty.
- C. All Department personnel involved in the response to the incident shall complete a report consistent with Department procedures. This report shall detail all actions taken by that member during the course of the incident.
- D. The Critical Incident Commander shall assign supervisory officers to debrief personnel involved in the incident and review the Department's response to the incident and the effectiveness of actions, procedures, and planning.
- E. The Critical Incident Commander shall appoint a committee to evaluate the effectiveness and efficiency of Department's response to the incident. The committee shall prepare a written report regarding any failure of policy, procedures or equipment to the Chief of Police, with recommendations for changes and improvement.

**43.20 SIMULATED EMERGENCY MOBILIZATION / CRITICAL INCIDENT PREPAREDNESS & PLAN REVIEW: <sup>2</sup>**

- A. The Chief of Police, at his discretion, may order a "simulated" emergency response activation to determine the readiness of the Department's response to critical incidents.
- B. The Commanding Officer of the Patrol Services Division shall be responsible for coordinating the planning functions for response to Critical Incidents.
- C. The Chief of Police or his/her designee shall review the Department's Emergency Mobilization Plan at least once during the period that the Department is a NYS Accredited Agency.

**POLICY REVISION HISTORY**

NO	SECTION REVISED	DATE ISSUED	G.O. #
1	Section 43.14 sub B1 updated to current Departmental procedures.	10/13/2012	2012-35
2	Section 43.20 Section name change, new sub C added regarding review of plan during the period of Accreditation.	05/14/2016	2016-25
3			
4			

Vol. 1 Article 3, Section 43.00

Emergency Mobilization

<b>Policy is applicable to the following New York State Accreditation Standard(s):</b>
<b>40.3: Command Protocol; 58.2: Disaster Plans (Critical Standard); 58.4: Emergency Mobilization Plan.</b>

- e. Follow all safety guidance concerning the use of PPE. Remember: if the person is sick and may be contagious, stay at least six feet away from the person unless you are equipped with appropriate PPE.

In the event that someone appeals a public health order, officers must appropriately prepare should the court proceedings occur outside of the physical courthouse, via videoconferencing or other technology.

#### **E. Unified Command Structure**

The Chief of Police or his/her designee will serve as or appoint a representative to serve as the department's liaison to the public health emergency Unified Command (UC) structure. This person will be responsible for information exchange between the UC and the Chief of Police or his designee and coordinate the department's response regarding the deployment of personnel and equipment for the UC response.

The department's UC representative will consult with the appropriate chief legal officer such as the State Attorney's office, the District Attorney's office, the Attorney General's office, or other legal representative to review procedures guiding the enforcement of community response measures and public health orders such as isolation, quarantine, forced quarantine and the apprehension, prosecution and disposition of quarantine / public health order violators.

When requested, the department will provide support to other departments and agencies, depending on available resources and input from the UC, which will set priorities and guide the responses of individual agencies/sectors during a public health emergency.

Public information communications must be maintained to inform and alert community members of changes in available services and response capabilities, etc. Information should be closely coordinated with the public health unified command structure.

#### **F. Continuity of Operations**

The goal of pandemic planning and response within the Police Department requires efforts directed toward keeping departmental personnel as disease free as possible and maintaining continuity of essential operations.

1. Providing Employee Training – The UC representative or other Designated Infection Control Officer (DICO) in conjunction with the training officer will construct a lesson plan and present training to all departmental personnel that expressly addresses techniques that may be employed to minimize exposure to pandemic illnesses and other infectious diseases, encourage immunization, discourage reporting to work when sick, promote the proper use of Personal Protective Equipment (PPE), and encourage personnel to have family preparedness plans in the event of a pandemic. This training will be mandatory for all employees. This training may be in the form of specialized classroom training or provided in small units at roll call.
2. Determine Personal Protective Equipment Needs – Providing personal protective equipment is one of the most important steps for protecting personnel and is a necessary component of an effective pandemic response plan. The DICO should determine the appropriate quantity and type of personal protective equipment that will be needed by personnel during a pandemic.



3. The DICO, in conjunction with the Chief of Police shall acquire PPE. The DICO will make provisions for storage of the equipment; routinely rotating the oldest stock of PPE out for everyday departmental use while acquiring new stock for replenishment and document PPE quantities and readiness in periodic operational readiness reports.
4. Identification of Essential Functions / Critical Components & Personnel - Planning for sharp reductions in the department's workforce while maintaining a continuity of essential operations is critical to the response plan. The following organizational units or functions are considered mission critical under the extreme circumstances of a pandemic, and will maintain normal operations as staffing levels allow or temporarily suspend/alter some services in balance with day-to-day capabilities:
5. Patrol Division – At a minimum, respond to life-saving emergencies, serious crimes in progress/recently occurred, crimes against persons, vehicle collisions involving injuries or fatalities, death investigations, and other responses as staffing levels allow. Telephone reporting of minor crimes may be taken by communications center or by patrol officers on their mobile phone, or they may advise the caller to send in the information via text or email for a report to be generated at a later date. Counter reports at district stations should be suspended during the current crisis.
6. Specialist Assignments – Reassignment to supplement patrol needs while maintaining capability to investigate all serious crimes against persons and maintain evidence / crime scene processing as needed for major crimes against persons. Resume specialty assignments as well as the investigation of other crimes requiring a follow up as staffing levels allow.
7. All sworn personnel, regardless of rank are subject to temporary reassignment to mission critical components as the available workforce declines.
8. Work schedules and shift hours beyond the normal shifts are subject to change with little or no advance notice to meet needs and maintain operational effectiveness.
9. Assign officers to be "on call" and immediately available should other on-duty officers become ill or be forced to self-quarantine.
10. Where possible, employees should be cross-trained to step into another function to ensure that basic critical functions are maintained.
11. Employees who test positive for COVID-19 or who show active symptoms of the virus must inform department medical personnel or other officials.
12. If resources allow, departments may consider monitoring officers' temperatures or conducting other health screening mechanisms before the start of each shift. A temperature of 100.4 degrees is the suggested threshold for what constitutes a fever symptomatic of a reportable illness.<sup>13</sup>

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<sup>13</sup> <https://www.cdc.gov/quarantine/air/reporting-deaths-illness/definitions-symptoms-reportable-illnesses.html>.

**L. Article 15 Management Rights Clause, Syracuse Police Department Agreement With the City of Syracuse**

**ARTICLE 15**

**MANAGEMENT RIGHTS**

Except where expressly limited by a specific provision of this Contract, the Chief of Police shall have the sole and exclusive right to direct and manage the Department of Police, including but not limited to the following rights: to determine the size, composition and organization of the Department and any subunits therein; to determine the facilities and equipment to be utilized and/or maintained; to determine the hours of work and work schedules; to determine what work is to be performed by the Department, its place of performance and who is to perform it; to determine the assignments and job duties; to determine the rules and regulations governing the Department; to determine what training or instructional programs are necessary; to determine the methods, means, equipment and personnel by which any and all Departmental operations are to be conducted; to determine reasonable standards of performance; and to determine practices and procedures for the efficient, disciplined and orderly operations of the Department; and from time to time to change any or all of the above determinations.

## M. Syracuse Post-Standard Article, November 12, 2020

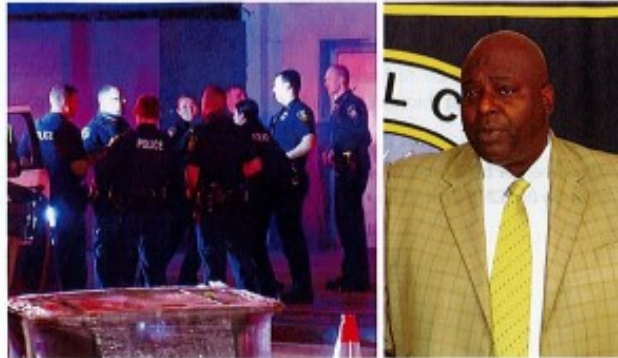
4/9/2021

Syracuse police investigating group of officers not wearing masks at crash scene | WSTM

### Syracuse police investigating group of officers not wearing masks at crash scene

[cnycentral.com/news/local/syracuse-police-investigating-group-of-officers-not-wearing-masks-at-crash-scene](https://cnycentral.com/news/local/syracuse-police-investigating-group-of-officers-not-wearing-masks-at-crash-scene)

Thursday, November 12th 2020



Syracuse Police Chief Kenton Buckner (right) says he is launching an investigation into a group of officers seen at a crash scene without masks. (Photo: CNYCentral)

SYRACUSE, N.Y. — One day after Gov. Andrew Cuomo announced a ban on private gatherings larger than 10 people, a group of Syracuse police officers were photographed standing close together without masks while responding to a crash scene.

After the governor's announcement, Syracuse Mayor Ben Walsh said the city's police force will enforce the new rule. Tickets will be issued to anyone who doesn't comply. So far, the city has not issued any tickets.

After CNYCentral sent pictures of the unmasked officers standing close together, Syracuse Police Chief Kenton Buckner said he has launched an investigation. This isn't the first time SPD officers have been caught without masks in large numbers.

According to a spokesperson for SPD, Buckner said, "The department has been very clear about the duties and responsibilities of our officers to wear their mask and practice social distancing when and where appropriate."

Buckner said his officers need to set an example for others.

"I'm responsible for these 401 police officers," he said. "It appears we have not been following our own rules, and again, if I can confirm that, there will be consequences for it."

Buckner explained that there are times when the reality of police work means wearing a mask simply isn't feasible. He said it can impair vision or breathing capability in high intensity situations that police officers can face on the job. However, he said the specific instance we showed him is not one of those times. Officers appear to be congregating after responding to a crash early Thursday morning.

"After the incident we should've had our masks on," said Buckner.

The Police Chief was visibly frustrated throughout the interview with CNY Central's Mary Kielar. He said the investigation could lead to consequences ranging from verbal warnings to suspension. With seven current active cases of COVID-19 among his officers and at least eight more in quarantine, he wants his officers to understand that their safety is at risk. Data shows more officers have died from COVID-19 than any other cause in the year 2020.

"I don't want to see anyone with a ticket. I don't want to see anyone die. I don't want to see anyone with COVID. But I'll tell you, it's the number one killer of police so I'm a little frustrated I'm on the call with you talking about officers not wearing masks when it's the number one killer of police. What do we need to see to get it?" asked Buckner.

Now, with more restrictions coming from Governor Cuomo's Office, Syracuse City Hall is asking the Syracuse Police Department to enforce COVID-19 rules and regulations. It's a pivot from earlier guidance, where the policy was to "educate". Chief Buckner says this initial strategy was about community relationship building.

<https://cnycentral.com/news/local/syracuse-police-investigating-group-of-officers-not-wearing-masks-at-crash-scene>

1/2

## Performance Audit of the Syracuse Police Department COVID-19 Procedures

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4/9/2021

Syracuse police investigating group of officers not wearing masks at crash scene | WSTM

"So we're walking this delicate tight rope that police are asked to do every day, trying to build relationships with the community. Have constructive contact with the community at the same time we have a governor's office and city hall wanting us to try to keep the community safe during a pandemic," said Buckner.

He also said taking a heavy handed approach to enforcement of the Governor's restrictions may not have been effective.

"Why do we still have the death penalty? Has that stopped people from murdering people? Has that stopped mass shootings? Violent crime? No. And then we have half the nation that doesn't even believe COVID exists!" said Buckner in frustration.

Still, there seems to be a clear shift in strategy.

"I think we've done all the warnings that we can do. Inside and outside the police department. Obviously the governor's made that very clear. The mayor's made that very clear that we're going to have to progressively ramp up what we're doing in response to this pandemic," said Buckner.

An executive order issued by the governor in October says local governments that don't enforce COVID-19 regulations could face thousands of dollars in fines. So far, CNY Central has found no explanation of why that has not happened in Syracuse.



**N. Bonus Time as Defined by the Labor Agreement Between the Syracuse Police Benevolent Association and the City of Syracuse (pp. 11-14)**

court time on his rest day shall receive a minimum of three hours pay at the rate of time and one-half and all hours in excess of three hours actually spent in court on his rest day shall be paid for at the rate of time and one-half. To be eligible for this benefit the police officer must appear in court in uniform.

**8.3 Compensatory Time Earned Prior to Jan. 1, 1989**

~~8.3.1 Compensatory time earned prior to January 1, 1985 shall be paid at separation or retirement in cash at the rates which were in effect at the time earned. However, all compensatory time accrued prior to January 1, 1978 shall, when paid for, be paid at the rates of pay in effect on December 31, 1977. Compensatory time earned after December 31, 1977 and prior to January 1, 1985 shall be credited at the rate of pay in effect at the time when earned.~~

~~8.3.2 Compensatory time earned after January 1, 1985 which has not been taken shall be paid at the current rates existing at the time of separation, retirement or other pay out (on a department-wide basis) at the employer's option.~~

~~8.3.3 All compensatory time, no matter when earned, shall be used in reverse chronological order, so that employees use most recently earned compensatory time first.~~

~~8.3.4 There shall be no terminal leave based on accrued compensatory time. Prior to retirement, an officer shall be paid in cash for accrued compensatory time and severed from the Department.~~

**8.4 Compensatory Time Earned After Jan. 1, 1989**

~~8.3.1~~ **8.4.1** Police officers, at their option, may accumulate, at time and one-half rates, compensatory time in lieu of receiving overtime pay for overtime actually worked, except as provided in Article 24. ~~This compensatory time off will be taken subject to the existing rules~~

1300607.4 6/7/2019

3300607.1 2/28/2019



~~covering the taking of personal days and vacation days. Although an officer is not limited in the amount of compensatory time which he or she may accumulate, the officer will only be paid up to a maximum 160 hours at the time of separation from the Department. Compensatory time earned on or before January 1, 1989 is referred to as "old bonus." Compensatory time earned after January 1, 1989 is referred to as "new bonus."~~

8.3.2 Comp Time Payment Window for Officers Near Retirement Eligibility. For Officers who are not retirement eligible as of April 30, 2012, but who have a hire date of 1995 or earlier, the City will pay 100% of the New Bonus Time accruals up to 960 hours; 50% of the New Bonus Time accruals between 960 and 1,500 hours; and 25% of the New Bonus Time above 1,500 hours, at the 2010 wage rate for the Officer's rank at retirement, provided the Officer retires within 18 months of becoming retirement eligible. (Under this provision, the first 960 hours of New Bonus Time will be paid at 100% of the 2010 rate; the next 540 hours will be paid at 50% of the 2010 rate; and any remaining hours will be paid at 25% of the 2010 rate.) Officers who are not retirement eligible as of April 30, 2012, but who have a hire date of 1995 or earlier, and who do not retire within 18 months of becoming retirement eligible, will have their New Bonus Time accruals paid in accordance with Paragraph 8.3.3 upon separation for any reason subsequent to the 18 months after they become retirement eligible.

8.3.3 New Bonus Time Bank Payment Caps. The hard cap on New Bonus Time accrual and payouts when an Officer who is employed by the City separates from service for any reason (including but not limited to retirement, resignation, or termination for any reason by either the employee or the City) is as follows:

<u>Current Comp Time Accrual as of 12/31/12</u>	<u>Payout Cap</u>
	3300607.4 6/7/2019
	3300607.1 2/28/2019

<u>Officers with Current Comp Time Accruals below 480 as of 12/31/12</u>	<u>480 Hours</u>
<u>Officers with Current Comp Time Accruals between 480 and 720 as of 12/31/12</u>	<u>720 Hours</u>
<u>Officers with Current Comp Time Accruals above 720 as of 12/31/12</u>	<u>960 Hours</u>

These caps will not apply to eligible Officers who timely retire in accordance with Paragraph 8.3.2 above but will apply to all other officers who separate from service for any reason at any other time.

8.3.4 Accrual of New Bonus Time for Off-Wheel Officers -- 2013 and Prospectively.

<u>Officer</u>	<u>Bonus Time Accrual for 2013 and Beyond</u>
<u>Officers hired on or after October 15, 2012</u>	<u>48 Hours of Bonus Time for Off-Wheel Assignment (4 hours accrued per month).</u>
<u>Officers hired on or after October 15, 2012 who are at or above their hard cap per Paragraph 8.3.3 as of January 1 of any calendar year</u>	<u>48 Hours of Bonus Time for Off-Wheel Assignment (4 hours accrued per month) to be used within the calendar year or paid out at year-end at one-half the Officer's hourly rate for all unused Bonus Time that remains from the 48 hour yearly accrual; all Bonus Time under this provision will be paid out at the half time rate or used in the year it is accrued.</u>
<u>Current Officers as of 12/31/12 who are below their hard cap per Paragraph 8.3.3 as of January 1 of any calendar year</u>	<u>96 Hours of Bonus Time for Off-Wheel Assignment (8 hours accrued per month).</u>
<u>Current Officers as of 12/31/12 who are at or above their hard cap per Paragraph 8.3.3 as of January 1 of any calendar year</u>	<u>96 Hours of Bonus Time for Off-Wheel Assignment (8 hours accrued per month) to be used within the calendar year or paid out at year-end at one-half the Officer's hourly</u>

3300607.4 6/7/2019

3300607.1 2/28/2019



rate for all unused Bonus Time that remains from the 96 hour yearly accrual; all Bonus Time under this provision will be paid out at the half time rate or used in the year it is accrued.

The denial of the opportunity and/or lack of opportunity to use accrued Bonus Time under this provision shall not be subject to the grievance procedure. The payout at one-half of the Officer's hourly wage rate shall be the exclusive treatment for unused off-wheel Bonus Time accrued during any year employees are above their hard cap and are unable to use off-wheel bonus time accrued during that calendar year under this provision.

8.3.5 Burn Down of Current Accruals Above the Hard Cap Per Paragraph 8.3.3 Upon Separation. Current officers with New Bonus Time accruals above their hard cap under Paragraph 8.3.3 will be allowed to burn down accruals to their hard cap limit per current practice. Terminal leave is not permitted and officers cannot burn down their accrued time in a large block or blocks and then receive a final paycheck and then separate from service. Payouts upon separation shall not exceed the accrual caps set forth in this Agreement. The current burn down practice includes utilizing up to a day or two per week of time, provided the Department can cover those absences without incurring excessive overtime or operational hardship.

#### 8.4 Sergeants Report Collection Time.

Each Sergeant assigned to the Patrol Division shall be paid on an annual basis in September of each year for forty (40) hours at the overtime rate of time and one-half (1.5) for time spent on report collection.

#### ~~8.4.2 Effective January 1, 1999 Compensatory Time Earned After Jan. 1, 1989~~

3300607.4 6/7/2019

3300607.1 2/28/2019

**A. Administration Appendix 1 - New York State Department of Health on March 28th, 2020 and titled Interim Guidance for Law Enforcement Agencies to Limit Potential Exposure to COVID-19**

APPENDIX 1



ANDREW M. CUOMO  
Governor

Department  
of Health

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

March 28, 2020

**INTERIM GUIDANCE FOR LAW ENFORCEMENT AGENCIES  
TO LIMIT POTENTIAL EXPOSURE TO COVID-19**

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**BACKGROUND**

The New York State Department of Health (Department) and the Centers for Disease Control and Prevention (CDC) continue to closely monitor the novel coronavirus (COVID-19) outbreak. In response to the outbreak, Governor Andrew M. Cuomo's Executive Order 202 declared a State of Emergency on March 7, 2020.

**PURPOSE**

This guidance was developed for New York State law enforcement agencies to mitigate potential exposure of law enforcement personnel to COVID-19.

Infectious disease experts continue to learn about COVID-19, including how it spreads and affects different at-risk populations. The current spread of COVID-19 is thought to occur primarily person-to-person via respiratory droplets transmitted through close contact.

**GENERAL INFECTION PREVENTION STRATEGIES**

Strategies to prevent the transmission of COVID-19 include:

- Staying home if you are sick. Unless it is an emergency, call your health care provider for medical advice that can be provided over the phone or use telehealth services before traveling to the office. If it is an emergency, call 911 and notify them of potential symptoms (e.g., fever, cough, trouble breathing).
- Covering your mouth and nose with a tissue when coughing or sneezing and then immediately discard it in a closed container. If a tissue is not available, use the inside of your elbow.
- Keeping your hands clean by washing them often with soap and water for at least 20 seconds. If soap and water are unavailable, use an alcohol-based hand sanitizer containing at least 60% alcohol.
- Avoiding touching your eyes, nose, or mouth with unwashed hands.
- If possible, avoiding close contact with others, especially those who are sick. At least six feet of distance is recommended.
  - The safety of the law enforcement personnel will take precedence over social distancing. Therefore, to the extent the law enforcement agencies have law enforcement personnel in close proximity based on individual safety (e.g. two officers in a patrol car), those policies should remain.

**SPECIFIC MITIGATION STRATEGIES FOR LAW ENFORCEMENT PERSONNEL**

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Empire State Plaza, Corning Tower, Albany, NY 12237 | [health.ny.gov](https://health.ny.gov)

According to the [Center for Disease Control](#), "[f]or law enforcement personnel performing daily routine activities, the immediate health risk is considered low." However, law enforcement should exercise caution in their interactions with colleagues and the public.

When interacting with the public, if possible, avoid close contact with others, especially those who are sick. At least six feet of distance is recommended.

If law enforcement personnel encounter an individual demonstrating mild to severe respiratory symptoms, including cough, fever, or trouble breathing, law enforcement personnel should take additional precautions to minimize the risk of COVID-19 transmission. **However, these precautions should never supersede law enforcement action when immediate life-saving interventions or imminent public safety measures are required.**

To the extent possible, law enforcement personnel should consider the following precautions when interacting with the public:

- Having a trained Emergency Medical Service/Emergency Medical Technician (EMS/EMT) assess and transport a person in custody or in need of assistance who is displaying symptoms of COVID-19 to a hospital or other healthcare facility.
- Ensuring only trained personnel wearing appropriate personal protective equipment (PPE) have direct, close contact with individual.
- Wearing personal protective equipment (PPE), to the extent it is available and readily accessible, when close, prolonged contact with the public is expected. PPE may include disposable exam gloves, an approved face mask, and/or eye protection, such as goggles.
- Limit risk of exposure by using a surgical mask, unless it is damaged or soiled, when responding to a medical call.
- Cleaning and disinfecting duty belt and gear prior to use and reuse using a household cleaning spray or wipe, according to the product label.
- Follow standard operating procedures for the containment and disposal of used PPE, to the extent your law enforcement agency has such procedures.
- Follow standard operating procedures for containing and laundering clothes, to the extent your law enforcement agency has such procedures. Avoid shaking soiled clothes.

#### **DAILY MONITORING AND RISK REDUCTION**

All law enforcement agencies should implement risk reduction procedures consistent with this guidance, including but not limited to self-monitoring for symptoms (e.g. fever, cough, and shortness of breath).

#### **EXPOSED LAW ENFORCEMENT PERSONNEL**

Law enforcement agencies may permit law enforcement personnel exposed to, or recovering from, COVID-19 to work under the following conditions:

1. Operations: Exposed asymptomatic law enforcement personnel can continue to work, provided their absence would adversely impact the ability for the agency to continue to provide an appropriate level of response. Self-monitoring should be continued as recommended below.



- a. Asymptomatic: Law enforcement personnel who have had contacts with confirmed or suspected cases, but they display no symptoms.
  - Personnel who are asymptomatic contacts of confirmed or suspected COVID-19 cases should self-monitor twice-a-day (i.e. temperature and symptoms check). Asymptomatic personnel should also undergo temperature monitoring and symptom checks by agency personnel at the beginning of each shift and, at least, every 12 hours during the shift.
  - Personnel who are asymptomatic contacts of confirmed or suspected COVID-19 cases should wear a facemask, to the extent it is available and readily accessible, while working until 14 days after the last high-risk exposure.
- b. Symptomatic: Law enforcement personnel with confirmed, or suspected based upon symptoms, COVID-19 who have maintained isolation for at least 7 days after illness onset and have been at least 72 hours fever-free with other symptoms improving (without fever-reducing medicines).
  - Personnel who are recovering from COVID-19, but otherwise fit for duty, should wear a facemask until 14 days after onset of illness if mild symptoms persist, but are improving.
2. Reduced Risk Assignment. If possible, personnel working under these conditions should be preferentially assigned, whenever possible, to job functions that have less contact with others and the public. Staffing models may consider assigning partners who are both in an exposed category to reduce risk. Crews may be assigned to work a slower response area with fewer public contacts. As this outbreak grows, all personnel may need to be assigned to any assignment.
3. Law Enforcement Personnel Becomes Symptomatic: If personnel who are asymptomatic develop symptoms consistent with COVID-19, they should immediately notify their supervisor remotely (e.g. phone, radio, etc.), stop work, and isolate at home. Testing should be prioritized for these personnel. All personnel with symptoms consistent with COVID-19 should be dealt with as if they have this infection regardless of the availability of test results. As referenced above, agencies may consider recalling these personnel to duty after 72 hours fever-free (without fever-reducing medicines) and improving other symptoms.

Law enforcement agencies may promulgate specific directives to their personnel and officers that is consistent with this interim guidance. However, given the rapidly changing nature of this public health emergency and the critical mission of law enforcement, agencies may adapt or adjust their specific protocols and procedures to ensure appropriate staffing and effective operations.

Call the Novel Coronavirus Hotline 24/7 at 1-888-364-3065 for additional guidance or visit the DOH's website at <https://coronavirus.health.ny.gov/home> or visit CDC's website at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

**A. Administration Appendix 2 - Mayor Walsh's email on Continuity Plans for City Services**

Appendix 2

**Deputy Chief Richard Trudell**

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**From:** Wendy Murphy  
**Sent:** Monday, March 16, 2020 6:34 PM  
**To:** SPD  
**Subject:** Fw: Continuity Plans for City Services

Please read the below message from Mayor Walsh. Follow up from the Chief or your Bureau Deputy Chief will be forth coming.

Thank you,  
**Wendy Murphy, Personnel Administrator**  
**Syracuse Police Department, Human Resources Division**  
**511 South State Street, 5th Floor**  
**Syracuse, New York 13202**  
**315-442-5297**

**CONFIDENTIALITY NOTICE:** This electronic mail transmission is intended only for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender which may also constitute privileged information. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

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**From:** Walsh, Ben <BWalsh@syr.gov.net>  
**Sent:** Monday, March 16, 2020 4:56 PM  
**To:** All City Users Group  
**Subject:** Continuity Plans for City Services

Dear City Colleagues,

A short while ago, the Mayor's Office shared guidance with Department Heads regarding the City's plan to ensure continuity of essential city services and to enable remote work for other services as our community works to slow the spread of the Coronavirus (COVID-19).

To reduce the demand on services, the City of Syracuse will close public access to most city buildings, including fire stations and police facilities, effective Tuesday, March 17, 2020 until March 31, 2020. If in-person contact with constituents must take place, it should be by appointment only and in very small numbers – preferably one to one.

Consistent with information provided by Governor Cuomo earlier today regarding reducing on-site government workforces, the City will transition employees involved in non-essential services to remote work as soon as possible. Local governments, of course, also provide many services that are deemed as essential to the health and well-being of our constituents, and the Governor's directive allows for those employees to continue working.

As we consider how the City will be managed during this time, the health and wellbeing of our employees is paramount. The guidance my office shared with Department Heads designates essential and non-essential city departments and functions. We have asked the Department Heads and their teams to begin the transition to remote work for non-essential services immediately and to complete it by the end of the day tomorrow. We also asked Department Heads who oversee essential services to ensure that staffing plans are in place to continue those services and to ensure that special health and safety precautions, where necessary, are taken.

Core essential services that require staffing, as usual, have been identified as: Building Services – Janitorial, Fire, Police, Sanitation, Sewer, Snow and Ice, and Water. Other essential services have also been identified, but in those areas, such as Code Enforcement, Payroll, and City Payments, modifications to staffing can be made. Departments and functions deemed as essential will be receiving more information from their department heads and supervisors in the hours and days ahead.

Clearly, the situation regarding Coronavirus is changing rapidly. We will continue to take all necessary steps to meet our responsibilities to our constituents while ensuring the health and safety of City workers is protected. I thank you for your good work in these uncertain times.

Department Heads, please share this message as soon as possible with employees who are not on email or those not on the syrgov.net system.

Ben Walsh  
Mayor  
City of Syracuse  
203 City Hall  
233 East Washington Street  
Syracuse, NY 13202  
315.448.8005 t | 315.448.8067 f  
<http://www.syr.gov.net>



**A. Administration Appendix 3 - IACP COVID19 Policy Doc 04092020 (Page 14)**

3. The DICO, in conjunction with the Chief of Police shall acquire PPE. The DICO will make provisions for storage of the equipment; routinely rotating the oldest stock of PPE out for everyday departmental use while acquiring new stock for replenishment and document PPE quantities and readiness in periodic operational readiness reports.
4. Identification of Essential Functions / Critical Components & Personnel - Planning for sharp reductions in the department's workforce while maintaining a continuity of essential operations is critical to the response plan. The following organizational units or functions are considered mission critical under the extreme circumstances of a pandemic, and will maintain normal operations as staffing levels allow or temporarily suspend/alter some services in balance with day-to-day capabilities:
5. Patrol Division – At a minimum, respond to life-saving emergencies, serious crimes in progress/recently occurred, crimes against persons, vehicle collisions involving injuries or fatalities, death investigations, and other responses as staffing levels allow. Telephone reporting of minor crimes may be taken by communications center or by patrol officers on their mobile phone, or they may advise the caller to send in the information via text or email for a report to be generated at a later date. Counter reports at district stations should be suspended during the current crisis.
6. Specialist Assignments – Reassignment to supplement patrol needs while maintaining capability to investigate all serious crimes against persons and maintain evidence / crime scene processing as needed for major crimes against persons. Resume specialty assignments as well as the investigation of other crimes requiring a follow up as staffing levels allow.
7. All sworn personnel, regardless of rank are subject to temporary reassignment to mission critical components as the available workforce declines.
8. Work schedules and shift hours beyond the normal shifts are subject to change with little or no advance notice to meet needs and maintain operational effectiveness.
9. Assign officers to be "on call" and immediately available should other on-duty officers become ill or be forced to self-quarantine.
10. Where possible, employees should be cross-trained to step into another function to ensure that basic critical functions are maintained.
11. Employees who test positive for COVID-19 or who show active symptoms of the virus must inform department medical personnel or other officials.
12. If resources allow, departments may consider monitoring officers' temperatures or conducting other health screening mechanisms before the start of each shift. A temperature of 100.4 degrees is the suggested threshold for what constitutes a fever symptomatic of a reportable illness.<sup>13</sup>

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<sup>13</sup> <https://www.cdc.gov/quarantine/air/reporting-deaths-illness/definitions-symptoms-reportable-illnesses.html>.



**O. Administration Appendix 4 - BJA benchmarks for developing a law enforcement pandemic flu plan 2009 (Page 23)**

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## Section III: Review and Revise Existing (or Develop New) Plan Components that Ensure Continuity of Operations

A pandemic influenza can cause significant reductions in a law enforcement department's workforce. Recognizing this, the planning team will need to take several steps to identify the law enforcement department's most critical activities that must continue despite the losses in staffing. The team also must plan to protect employees. Smaller agencies, for example, might plan to use or deputize local security guards or citizen volunteers. Most agencies are experienced in addressing minimum staffing requirements and "ramping up" staffing for significant short-term events. However, fewer departments are familiar with *downsizing* staffing to ensure longer-term sustainability or with reassigning staff (sworn and non-sworn) to ensure that critical functions are maintained.

### Step 1: Identify Essential Functions and Plan for Continuity of Operations

Identifying the essential functions that must continue during an influenza pandemic and developing short- and long-term operations plans before a public health emergency occurs are critical tasks in the planning process. Some teams might choose to print out records of all calls for service, group them by frequency, and see which types of calls could be temporarily reprioritized. Other teams might choose to meet with department personnel, division commanders, and other leadership—including administrative and support division leaders—to come up with an initial list of functions. Still others might choose a combination of strategies. What is as important as the list is the fact that a *team* has an understanding of all activities, agreed on the critical activities, and created the list together.

#### Examples

Fairfax County's Continuity of Operations Planning table  
(1=Mission critical, 2=Immediate Post-Incident, 3=Normal services):  
[www.policeforum.org/upload/FCPD%20Critical%20Functions%20List\\_844504645\\_3112008152829.xls](http://www.policeforum.org/upload/FCPD%20Critical%20Functions%20List_844504645_3112008152829.xls)