

# BOSTON POLICE DEPARTMENT COURT OVERTIME

A report by the ACLU of Massachusetts, Progressive Massachusetts, Councilor Ricardo Arroyo, and the BU Spark! Lab<sup>1</sup>

Submitted as testimony to the Boston City Council Committee on Ways and Means Hearing on Dockets #0839 & #1039 – November 16, 2020

## SUMMARY

We present findings resulting from data analysis of Boston police court overtime records from 2014 to 2019. These data support five observations about the nature of court overtime practices in the Boston Police Department:

1. The four-hour minimum court appearance policy is wasteful.
2. Officers are increasingly exploiting court overtime.
3. Excessive overtime operates as an incentive.
4. Not all court appearances are created equal.
5. BPD accountability requires greater transparency.

While we share these highlights here, the entire portfolio of interactive visualizations is publicly available [here](#).

## 1. THE 4-HR MINIMUM COURT APPEARANCE POLICY IS WASTEFUL.

A major aspect of Boston police overtime policy that has come under scrutiny in recent months is the practice of paying officers four hours of overtime pay for any court appearance lasting four hours or less. This practice is defined in Article X, Section 1 of the City’s Collective Bargaining Agreement with the Boston Police Patrolmen’s Association: a Boston police department employee who attends court as a witness or under subpoena or other summons “shall be entitled to overtime compensation for every hour or fraction thereof during which he was in such attendance or appearance, but in no event less than (4) hours such pay on an overtime service basis.”

In practice, this policy means that officers can attend court for a few minutes for a task as simple as dropping off discovery documents, and yet still be paid for four hours of overtime at time-and-a-half. Unsurprisingly, this policy adds up quickly and costs the City immensely. As shown in Figure 1, a large proportion of overtime pay to Boston police is for hours not worked.

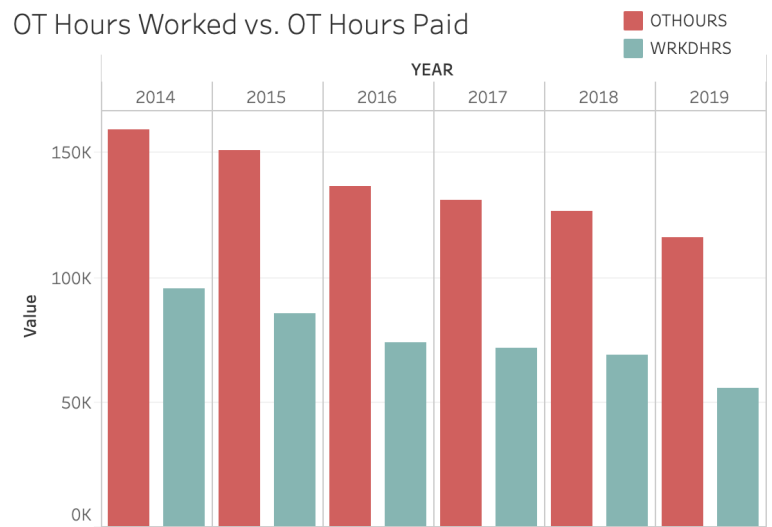


Figure 1. Overtime hours paid (red) versus worked (blue) from 2014 to 2019. (View [interactive version](#))

<sup>1</sup> Please note that the BU Spark! Lab participates in this project as a technical partner, providing data processing and visualizations only, and that neither the lab nor the university necessarily endorses the political analysis of these data as interpreted by Progressive Mass and ACLU-MA.



In 2019, data show that court overtime hours paid but not worked constituted over 60,000 hours and an estimated \$3 million in overtime pay. These excess hours account for 5 percent of total yearly overtime hours (of 1.15 million total hours in FY19) or an estimated 4 percent of yearly overtime spending (of \$72.5 million total in FY19). Altogether, as shown in Figure 2, waste from court overtime hours paid but not worked has totaled an estimated \$18 million in taxpayer dollars since 2014.

Critically, the effects of this wastefulness are more than simple mismanagement; instead of paying cops for work they have not done, that \$18 million could have instead been redistributed and reinvested into Boston communities, supporting underfunded City departments and social programs.

## 2. OFFICERS ARE INCREASINGLY EXPLOITING COURT OVERTIME.

Data shows that Boston police officers are exploiting the court overtime system more and more as the years go by. As shown in Figure 3 below, overtime utilization, or ratio of worked to unworked overtime hours, has decreased by 12 percent between 2014 and 2019. In 2014, 60.0 percent of paid court overtime hours were for time worked, but in 2019 only 47.7 percent of paid court overtime hours were for time worked.

In addition to these systemic trends across the court overtime system, some concerning individual cases are evident in the data. For instance, in 2019, just six individuals in the D-4 DCU Squad – John Boyle, Donald Keenan, Daniel O’Donnell, Gino Rodrigues, Matthew Ryan, and James Stoddard – together logged 862 court appearances. Clearly, the current system of court overtime generates great spoils for individual officers; Figure 4 shows the ten BPD officers earning the most from overtime waste, i.e. from hours paid but not worked, and those with the most court appearances in 2019. Shockingly, in just one year many officers received more than \$15,000 from unworked overtime pay alone, and many appeared in court over 150 times (note that there are only 260 workdays in a calendar year).

Court OT Waste by Year

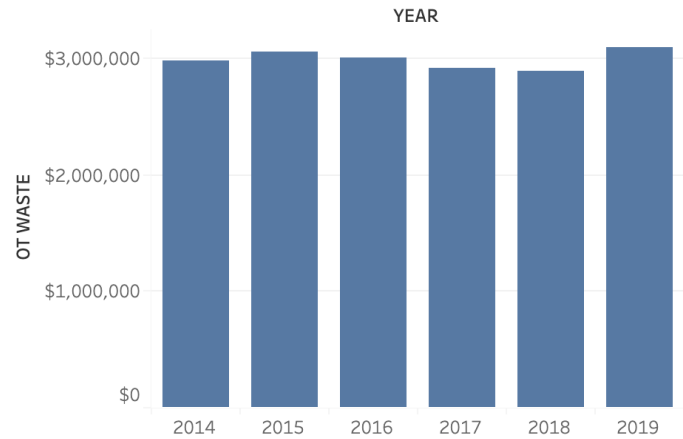


Figure 2. Estimated waste in dollars from overtime hours paid but not worked from 2014-2019. (View [interactive version](#))

YoY Utilization Change

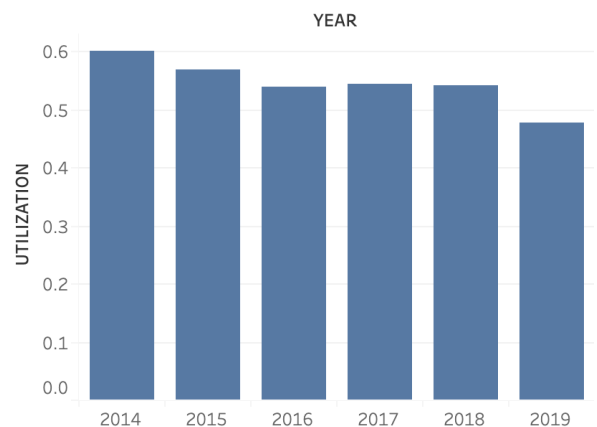


Figure 3. Year-over-Year change in overtime utilization, or the ratio between total hours worked and total hours paid. (View [interactive version](#))

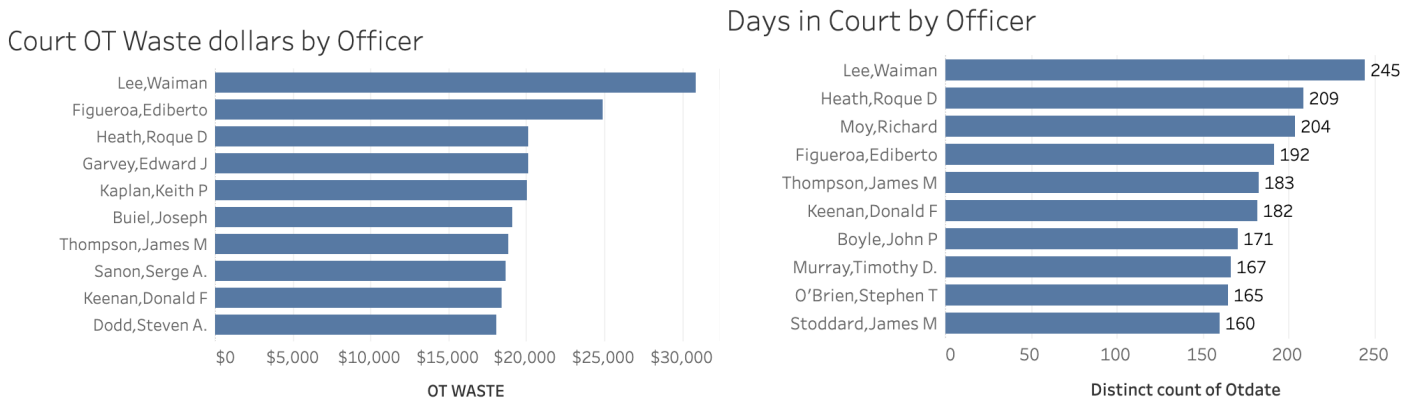


Figure 4. Left: top ten officers earning the most overtime pay for court hours paid but not worked in 2019. Right: top ten officers with the most court appearances in 2019. (View interactive version: [left](#), [right](#))

How can one particular police unit be in court almost every other day for an entire year? How can individual officers earn so much from overtime? Mandatory caps on individual overtime usage must be put in place to make this sort of overtime abuse impossible, and supervisory structures must be actualized to identify and remove the characteristics of the overtime system that enable such absurd situations.

### 3. EXCESSIVE OVERTIME OPERATES AS AN INCENTIVE.

Rather than being a universal chore, overtime serves as a systemic incentive which rewards long-standing officers on the Boston police force. As shown in Figure 5, higher-ranking individuals like captains and detectives receive on average greater overtime pay than Boston police officers of lower rank like patrolmen and sergeants.

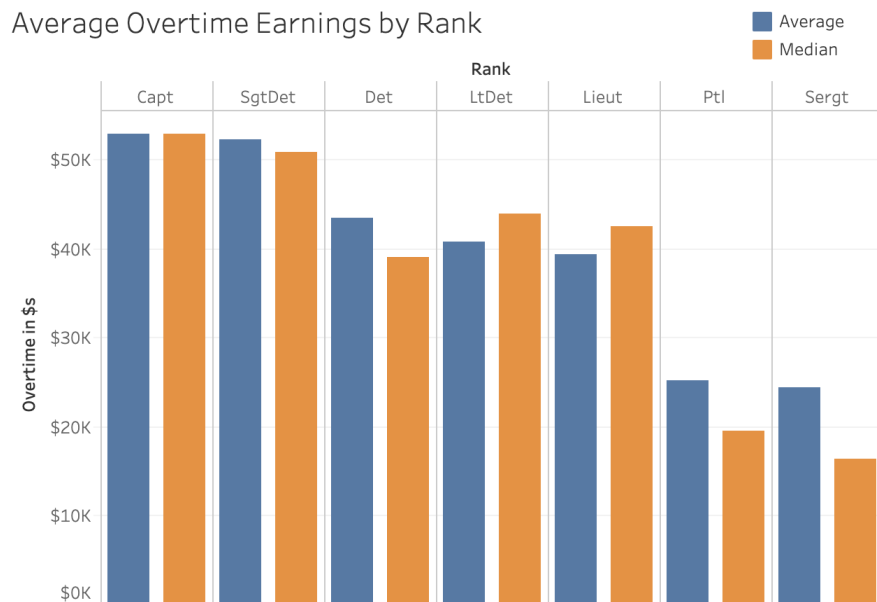


Figure 5. Average (blue) and median (red) yearly overtime pay in dollars for different departmental ranks in 2019. (View [interactive version](#))

Indeed, data show that Boston police employees of higher rank see a greater proportion of their pay come from overtime as compared to their colleagues of lower rank. As Figure 6 shows, in 2019 Boston Police detectives saw on average over 23 percent of their yearling earnings come from overtime, while overtime for sergeants and patrolmen was under 17 percent on average.

Average OT as a % of Total Earnings

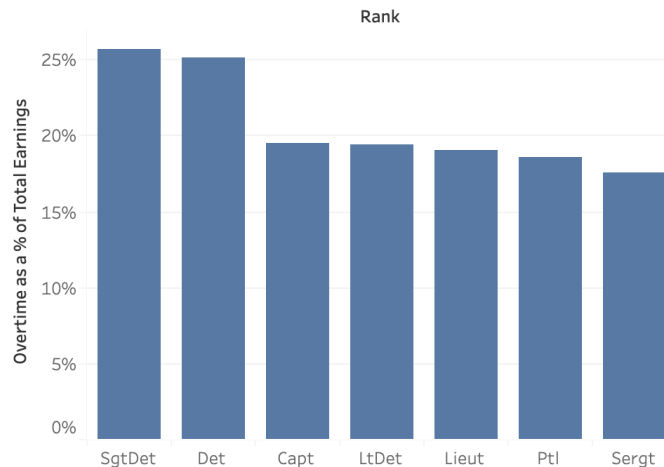


Figure 6. Average percent of 2019 yearly pay from overtime for different departmental ranks. (View [interactive version](#))

#### 4. NOT ALL COURT APPEARANCES ARE CREATED EQUAL.

For straightforward reasons, the nature of police presence at a criminal trial or probationary hearing is different from in traffic court or pretrial conferences. Yet due to the four-hour minimum pay rule, officers get paid mightily even for short and nonessential visits to court. As shown in Figure 7, overtime utilization varies widely with the type of court appearance. For the time period 2014-2019, the utilization decreases by over half from the highest to lowest category: while almost 70 percent of grand jury overtime hours paid were for time worked, just under 30 percent of traffic court overtime hours paid were for time worked.

Utilization per Court Appearance Type

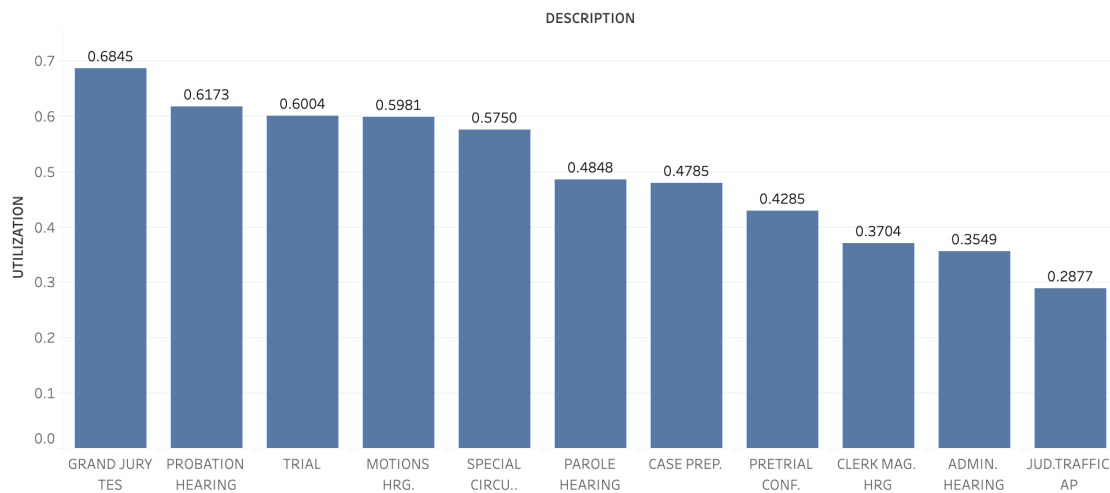


Figure 7. Overtime utilization, or the ratio between total hours worked and total hours paid, for different types of court appearances. (View [interactive version](#))



Furthermore, while police presence is certainly necessary in criminal trials and grand jury testimonies and the like, in other circumstances, like pretrial appearances, officers are not always necessary. Yet in 2019, 8 percent of all police court overtime appearances were for pretrial events (see Figure 8). This discrepancy represents a possible opportunity for the Suffolk County District Attorney’s Office to decrease overtime hours by increasing their selectivity when issuing court summons to officers.

Additionally, not all Boston police districts contribute equally to court overtime hours. As shown in Figure 9, officers in districts with higher proportions of racially minoritized residents - like B-2 (Roxbury) or B-3 (Mattapan) - contribute more to court overtime hours than officers in whiter districts - like E-5 (West Roxbury) or D-14 (Allston/Brighton). This trend suggests that extra court overtime pay might operate as a perverse incentive to continue over-policing Black and brown communities across Boston.

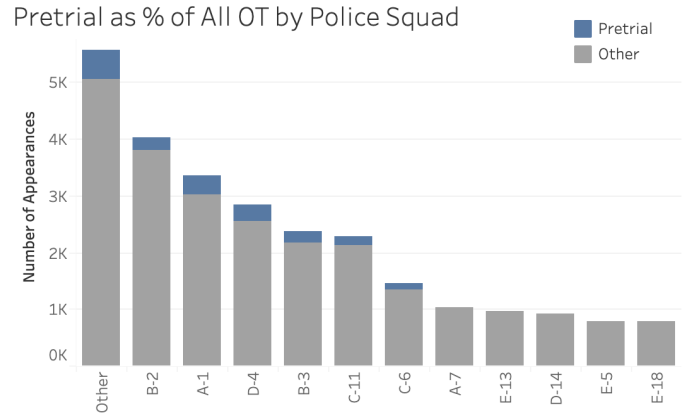


Figure 8. Pretrial (blue) and non-pretrial (grey) court appearances for different Boston policing districts in 2019. (View [interactive version](#))

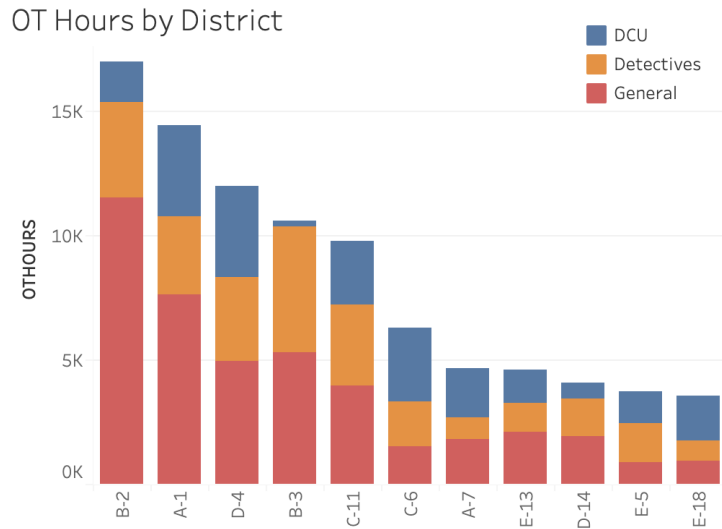


Figure 9. Total overtime hours for different Boston policing districts in 2019. Different colors denote different divisions within one station. (View [interactive version](#))

## 5. BPD ACCOUNTABILITY REQUIRES GREATER TRANSPARENCY.

Ultimately, our analysis is limited by the type of overtime data available. The above analysis only considers court overtime and annual overtime pay, and fails to characterize other aspects that contribute to excessive overtime spending by the Boston Police Department, such as transports of individuals in custody or public events like protests. Our data also cannot provide insight into why 34 percent of BPD overtime is due to replacement personnel. Furthermore, we understand that overtime is but one piece of the puzzle when it comes to the finances of the Boston Police Department - as shown in [analysis](#) by Families for Justice as Healing, the additional money that cops earn from private details could support over 200 full-time civilian jobs. These outstanding questions and problems can only begin to be addressed if the BPD increases transparency and the City institutes and upholds firm accountability structures.

## POLICY RECOMMENDATIONS

The waste, exploitation, and disparate effect demonstrated by these data underscore the need for broad changes as proposed by many Boston advocate groups, including [Families for Justice As Healing](#) and the [Muslim Justice League](#). Indeed, the citizens and taxpayers of Boston deserve policies that rein in out-of-control police overtime, starting with:

1. Abolishing the 4-hour minimum overtime pay policy for court appearances; reinvest the reclaimed funding into communities
2. Implementing a cap on individual police officer overtime, as a percentage of annual salary
3. Implementing a cap on total BPD overtime spending annually
4. Requiring quarterly releases of data on BPD overtime use

## DATA SOURCES

The above analysis was conducted using the following data sources:

- Court overtime records 2014-2019: [public record](#) obtained via 17F request filed by Boston City Councilor Ricardo Arroyo
- 2019 City of Boston employee earnings report: publicly available on the [Boston Open Data portal](#)
- Boston Police personnel records, September 2020: [roster](#) obtained from an anonymous journalist

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*This work is supported by Lauren Chambers (ACLUM) and Matthew McCloskey (Progressive Mass), with the guidance of Kade Crockford (ACLUM). The analysis was both enabled by and advised by Boston City Councilor Ricardo Arroyo and Research, Policy, and Budget Director Yasmine Raddassi. Data analysis was conducted by Boston University students including Cameron Garrison, Albert Kulikowski, and James Kunstle under the supervision of the BU Spark! Program based at the BU Faculty of Computing & Data Sciences and led by Ziba Cranmer (BU) with project management support from Gowtham Asokan (Project Manager) and Steve Backman (Visiting Fellow).*