

PICA Celebrates Police Court Overtime Progress

Introduction

A September 2019 PICA-commissioned [study](#) found that a significant portion of overtime spending for police officer testimony in court (\$22.0 million in FY18; 3.5 percent of the police budget for salaries and benefits) was a potentially avoidable cost, arising from a siloed approach to scheduling. When Philadelphia Police officers are subpoenaed to testify in court regarding investigations, they receive normal pay if testimony is scheduled during their regular working hours. If scheduled to testify beyond their normal working hours, officers get paid overtime. When scheduled less than two days in advance to testify beyond normal working hours, they earn two and a half times their normal pay. The study pinpointed primary causes of excessive Police court overtime and issued ten recommendations the City could implement to reduce costs by up to \$16 million annually.



Since the release of the 2019 study, PICA has maintained communication with the Philadelphia Police Department (PPD) to monitor its progress in reducing Police court overtime costs. The Department has successfully reduced these costs, with FY23 spending on Police court overtime approximately \$8 million lower than FY18 spending.

PICA's Recommendations

PICA's 2019 recommendations focused on four primary causes of excessive Police court overtime costs:

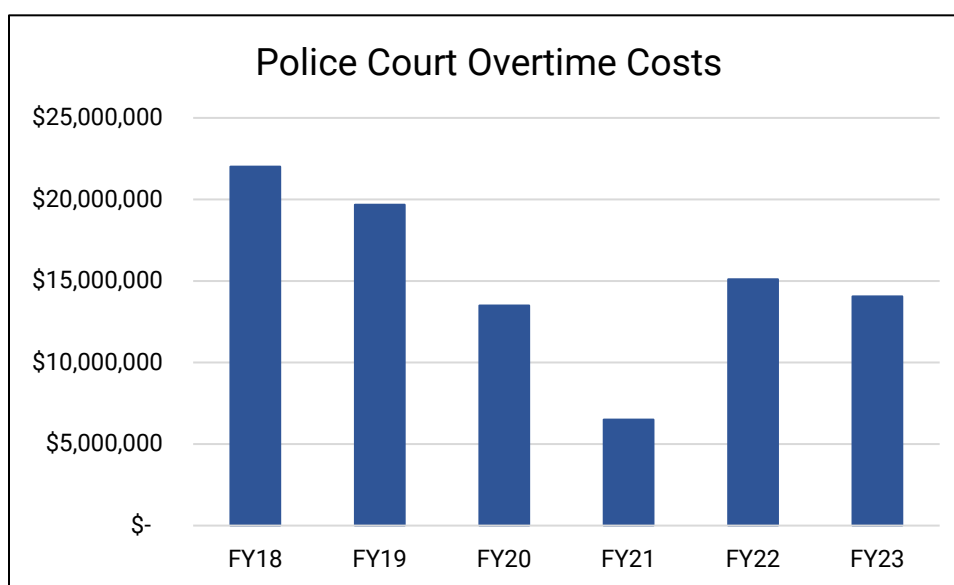
- Suboptimal court date selection due to a lack of updated and accurate police officer schedules
- Subpoenas issued to police officers who were non-essential or did not testify
- Excessive issuance of subpoenas for preliminary hearings
- Late issuance of subpoenas (within 48 hours of court appearance date) due to delays in the initiation process

To address these issues, the study recommended implementing a new scheduling system to accurately reflect police officer availability, optimizing the subpoena issuance process and timeline, and increasing oversight and accountability.

Progress and Changes Implemented

In collaboration with the Philadelphia Police Department, the District Attorney's Office (DAO) implemented new subpoena policies in 2021 that increase notice time, limit subpoenas to essential police officers only, cancel notices in cases of advanced continuances or pleas, and require explanations for late subpoena notices. DAO staff are trained on these policies, and PPD provides monthly reports on cases where timelier subpoena issuance could have occurred. Additionally, both Departments have bolstered internal controls to ensure that supervisors carefully review cases and verify that only necessary police officers are summoned. PPD's Overtime Management Unit now audits cases involving 48-hour notices, reviews all supervisor subpoenas to ensure only necessary officers are called, and requests cancellations where appropriate.

Results



In FY18, the fiscal year before PICA released its study, Police court overtime costs totaled approximately \$22.0 million. Due to the COVID-19 Pandemic, court activities were paused for a time, impacting spending. Since the Courts reopened, Police court overtime spending decreased by \$8.0 million, or 36.1 percent, even with salary increases per the City's contract with the Fraternal Order of Police.

To understand the extent of these cost savings, PICA staff calculated how much FY18 Police court overtime spending (\$22 million) would cost in later fiscal years with salary adjustments. The table below summarizes annual salary increases for the Fraternal Order of Police (FOP), how much FY18 spending levels would cost in later fiscal years due to these salary increases, and how much the Police Department actually spent on court overtime.

	FY18	FY19	FY20	FY21	FY22	FY23
FOP Salary Increase %	-	3.50%	3.75%	2.50%	2.75%	3.50%
FY18 Spending (\$22M) Adj.	\$22.0M	\$22.8M	\$23.6M	\$24.2M	\$24.9M	\$25.8M
Actual Spending	\$22.0M	\$19.7M	\$13.5M	\$6.5M	\$15.1M	\$14.1M

Police court overtime was lower every year in FY19-23 compared to FY18. The same number of court overtime hours would cost \$25.8 million in FY23. However, Police court overtime spending was much lower, totaling \$15.1 million and \$14.1 million, respectively, in FY22 and FY23; these are 39.3 percent and 45.4 percent lower than FY18 Police court overtime spending adjusted for salary increases. Further, when adjusting for salary increases, the total amount of Police Department overtime spending (both court-related and non-court-related) over the FY19-23 period was \$33.6 million, or 8.2 percent, lower than it would have been had FY18 levels of spending remained constant.

PICA commends the City's efforts to implement its recommendations, effectively streamlining the officer subpoena process, enhancing accountability, and exercising fiscal responsibility.

About this Fact Sheet

The graphic used in this report was generated by Suzanne Staherski using ChatGPT's DALL-E feature.