



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

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June 20, 2017

Council Member Vincent J. Gentile
Chair, Committee on Oversight and Investigations
The New York City Council
250 Broadway, Room 1747
New York, NY 10007

Re: New York City Department of Investigation Comments on Proposed Intro 1618

Dear Council Member Gentile:

Thank you for the opportunity to provide written comments to the Committee on Oversight and Investigations on proposed Intro 1618, which requires the New York City Department of Investigation (DOI) to "conduct public outreach campaigns and issue annual reports on complaints received."

DOI agrees with the Committee on the importance of transparency, effectively communicating with and informing the public, and enlisting all stakeholders as active participants in the overarching mission of the agency to root out fraud and corruption. We agree that to fulfil our charter mandated mission to serve as the City's independent inspector general, DOI must not only investigate corruption, fraud, waste and abuse; DOI must also appropriately report to all stakeholders, including the public, on this work. Public outreach, when done in a thoughtful way, can result in very significant benefits. However, the specific data points to be examined and reported, as delineated in the Bill, present specific difficulties for DOI (that would require diverting staff from important investigations to compile) and may prove to be less valuable to the Committee in reaching its goals.

To that end, I recommend that the language in Intro 1618, beginning at the end of line 8 and through line 10 be removed completely. In its place, I recommend the language underlined below:

3 § 808. Public outreach and reporting. (a) The department shall conduct annual outreach
4 campaigns to educate the public on forms of government corruption, fraud, and waste, and
5 provide information regarding how the public can submit complaints to the department. Such
6 outreach campaigns shall include the use of print, radio, and public forums. (b) The department
7 shall post a report on its website by March 1st of each year regarding public complaints received
8 by the department for the preceding year. Such reports shall include the total number

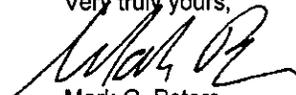
9 complaints and a summary of relevant outreach activities.

10 Section 2. This local law take effect in 120 days.

While there is value to studying any data received as a result of DOI's public outreach campaigns, I believe the outlined categories in the Bill will prove to be limiting and would provide very little in terms of measuring the effectiveness of the public outreach campaigns.

Once again, I thank you and the other members of the Committee on Oversight and Investigations for the opportunity to comment on Intro 1618. I remain available to discuss my comments and answer any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark G. Peters', written in a cursive style.

Mark G. Peters
Commissioner

Good Morning. To Councilman Gentile and the members of the Oversight and Investigations Committee, I thank you for the opportunity to speak today.

My name is Brandon Muir and I am the Executive Director of Reclaim New York, a non-profit, non-partisan 501(c)3 organization that seeks to educate and engage New Yorkers on issues like affordability and transparency.

Reclaim is dedicated to promoting increased transparency and accessibility in local government across the state. We have used the Freedom of Information Law and a list of Transparency Guidelines to work with municipalities across the state to help them become more transparent and accessible online. This not only serves to give citizens increased access to their local government, but helps government to streamline processes, gather business intelligence, and become better stewards of their resources.

I am here today to comment on two proposals – Intro. 1633 and Intro. 1618.

Bill 1633 requires the Department of Investigation to complete vendor name checks for city vendors thirty days prior to the commencement of a contract. It is our understanding that this measure ensures that no vendor contracts could commence without a verification being completed. That requirement would increase public confidence in the contracting process. While citizens would be glad to know that existing data shows nearly all vendors are being vetted, gaps do exist.

Closing that gap and requiring 100 percent vetting to ensure that the city does not do business with vendors who have a checkered past is a step in the right direction.

Bill 1618 requires the Department of Investigation to conduct public outreach efforts to educate the public about identifying and submitting complaints regarding government corruption, fraud, and waste. As Reclaim is an organization that empowers citizens to play a more active role in government oversight, driven by very similar campaigns to raise awareness, we strongly support the intention of this bill.

As a strong defender of the taxpayer in New York, it will be important for the campaigns to identify – and make public – specific metrics that judge the efficacy of the ad campaigns. Government engagement by citizens, especially regarding corruption, is not easy to facilitate and the ad campaigns would be just one of many variables supporting this effort. Quantifiable reporting metrics, delivered quarterly to the City Council, will assist in assuring the offering is on target and continually improved.

The bill would also require the Department to submit an annual report of complaints filed. As Reclaim enters the third year of our statewide transparency project, I'd like to share two key lessons we've learned on the reporting habits of local government officials.

Consistent citizen oversight relies on citizens understanding the "rules of the game." Requiring each agency under this bill's purview to maintain a clear reporting process for ethics violation on its website, would facilitate stronger civic engagement. The barrier to completion must be kept as low as possible.

Citizen oversight is habit forming, but habits rely on consistency. A once-a-year posting schedule would prohibit timely review for citizens, data specialists, and journalists who raise the challenging questions that lead to better governance.

The disaggregated presentation of data is an important component, along with machine-readability.

Ideally, as soon as a complaint is filed, it should be registered and viewable in a privacy-protected context on the Department's website. Upon complaint resolution, the information should be made available as quickly as possible, with 30-60 days being an upper limit. The annual report should serve as the agency's opportunity to highlight quarterly improvements and for the public to assess the trajectory of the agencies responsiveness.

On behalf of Reclaim New York, I support the City Council's consideration of two bills that would increase transparency in city government and help facilitate citizen-driven oversight. Our recommendations are offered to strengthen the bills on behalf of transparency.

Thank you for the opportunity to comment and I would be happy to answer any questions the council members might have.

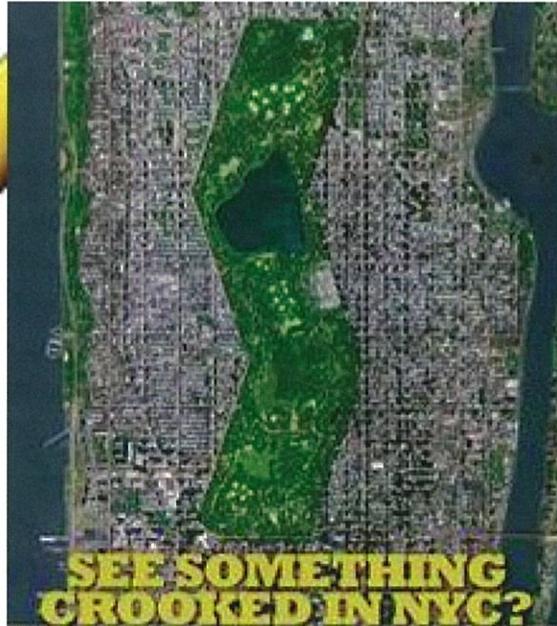


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Report it. For all of us.
And for the city you call home.



**CITY OF NEW YORK
DEPARTMENT OF
INVESTIGATION**

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To: Oversight & Investigations Committee
From: Brandon Muir
RE: Oversight & Investigations Committee Testimony
Date: June 19, 2017, 10:00 AM

Good Morning. To Chairman Gentile and the members of the Oversight and Investigations Committee, I thank you for the opportunity to speak today.

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**Testimony to the New York City Council Committee on Oversight and Investigations
On Requiring the DOI to Implement Public Outreach and Reporting
Int. No. 1618 and Int. No. 1633 (Gentile)**

June 20, 2017

Greetings Chair Gentile and members of the Committee on Oversight and Investigations. Citizens Union is a good government democratic reform organization that brings New Yorkers together to strengthen our democracy and improve our city. Nonpartisan and independent, we seek to build a political system that is fair and open to all – one that values each voice and engages every voter. We thank you for the opportunity to testify about Int. No. 1618 and Int. No. 1633.

The Committee on Oversight and Investigations works diligently to increase government transparency and accountability and we are happy to see it considering Int. No. 1618 today. Int. No. 1618 would require the Department of Investigation (DOI) to institute a public outreach program designed to educate the public on forms of government corruption, fraud, and waste and how to report them. It would also require the DOI to submit an annual public report that details the complaints received disaggregated by agency, month of complaint, type of misconduct, and the mechanism through which the complaint was submitted. Currently the DOI does undertake public education campaigns on reporting instances of corruption, but this type of outreach is done voluntarily and is not required by law.

Citizens Union Supports Int. No. 1618 as a measure aimed at codifying and systematizing an existing practice that has the potential to curb corruption. The DOI's current public outreach and education campaign (advertisements to inform the public of how to report corruption) is a novel approach to both empowering New Yorkers to address impropriety in government and expanding the DOI's organizational capacity to meet its goals. At the moment, this practice is not mandated by law and is undertaken arbitrarily and without review of its effectiveness. Int. No. 1618, in addition to requiring the DOI to engage in public outreach efforts, would require the DOI to submit reports detailing complaints, which would allow for the monitoring of such outreach efforts so that practices can be adjusted to maximize their impact.

Citizens Union also supports complementary legislation, Int. No. 1633, which would force the City to conduct vendor name checks thirty days prior to the start of a city contract to ascertain

if the business or individuals associated with the business have been the subject of a DOI investigation. This is an important measure to ensure city government performs its due diligence in matters related to contracting.

By implementing this legislation, New Yorkers interacting with government in any form will have a greater chance of knowing the appropriate method of reporting impropriety and corruption and the city will have expanded opportunities to identify such instances. Furthermore, this legislation would enable the DOI to improve its outreach efforts on an ongoing basis because of the reporting requirement, which increases the program's public accountability.

Thank you again for providing Citizens Union the opportunity to testify on the matter of requiring the DOI to undertake public outreach efforts and to report on them.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 16-33 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Toreki Kovetsu

Address: One Penn Plaza

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1618 Res. No. 1633

in favor in opposition

Date: 15-Jun-17

(PLEASE PRINT)

Name: Brandon Muir

Address: 597 5th Ave 7th Fl New York NY

I represent: Reclaim New York 10017

Address: _____

Please complete this card and return to the Sergeant-at-Arms