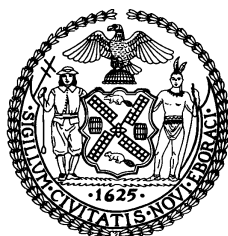


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THE COUNCIL OF THE CITY OF NEW YORK

REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

Robert Newman, Legislative Director

Alix Pustilnik, Deputy Director, Governmental Affairs

COMMITTEE OF THE WHOLE

Speaker Christine C. Quinn, Chair

August 22, 2013

INTRO. NO. 1079

By Council Members Williams, Lander, the Speaker (Council Member Quinn), Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield and Halloran

TITLE:

A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

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I. INTRODUCTION

On August 22, 2013 the Committee of the Whole will meet to consider whether to recommend the override of the Mayor's veto of Introduction No. ("Intro.") 1079: A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the New York City Police Department by the commissioner of the department of investigation, and whether to recommend that veto message M-1183-2013 be filed.

On June 12, 2013 Intro. 1079 was introduced and referred to the Committee on Public Safety. Thereafter, on June 24, 2013 Intro. 1079 was discharged from the Committee on Public Safety and summarily submitted to the full Council for a vote. The legislation was then passed by the Council on June 26, 2013 by a vote of 40 in the affirmative and 11 in the negative. On July 23, 2013, the Mayor issued a message of disapproval for Intro. 1079 and the Mayor's veto message, M-1183-2013 (attached hereto as Appendix A), was formally accepted by the Council and referred to the Committee of the Whole at the Council's stated meeting held on July 24, 2013.

The question before the Committee of the Whole today is whether to recommend that Intro. 1079 should be re-passed notwithstanding the objections of the Mayor, and whether to recommend that the Mayor's veto message, M-1183-2013, should be filed.

II. BACKGROUND

There are long-standing concerns about the New York City Police Department's ("NYPD") use of stop-and-frisk tactics and the impact of this practice on communities of color.¹

¹ A more detailed background on stop, question, and frisk practices is provided in an October 10, 2012 report of the Public Safety Committee at pp. 4-8 and 12-15, *available at*

The practice of briefly stopping an individual for questioning, and possibly patting him or her down for weapons, commonly referred to as “frisking,” was officially recognized by the Supreme Court of the United States in 1968 as an exception to the requirement that police officers must have “probable cause” to seize and search a person or his or her effects.² The New York case of *People v. De Bour* stated that the police must have a “founded suspicion that criminal activity is present” before they may stop a person “pursuant to the common-law right to inquire.”³ Under New York Criminal Procedure law, a “stop” is only allowed when an officer “reasonably suspects that” a “person is committing, has committed or is about to commit” a crime.⁴

The number of individuals stopped by the NYPD steadily rose for many years – from under 470,000 stops in 2007 to over 680,000 stops in 2011 – before declining in 2012 with 533,042 stops.⁵ NYPD data shows that blacks and Hispanics are more likely than others to be stopped by the NYPD. Of those who were stopped in 2011, approximately 87% were either black or Hispanic. In 2012 it was approximately 85%.⁶

In response to the concerns surrounding the NYPD’s use of stop-and-frisk, among other things, and also its surveillance of the City’s Muslim community, many have called for additional oversight over the policies and practices of the NYPD. The bill being considered today is designed by the sponsors to respond to these concerns.

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1078151&GUID=D1949816-2C35-46C8-B8A9-897A3EFAFFD&Options=ID|Text|Search=800>.

² *Terry v. Ohio*, 392 U.S. 1 (1968).

³ *People v. De Bour*, 40 N.Y.2d 210, 215 (1976).

⁴ N.Y. Crim. Proc. Law § 140.50(1).

⁵ Based upon data provided by the New York City Police Department to the New York City Council and on file with the Committee on Public Safety.

⁶ *Id.*

III. PROPOSED LEGISLATION – INTRO. 1079

Although there are several entities that are tasked with some aspect of oversight over the NYPD, such as the Internal Affairs Bureau (“IAB”), the New York City Civilian Complaint Review Board (“CCRB”), the Commission to Combat Police Corruption (“CCPC”), the various local and federal prosecutors, and indeed even the New York City Council,⁷ there is currently no entity with an institutional focus on systemic issues within the NYPD.

The Commissioner of the Department of Investigation (“DOI”), however, is uniquely positioned to take on this role due to DOI’s broad charter mandate to “make any study or investigation which in [the Commissioner’s] opinion may be in the best interests of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency.”⁸ Although DOI has traditionally satisfied this obligation by focusing on investigating, and referring for criminal prosecution, cases of fraud, corruption and unethical conduct by all City employees, contractors, or any others who receive City money,⁹ the authority conferred on DOI by the charter certainly contemplates the possibility of a more expansive role.

Law enforcement agencies in other cities, and within the federal government, have worked successfully with monitors tasked with somewhat similar duties to those of the monitor envisioned by Intro. 1079. Overall, these oversight entities have improved the performance and transparency of the agencies they monitor. In Los Angeles, for example, a consent decree with the Department of Justice (“DOJ”) led to the implementation of an independent monitor to

⁷ More detail on the role and activities of other entities in overseeing actions of the NYPD is provided in the October 10, 2012 report of the Public Safety Committee at pp. 8-12, *available at* <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1138391&GUID=46EF84F3-F4D4-4B84-BCB2-042A5AC7E674&Options=ID|Text|&Search=881>.

⁸ NYC Charter § 803(b).

⁹ “Our Mission,” Department of Investigation, *available at* <http://www.nyc.gov/html/doi/html/about/mission.shtml>.

oversee the Los Angeles Police Department (“LAPD”) from 2001 until 2009.¹⁰ A study undertaken by the Harvard Kennedy School of Government showed that public satisfaction with the LAPD increased in the eight years the decree was in effect.¹¹ Specifically, the number of people who thought that LAPD officers were more likely to bring offenders to justice while respecting their rights and complying with the law doubled from 2006 to 2009.¹² The study also showed that the quantity and the quality of pedestrian and motor vehicle stops generally increased under the monitor, as a higher proportion of stops resulted in arrest and most arrests resulted in felony charges.¹³ Additionally, the work of the independent monitor does not appear to have impeded the LAPD’s ability to fight crime, as evidenced by the fact that crime dropped by 33% while the monitor was in place.¹⁴

Federal Inspectors General have proven to be beneficial despite the fact that the 1978 Inspector General Act¹⁵ was at first met with resistance because it was seen as an “intrusion into executive branch operations.”¹⁶ By investigating fraud and waste as well as misconduct, Inspectors General have saved citizens money and also ensured their liberty and security.

¹⁰ See LAPD Consent Decree, June 15, 2001, *available at*: http://www.lapdonline.org/assets/pdf/final_consent_decree.pdf. The decree was entered into in 2001 and was supposed to last five years, unless the DOJ made a motion to extend. Ultimately the decree remained in effect until 2009, when U.S. District Court Judge Gary Feess permitted it to expire. See Joel Ruben, *U.S. Judge ends Federal oversight of the LAPD*, LA Times, July 18, 2009, *available at*: <http://articles.latimes.com/2009/jul/18/local/me-consent-decree18>.

¹¹ Christopher Stone, Todd Foglesong, and Christine M. Cole, *Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD*, Harvard Kennedy School of Government Program in Criminal Justice Policy and Management, May 2009, (hereinafter “Kennedy School Report”) *available at*: http://www.hks.harvard.edu/var/ezp_site/storage/fckeditor/file/pdfs/centers-programs/programs/criminal-justice/Harvard_LAPD_Report.pdf.

¹² *Id.* at pages 6-7.

¹³ *Id.* at page i.

¹⁴ *Id.* at pages 6-7.

¹⁵ Inspector General Act of 1978, Pub. L. No. 95-452, 92 Stat. 1101 (codified as amended at 5 U.S.C. App. 3).

¹⁶ See, See James R. Ives, “Inspectors General: Prioritizing Accountability,” p. 26 (Fall/Winter 2009-2010).

Consequently, both the duties and the number of the Federal Inspectors General have been expanded, frequently in ways that pertain to matters of public safety and security.¹⁷

For example, the DOJ's Inspector General ("OIG") oversees multiple entities, including the Federal Bureau of Investigation ("FBI").¹⁸ The OIG's duties were expanded in 2001 as part of the Patriot Act, when the office was given the responsibility of receiving complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.¹⁹ In carrying out this mandate, which is manifestly broader than simply reviewing allegations of waste, corruption, and misconduct, the OIG must investigate such complaints and report to Congress detailing any abuses found.²⁰ The OIG has released several reports that exposed security flaws, privacy violations, and behaviors that compromised civil rights and civil liberties, and that have led to meaningful change.²¹

¹⁷ When the Department of Homeland Security ("DHS") was created in 2002, for instance, an Inspector General for the Agency was also created. See "Homeland Security Act of 2002," Pub. L. No. 107-296 § 103, (codified in scattered sections of U.S.C).

¹⁸ See, Reports by Component, available at <http://www.justice.gov/oig/reports/>.

¹⁹ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001, Pub. L. No. 107-56, § 1001 (codified as amended in scattered sections of U.S.C).

²⁰ *Id.*

²¹ One such report was the OIG's 2002 review of the FBI's threat assessment, strategic planning, and resource management with respect to counterterrorism. The report investigated, among other things, the progress and sufficiency of the FBI's actions in identifying and qualifying terrorist threats. As a result of the investigation, the OIG made several recommendations for improvements in the FBI's identification of terrorist threats, which the FBI agreed with and planned to implement. See Department of Justice, Office of the Inspector General, "A Review of the Federal Bureau of Investigation's Counterterrorism Program: Threat Assessment, Strategic Planning, and Resource Management," Audit Report 02-38 (September 2002) available at <http://www.justice.gov/oig/reports/FBI/a0238.htm>. Additionally, the OIG conducted investigations and released reports relating to the FBI's procedures for the use of the National Security Letters and "Exigent Letters" that were contemplated under the Patriot Act. See Department of Justice, Office of the Inspector General, "[A Review of the Federal Bureau of Investigation's Use of National Security Letters](#)," Special Report (March 2007) available at <http://www.justice.gov/oig/special/s0703b/final.pdf>, "[A Review of the FBI's Use of National Security Letters: Assessment of Corrective Actions and Examination of NSL Usage in 2006](#)," Special Report (March 2008) available at <http://www.justice.gov/oig/special/s0803b/final.pdf>, and "[A Review of the Federal Bureau of Investigation's Use of Exigent Letters and Other Informal Requests for Telephone Records](#)," Redacted Version (January 2010) available at <http://www.justice.gov/oig/special/s1001r.pdf>. After the OIG's first report, the FBI "ended the use of exigent letters; issued clear guidance on the use of National Security Letters," directed that certain personnel receive certain trainings; and "expended significant effort to determine whether or not certain records should be retained or purged from FBI databases." Statement of Glenn A. Fine, Inspector General, in front of U.S. Department of Justice, House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties (April 14, 2010), available at <http://www.justice.gov/oig/testimony/t1004.pdf>.

Mindful of the positive effects external oversight of law enforcement has provided in other jurisdictions, Intro. 1079 seeks to provide similar benefits to the people of New York City. Specifically, the bill would amend section 803 of chapter 34 of the New York City Charter to task the Commissioner of DOI with the duty to “investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices” of the NYPD.

The bill would not create a new office, but rather would make sure that the Commissioner of DOI performs these tasks or appoints a current or new member of his or her staff to do so. If the latter course is chosen, the Commissioner is required to report to the Council regarding the identity and qualifications of the individual responsible for these duties. Ideally, such person should be chosen without regard to political affiliation and solely on the basis of integrity, a demonstrated ability in law, public administration or investigations and a demonstrated commitment to the protection of civil liberties and civil rights.

In order to promote transparency and communication within the department, Intro. 1079 would impose a reporting requirement on the executive director of the CCRB and the chief of the IAB in the event they become aware of any problems or deficiencies that: (i) relate to the NYPD’s programs or policies; and (ii) provide reason to believe the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force, could be adversely affected. Specifically, if these problems or deficiencies are relevant to the duties of the monitor, they must be reported to the Commissioner of DOI. Additionally, to ensure the public is able to communicate its own concerns, individuals would be able to anonymously report problems via the DOI’s website. Lastly, to foster an open environment of information sharing, Intro. 1079 explicitly states that any city employee making

a complaint or sharing information with DOI would be covered by the city's whistleblower law, found at section 12-113 of the administrative code.

Intro. 1079 would require DOI to produce two types of reports, provide such reports to the mayor, the council, and the police commissioner, and promptly post such reports on the DOI's website. First, DOI is required to prepare a written report or statement of findings at the conclusion of any review, study or audit it undertakes pursuant to the law. The police commissioner would be required to respond to these reports within ninety days. Second, annual summary reports are also required. These reports must contain: (i) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (ii) a description of the recommendations for corrective action made in the preceding year; (iii) an identification of each recommendation described in previous annual reports on which corrective action was not implemented or completed; and (iv) an accounting of the number of open investigations, reviews, studies, or audits along with information about how long they have been open.

Finally, in order to ensure that safety and security of the City is not compromised, the Mayor, in consultation with DOI and the NYPD, will decide how sensitive information – which includes security threats, intelligence work, and ongoing investigations, among other things – should be treated, and will create guidelines regarding such information and share them with the Council.

If passed, the law would take effect on January 1, 2014.

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Int. No. 1079

By Council Members Williams, Lander, the Speaker (Council Member Quinn), Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield and Halloran

A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

Be it enacted by the Council as follows:

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision c, relettering current subdivisions c through e as new subdivisions d through f, and amending relettered subdivision d to read as follows:

c. 1. The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations.

2. Not later than ninety days after the effective date of the local law that added this subdivision, the commissioner shall report to the council regarding the identity and qualifications of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, the number of personnel assigned to assist that individual, and the details of the management structure covering them. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, shall be provided to the council.

3. The Mayor, in consultation with the department and the new york city police department, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The Mayor shall provide the Council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) undercover operations; (c) the identity of confidential sources, including protected witnesses; (d) intelligence or counterintelligence matters; or (e) other matters the disclosure of which would constitute a serious threat to national security or to the safety of the people of the city of New York.

4. The executive director of the civilian complaint review board and the chief of the new york city police department's internal affairs bureau shall report to the commissioner any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices that he or she has reason to believe would adversely affect the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force, and that would be relevant to the duties of the commissioner as described in paragraph 1 of this subdivision.

5. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for his or her making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken under paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against for making such complaint to, disclosing such information to, or responding to such queries from the commissioner may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.

6. The department's website shall provide a link for individuals to report any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices. Individuals making such reports shall not be required to provide personally identifying information.

d[c]. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that [the] any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board[of ethics].

2. For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police commissioner shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c

of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter.

e[d]. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

f[e]. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York City charter is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices.

§ 3. This local law shall take effect on January 1, 2014.

APPENDIX A

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

July 23, 2013

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 1079, which would amend sections 803 and 804 of the New York City Charter to require the Department of Investigation ("DOI") to conduct broad oversight and investigation of the New York City Police Department.

Introductory No. 1079 would require the DOI Commissioner to appoint an individual whose job would be, "on an ongoing basis, [to] investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department" The Commissioner would be required to report to the City Council the "identity and qualifications of the individual responsible for the implementation of these duties, the number of personnel assigned to assist that individual, and the details of the management structure covering them." The bill would require the Civilian Complaint Review Board and the Chief of the NYPD's Internal Affairs Bureau ("IAB") to report to DOI "any problems or deficiencies" in any Police Department "operations, policies, programs and practices" that they have reason to believe would adversely affect "the effectiveness of the [NYPD], public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force" For every investigation, review, study or audit performed under this bill, DOI would be required to issue a report to the Police Commissioner, the Mayor, and the City Council, and the Police Commissioner would have to respond in writing within 90 days to the DOI Commissioner, the Mayor, and the City Council. Additionally, DOI would be required to issue an annual report summarizing its activities under this new provision of the Charter. All these reports would have to be posted publicly on the DOI website, although the Mayor, in consultation with the NYPD and DOI, could establish guidelines for how "sensitive information" such as ongoing investigations, undercover operations, or counterintelligence matters would be treated in such reports. Finally, the bill would require DOI to set up a link on its website for filing complaints, and those making complaints could do so anonymously.

New York is the safest big city in the country, and the NYPD is the most professional and most effective police department in the country. It is also subject to more internal and external oversight than any other police department in the United States. While most New York City agencies have an Inspector General which is part of the Department of Investigation, the NYPD has a sizeable and robust Internal Affairs Bureau to investigate allegations of corruption and misconduct within the Department. The staff of the Internal Affairs Bureau is far larger than that of any of the City's Inspectors General, with approximately 700 personnel and a budget of nearly \$70 million. Indeed, IAB is roughly twice the size of the entire Department of Investigation. Moreover, under this Administration, IAB's budget has increased roughly sixty percent.

There are also multiple levels of oversight outside the NYPD. The Civilian Complaint Review Board, which investigates complaints by members of the public against police officers, has subpoena power, and—pursuant to an agreement last year between the NYPD, the CCRB, the Mayor and the Speaker—brings disciplinary actions where warranted. The Commission to Combat Police Corruption, which investigates police policies and procedures that implicate issues of possible corruption, also has subpoena power through DOI, and it should be noted that the Commission received additional resources to hire four new attorneys last year. There are also five District Attorneys in New York City and the two United States Attorneys in the Southern and Eastern Districts of New York, all of whom have jurisdiction to investigate and bring appropriate legal actions against members of the NYPD. There is no need for additional oversight of the NYPD.

Tellingly, Introductory No. 1079 never uses the term "Inspector General," probably because the bill would create not an Inspector General but, instead, an official to rival the Police Commissioner on matters of law enforcement policy and strategy. The traditional role of an Inspector General is to investigate corruption and other criminal activity, fraud, waste and unethical conduct, and that is how DOI's Inspectors General function with respect to city agencies. But this bill would go far beyond what DOI and its Inspectors General do. It would authorize a new official at DOI to investigate and make recommendations about every police operation, policy, program and practice—in short, everything the Police Department does, including and especially how it prevents and investigates crime and terrorist threats. Doing so would create confusion within the Police Department about whose policies to follow—the Police Commissioner's or this new official's—and would make it harder for the Police Commissioner to maintain unity of command and enforce accountability. The consequences would be chaotic, dangerous, and even deadly for our police officers and for our city.

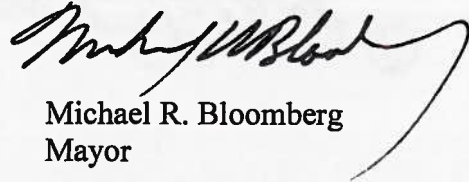
The resources needed to implement this bill's requirements, meanwhile, would be enormous. The bill would require DOI to create a new office to perform oversight much different and far broader than DOI's traditional role, requiring the assignment of large numbers of personnel and substantial investigative resources. It would strain DOI's ability to fulfill its obligations to provide oversight to all the other mayoral agencies, boards, commissions and contractors. Meanwhile, the NYPD would have to satisfy a potentially unlimited number of demands from this new DOI official: document requests, requests for personnel interviews requests for observations of police operations and tactics, and any other accommodation or information sought. The bill would thus waste scarce NYPD resources by forcing the NYPD to

devote the time of uniformed and civilian staff to satisfying these requests and responding to the recommendations of an external office with no boundaries on its portfolio.

Finally, a particularly serious concern about the bill is that it would harm the City's ability to protect New Yorkers from terrorism. By requiring outside oversight, the bill would jeopardize vital relationships that the NYPD builds and maintains with its law enforcement partners at every level of government, extending even to its groundbreaking and critical liaison relationships with law enforcement agencies around the world. A key element of the Police Department's efforts to protect the City from terrorist attacks is its ability to work closely with other law enforcement agencies, in a manner that respects the sensitivity and confidentiality of the information shared. The potential for unlimited oversight by DOI, not only of the NYPD but also of its partners, would undoubtedly chill, and possibly destroy, the willingness of other agencies to participate with New York City's Police Department in this crucial work. While the bill contains language permitting the Mayor to establish protocols for the treatment of sensitive information in DOI's reports, that language simply does not address the concerns other law enforcement agencies will have about being monitored by, and effectively having to share information with, the new DOI office assigned to the NYPD.

Introductory No. 1079 is a dangerous and irresponsible bill that would make New Yorkers less safe. It is disapproved.

Sincerely,



Michael R. Bloomberg
Mayor