



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.

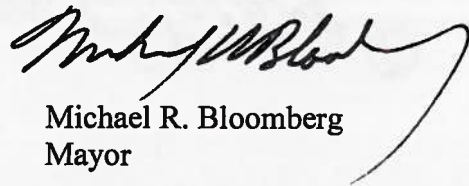
The resources needed to implement this bill's requirements, meanwhile, would be enormous. The bill would require DOI to create a new office to perform oversight much different and far broader than DOI's traditional role, requiring the assignment of large numbers of personnel and substantial investigative 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,

A handwritten signature in black ink, appearing to read "Michael R. Bloomberg", with a long, sweeping flourish extending to the right.

Michael R. Bloomberg  
Mayor