



NEW YORK CITY COUNCIL

**TESTIMONY OF MARGARET GARNETT
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION
BEFORE THE COMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

CONCERNING INT. NO. 1440-2019

NOVEMBER 13, 2019

Good Morning Chairman Torres and members of the Committee on Oversight and Investigations. My name is Margaret Garnett, and I am the Commissioner of the New York City Department of Investigation (DOI). Thank you for inviting me to address the Committee's proposed bill, Intro. 1440, which would require DOI to "create a web application to track and assess agency cooperation and compliance with investigations and recommendations."

DOI's mission is rooted in exposing and stopping corruption, fraud, waste and other abuses that undermine City government's ability to effectively serve all New Yorkers. We have a unique role within City government, as an independent factfinder with a mission to conduct investigations, hold public officials accountable, and strengthen City government by sharing our investigative findings. Through DOI investigations, we uncover individual wrongdoing and also expose systemic issues and vulnerabilities that undermine good government and access to quality government services. In order to ensure that the vulnerabilities we uncover are addressed, we routinely issue Policy and Procedure Recommendations (also called PPRs) that aim to help agencies close the corruption-related gaps we find and recommend concrete ways to improve and strengthen operations and internal controls.

Increasing transparency and accountability within City government is also an important part of DOI's mission. DOI already reports our aggregate PPR numbers, as well as the percentage of those PPRs that have been accepted by City agencies, in the Mayor's Management Report each fiscal year. Beginning in the Fiscal 2020 report, we will further break out the percentage of PPRs that have been accepted and the percentage of accepted PPRs that have been implemented by the agencies. But these numbers only tell part of the story, scratching the surface of DOI's investigative findings and the efforts made by both DOI and City agencies in reforming and improving City operations.

I understand that prior to my appointment in December 2018, the Committee on Oversight and Investigations had already begun discussions with DOI about the possibility of a public website for tracking DOI's PPRs. The idea is significant -- providing a window for the public into DOI's compelling work in a way that goes beyond our press releases on arrests or our public reports, and reflects the wide-reaching impact our investigations have on the City. Equally important, it potentially allows the public and other City agencies an opportunity to review vulnerabilities Citywide, and even for City agencies to spot vulnerabilities found in other entities that may usefully be addressed in their own organization as well.

In short, providing greater public visibility into DOI's Policy and Procedure Recommendations can lead to more ideas about strengthening City government, as well as greater transparency and hopefully greater public understanding of the breadth and complexity of New York City government.

Over the past 11 months, a team at DOI has been working hard to create a database model that ensures information on our PPRs is both accurate and fair. We have also focused on ensuring that any public database would create the appropriate balance between safeguarding sensitive information on investigations and the right of the public to know how their government operates. Moreover, all PPRs are *not* created alike: some address relatively minor issues, while some address significant systemic changes; some are more costly or difficult to implement, while others may require the approval or cooperation of other entities. In light of these complexities, we have thought carefully about the best way to present that context and to provide additional information on implementation, so that the database provides a comprehensive and fair picture of DOI's recommendations at any given agency.

Because of these complexities, I would caution that a database of PPRs should not be, and is not intended to be, a means to pit City agencies against each other or derive a “score” or “grade” for individual City agencies. Each agency’s mission, operations, and challenges are different, and, with few exceptions, PPRs are tailored to that agency and should be viewed as such. Our focus at DOI is to combine outstanding investigative skills, a high level of professionalism, and a deep knowledge of the specific work of each agency. We hope that the database, when it is fully operational, will provide a better understanding of the wide-ranging work that results from that approach, and support greater civic engagement with how City government functions.

DOI is currently working internally with a database prototype and steadily moving toward a public platform that would include all of DOI’s PPRs from January 2014 through the present. The process has been painstaking and arduous. On the data-input side, we have had to ensure that information was correct and that DOI had the most up-to-date status regarding recommendations from dozens of City agencies and entities. On the technical and design side, we are working to ensure that the database will be user-friendly, accessible, and functional. We have also engaged with our partners at City agencies to ensure accuracy and a presentation that effectively presents the context of each PPR. We are approaching the final stages of these processes. We expect to unveil an effective, accurate database by the summer of 2020 and possibly earlier. As presently envisioned, the database would include the following fields: (1) the date the PPR was issued; (2) the agency or entity to whom the PPR was issued; (3) the text of the PPR as issued; (4) whether the PPR was accepted; (5) whether the PPR has been implemented; and (6) a field for the receiving agency’s comments, if any. This last field will be

populated from a menu of choices developed in consultation with City agencies, and provides an opportunity for agencies to provide additional context about their implementation decisions.

The database will be maintained by DOI and be accessible through DOI's main website. It will be a living database, meaning that not only will we be updating the database with new PPRs going forward, but also that I envision us finding ways to improve user experience and to provide more contextual information to the PPRs as time goes by.

Last year, during my confirmation testimony, I told the Council that in my decisions as DOI Commissioner, I would be guided only by what is in the public interest, with total fidelity to the facts and the law. Those have been the guiding principles at DOI as we have worked to refine and strengthen this database, to ensure it is accurate and that it provides a clear and fair picture of both DOI's work and the reforms taking place across City government.

DOI's mission is fundamentally about protecting the public's interest in honest government. This database is part of that mission and it is why we are committed to launching it in a smart and measured way that encourages public transparency, that safeguards the integrity of ongoing and future investigations, that protects confidential information, and that provides an accurate picture of the reform process at each agency. Our goal is to ensure that any public database will be an extension of DOI's mission, by maintaining independence, fairness, honesty, and a fidelity to the facts.

Thank you again for the opportunity to comment on this proposed legislation. My staff and I remain available to discuss this matter further with the committee.

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I intend to appear and speak on Int. No. 1440 Res. No. _____
 in favor in opposition

Date: 11/13/19

(PLEASE PRINT)

Name: DOI Commissioner Margarett Garnett

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