

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

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March 7, 2023

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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Gale A. Brewer, Chairperson

COUNCIL MEMBERS:

Diana Ayala
Rita C. Joseph
Shekar Krishnan
Nantasha M. Williams
Marjorie Velazquez
Kalman Yeger

A P P E A R A N C E S

Jocelyn Strauber, Commissioner at Department of
Investigations

Ivey Dyson, Counsel on the Liberty and National
Security Program at the Brennan Center for
Justice

Judy Greene, Grassroots Advocates for
Neighborhood Groups and Solutions

Lyric Thompson

2 SERGEANT-AT-ARMS: Good afternoon, good
3 afternoon. Sound check, sound check on today's
4 hearing on Oversight and Investigations. Today's date
5 is March 7, 2023. Location is the Committee Room.
6 Recorded by Walter Lewis.

7 SERGEANT-AT-ARMS: Good afternoon and
8 welcome to today's New York City Council Preliminary
9 Budget Hearing for the Committee on Oversight and
10 Investigation.

11 At this time, we ask that you silence
12 your cell phones and electronic devices to minimize
13 disruptions throughout the hearing. Once again,
14 please silence cell phones and electronic devices to
15 minimize disruptions throughout the hearing. We thank
16 you for your cooperation.

17 Chair, we are ready to begin.

18 CHAIRPERSON BREWER: Thank you very much,
19 Sergeant, and good afternoon and welcome to the
20 Fiscal 2024 Preliminary Budget Hearing for the
21 Committee on Oversight and Investigations. I'm Gale
22 Brewer, City Council Member and Chair of this
23 Committee.

24 Today, we are going to review the
25 Department of Investigations Fiscal '24 budget to

2 understand the changes in the Department's budget and
3 how it addresses the needs of New Yorkers to improve
4 the way New York City operates.

5 The Department of Investigations promotes
6 and maintains integrity and efficiency in government
7 operations across the City. DOI's Fiscal '24
8 preliminary budget totals 45.3 million including 24
9 million for personal services to support 294
10 positions and 21.4 million for other-than-personal
11 services, OTPS.

12 I would like to welcome and thank
13 Commissioner Strauber and her team at DOI for their
14 steadfast work over the year. The Department of
15 Investigations has successfully worked to decrease
16 the backlog of background investigations, performed
17 important investigations, published detailed reports,
18 and issued policy and procedure recommendations to
19 city agencies all with a very restrictive budget, and
20 I would say, Commissioner, you have done more with
21 less so I know you could do a lot more with more.
22 Quite a bit you've done with less budget.

23 I look forward to continuing our fruitful
24 conversations with beneficial oversight hearings.
25 We've a lot of work ahead. Holding public officials

2 accountable, ensuring public money is spent lawfully,
3 and building faith in honest government which is not
4 easy today.

5 I am interested in learning about the
6 Commissioner's plans for the Department in the coming
7 year, DOI's role with the City as an oversight
8 department, it's revenue-generating capacities as
9 well as how we can work together to improving
10 baseline, baseline, I want to underline that, the
11 Department's staffing needs. This plan did not
12 include any new needs and decreased the Department's
13 fiscal '24 budget by 2.47 million and 37 positions.
14 This Committee is concerned that after multiple years
15 of reductions, the Department is not adequately
16 funded, and I would like to discuss the Department's
17 concerns of its current budget at this hearing. The
18 Committee would also like to discuss other budgetary
19 decisions made by the Adams' administration to
20 understand the vision the Administration has for the
21 Department.

22 As we're finishing all of our first full
23 Fiscal Year, me as the Committee Chair, you as the
24 Commissioner, I look forward to learning about the
25

2 successes the Department has had over the year and
3 the important role that DOI plays in New York.

4 I also want to make sure that we thank
5 our Committee Staff for their hard work, Financial
6 Analyst Owen Kotowski, Finance Unit Chair Jack
7 Storey, Senior Counsel C.J. Murray, Policy Analyst
8 Alex Yablon, and my Chief-of-Staff Shula Puder as
9 well as Communications Director Sam Goldsmith and the
10 amazing Oversight and Investigations Division Staff.

11 Now, I'd like to welcome you and thank
12 Commissioner Strauber, the Department's
13 Investigators, Background Investigators, and
14 Inspectors General for the work they do. I'm looking
15 forward to hearing from the Commissioner.

16 First, I believe that C.J. Murray will
17 swear you in. Thank you so much.

18 COMMITTEE COUNSEL MURRAY: Thank you,
19 Chair. Commissioner Strauber, please raise your right
20 hand.

21 Do you affirm to tell the truth, the
22 whole truth, and nothing but the truth before this
23 Committee and to respond honestly to Council Member
24 questions?

25 COMMISSIONER STRAUBER: I do.

2 COMMITTEE COUNSEL MURRAY: Thank you. You
3 may begin your testimony.

4 COMMISSIONER STRAUBER: My name is Jocelyn
5 Strauber, and I have the pleasure of serving as the
6 Commissioner of the Department of Investigations.

7 Thank you, Chair Brewer, and Members of
8 the Committee on Oversight and Investigations for
9 holding today's hearing on DOI's Fiscal 2024
10 Preliminary Budget and for inviting me to testify. I
11 appreciate the opportunity to speak to you today
12 about DOI's work over the past year and how I plan to
13 ensure that we can continue to effectively fulfill
14 our mission in the future.

15 Over the past year, I have worked with my
16 executive team to chart a clear path forward for DOI
17 as we, like other City agencies, navigate fiscal and
18 staffing challenges. My goal is to ensure that we
19 continue to conduct investigations and make
20 recommendations that have a meaningful impact,
21 furthering transparency, improving City government,
22 and ensuring that the City's most vulnerable are well
23 and equitably served by City agencies. These
24 principles are the foundation of DOI's work and are
25

2 as important today as they were 150 years ago when
3 DOI was established.

4 While our staffing and budgetary
5 realities are complex and challenging, we have used
6 them as an opportunity to think creatively about our
7 work and to make our processes more efficient. At
8 each investigative stage, from intake onward, my goal
9 is to focus DOI's resources on the most significant
10 matters, where we anticipate either a criminal
11 referral or significant policy and procedural
12 recommendations and to take targeted investigative
13 steps as efficiently as possible so that we can
14 promptly complete our investigations and issue any
15 recommendations. To accomplish this, let me take you
16 through a number of steps we have undertaken this
17 past year:

18 Restructured our case review process to
19 facilitate even closer oversight of ongoing
20 investigations by our Inspectors General and
21 Executive Team.

22 Deployed our Data Analytics Unit to more
23 quickly assess the extent of potential misconduct,
24 with a focus on significant monetary loss, and to
25

2 proactively identify potential red flags for further
3 investigation.

4 Refocused the Inspectors General and
5 their teams on the writing of public reports and
6 streamlining that process and we are on track to
7 issue more reports this year.

8 Implemented an in-house Investigative
9 Officer Training Academy to train junior
10 investigators at the beginning of their tenure to
11 ensure consistent excellent work product agency-wide.

12 Improved our recruitment efforts by
13 cementing our relationships at local law schools and
14 area colleges and universities, expanding our
15 participation in career fairs, and increasing the
16 range of on-line recruiting platforms where we post
17 positions, among other efforts.

18 Strengthened retention by implementing a
19 promotional structure that provides investigators
20 with advancement opportunities and a mentorship
21 program that assigns newly-hired investigator-
22 mentees to veteran investigator-mentors.

23 Maintained a robust, year-round intern
24 program and participated in the Civil Service
25

2 Pathways Fellowship Program and the Mayor's new Legal
3 Fellows program.

4 Deepened our relationships with
5 prosecutors and law enforcement partners.

6 Fostered more solid relationships and
7 better communication with City agencies and City Hall
8 because their leadership plays a critical role in our
9 anti-corruption mission.

10 Today I will discuss DOI's budget and
11 staffing numbers, our work this past year, and my
12 vision for the future.

13 DOI's Fiscal Year 2024 Preliminary Budget
14 is 45.27 million: 23.87 million for personal services
15 and 21.40 million for other-than-personal services.
16 DOI anticipates receiving an additional 1.6 million
17 dollars in Intra-City funds from other agencies that
18 support a portion of our staffing at the start of
19 Fiscal 2024. The total Fiscal 2024 budget will
20 support 465 employees, 315 funded by DOI's budget,
21 and the remainder through the Memoranda of
22 Understanding arrangements with other City agencies
23 and public authorities, including the New York City
24 Housing Authority and NYC Health and Hospitals.

1 The Fiscal 2024 budget is approximately
2
3 10 percent less than our current Fiscal 2023 budget.
4 It is important to note that in the past two fiscal
5 years, 86 budgeted positions have been cut from DOI's
6 budget (about 21 percent of our staff), resulting in
7 over 7 million dollars in cost savings for the City.
8 The recent 50 percent vacancy reduction in the
9 January 2023 Program to Eliminate the Gap hit DOI
10 particularly hard because we already had a high
11 vacancy rate due to difficulties in hiring and
12 retaining staff over the past several years. DOI is
13 staff-driven as you know, not program-driven, so our
14 PEG cuts principally impact our headcount.

15 I am extremely grateful for the Council's
16 support last year for DOI to receive an additional 18
17 positions that were included in DOI's adopted budget
18 for Fiscal 2023. As you also know, that funding
19 unfortunately was not baselined and was for Fiscal
20 Year 2023 only. Therefore, we were not able to hire
21 for those positions. DOI's need for that investigator
22 headcount remains as I will discuss in a moment.

23 Now let me speak a bit about the work
24 we've done over the past year. It has been an
25 incredibly rewarding experience for me to serve as

2 Commissioner during this period. I am grateful for
3 the opportunity to work with DOI's committed,
4 talented, and rigorous staff every day. They are the
5 true heart of this agency, and the range of oversight
6 work that they do is astounding, pursuing corruption,
7 fraud, waste, and a range of other misconduct. They
8 build cases that lead to criminal prosecutions as
9 well as disciplinary and administrative action, and
10 they develop policy and procedural recommendations
11 for reform, as well as teaching our fellow City
12 employees about their important role in DOI's anti-
13 corruption work.

14 In 2022, DOI conducted an array of
15 investigations with our prosecuting and law
16 enforcement partners and with the cooperation of many
17 City agencies. Let me tell you about just some of
18 that work:

19 The City's jails are, and have been, a
20 key focus for DOI. Our work to identify and impede
21 the flow of contraband, which destabilizes the
22 environment and jeopardizes the lives of officers and
23 persons in custody, led to convictions of two City
24 Correction Officers who accepted bribes in exchange
25 for smuggling cell phones and narcotics to members of

the Bloods gang incarcerated on Rikers Island.

Another DOI investigation led to charges against a Correction Captain and three Correction Officers for reckless endangerment in connection with an inmate's 2019 suicide attempt. Another investigation resulted in federal fraud charges against three Correction Officers for lying to the Department of Correction in order to take over a year of sick leave amid the staffing crisis on Rikers Island. DOI's work with our prosecuting partners and the Department of Correction to expose and eradicate wrongdoing that undermines safety in our City's jails is very much ongoing.

DOI investigates construction-related fatalities that involve potential criminal conduct.

In 2022, our investigations led to a Flatbush landlord's conviction and six-month jail sentence in connection with the death of a tenant in a fire at an illegally subdivided Brooklyn apartment building.

Another investigation resulted in charges against a construction company and its owner for allegedly causing the death of a 5-year-old girl struck by portions of a wall constructed in violation of the City Building Code. Another investigation resulted in charges against a Brooklyn scaffolding company and

2 its foreperson for reckless endangerment and criminal
3 mischief in a scaffolding collapse that left a woman
4 seriously injured.

5 DOI also protects the wages of workers on
6 City projects and assists in returning stolen wages
7 to those workers. One wage-theft investigation
8 resulted in charges against a Long Island man who
9 allegedly stole thousands of dollars in a kickback
10 scheme victimizing workers on a School Construction
11 Authority project in Queens. Another resulted in
12 charges against an electrical company for allegedly
13 stealing 1.7 million dollars in worker wages on
14 school and NYCHA projects. In one prevailing wage
15 case, our investigation resulted in the return of
16 900,000 dollars to 200 NYCHA construction workers
17 denied the prevailing wage rate by an electrical
18 contractor.

19 Other criminal investigations led to
20 charges involving theft from the City's pension fund
21 and a 5.4-million-dollar scheme to defraud a City
22 program for homeless veterans.

23 DOI's investigations lead to impactful
24 results, deterring future wrongdoing and returning
25 funds to the City. This year, for example, a former

1
2 CEO of a City-funded nonprofit was convicted of a
3 bribery and kickback conspiracy involving contractors
4 of his nonprofit and received a 27-month federal
5 prison sentence; four defendants pled guilty to a
6 400,000-dollar fraud involving the COVID-19 hotel
7 room isolation program; one New Jersey man pled
8 guilty to a scheme to defraud the City during the
9 pandemic of tens of millions of dollars; and a City
10 Parks and Recreation contractor pled guilty to a 1-
11 million-dollar insurance fraud and is now required to
12 pay 1.2 million in restitution and is barred from
13 certain City contracts.

14 These are some of the highlights of our
15 publicly announced investigations, providing insight
16 into a slice of what DOI does. In 2022, DOI had an
17 active investigative docket of more than 1,500 cases.
18 We reached nearly 47,000 City employees through our
19 corruption-prevention module, webinars and in-person
20 lectures, and we collected nearly 2 million dollars
21 for the City as a result of our investigations. We
22 continued to shrink the backlog of our background
23 investigations, closing 928 more investigations this
24 past year. Currently, DOI has 795 remaining
25 background investigations, a sharp decrease from the

2019 high of 6,500, and our work to close those investigations continues.

Let's turn now to the outlook moving forward. Our active headcount was 546 in Fiscal 2020, and today it is 412. Decreases in headcount are not the only challenge. DOI has just over 60 vacant positions as we sit here today. These positions include investigators, auditors, and attorneys, critical staff for the work that we do. We are actively recruiting to fill these vacancies through our ramped-up recruitment efforts, but, even when we fill them, we will have 84 fewer people working at DOI than we had four years ago, which, given our size, has an undeniable impact.

To address this issue, we are, as I said initially, seeking to be more targeted and efficient, to use our investigative resources as effectively as possible, and to prioritize matters of greatest impact. However, our workload remains steady with many key indicators in Calendar Year 2022 staying level or increasing, such as complaints made to DOI, our active investigative docket, and the number of cases opened and closed. I believe that to fully fulfill our mission and to operationalize certain

measures intended to promote efficiency, DOI will need more staff in our investigative squads and in other areas across the agency.

Our plan calls for 30 additional baselined headcount, a total cost of 1.7 million. This includes hiring personnel to handle certain administrative tasks, so that our investigators who currently do that work can focus fully on their investigations. To do so, DOI will expand our centralized Complaint Intake Unit, adding five new administrative staff members dedicated to receiving and documenting complaints. Currently, our investigators spend up to 20 percent of their time each year on complaint intake tasks, time better directed to moving their investigations forward. Our plan also calls for hiring four data entry clerks to handle the input of extensive investigative data into DOI systems. This work is currently handled by our data analysts, investigators, and auditors, detracting from the time spent on analytical investigative work. These hires will benefit DOI's Data Analytics Unit in particular. That Unit was established in Fiscal Year 2021 and supports the squads' proactive and other investigations by doing

1 deep dives into various data sources, mapping
2 information, and conducting analysis to identify
3 corruption-related red flags and potential patterns
4 of misconduct. To give just one example, the Unit is
5 involved in our in-depth examination of City-funded
6 provider contracts at the Department of Homeless
7 Services.

9 Another component of our plan is to hire
10 20 additional staff to support our investigations,
11 principally confidential investigators, but also
12 auditors, lawyers, and others with specialized
13 expertise. We will deploy these new staff across our
14 squads, with six going to Squad 10 which oversees the
15 four agencies that handle some of the City's largest
16 capital projects, the departments of Transportation,
17 Environmental Protection, Design and Construction,
18 and Parks and Recreation. The vast amount of capital
19 projects these agencies manage, collectively more
20 than 6.76 billion, was the reason DOI established
21 Squad 10 to oversee this group of agencies. That
22 Squad has not been fully staffed to date which has
23 hampered its ability to strategically establish its
24 docket. The Council recognized the importance of this
25 work last year and advocated for positions to be

used, in part, to fully staff this Unit. However, as I mentioned earlier, because the positions were not baselined, DOI ultimately could not fill them. Two of the 20 investigators would be dedicated to DOI's Vendor Integrity Unit that oversees the agency's Integrity Monitor Program. This Program enables the City to enter into or continue contracts with companies that might otherwise be precluded from doing business with the City because of integrity issues and also proactively monitors large-scale City capital projects. There are currently 10 monitorships in place, an increase from prior years, and we anticipate at least three more coming online in the next year, including a monitor for the Borough-Based Jails program.

While human capital is the lifeblood of our agency, our investigators' work is supported by critical technological infrastructure. This year, DOI plans to purchase a new Case Management System and is requesting 700,000 in capital funding to do so. Our current system, which is over a decade old, lacks key functionalities, including most readily accessible records and case files, streamlined export capability for production of discovery, and the ability to

2 easily generate statistical and other information. We
3 are thankful to OMB for considering these requests
4 and we look forward to continuing our productive
5 conversations with them about our needs.

6 In conclusion, DOI is proud to protect
7 the City's funding and services and the City's
8 dedicated workforce from those corrupt actors who
9 would deplete City resources and unfairly undermine
10 the reputation of all City workers. I thank you for
11 your support of our mission and our staff and for
12 considering our plans to ensure that DOI can continue
13 to fulfill that mission as we embark on our next 150
14 years.

15 Thank you for your time and I am happy to
16 answer any questions that you may have.

17 CHAIRPERSON BREWER: Thank you very much.
18 We've been joined by Council Member Ayala, Council
19 Member Williams, and on Zoom Council Member Yeger. I
20 hope that my Colleagues will jump in because I don't
21 need to ask all these questions.

22 One thing that comes to mind, and Council
23 Member Ayala and I are always, I would say to the
24 credit of the Administration, talking about the
25 asylum issues, and the contracts are just mind-

1 blowing in terms of the number so I think you
2 mentioned this because you talked about DHS, but
3 right now how do you handle Health and Hospitals and
4 DHS in terms of the monitoring because I assume
5 there's an awful lot of contracts that are somewhat
6 new to those two agencies so is it a special focus,
7 is that a reason why you might need more staffing?
8 Obviously, we've got a lot of asylum, Council Member
9 Ayala, 50,000?

11 COMMISSIONER STRAUBER: We are currently
12 considering sort of as we speak how we can
13 meaningfully participate in these contracts that, as
14 you say, are already ongoing and assist the City in
15 ensuring that oversight is robust, and those
16 conversations are ongoing. To the extent that a
17 monitor was appointed to supervise some or all of
18 that effort, just for example, we would supervise
19 that monitor and so that would involve a dedication
20 of staffing from Vendor Integrity Unit, and, as I
21 mentioned, we are requesting additional staffing for
22 that Unit so our work in that area is very much sort
23 of in progress, and I think it is an area where if
24 there is expanded oversight we would have a role to

2 play, and the staffing that we're discussing today
3 would be used for that purpose.

4 CHAIRPERSON BREWER: Okay. In terms of the
5 marshals, marshals always scare me because they evict
6 people, I understand that's what their job is, but I
7 noticed in the material leading up to today,
8 obviously during the pandemic they weren't as busy,
9 but now they are collecting more money. It's nice
10 from the revenue perspective, but it gives me pause
11 in terms of what they're actually doing so my
12 question is what is driving the anticipated increase
13 in revenue? Is it evictions? We're all concerned
14 about not enough attorneys in the housing court.
15 We're concerned that the courts aren't open. We have
16 so many concerns that lead up to people getting
17 evicted so I'm just wondering what's the current, why
18 are they able to have more revenue now and is it
19 because of the evictions and is there something that
20 we should be doing to try to prevent that even though
21 it's a revenue generator?

22 COMMISSIONER STRAUBER: As you know, Chair
23 Brewer, the marshals operate independently. DOI does
24 have oversight over the marshals in a programmatic
25 sense, and there are a number of measures in place to

2 ensure that when evictions do take place, if there
3 are issues with respect to let's say the elderly or
4 people who are unable to find other locations in
5 which they can reside or if there are people even in
6 the current environment who have COVID and issues
7 related to COVID, there are still measures in place
8 to prevent those evictions so I can't speak
9 specifically to revenue numbers, but what I can say
10 is this is an area where we have oversight and there
11 are a number of measures in place that will continue
12 even after COVID to ensure that evictions are done
13 properly and in accordance with the law.

14 CHAIRPERSON BREWER: Okay. Obviously, you
15 have oversight over them and can give them directions
16 even though that might still be an independent body.
17 My understanding is they're making four times the
18 actual amount that they did in the past for the City,
19 which is good, but it's of concern to those of us who
20 worry about evictions.

21 I also want to talk about the background
22 investigations. That's something OMB Commissioner
23 talked endlessly, and we all are, about getting
24 people hired, and obviously this is part of the
25 process because even today the Immigration

2 Commissioner was saying how hard it is to get people
3 hired. I think we all have the same problem. I could
4 go on and on about why that is, but one of them is,
5 of course, streamlining the background investigation
6 process so if you could talk a little bit more about
7 it, what the fee changes are, if there are changes
8 that you'd like to see, obviously more staff would
9 help, etc. Even though you've done a great job, I'm
10 sure there's room for improvement.

11 COMMISSIONER STRAUBER: I want to say
12 first that in terms of the backlog, as I said, those
13 numbers have gone down, are continuing to go down,
14 and we are now processing background investigations
15 in sort of a pace so I don't think that the delays
16 that led to the backlog are not continuing. As I
17 think we've explained before, we separated the
18 backlogged investigations from ongoing new background
19 investigations so that we could attack the backlog
20 without increasing delays in the current incoming
21 background investigations and so we are now moving
22 those forward.

23 One of our goals, and this is certainly
24 not a completed process, is to consider whether there
25 are areas that we could streamline in the background

1 investigation process, and we're certainly open to
2 doing that while maintaining the protective and
3 significant function that the backgrounding process
4 serves. It is also the case that we are really just
5 one component of the hiring process so I don't think
6 it would be accurate to suggest that we are driving
7 delays in City hiring. That does not mean that our
8 process couldn't be more efficient, and we are
9 thinking about ways that we could improve sort of the
10 service that we provide to other City agencies and to
11 incoming City employees through streamlining that
12 process.

14 CHAIRPERSON BREWER: Okay, I think it's
15 around 1,000 now, and in the previous era it was
16 6,500 so that's a huge improvement.

17 COMMISSIONER STRAUBER: It was in part,
18 the Council's support of our request for staffing
19 that enabled us to bring that backlog down.

20 CHAIRPERSON BREWER: Okay, but we assume
21 with more hires it could go up, who knows, but I
22 wanted to know in terms of revenue, how does that
23 impact the revenue because people pay obviously to be
24 able to be an employee of the City of New York so how

2 is the revenue generated and how is that going for
3 the backlog?

4 COMMISSIONER STRAUBER: I have to say I
5 would have to get back to you on the specifics of
6 that. There are certain fees that are paid certainly
7 in connection with things like fingerprinting to
8 become a City employee. I just can't give you the
9 exact revenue numbers with respect to the
10 backgrounds, but I think those would really be tied
11 to the number of folks who are onboarded at any one
12 time so an increase in vacancies would be reflected
13 in a decrease in that revenue stream.

14 CHAIRPERSON BREWER: Okay. Do you foresee
15 a time when there would not be a backlog, even 1,000,
16 or is that low enough that it's not a concern?

17 COMMISSIONER STRAUBER: I foresee a time
18 when we will decrease to zero the backlog of old
19 investigations. There will always be some time
20 period, and obviously depending on the hire, we can
21 make efforts to expedite certain backgrounds, there
22 will always be some period of time that it will take,
23 a few months, etc. to do a background investigation,
24 but I do expect that we will reduce the backlog of
25 old investigations to zero.

2 CHAIRPERSON BREWER: Okay. DOI created the
3 Integrity Monitor Program to work with companies that
4 may not be able to do business with the City due to
5 integrity issues. Under the program, the companies
6 can be awarded contracts if they agree to an outside
7 independent monitor so I wanted to know how has this
8 mission been accomplished, what are the goals, and
9 what has been the progress with this program?

10 COMMISSIONER STRAUBER: The goal of this
11 program, which has been established for some time, is
12 to allow City agencies that for a variety of
13 different reasons need to continue a contractual
14 relationship with a vendor that has integrity issues
15 to do so while assuring that that vendor while it is
16 serving as a City contractor acts appropriately with
17 integrity and that that the issues that the vendor
18 has had in the past don't affect its performance of
19 the contract, its management of funds, and most
20 importantly that the City is protected from any fraud
21 or misconduct by that vendor. The program requires
22 the vendor, itself, to pay the cost of the monitor so
23 the City does not bear that expense, and there are a
24 variety of reasons why the City might want to
25 continue working with a vendor that has integrity

1 issues including, for example, there are certain
2 types of services that only certain vendors are
3 capable of providing or are capable of providing on
4 the particular scale that's needed. It might also be
5 the case that the agency is already mid-contract with
6 that vendor and so to terminate the contract and hire
7 another vendor not only would be more expensive but
8 would also result in delays. Typically, that is the
9 decision that the agency makes. Does the agency want
10 to continue this contractual relationship? We will
11 then discuss with the agency how we can structure the
12 monitorship to give the City as much protection as
13 possible based on the historical concerns of the
14 vendor's conduct. There are circumstances where that
15 requires a certification from the vendor with minimal
16 monitoring, but the most sort of robust program is
17 the appointment of an outside monitor that DOI
18 selects and monitors its work so that we can be aware
19 of any issues paid for by the vendor, and that
20 monitor doesn't just look at what is happening, let's
21 say with the accounts or invoices on an ongoing
22 basis. The monitor, with DOI's oversight, can require
23 principals of the company to be removed if they have
24 integrity issues so can require new leadership, can
25

2 require the imposition of a compliance program, and
3 other types of auditing and quality assurance to
4 ensure good behavior going forward.

5 CHAIRPERSON BREWER: How many do you have
6 in this situation now? I know you mentioned one of
7 the scoundrels, that's Schumer's word, he loves the
8 word scoundrel, one of the scoundrels that had been
9 part of a non-profit and you said his issue had been
10 addressed, but it sounded to me like he still had
11 other contracts that had to be ongoing so how many of
12 these independent monitors do you have now?

13 COMMISSIONER STRAUBER: We currently have
14 10 monitorships, eight of those are the monitorships
15 paid for by the vendors and two of those are
16 monitorships for the larger scale capital projects
17 that are paid for by the City.

18 CHAIRPERSON BREWER: Okay. Do these, I
19 call them scoundrels, do these scoundrels manage to
20 actually come up with the money either for the
21 monitors I would assume, otherwise they wouldn't have
22 the contracts, but also those scoundrels that just
23 have to pay their fees, to the best of your knowledge
24 do they pay up?

2 COMMISSIONER STRAUBER: These vendors do,
3 yes. The situation would be more challenging if you
4 were talking about non-profits. These are for-profit
5 entities that have substantial contracts with the
6 City and also have revenue streams from elsewhere so,
7 yes, they do pay and the program does work and, of
8 course, if the vendor, I don't think I've personally
9 seen this example, if the vendor was unwilling to
10 agree to a monitor, then the City could and I expect
11 would terminate the contract because part of the
12 agency's determination that the vendor is responsible
13 and can continue to work is that they will be subject
14 to a monitorship.

15 CHAIRPERSON BREWER: So these are all for-
16 profit? I didn't realize that. Okay.

17 COMMISSIONER STRAUBER: That's my
18 understanding, yes.

19 CHAIRPERSON BREWER: I want to welcome
20 Council Member Krishnan. Are there questions that my
21 Colleagues have because I like to ask you so that
22 it's not just me talking? Council Member Williams,
23 you have a question? I could go on and on so go
24 ahead.

2 COUNCIL MEMBER WILLIAMS: I know. There's
3 a lot of questions here. I'll check in with you about
4 which questions you want to ask so I'll just segway
5 from the questions and ask about the NYPD Inspector
6 General. I don't think you talked about it in your
7 testimony. Is that position still vacant?

8 COMMISSIONER STRAUBER: I'm sorry. Say
9 that again.

10 COUNCIL MEMBER WILLIAMS: I said I don't
11 think you talked about it in your testimony. Is that
12 position still vacant?

13 COMMISSIONER STRAUBER: Yes, the position
14 of the Inspector General for the PD is still vacant.
15 We have an excellent acting Inspector General who has
16 been in that role now for over a year, and as we
17 continue our active efforts and we do have some
18 strong candidates that we've identified, but that
19 process is still ongoing, but as we continue to focus
20 our efforts on finding the right permanent person we
21 are continuing our work with that group under the
22 current excellent leadership that we have. That group
23 issued two reports this year, and we anticipate
24 additional reports in the coming year.

2 COUNCIL MEMBER WILLIAMS: Okay. Would you
3 say that that also gets wrapped into, I know you said
4 there was like over, I kind of was like shocked to
5 read it, over 50 percent vacancy reduction in the
6 January 2023 PEGs so is that included in it or you
7 already have the line item to hire that person? That
8 is not subject to the PEG, right?

9 COMMISSIONER STRAUBER: The 50 percent
10 vacancy reduction, that's the cut of the existing
11 vacant positions as of I believe it was the end of
12 October of last year. We are still allocating,
13 meaning determining, where we will find those
14 positions across the agency, but certainly the
15 Inspector General position is one that we're
16 continuing to look for. At that moment, I can tell
17 you, I can't tell you exactly where all those
18 vacancies will fall, I can tell you that we have 17
19 positions currently filled in the Inspector General
20 unit, and we are actively recruiting now to get that
21 number up to 22.

22 COUNCIL MEMBER WILLIAMS: Okay. In your
23 testimony, you said 18 positions, thanks to us, you
24 received but because it wasn't baselined, were you
25 saying you weren't able to hire them so it was like

2 you got the money and then you actually weren't able
3 to hire them.

4 CHAIRPERSON BREWER: (INAUDIBLE) pissed me
5 off.

6 COUNCIL MEMBER WILLIAMS: I just wanted to
7 clarify what I'm seeing here.

8 CHAIRPERSON BREWER: We got the money and
9 then OMB said they couldn't hire, you have no idea.
10 Go ahead.

11 COMMISSIONER STRAUBER: Just to be clear,
12 when they're not baselined, they're only for that..

13 COUNCIL MEMBER WILLIAMS: Right, for that
14 year.

15 COMMISSIONER STRAUBER: So we can't really
16 recruit people where we don't have assurance that..

17 COUNCIL MEMBER WILLIAMS: The money will
18 be there.

19 COMMISSIONER STRAUBER: That money will be
20 there.

21 COUNCIL MEMBER WILLIAMS: Okay.

22 COMMISSIONER STRAUBER: That being said,
23 we have a number of outstanding vacancies anyway.

24 COUNCIL MEMBER WILLIAMS: Given the PEGs
25 and the current status of the agency, because I

2 recognize that you said it was a challenge before
3 with hiring, do you think you have the capacity to
4 fulfill your obligations as a whole?

5 COMMISSIONER STRAUBER: I do, and I think
6 we're doing that. I certainly don't there's work that
7 we're not doing or important investigations that
8 we're not pursuing. I think that in certain areas, I
9 think about report writing in particular, the pace of
10 our work is slower than I think we would like it to
11 be, and that's in part because that's particularly
12 time-consuming work and when you have folks who are
13 managing multiple matters at one time, those may take
14 a little bit longer. Overall, there may be a slower
15 pace of work, and we are, like I said, trying to make
16 good and efficient choices about how we pursue
17 investigations so we're doing everything we can with
18 what we have. I certainly think the proposals that
19 we've made to allow our investigators to focus on
20 their work and to supplement our investigative staff
21 will enable us to do our work even better and even
22 faster than we can currently do it.

23 COUNCIL MEMBER WILLIAMS: Okay. I just
24 have one more question, and it's sort of in relation
25 to the fact that you're an independent entity. As I

2 was listening to you and also re-reading some of your
3 testimony, it's tough to sort of fulfill the
4 obligation so do you have any suggestions on how we
5 could potentially change the structure and mission
6 (INAUDIBLE) would like to see change from the Council
7 so any suggestions on structure and mission of
8 combatting fraud, waste, and abuse. Do you have any
9 suggestions on how we could potentially change that
10 to make it better for you?

11 COMMISSIONER STRAUBER: I think, as I
12 said, staffing has been one of our big challenges,
13 and it has caused us to, like I said, try to think
14 really hard about how we do our work. I think in
15 terms of maintaining our independence, that is
16 something that we've done successfully all these
17 years and continue to do, and I certainly don't think
18 the staffing issues limit our ability to work in a
19 fully independent way and it's important that we do
20 that, but I do think additional staffing would be a
21 very helpful add to our current situation.

22 COUNCIL MEMBER WILLIAMS: Okay.

23 COUNCIL MEMBER KRISHNAN: Good afternoon,
24 Commissioner. Thank you so much for your testimony
25 today and thank you, Chair Brewer, for holding this

1 important hearing. I have a few questions on a few
2 different topics.

3
4 Just to begin with, one of the things
5 that I noted in your testimony and in the summary of
6 work that you've done involved going after things
7 like wage theft, unscrupulous contractors, and one
8 area that's on my mind, I noticed a case here that
9 you had worked on was about a landlord that engaged
10 in criminal behavior that resulted in the death of a
11 tenant for illegal subdivision. I'm wondering what
12 consideration DOI has given to really expanding its
13 focus in that area. There are many instances of
14 landlords' harassment of tenants. I've personally
15 represented many tenants and tenant associations in
16 those situations. Landlords destroying buildings,
17 cutting gas, heat, hot water, and starting fires to
18 vacate entire rent-stabilized buildings of tenants,
19 and the biggest challenge that I've had, and my
20 former Colleagues in legal service have also faced
21 too, is getting law enforcement in any capacity to
22 take this seriously. It's often seen as a Housing
23 matter, it's referred to Housing Court. That's
24 fundamentally not what it is. It's criminal behavior
25 and harassment by landlords, but it never gets

2 treated that way, and so I'm just wondering, given
3 the attention that you're paying to this area, what
4 work can be done to really expand DOI's focus here
5 too.

6 COMMISSIONER STRAUBER: This is an area
7 that we're very interest in. As I'm sure you know,
8 there is a relatively recent statute that
9 criminalizes just this conduct. You have to establish
10 that the landlord acted with intent to basically
11 harass the tenant out of the property, but one of our
12 Inspector General squads that focuses on housing
13 issues is very interested in this area. This has also
14 been a focus for at least the Manhattan DA's office
15 and maybe other DA offices, and so we are actively
16 working in this area, and I think that the new
17 statute provides an opportunity to explore criminal
18 remedies more readily for this kind of conduct. There
19 are significant proof barriers to meet and how those
20 are going to be established has yet to really play
21 out in court, but I agree with you that it's an
22 important area and it certainly is one that we are
23 focused on.

24 COUNCIL MEMBER KRISHNAN: Yeah, I would
25 just urge you all to find ways to really creatively

1 think about this because this is one of the most
2 pressing housing issues in our city now, and the
3 landlords will say it behind closed doors, those that
4 engage in this kind of utterly egregious activity,
5 but the straight line of saying they'll be proof of
6 intent of them saying I'm going to destroy this
7 building and cut off services, that happens no doubt,
8 but oftentimes it'll be a situation where it's very
9 obvious when services go off. It's because of
10 construction work and so it'll be construction as
11 harassment and all of a sudden there will be a
12 situation where it's like oh, oops, the water went
13 out and that's it and it stays that way for days.
14 Even under the statutes and intent, I just urge you
15 all to think of really creative ways to bring these
16 enforcement proceedings because there's a lot of
17 value in even just bringing them too and really
18 holding criminal landlords accountable for criminal
19 behavior.
20

21 I did also want to ask about the report
22 that DOI was going to put out, and we've seen reports
23 about it too as far as the, I think you had stated
24 before to City Council in 2022 that the NYPD IG's
25 report on the NYPD's Criminal Gang Database or

2 Criminal Group Database would be released. The Gang
3 Database Report has yet to be released. When will it
4 be released and what was the reason for the delays?

5 COMMISSIONER STRAUBER: When I was here
6 last year, and it may not have been budget testimony
7 but maybe shortly thereafter, at that point I hoped
8 and projected that we would issue the report by the
9 end of the year. Obviously, we did not make that
10 deadline, and I'm hesitant to give you a specific
11 date in part for that reason. What I can tell you is
12 we have made enormous progress and are in a very
13 different stage of readiness with that report than we
14 were when I was last here, and it is my expectation
15 that it is going to be coming out in the very near
16 future. I just don't want to give you a specific date
17 because, for various reasons, these dates can be hard
18 to pin down. The additional time that was taken, I
19 mentioned at prior testimony and today the work we've
20 done to sort of streamline the reporting process to
21 ensure that the work product we're doing is thorough
22 and accurate, and that is part of what has taken some
23 additional time. I had to sort of work on those
24 things during the past year, and I think those
25 efforts are going to bear fruit this year. It is also

2 the case that as folks leave units and leave DOI and
3 work has to be transitioned to other folks, there is
4 a delay inherent in that process, and, as I said,
5 when we do have a smaller number of people trying to
6 accomplish the same amount of work, things can take
7 more time, but that report has been a top priority.
8 We are very far along, and I would expect that we
9 would be issuing it, like I said, in the near future.

10 COUNCIL MEMBER KRISHNAN: Okay. Chair, if
11 you don't mind, I just have a couple more questions.
12 Thank you.

13 Just on that note and thank you for that,
14 for the testimony too. Without being pinned down to
15 an exact date, are we talking about a three-month
16 timeline, a six-month timeline? There's obviously a
17 lot of people and organizations who are very eager
18 and Council Members who are eager to see the report
19 too.

20 COMMISSIONER STRAUBER: I will say that I
21 would hope and I would expect that we would be well
22 within three months.

23 COUNCIL MEMBER KRISHNAN: Great. Okay.
24 Look forward to seeing it soon.

1 Also, I think in your testimony before
2
3 too last year to the Council, you had testified that
4 there were a number of other reports as well that you
5 were reviewing that were in their draft stage and
6 just wanted to get a sense of what those reports were
7 and when we can expect them to be coming out as well.

8 COMMISSIONER STRAUBER: As I probably said
9 then, I can't get into the specifics about reports
10 that we are working on. There are some that we have
11 been able to speak about publicly, the report
12 involving, for example, the DHS shelter service
13 providers where we've been working with a monitor,
14 that was something that was established under the
15 past administration. That's a report that we hope to
16 issue this year, and there are other matters that
17 we've spoken publicly about, but I can't generally
18 sort of give you a list of all of the reports that
19 we're looking at in part because obviously as we
20 undertake investigations we determine to some extent
21 in real-time what reports we're going to issue and
22 what things are not going to ultimately be public
23 reports, but both from the PD IG squad and from the
24 other squads we expect to issue a number of
25 additional reports this year.

2 COUNCIL MEMBER KRISHNAN: Okay. Last
3 question. You may have already answered it, but just
4 to check again too. How much of DOI's upcoming budget
5 is going to be earmarked for NYPD IG staffing?

6 COMMISSIONER STRAUBER: I think this is a
7 line item actually in the OMB budget, but what I said
8 was we have 17 positions currently filled, and we are
9 actively recruiting to bring us up to 22, for those
10 seven additional positions, and that's a total 1.8
11 million dollars.

12 COUNCIL MEMBER KRISHNAN: Got it. Okay.
13 Thank you very much. Thank you, Chair.

14 CHAIRPERSON BREWER: I think one of the
15 concerns about this, I know that Acting Interim IG
16 Barrett is doing a good job, and I believe that the
17 position has been downgraded, the job posting calls
18 for four years of post-graduate experience which is a
19 lot less than previous IGs, and I know you were
20 trying to get one person who didn't work out so my
21 question is, I know you mentioned this earlier, but
22 where exactly are you in the search? Is it possible
23 to find the right person for this job and what can we
24 expect in the future?

2 COMMISSIONER STRAUBER: I believe it is
3 possible because there have been strong candidates
4 that we are speaking to, there are strong candidates
5 that we're speaking to. I think everyone that I'm
6 aware of that we've considered has vastly more than
7 the four minimum years of experience, and we're
8 looking for someone who has managerial experience,
9 someone who has supervised other folks. Among the
10 qualifications we're looking for potentially are
11 someone who has prosecutorial experience which gives
12 you sort of case-building, fact-finding experience,
13 but we're open to other types of experience as well.
14 When we initially posted the position last year, it
15 had a lower salary that actually, as I think I
16 probably explained maybe it was at budget testimony,
17 was actually consistent with the salaries that we pay
18 our Inspectors General and, although this is an
19 important position, all of our Inspectors General
20 have significant oversight responsibilities for very
21 important agencies within the City. However, after
22 the challenges that we had last year that you alluded
23 to with the candidate that we had expected to hire,
24 we actually raised the posted salary range so it is
25 now as posted 170,000 to 200,000 so it is actually

2 quite a bit above the salaries for our other
3 Inspectors General and approximates I think when the
4 former IG left after a number of years he was earning
5 more than that, but we are now back in the salary
6 range that was the original salary for that position
7 when the unit was originally created so to the extent
8 that there was a perception that we had downgraded it
9 when we posted it early last year we have changed the
10 posting to address those issues.

11 CHAIRPERSON BREWER: Just talking about
12 salaries and jobs. My understanding was because of
13 the lack of baseline last year, we were not able to
14 hire I think it was 18 positions so now money
15 hopefully is forthcoming because I have been a pain
16 in the neck in the Daily News, to the Commissioner,
17 and everybody else I can think of talking about your
18 need for staff. When you get this funding, I have
19 been told it would be baselined if you get it. Is
20 that also your understanding because what's the point
21 of getting more money that's not baselined?

22 COMMISSIONER STRAUBER: Certainly, that's
23 our ask, and we appreciate and are grateful for your
24 support for that ask, it is hard for me to envision
25 how we could hire someone without a commitment that

2 we have the funding to pay them for more than one
3 year.

4 CHAIRPERSON BREWER: Okay. Of your
5 positions, DC37 is obviously part of a bargaining
6 contract, good that they signed a new contract, when
7 we ask about will they be able to be hybrid, answer
8 June, we'll have a Committee that will decide between
9 now and June, that's the answer I got, so now the
10 question to you is hopefully you could hire even
11 sooner if you have some non-DC37, I didn't get an
12 answer, who could perhaps be hybrid, able to maybe
13 hire faster, is that something that is, I don't know
14 the DC37 breakdown in your office. Do you know what
15 it is?

16 COMMISSIONER STRAUBER: Not off the top of
17 my head, no, but what I can say is that..

18 CHAIRPERSON BREWER: June is far away in
19 my book.

20 COMMISSIONER STRAUBER: Our hiring, we
21 think, would be considerably easier if we could offer
22 even a moderate remote hybrid option of some kind..

23 CHAIRPERSON BREWER: Have I not been
24 saying this for a year, about the numbers? Thank you.
25 Since January of 2022.

2 COMMISSIONER STRAUBER: We are certainly
3 equipped to have staff work remotely. We had the vast
4 majority of our staff work remotely during the
5 pandemic. Obviously, that was a challenging time, but
6 their ability to do their investigations really
7 continued unabated and certainly remote work we don't
8 view as posing an issue to our ability to be
9 productive and to work collaboratively as a team and
10 as an agency.

11 CHAIRPERSON BREWER: The other issue the
12 Mayor always said was if you are a revenue-generating
13 agency, we're going to let you hire whatever you
14 want. Of course, that hasn't been happening. Do you
15 have an estimate of the amount of money that you
16 saved the City by preventing fraud and waste last
17 year because to me that would be considered revenue-
18 generating, not to say that you don't often have
19 revenue-generating, but do you have some sense of how
20 much you might've saved the City?

21 COMMISSIONER STRAUBER: In terms of hard
22 numbers, we have a 2 million dollar recovery from
23 last year, but, of course, I think the savings that
24 we bring is in part through the deterrent effect of
25 knowing that we are here sort of conducting robust

2 investigations with our eyes on procedures, and
3 that's the kind of deterrent effect that works on an
4 individual level. I think the other intangible that
5 may be hard to quantify is the value of the policy
6 and procedural recommendations that we make, which
7 often are designed to ensure that the right policies
8 and procedures are in place to avoid waste, to ensure
9 appropriate vetting of payments and the like so I
10 think although it may be hard to quantify, there are
11 multiple ways that our work saves the City money and
12 improves City processes beyond simply the hard amount
13 of recoveries on an annual basis.

14 CHAIRPERSON BREWER: Do you have a
15 question? Go ahead. Council Member Ayala.

16 COUNCIL MEMBER AYALA: Good afternoon. Has
17 the agency, because this is a budget we're trying to,
18 and I just wanted to say that you have the biggest
19 cheerleader in Council Member Brewer. She drives us
20 all insane because we need to get more money to DOI,
21 and we all agree, we all agree, but you couldn't have
22 a better champion.

23 COMMISSIONER STRAUBER: And we appreciate
24 that very much.

2 COUNCIL MEMBER AYALA: She's really
3 relentless. Believe me. I'll record her one day so
4 you can see.

5 COMMISSIONER STRAUBER: I'm sorry. It's
6 driving all of you insane.

7 COUNCIL MEMBER AYALA: I'm curious about
8 two things. One, has the agency seen an increase in
9 overtime just to make up for the fact that you're so
10 short-staffed?

11 COMMISSIONER STRAUBER: I can tell you
12 what our overtime numbers are for the past year. We
13 have not seen a dramatic increase in overtime. Last
14 year, our overtime was 360,000. Year-to-date for
15 Fiscal Year '23, it's 180,000, and we're actually
16 projecting therefore 280,000 by the end of this year
17 so we are not seeing a spike in overtime, and that's
18 certainly well within, I believe, what we've had in
19 past years.

20 COUNCIL MEMBER AYALA: So as you tighten
21 your fiscal belt, what gets sacrificed?

22 COMMISSIONER STRAUBER: Certainly there
23 is, like I said, no area where we say let's not open
24 that, we just don't have time for that, that's really
25 not how we work. Every complaint comes in, it gets

1 evaluated on its own merit, and we take the steps
2 that we think are necessary. I think to some extent
3 certain things may take longer like I said. I think
4 if we had more staffing, would we be able to issue
5 more reports on a more frequent basis. I can see sort
6 of in real-time that obviously when fewer people are
7 trying to do the same amount of work, it just takes
8 more time for that work to be done, which I think is
9 not surprising, but I certainly can't say that we've
10 sacrificed any particular area of inquiry. We have
11 really tried, and I think since it's our job to try
12 to make everyone else more efficient, we've tried to
13 sort of turn that lens inward and look at ways where
14 we could be more efficient, and I do think that has
15 helped us manage in the current environment, and
16 that's things as simple as really being thoughtful
17 about the investigative steps we take and first
18 taking steps that might resolve a matter more
19 efficiently, and those then lead to more
20 investigating we'll do that as opposed to starting
21 with a more time-consuming approach. It's things like
22 that.
23
24
25

2 COUNCIL MEMBER AYALA: I'm sorry if I
3 missed this, but what is the average number of
4 complaints that you received last year?

5 COMMISSIONER STRAUBER: Our complaints are
6 relatively steady so in Fiscal Year '22, basically if
7 we move up from '20, we received just over 12,000 in
8 Fiscal Year '20, there was a dip in Fiscal Year '21
9 but just down to 11,500 or so, back up into 12,000
10 last Fiscal Year, and this Fiscal Year we look
11 roughly on track to be the same as last based on the
12 first four months of Fiscal Year '23, and then the
13 other number just to think about is active
14 investigations, right, because not every complaints
15 is necessarily meritorious and leads to an active
16 investigation so to give you those numbers. We had
17 1,784 active investigations in '20, 1,600 and change
18 in '21, 1,500 in '23, and this year we are so far a
19 little higher than we were in '22 so we're on pace in
20 terms of opening investigations with where we were
21 last year, and that's when I say given that these
22 indicators remain the same we would obviously
23 appreciate having some additional staffing,
24 particularly on the investigative side but, of
25 course, the mission of the agency as a whole is to

2 move the investigative work forward and our
3 operations folks are important and our time-keeping
4 and payroll folks are important, everybody is really
5 contributing to that effort.

6 COUNCIL MEMBER AYALA: Have we seen an
7 increase in complaints coming from a specific agency
8 or sector?

9 COMMISSIONER STRAUBER: Not that I know of
10 as I sit here, but I'm sure we can get that breakdown
11 and I can bring that back to you, but I can't tell
12 you that just sitting here today.

13 COUNCIL MEMBER AYALA: Absolutely. Thank
14 you so much, and we will continue to fight the fight
15 for you to have those funds baselined. I know that
16 Gale will get it done.

17 COMMISSIONER STRAUBER: We very much
18 appreciate your support.

19 COUNCIL MEMBER AYALA: We're just backup.

20 CHAIRPERSON BREWER: With everybody's
21 help. Council Member Joseph, Council Member
22 Velazquez, do you have questions? No? Okay. I have a
23 question just in terms of the 12,000 complaints,
24 whatever the number is, how do you decide which ones
25

1 move to the next step and, as Commissioner, have you
2 made any changes in that process?

3
4 COMMISSIONER STRAUBER: It is an entirely
5 fact-specific determination that is really made by,
6 the Complaint Unit intakes the complaints but then
7 they are sort of dispositioned to the relevant
8 squads, and the squads are arranged by the agencies
9 they cover and then, within the squads, a
10 determination is made about the nature of the
11 complaint, its merit, can it be investigated.
12 Obviously, we get certain complaints that really just
13 are not in the wheelhouse of what we focus on that
14 have more to do with an individual issue with
15 receiving services just for example. It's really made
16 on a case-by-case basis. What we have tried to do is
17 to ensure that, and this is very agency-dependent,
18 certain agencies have certain disciplinary processes
19 of their own for example, and there are certain types
20 of complaints that an agency might be, let's say a
21 relatively minor personnel matter, for example, that
22 might come to us because agencies generally are
23 mindful that if there's any issue that could be a
24 corruption problem or a misconduct problem they
25 should refer it to us. If we really think it's

2 something very straightforward that the agency could
3 manage on its own and from our view it's not part of
4 a pattern, it doesn't reflect a broader concern, then
5 we are mindful to think about what can be managed by
6 the agency and what is appropriately managed by us,
7 but other than making sure that folks are sensitized
8 to that thought process, we really are not dictating
9 in any sort of top-down way how complaints should be
10 dispositioned because we want the IGs with the
11 agency-specific expertise to be looking at each one
12 and making a judgement on each one based on the
13 nature of the complaint, the issue it raises, and
14 again some things, depending on the information we're
15 given, are more subject to investigation than others.

16 CHAIRPERSON BREWER: I should know this
17 but particularly HPD, just like my Colleague stated,
18 we're very concerned about the housing issues, so are
19 all of the IGs in full, not acting, are they all
20 fully assigned?

21 COMMISSIONER STRAUBER: The only acting
22 Inspector General position that we have is the NYPD.

23 CHAIRPERSON BREWER: Right. Okay, that's
24 what I was wondering. That one we know well.

2 Does DOI cross-squad collaboration take
3 place? I'm sure as the leader you try to make sure it
4 does...

5 COMMISSIONER STRAUBER: Yes.

6 CHAIRPERSON BREWER: But there's no silo
7 stuff like in other agencies that I won't mention.

8 COMMISSIONER STRAUBER: We definitely do
9 that, and that actually is something that we've
10 focused on. We have a variety of ways that we now try
11 to bring all of our Inspectors General together on a
12 regular basis to share information about the work
13 that they're doing, and I mentioned some of the
14 processes we put in place to ensure greater oversight
15 as everyone has a sense of all of the cases that are
16 worked on, it's much easier for someone to say wait a
17 minute, that sounds like a familiar name, you should
18 speak to that person, I think they're working on that
19 so we really encourage that. There are other
20 inquiries that for various reasons from the start we
21 can tell involve multiple agencies, and we will have
22 the multiple squads collaborating on those.

23 CHAIRPERSON BREWER: You have the Policy
24 and Procedure Recommendation Portal, and I guess
25 that's how the public knows what's going on. How

2 often is it updated and how do you make sure that the
3 public does get what they need in terms of
4 information?

5 COMMISSIONER STRAUBER: That is updated I
6 believe every quarter so when we make a
7 recommendation it will go up on the Portal sort of at
8 the end of that quarter, I believe, and then we have
9 regular check-ins with our IGs and the agencies who
10 have outstanding policy and procedure recommendations
11 to determine the status, are they implemented,
12 partially implemented, accepted but not yet
13 implemented, and then we update our Portal on a
14 regular basis with that information.

15 CHAIRPERSON BREWER: And most agencies
16 when they're told to do something, they do it?

17 COMMISSIONER STRAUBER: We have a
18 percentage implementation rate, and it depends a
19 little bit on how you count it because there are
20 these different stages, there's accepted, partially
21 implemented, and implemented, but our rate of
22 acceptance and implementation I believe is in the low
23 to mid 80s so that's a pretty good rate depending on
24 how you look at it. That rate could always be higher
25 but...

2 CHAIRPERSON BREWER: Could be better.

3 COMMISSIONER STRAUBER: Yes, and I do
4 think our having a good working relationship with the
5 agencies and trying to understand what's feasible
6 from their perspective is an important way to sort of
7 drive that rate even higher.

8 CHAIRPERSON BREWER: Okay. Just to go
9 back, I know on this headcount which is endless. Just
10 to be specific, picking up on what you stated in your
11 testimony as to vacancies, PEG, hiring, what you're
12 hoping to achieve so that we know specifically what
13 we're asking for.

14 COMMISSIONER STRAUBER: Our plan involves
15 20 additional staff for our Confidential
16 Investigative Squads to be allocated in various ways
17 including with a special focus on the squad that
18 handles the big capital projects.

19 CHAIRPERSON BREWER: That's for the jails
20 or what else?

21 COMMISSIONER STRAUBER: It also involves a
22 number of I would them administrative staff for data
23 entry clerks because we deal with a lot of data and
24 to be able to take the burden off our investigators
25 of processing and inputting all that data would be a

2 big time-saver for them, and then five new
3 administrative staff members dedicated to receiving
4 and documenting complaints for a similar reason, to
5 again free up investigator time so that they can
6 focus on the analytical and investigative work.

7 CHAIRPERSON BREWER: So 1.7 or 1 point
8 something I remember.

9 COMMISSIONER STRAUBER: I believe that was
10 a total of 1.7.

11 CHAIRPERSON BREWER: It's pretty much
12 embezzled in my brain.

13 COMMISSIONER STRAUBER: It's an additional
14 30 baselined headcount when you add the various
15 different components.

16 CHAIRPERSON BREWER: Okay. Has OMB
17 declined any requests to hire, and, if so, how many
18 and what was the reasoning?

19 COMMISSIONER STRAUBER: They have not. I'm
20 not aware of any declinations to hire. Like I said...

21 CHAIRPERSON BREWER: We don't trust OMB;
22 that's why we ask you.

23 COMMISSIONER STRAUBER: I am not aware of
24 any situations where they have declined to hire.

25 Obviously, we have had a dialogue about our needs

2 that's different from the question that you're
3 asking, and we look forward to continuing that
4 dialogue with them including with respect to the
5 proposals that we've discussed with you today.

6 CHAIRPERSON BREWER: Okay. I talk about in
7 my next life I want to be a data analyst. I think
8 they're so exciting. I am totally a GIS fanatic. I
9 know you mentioned them as one of them to be filled.

10 You're doing the recruiting and hopefully
11 you'll have the money and the people.

12 COMMISSIONER STRAUBER: Yes, and just to
13 be clear, we actually have right now a well-staffed
14 Data Analytics Unit. These positions relate to people
15 to handle data entry to support their work.

16 CHAIRPERSON BREWER: Okay. Just in terms
17 of training, I know you talked about it, and it's
18 incredibly important. Obviously, if people were
19 trained and paid attention then they might not do any
20 fraudulent things. Do you do it in person, do you do
21 it online, what's your methodology? Having been in
22 City government for years, I'm a big believer in in-
23 person because I think people cheat, I cheat when I
24 have to do something online I cheat, so I was

2 wondering how you go about it. I'm really good at
3 cheating online.

4 COMMISSIONER STRAUBER: I'll note that for
5 future reference, Chair Brewer.

6 CHAIRPERSON BREWER: I do cheat. Sexual
7 harassment, I can just lie all the way through. Go
8 ahead.

9 COMMISSIONER STRAUBER: We do it in all
10 the ways. We have online modules that basically are
11 disseminated, sort of pushed out to the agencies
12 where people can do them at their desks. We also have
13 training programs that involve live, live in the
14 sense of an actual DOI investigator Inspector General
15 instructor, but those programs can be offered
16 virtually so that folks can participate, and then we
17 also, and hope to do even more of this, are
18 continuing to do in-person lectures as well, and this
19 is one area where our numbers really are way up in
20 terms of the number of people that we reached in the
21 last year, and that's in part due to return to work
22 and probably people then refreshing all of these
23 sorts of requirements for trainings and engaging in
24 them, but it's a very important mechanism for us, not
25 only because we want people to report information to

2 us, but it's also I think a way to show folks that we
3 are here to listen, not just to teach them what they
4 should report but also to sort of give a face to our
5 agency so they have someone from a training that
6 remember hearing from, speaking to, that they can
7 call personally if they want to raise an issue.

8 CHAIRPERSON BREWER: I think there's a lot
9 of interest, as I you can imagine, on the OIG of
10 NYPD, and the issue there in general who reviews the
11 draft reports prepared by that office before they're
12 released to the public? Is that you, are there
13 others? I know that you're trying to work on the Gang
14 Report and finding somebody to head up that office,
15 but those are two big challenges that have to be
16 addressed. Go ahead.

17 COMMISSIONER STRAUBER: In terms of who
18 reviews reports, the practice is not unique to that
19 squad. The reports are all reviewed in-depth
20 extensively by members of the executive team,
21 including myself, I'm personally involved in that
22 process, and then the agency to which the report
23 pertains, no matter what that agency is, receives a
24 draft copy of the report so that we can make sure
25 there aren't factual errors that we're making. We

1 will always want to be responsive to claims that
2 we've gotten the facts wrong and to correct them
3 before we issue. Also, if there is a reaction to our
4 recommendations, we may not necessarily change the
5 recommendation, but it's important for us to know if
6 an agency thinks that's simply not possible for us to
7 do financially. Again, it may not change the
8 recommendation because maybe in the future it'll be
9 possible financially, but it's something we want to
10 know. Maybe it's not feasible for some other reason.
11 Maybe it has a negative impact that we hadn't thought
12 of. For all these reasons, we think it's in our
13 interest to have the agency to which the report
14 pertains take a look at it before it's publicly
15 issued so that's our process for all of our reports.

17 UNKNOWN: (INAUDIBLE)

18 COMMISSIONER STRAUBER: The process is the
19 same for theirs.

20 CHAIRPERSON BREWER: Thank you very much,
21 Commissioner. We appreciate it and we look forward to
22 working with you.

23 COMMISSIONER STRAUBER: Thank you, Chair
24 Brewer. Thank you to the Members of the Committee for
25 your time.

2 COMMITTEE COUNSEL MURRAY: Thank you,
3 Chair. We'll now be turning to public testimony. Our
4 first panel will be two in-person panelists. Please
5 come up to the table when I call your name. Ivey
6 Dyson and Judy Greene.

7 CHAIRPERSON BREWER: Go ahead whenever you
8 ready to start. We love the Brennan Center.

9 IVEY DYSON: Hi. Good afternoon, Chair
10 Brewer and Members of the Committee on Oversight and
11 Investigations. My name is Ivey Dyson, and I am
12 Counsel on the Liberty and National Security Program
13 at the Brennan Center for Justice.

14 The Brennan Center is a nonpartisan law
15 and policy institute that seeks to improve our
16 systems of democracy and justice. As a part of our
17 focus on government oversight and accountability, we
18 advocated for the creation of an Inspector General
19 for the NYPD in 2013. The Inspector General, which
20 sits under the Department of Investigations, was
21 created to provide a systematic review of NYPD
22 policies and practices via thorough investigations
23 and reporting. Despite producing valuable reports in
24 its early years, the Office's output has fallen off
25 significantly, and it appears that it is not being

1 given sufficient attention and priority. I will now
2 highlight a few issues that the Inspector General's
3 office is facing.
4

5 First, the Inspector General position has
6 been left vacant since late 2021 when Philip Eure
7 left the post with Jeanene Barrett currently holding
8 the role of Acting IG, and the current job posting
9 requires only four years of post-graduate experience.

10 Additionally, the office's staff has
11 fallen by more than half from 38 employees in 2017 to
12 17 today.

13 Additionally, the IG has faced challenges
14 in accessing NYPD records. NYPD has frequently
15 restricted the IG's access to records and interfered
16 with witness interviews.

17 Finally, the number and quality of IG
18 reports has significantly declined, likely as a
19 result of low staffing and support. From 2015 to
20 2019, the IG published 16 substantive reports, but
21 since 2020 the office has only published two.

22 There is no doubt that the NYPD's
23 policing practices which often harm communities of
24 color still require robust and timely oversight. The
25 City Council must ensure that the IG can effectively

1 oversee the NYPD. To start, the City Council should
2 call a special hearing with the DOI Commissioner and
3 the IG to seek more information about these
4 challenges.

5
6 Second, the City Council should consider
7 amendments to the IG statute that would one, ensure
8 that any vacancy in the Inspector General position is
9 timely replaced, two, provide more transparency on
10 the IG's operational issues, and, three, bolster the
11 IG's authority to access information. Thank you for
12 your time.

13 CHAIRPERSON BREWER: Thank you very much.

14 JUDY GREENE: Thank you for the
15 opportunity, Chair Brewer, to come before you again.
16 I was here last April to talk on behalf of the
17 Grassroots Advocates for Neighborhood Groups and
18 Solutions, better known as the New York City
19 G.A.N.G.S. Coalition.

20 This is a broad coalition made up of
21 lawyers, community activists, academics, Legal Aid
22 Society, Brooklyn Defenders, the Immigrant Defense
23 Project, Latino Justice, etc. I have copies that will
24 give you more detail.

On May 16, 2017, we sent a letter to Phil Eure expressing our concerns about largescale military style gang raids and asking for a review of the operations of NYPD in that regard but specifically expressing particular concern about the Gang Database, the so-called Criminal Group Database. The importance of that work cannot be overstated. Just briefly, being labeled a gang member and put on the database can include the consequences of police harassment, increase surveillance, loss of housing, risk of detention and removal for undocumented people, etc. We had meetings with Phil Eure and his staff, and those meetings were cordially, but about a year later, hearing nothing for a while, we got wind that Mark Peters, then the Commissioner of Investigations, had blocked the study. We approached two Members of the City Council, then Members of the City Council Brad Lander and Jumaane Williams wrote a letter to Commissioner Eure and to the Department of Investigations Commissioner. The study proceeded, but again we heard nothing for a considerable period of time. If you'll give me just a minute, I want to tell you in sequence the ensuing developments. On December 6, 2015, 16 Members of the State Legislature wrote a

1 letter urging that the report be released. On April
2 11, 2022, I appeared before this Committee and the
3 Public Safety Committee to talk about the history at
4 that point. We asserted that a fully functioning OIG
5 NYPD was needed, not only by the community but by
6 your Committee. On September 20, 2022, a letter was
7 sent to Acting Commissioner Barrett signed by 30
8 community organizations. December 18, 2022, 16
9 Members of the City Council sent a letter. The
10 Commissioner mentioned that she had assured you last
11 year during the April hearing that the report would
12 be available by the end of the year. For the second
13 time, we come before you, it's been six years, to
14 express our dismay and our anger over this letter.
15 Essentially, four letters from public officials and
16 advocacy groups, joint Committee hearing of this
17 Committee with Public Safety, and the assurance last
18 year of the DOI Commissioner has served only
19 apparently to keep the study alive. We were told the
20 beginning of last year that the work was completed
21 and that the study was in final review, only awaiting
22 the appointment of a new Commissioner for release.
23 There are more details available in my testimony.
24 Again, I just thank you for the opportunity. I think
25

2 this constitutes a case study of the problems in that
3 particular and very important part of the DOI.

4 CHAIRPERSON BREWER: I appreciate that. I
5 think you heard her say three months. I don't know
6 that that's an exact, but I'm pretty much like a dog
7 with a bone and so I will definitely stay on top of
8 it. I promise you. I will stay on top of it. I hear
9 you. Six years too long.

10 Thank you very, very much, both of you.

11 Any questions, anybody?

12 Council Member Joseph.

13 COUNCIL MEMBER JOSEPH: Hi. How are you?
14 Would you be able to submit that testimony with your
15 suggestions to us? We would like to see a copy of
16 that.

17 IVEY DYSON: Yes.

18 COUNCIL MEMBER JOSEPH: Thank you.

19 CHAIRPERSON BREWER: Thank you very much,
20 both of you, thank you.

21 COMMITTEE COUNSEL MURRAY: We will now
22 turn to Zoom panelists. Our first panelist is Lyric
23 Thompson. Lyric Thompson, you may begin upon the
24 Sergeant's announcement.

25 SERGEANT-AT-ARMS: Starting time.

1 LYRIC THOMPSON: Hi. Good afternoon. Thank
2 you, Chair, for holding this hearing. My experience
3 with DOI has not been a pleasant one. I am at 1355
4 Decatur in Brooklyn, and I went to DOI in 2015 due to
5 forged documents that I found within our 421-A
6 application as well as the fact that our 421-A
7 building was not finished. DOI, Jessica Heegan,
8 allowed Decatur Assets to remove the forged document,
9 the forged FCE, and told us nothing to find. I
10 continued to make complaints to DOI regarding our
11 building not being finished, regarding the forgeries
12 that weren't just the forged FCE, the architectural
13 papers were forged, the public accountant's papers
14 were forged, the leases submitted to HPD by Allen
15 Paknish (phonetic) when contacted by TPU, those were
16 forged, the Tenant Protection Unit knows this, DOI
17 knows this, the only one who didn't know this was the
18 new owner who lost his 421-A when he tried to use
19 these forged documents. To say that I'm disappointed
20 with DOI, we're still going through and dealing with
21 the consequences of our building not being finished.
22 One of those issues is our doors. Our doors have
23 never been code-compliant as our building has never
24 been properly signed off by DOB so eight years
25

1 roundabout with HPD writing and removing violations
2 on doors for the first four and a half years that
3 never should've been on the building so when those 17
4 people died in the Bronx in the Twin Parks Fire, I
5 was so distraught by this I called DOI, and I spoke
6 to Commissioner Zarrella, and I explained to him that
7 we were having issues with HPD, that they didn't know
8 the standards for doors, in fact they don't even take
9 the training class for doors so how are you supposed
10 to enforce a standard and a code that you don't know,
11 and my intention with this complaint was for them to
12 look into this, the evidence is superfluous, and for
13 them to recommend HPD train their employees in the
14 codes for doors before anybody else dies of smoke
15 inhalation while fleeing for their lives.

16 Unfortunately, Zarrella decided to go with the cliff
17 notes rather than taking an actual class and came out
18 and said our doors were fine even though they had
19 gaps around them, there were clearance issues where
20 the landlord was using a door sweep, the Fire
21 Department got involved, they came out and wrote
22 violations, and now I'm stuck in this little triangle
23 fight with HPD who says our doors are now political
24 and refuses to write any violations even though the
25

2 door is not secure, it doesn't latch and anybody
3 could walk into our building, it has non-fire-labeled
4 door hardware tacked to it along with bathroom
5 caulking. I have DOI saying go back to HPD, and HPD
6 saying to go back to DOI. None of this is my job..

7 CHAIRPERSON BREWER: You know what, let me
8 say, I will follow up because I'm pretty good at
9 untangling these sorts of things, and I promise..

10 LYRIC THOMPSON: Well, I have the
11 receipts, Gale. I'd love to sit down with you and go
12 over all these forged documents and we can find out
13 why DOI turned a blind eye.

14 CHAIRPERSON BREWER: I would be glad to do
15 that.

16 LYRIC THOMPSON: Awesome.

17 CHAIRPERSON BREWER: We will follow up
18 offline. Thank you very much.

19 LYRIC THOMPSON: Thank you so much. Enjoy
20 your day.

21 CHAIRPERSON BREWER: Thank you.

22 COMMITTEE COUNSEL MURRAY: Thank you,
23 Chair. I don't see anyone else who is registered on
24 the Zoom. If you're waiting to testify on the Zoom

2 and we haven't called on you, please use the Zoom
3 raise hand function.

4 Just to run through our registered
5 witnesses, it was Juan Calcutta (phonetic), Alex
6 Stein, Will Gallison (phonetic), and Lloyd Fang
7 (phonetic). I don't see any of those individuals on
8 the Zoom or any further hands raised so, Chair
9 Brewer, I'll turn it back to you to close us out.

10 CHAIRPERSON BREWER: Thank you very much
11 to my Colleagues and to the Staff and to DOI. I think
12 what I come away with is they need the funding to do
13 their job and they need to follow up on the IG at
14 NYPD, and I will follow up on the woman from 1355
15 Decatur.

16 Thank you very much. This hearing is
17 adjourned. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 14, 2023