

NYC COUNCIL

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SPEAKER'S OFFICE



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

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December 27, 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 Number 1055-A, which would amend section 14-153 of the New York City Administrative Code to require the New York City Police Department (NYPD) to provide quarterly reports to the Speaker of the City Council regarding the investigation of traffic-related incidents involving at least one vehicle and that resulted in critical injury.

Beginning with the third quarter of 2015, and continuing on a quarterly basis thereafter, Introductory Number 1055-A would require the NYPD to forward to the Speaker, and to post on its website, a report regarding: (1) the number of vehicle collisions resulting in critical injury where a motorist left the scene without reporting; (2) the number of such cases closed during the prior quarter resulting in an arrest for leaving the scene without reporting; and (3) the number of such cases in which no such arrest was made. The data in this report would be required to be disaggregated by police precinct and the cross streets of the location of the collision.

In addition, the bill contains a separate requirement that the NYPD provide a written report to the Speaker of the City Council containing a "brief description of what steps were taken to investigate each such incident, noting the cross streets of the incident."

As the Council is aware, the NYPD's investigation of vehicle collisions has received sustained focus and a thorough reexamination by the Department, resulting in expansion of the jurisdiction of the NYPD's Collision Investigation Squad earlier this year to include incidents involving critical injury as determined by responding FDNY/EMS personnel, rather than only cases in which victims were killed or were so seriously injured that they were likely to die. The devotion of additional resources, including increased training, better equipment, and more personnel have demonstrated to the Council and to the public at large the commitment of the NYPD and the Administration to ensuring that these tragic events are thoroughly investigated.

Introductory Number 1055-A appears to be an attempt by the Council to quantify what is essentially a set of case-by-case determinations based on the facts of individual investigations, to reach what by necessity would be entirely speculative conclusions. The reporting contemplated by the first portion of the bill, constituting statistical data based on hand counts of collisions involving critical injury and leaving the scene, would permanently require the NYPD to produce quarterly reports for the Council and for the NYPD website, draining scarce police resources from actual police functions, in the interest of compiling numbers which may or may not be of interest to the Council in the future. The reporting requirements that the Council seeks to build into the Administrative Code through its passage of this bill are part of a troubling trend whereby the Council seeks to relieve itself of the responsibility of asking for information from City agencies on matters of current interest, and instead legislatively requires permanent reporting on these issues. The Police Department has consistently advised the Council that it will respond to any reasonable request for information. Given the permanent compliance costs imposed on the City by these reporting requirements – costs that continue long after the Council's interest has moved to other issues – the public interest would be better served by the Council's exercise of its existing oversight authority.

More important than these administrative burdens, however, is the unprecedented departure from the traditional balance and separation of powers that is evidenced in the second portion of Introductory Number 1055-A, which requires the Department to provide to the Council Speaker a narrative of individual case investigations. This requirement is unacceptable on several grounds.

First, the requirement is unworkably vague. There is simply no means of determining what constitutes a "brief" description. Any narrative drafted runs the risk of being considered impermissibly incomplete under the law. In addition, the Police Department does not and will not release investigative information relating to ongoing investigations or prosecutions, in order to preserve the integrity of the investigation as well as possible criminal prosecution. Furthermore, the description of investigations required by the bill would systematically expose the NYPD's investigative techniques and tradecraft in each individual case. The value and effectiveness of these techniques lay in their inconspicuous use, which maximizes the Department's ability to conduct these investigations in the first place. By forcing the Department to reveal these techniques publicly, this bill undermines the very purpose for which it was ostensibly created: to ensure thorough investigations of these crimes, a goal shared by the Department. Finally, by requiring notorious disclosure of the occurrence location for each investigative narrative, the bill allows for the potential identification of victims, witnesses, and other individuals whose confidentiality are entrusted to the Department. This risk is unacceptable.

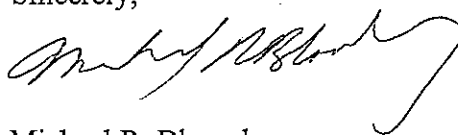
What is most striking about this bill is the qualitative nature of the information sought by the Council. Other reporting bills generally require hard data – numbers, locations, demographics, and the like. This bill goes far beyond what would normally be contemplated for data transfer, and does so by legislative fiat. The oversight authority granted to the Council simply does not contemplate the management or analysis of individual NYPD case investigations. The proper exercise of the Council's oversight role is to hold the agency's

leadership accountable when a deficiency has been identified. The Council threatens to overstep its authority by crossing the line from oversight into administration.

Introductory Number 1055-A imposes upon the NYPD an unprecedented, unwarranted, and dangerous burden, and perpetuates a pattern of permanently codifying reporting requirements for matters of current interest that are best addressed on an individual basis.

For the foregoing reasons, I hereby disapprove Introductory Number 1055-A.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Bloomberg", with a large, sweeping flourish at the end.

Michael R. Bloomberg  
Mayor

Cc: The Honorable Christine C. Quinn