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COMMITTEE ON JUSTICE SYSTEM

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 26, 2018  
Start: 10:09 p.m.  
End: 12:51 p.m.

HELD AT: 250 Broadway-Committee Room, 14<sup>th</sup>  
Floor

B E F O R E: Ritchie J. Torres  
Chair of the Committee on  
Oversight and Investigations

COUNCIL MEMBERS:  
Ritchie J. Torres  
Ben Kallos  
Keith Powers  
Rafael Salamanca, Jr.  
Mark Treyger  
Kalman Yeger

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COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

A P P E A R A N C E S

Fiona O'Grady  
Director of Government Relations for Samaritan  
Suicide Prevention Center

Sambal [SP?] Augustine  
Samaritans of New York Suicide Prevention

Mr. Komatsu [SP?]

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2

3 CHAIRPERSON TORRES: Good afternoon, everyone.  
4 I'm City Council Member Ritchie Torres and I'm the  
5 Chair of the Committee on Oversight and  
6 Investigations and I am proud to be joined by my  
7 colleague Ben Kallos. We are holding a hearing on  
8 the Preliminary Budget for Fiscal Year 2019 but  
9 before we proceed to the testimony of DOI, I'm going  
10 to make an opening statement regarding the  
11 independence of DOI. The mission of Oversight and  
12 Investigations has taken on greater import in a  
13 political age that has seen an unprecedented assault  
14 on the independence of the very investigative  
15 institutions that have kept government accountable  
16 and transparent. The role of the Oversight and  
17 Investigations Committee is not only to investigate  
18 and oversee City Government, but also defend the  
19 integrity and independence of those who do. Even  
20 though the administration of President Donald Trump  
21 is without equal in the contempt it has shown for  
22 good government law enforcement and investigative  
23 journalism. Here in New York City we have seen a  
24 less sensational but nevertheless insidious assault  
25 on the independence of New York City's oldest law

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 enforcement agency, The Department of Investigations,  
3 as well as an assault on local investigative  
4 journalism. I have been troubled by both public and  
5 private attempts at discrediting the DOI  
6 Commissioner, as well as investigative journalist who  
7 have drawn the ire and therefore the political  
8 disfavor of City Hall. Expressing distain for good  
9 government law enforcement and investigative  
10 journalism as the President has done nationally, and  
11 as the Mayor has done locally represents a profound  
12 disservice to the public interest. The leading  
13 casualty of the quiet assault on DOI's independence  
14 has been the Office of the NYCHA Inspector General.  
15 City Hall refuses to fairly and fully fund the Office  
16 of the NYCHA IG, even though the IG has been  
17 instrumental in protecting NYCHA from millions of  
18 dollars in fraud. DOI investigators of NYCHA are  
19 woefully underpaid compared to investigators in  
20 comparable institutions whose operations are no more  
21 complex than, and in some cases less complex than  
22 those of the Housing Authority. As shown in the  
23 chart before you, the disparities are egregious  
24 enough to speak for themselves. An entry level DOI  
25 investigator on average earns somewhere between \$55,

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 000 and \$57,000 annually. By contrast, an entry  
3 level investigator in NYCHA, earns only \$42,000  
4 annually. An experienced DOI Investigator on average  
5 earns \$85,000 annually by contrast and experienced  
6 DOI investigator in NYCHA earns only \$72,000. It is  
7 hardly a coincidence that City Hall's insistence in  
8 underfunding the Office of the NYCHA IG comes in mid  
9 DOI's investigations into the multiple management  
10 failures at the New York City Housing Authority. The  
11 threat to investigative independence is measured not  
12 only in dollars but also in words. As President  
13 Barack Obama once said, words matter. In public  
14 appearances the Mayor has been dismissive, even  
15 disdainful in the words he has spoken about DOI and  
16 investigative journalism. In January of 2008, during  
17 an interview on Fox 5's Good Day New York, the Mayor  
18 attacked Greg Smith, an accomplished investigative  
19 journalist as "one reporter who has an ax to grind".  
20 In that very same interview, when asked about the  
21 false testimony of his NYCHA Chairperson, the Mayor  
22 spoke dismissively of DOI, even though DOI's core  
23 findings on the chairperson's testimony have never  
24 been credibly challenged by anyone at City Hall. In  
25 March of 2018, when the Daily News reported that the

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 new DOE chancellor was named in a lawsuit for  
3 "engaging in inappropriate flirtatious conduct with a  
4 female employee. The Mayor in an interview with  
5 Brian Layer[SP?] accused the Daily News of "having  
6 and ax to grind". Fortunately for the public, he  
7 independence of the media is guaranteed by the first  
8 amendment, but what guarantees the independence of  
9 DOI? A few months ago, the New York Post had an  
10 article on the independence of DOI with a sensational  
11 headline, De Blasio Wants to Axe Investigation Chief  
12 for Exposing Foul Ups. Leave aside for a moment the  
13 sensationalism. The article itself exposes a loop  
14 hole in the structure of city government. One too  
15 glaring to overlook. There are no clear checks and  
16 balances that would prevent a Mayor from unilaterally  
17 removing a DOI commissioner. The charter contains no  
18 structural protection for the independence of DOI  
19 from political retaliations. Investigations to be  
20 effective have to be undertaken without fear or  
21 favor. The fear of political reprisal apart from the  
22 act itself can be debilitating to the moral of an  
23 investigative agency. The only way to remove the  
24 fear of retaliation is to remove the ability to  
25 retaliate. The new charter revision commission set

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 to be convened by the City Council through local law  
3 should reaffirm and reinforce the independence of  
4 DOI. The charter should be amended to prevent the  
5 Mayor from removing the DOI commissioner without the  
6 approval of the City Council. A role for the City  
7 Council in both the appointment and the removal of a  
8 DOI commissioner would represent the strongest,  
9 structural, safeguard against political retribution.  
10 Just as important as the process of appointment and  
11 removal is budgeting. DOI depends for funding on the  
12 very mural administration it oversees. The financial  
13 dependency DOI has on the Mayor is a threat to the  
14 independence it needs from the Mayor. The charter  
15 should therefore be amended to empower DOI with an  
16 independent budget. The operational needs of DOI,  
17 especially the need for improved recruitment and  
18 retention of investigators at the Office of the NYCHA  
19 IG should no longer be at the mercy of City Hall  
20 officials who to borrow a phrase from the Mayor,  
21 "might have an ax to grind". The charter revision  
22 should adopt, what I would call the [inaudible 7:00].  
23 The investigators should be independent of the  
24 investigated and should be insulated from the  
25 politics of retribution. Commissioner Peters and his

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 dedicated squads and investigators have been  
3 unflinchingly vigilant in preserving the integrity of  
4 public life. Those of us on the Oversight and  
5 Investigations Committee must in turn be equally  
6 vigilant in guarding the guardians of good  
7 government. That will be our charge over the next  
8 four years. With that said, Commissioner Peters.

9 COMMISSIONER PETERS: Thank you. Good morning  
10 Chair Torres and members of the Committee on  
11 Oversight and Investigations.

12 CHAIRPERSON TORRES: [Interposing] Actually  
13 Commissioner, I'm going to swear you in. Can you  
14 raise your right hand?

15 COMMISSIONER PETERS: Oh sure.

16 CHAIRPERSON TORRES: Do you swear to tell the  
17 truth and the whole truth and nothing but the truth  
18 in your testimony before today's committee and in  
19 your response to Council Members questions?

20 COMMISSIONER PETERS: I do.

21 CHAIRPERSON TORRES: Okay, thank you.

22 COMMISSIONER PETERS: Good morning. Chair Torres  
23 and members of the committee on Oversight and  
24 Investigations. I'm Mark Peters, Commissioner of the  
25 Department of Investigation and I'm joined by Deputy



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 Commissioner and Chief of Investigations Susan  
3 Lambiase and Deputy Commissioner Chief of Operations  
4 Ganesh Ramratan. I want to thank you both for your  
5 words of support for the independence of DOI which is  
6 a central requirement for our work and also for the  
7 opportunity to address the committee today concerning  
8 DOI's Preliminary Budget for Fiscal Year 2019. I  
9 also welcome this opportunity to update the committee  
10 on DOI's recent work and our vision for the coming  
11 budget year. DOI's Preliminary Expense Budget for  
12 Fiscal Year 2019 is \$41.2 million consisting of \$30.8  
13 million that supports approximately 395 full time  
14 staff positions and \$1.4 million for other than  
15 personal services, such as supplies, equipment, and  
16 space. Included in the \$30.8 million for personal  
17 services is \$4.7 million intracity funding such as  
18 the funding for memoranda of understanding with 13  
19 city agencies that support 76 of the approximately  
20 395 positions. In addition to the staff comprised in  
21 the agencies budget there are additional 306 head  
22 count staff members who work for us through various  
23 arrangements with other city agencies. Including  
24 staff working for the inspector general for the  
25 Department of Education also known as the special

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 commissioner for Investigation for Schools. The  
3 Inspector General for the New York City Housing  
4 Authority and others. This brings the total staff  
5 head count who report through DOI's chain of command  
6 to slightly more than 700. In 2017, DOI  
7 investigations exposed and stopped the theft of  
8 public funds, strengthened fairness and integrity in  
9 city operations, arrested city employees for  
10 exploiting their insider access and protected the  
11 safety of all New Yorkers. Additionally, our  
12 oversight work goes beyond city agencies and includes  
13 nonprofits who are the beneficiaries of city  
14 contracts and employees of private companies doing  
15 business with the city. Specifically, in 2017 DOI  
16 investigations led to arrests and issuance of policy  
17 and procedure recommendations including the  
18 following: The arrests of five individuals for  
19 defrauding disaster relief associated with build it  
20 back program and an associated report documenting the  
21 findings of an interim investigation examining  
22 contractor invoices and field audits that so far have  
23 saved approximately \$40 million of tax payer funds.  
24 Also, DOI uncovered a \$3 million fraud scheme in  
25 partnership with the United States Attorney's office

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 for the Eastern District involving the submission of  
3 reimbursement claims for school meals that were never  
4 served. Also, DOI exposed an illegal gas meter  
5 installation scheme that led to the arrests of  
6 national grade employees and others on charges of  
7 enterprise corruption. For engaging in dangerous  
8 practices similar to those in the 2015 lower east  
9 side gas explosion that killed two people. Further,  
10 DOI arrested one dozen city Department of Correction  
11 staff and installed multiple jail sentences of  
12 others. All the result of ongoing investigations  
13 into contraband, smuggling, and inmate assault by doc  
14 staff. Further in partnership with the Brooklyn  
15 District Attorney's office, DOI's investigation into  
16 the death of a worker at a construction site resulted  
17 in the indictment of a construction company owner on  
18 manslaughter and other charges. Additionally, DOI  
19 conducted multiple investigations into safety issues  
20 at NYCHA including a report that exposed NYCHA's  
21 failure to conduct mandatory lead paint safety  
22 inspections and NYCHA's related falsification of  
23 documents submitted to federal regulators. Other  
24 NYCHA investigations revealed in excess of \$8 million  
25 in contractor and tenant fraud. And finally, DOI

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 worked with multiple agencies on the arrest of  
3 thirteen individuals including medical professionals  
4 who trafficked opiates through their pain management  
5 clinics and a former state legislature who owned a  
6 medical testing laboratory affiliated with those  
7 clinics. For a large-scale insurance fraud scheme  
8 that resulted in payments of over \$13 million for  
9 Metro Plus. New York City's health and hospitals  
10 corporation insurance company. In addition, DOI  
11 issued sixteen reports in 2017, and issued 969 policy  
12 and procedure reform recommendations. A 42% increase  
13 from 2016. Our reports for example, shined a light  
14 on needed operational improvements within the New  
15 York City Police Department including the way in  
16 which officer's handle situations involving people in  
17 mental health crisis. Training for interactions with  
18 members of the LGBT community, and the need to better  
19 assist undocumented immigrants, who are the victims  
20 of serious crimes and who have been helpful with NYPD  
21 investigations with obtaining federal immigration  
22 relief. Other reports detailed the misuse of city  
23 resources such as city owned cars by high level  
24 managers at doc. Including that agencies then  
25 commissioner. We also presented our findings in

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 prevailing wage investigations that included the  
3 recovery and reimbursement of wages to workers on  
4 school constructions sites of more than \$1.2 million.  
5 Ultimately, our reports hold agencies accountable by  
6 giving the public a greater understanding of city  
7 operations and empowering city leadership. Including  
8 this council with facts and actionable  
9 recommendations necessary for lasting reforms. In  
10 terms of numbers and metrics overall, I can report  
11 that in calendar year 2017, DOI had 726 arrests  
12 stemming from approximately 2700 investigations and  
13 over 883 referrals for criminal prosecution. In  
14 addition, I'd like to specifically address the needs  
15 of the Background Investigation Unit. The Background  
16 Investigation Unit is responsible for conducting  
17 mayoral investigations of mayoral and mayoral  
18 employees working in decision making or sensitive  
19 city positions. Our work helps determine whether  
20 candidates are suited to serve the public trust. In  
21 2017 the unit closed 2782 background investigations.  
22 This represents over 185 cases per investigator of  
23 current staffing levels. Over 21% of background  
24 investigations closed in 2017 had potentially adverse  
25 information that may have impacted higher retention.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 Due to the ever-increasing number of background  
3 requests received, and the static staffing levels.  
4 The unit the year with a back log of 6,050 background  
5 investigations. To maintain the accuracy,  
6 thoroughness, and fairness, which characterized DOI  
7 background investigations. The only way to reduce  
8 this back log is to increase staffing in the unit.  
9 DOI has asked for funding for new lines in this area  
10 for the past several budget cycles. I would like to  
11 emphasize that our background unit provides a direct  
12 essential service to the entire city. Furthermore,  
13 the vulnerability to the city inherent in not  
14 completing background investigations in a timely  
15 matter is acute. As always, DOI's goal is to  
16 leverage our expertise across the agencies, eleven  
17 investigative squads to develop highly complex cases  
18 in line with our strategy of attacking corruption  
19 comprehensively through systemic investigations that  
20 lead to high impact arrests, preventive internal  
21 controls, and operational reforms. With that in  
22 mind, I note that we have recently made changes to  
23 our organizational structure with a view toward both  
24 consistency of investigations and maximizing DOI's  
25 ability to see across agencies to city functions as a

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 whole. Previously, certain investigative squads  
3 including those overseeing the NYPD and the  
4 Department of Education operated separately from  
5 DOI's main organizational structure. Four years of  
6 experience has demonstrated to me that this does not  
7 allow DOI to maximize the impact of this work, or to  
8 take full advantage of DOI's institutional knowledge  
9 and strength. As such, we've taken steps to fully  
10 integrate this work within our reporting structure.  
11 A change that will result an even greater impact and  
12 ability to tackle issues going forward. Under this  
13 structure, we now have a full compliment of  
14 inspectors general overseeing all city agencies  
15 including inspectors general overseeing DOC, the  
16 NYPD, the Department of Education, the School  
17 Construction Authority, NYCHA, and NYC Health and  
18 Hospitals. All eleven of our Oversight units each  
19 led by one or more inspectors general will work with  
20 their respective unit and across units, to maximize  
21 the effectiveness of our operations. Finally, in  
22 addition to arrests and issuance of reports, we plan  
23 to turn additional focus to monitoring agency  
24 adoption of previous recommendations. Long after our  
25 initial investigations have come to a close. Such

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 follow up is essential in part of the virtue of  
3 having a permanent and independent IG function within  
4 New York City. Through our public reports, we  
5 empower the general public and governing bodies such  
6 as this council in City Hall by enhancing agency  
7 transparency and prompting reforms that strengthen  
8 public policy and our high impact arrests and  
9 emphasis on complex investigations means that we can  
10 shut down the most costly and damaging fraud schemes  
11 by attacking corruption vulnerabilities at their  
12 roots. Through this strategy we continue to see  
13 success in Enforcement areas across the board. I  
14 thank the committee and the City Council for its  
15 support in our independent roll and I welcome any  
16 questions you may have at this time.

17 CHAIRPERSON TORRES: Thank you Commissioner.  
18 We've been joined by Council Member Keith Powers. I  
19 have a few questions about the DOI and then I'll  
20 proceed to the Preliminary Budget. So, I put two  
21 proposals on the table for consideration by a charter  
22 commission, revision commission. One is to have the  
23 City Council play a role in the removal of a DOI  
24 commissioner, and the second is to empower DOI with  
25



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 an independent budget. What are your thoughts on  
3 those proposals?

4 COMMISSIONER PETERS: There is nothing more  
5 important than an independent nonpolitical law  
6 enforcement force in a civil democracy and there is  
7 nothing more important to me than the independence of  
8 DOI. It is something that I have worked very hard to  
9 preserve over the last four years and so, I clearly  
10 welcome both the support and any steps that will  
11 strengthen, that will further strengthen the  
12 independence and the nonpolitical nature of DOI.

13 CHAIRPERSON TORRES: Did my opening statement  
14 accurately characterize the resource constraints  
15 facing the NYCHA Inspector General?

16 COMMISSIONER PETERS: Yes, it did. Uhm, the  
17 NYCHA Inspector General does have lower fun- as you  
18 noted, the funding for parallel positions at NYCHA  
19 versus parallel positions in what is sometimes called  
20 main DOI, but I am trying not to use that phrase  
21 anymore because all of our inspector generals are  
22 part of DOI, but there is a gap in funding. I  
23 believe it comes to about \$147,000 over the 47  
24 positions. If I'm off by a thousand dollars or so,  
25 somebody sitting here will correct me, but its about

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 \$147,000. We have in fact had some staff leave the  
3 NYCHA IG for other parts of DOI. Stability at the  
4 NYCHA IG is deeply important. We have also had  
5 conversations that have not yet been resolved with  
6 NYCHA about amending the MOU to give us a fixed  
7 percentage of money, so that we are not in a position  
8 of needing to go back to NYCHA each time a line  
9 opens.

10 CHAIRPERSON TORRES: Now, have you brought— how  
11 long has these paid disparities stay back. How long  
12 has it persisted?

13 COMMISSIONER PETERS: We have certainly been  
14 having conversations with NYCHA about the paid  
15 disparities for about two years, but I am certain  
16 that the disparities date farther back than that but  
17 our first conversations about two years ago is when  
18 we started having the conversations, but the  
19 disparities themselves assuredly date back further  
20 than that.

21 CHAIRPERSON TORRES: And what are NYCHA's  
22 reasons for rejecting your funding request?

23 COMMISSIONER PETERS: The reason is that we have  
24 gotten essentially are that NYCHA cannot afford any  
25 more money for Oversight.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Now there is no institution  
3 that's more financially distressed than the Health  
4 and Hospitals corporation. How well funded is the  
5 inspector general for the Health and Hospitals  
6 Corporation compared to that for the NYCHA or the New  
7 York City Housing Authority?

8 COMMISSIONER PETERS: Sure, the New York City  
9 Health and Hospital's IG is very well funded. We  
10 entered into an MOU with the Health and Hospitals  
11 Corporation, excuse me, New York City Health and  
12 Hospitals now that's its been rebranded. We entered  
13 into a MOU about a year and a half ago, maybe two  
14 years ago with H&H that has significantly more  
15 funding and also significantly more autonomy than  
16 does the MOU with NYCHA. We have requested that  
17 NYCHA enter into a new MOU with us that is updated.  
18 The one that we have now is about twenty years old.  
19 We have requested that they enter into an updated MOU  
20 with us that would essentially parallel the one with  
21 H&H. To date that hasn't happened.

22 CHAIRPERSON TORRES: What is NYCHA's response to  
23 the request for a new MOU?

24

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1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: To date, we've received a  
3 series of inquiries about details but no response  
4 either accepting or rejecting.

5 CHAIRPERSON TORRES: And regarding the funding  
6 request and the new MOU, have you brought you  
7 concerns to City Hall?

8 COMMISSIONER PETERS: Certainly, our concerns  
9 are known at City Hall as well as at NYCHA about our  
10 funding concerns and I've certainly met with Deputy  
11 Mayor Alicia Glen about it.

12 CHAIRPERSON TORRES: And what has been the  
13 response from the Deputy Mayor?

14 COMMISSIONER PETERS: The Deputy Mayor's  
15 response was that NYCHA didn't have the money.

16 CHAIRPERSON TORRES: Okay, did you let her know  
17 that Health and Hospitals is also financially  
18 distressed?

19 COMMISSIONER PETERS: Uhm, I do - I don't want  
20 to speak to the exact details of the conversation,  
21 but I can assure you that we have made quite clear to  
22 NYCHA and to City Hall - it seems to me likely that  
23 they are aware of the financial condition of Health  
24 and Hospitals.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Okay. A number of  
3 questions about the Preliminary Budget. I'm going to  
4 make an observation about DOI and please let me know  
5 if you disagree. But it seems to me under your  
6 leadership DOI has undergone both a quantitative and  
7 a qualitative transformation. When it comes to the  
8 former, there has been a dramatic expansion of head  
9 count and when it comes to the later, there seems to  
10 have been an equally dramatic expansion of mission  
11 that DOI is no longer strictly limiting itself to  
12 fighting corruption. It seems to have taken a much  
13 broader role of overseeing the operations of city  
14 government. Is that a fair characterization that DOI  
15 has emerged more as an oversight institution, not to  
16 the exclusion of its anticorruption role but an  
17 expansion of its mission. Is that a fair  
18 characterization?

19 COMMISSIONER PETERS: Uhm, I think it is true  
20 that we have begun to look more systemically at  
21 problems. Whether — the only thing I'm hesitating  
22 about is the — is whether I'm comfortable saying that  
23 some of these things that we find are not corruption.  
24 If you define corruption narrowly as people take in  
25 bribes, then yes, I absolutely agree. But if you

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 view corruption more as the failure of government to  
3 follow the rules and to do what it is supposed to do  
4 and deliver the services it is supposed to deliver,  
5 under that more broad definition – I just want to be  
6 careful about the word corruption. Having said that,  
7 there is no doubt that one of the things we have done  
8 in the last four years is to take a look at whether  
9 there are broader systemic problems that result in  
10 failure to follow what we all agree are the rules to  
11 make sure that services are delivered. And I believe  
12 that that is an important role. I believe that  
13 although nobody was arrested as a result – nobody so  
14 to date has been arrested as a result of our report  
15 on lead paint inspections. I believe that it is an  
16 important role for DOI to play to point out to the  
17 public and to this council that lead paint  
18 inspections were not going on. That there was a  
19 public health hazard that false forms were filed. I  
20 believe that the work we did at the beginning of 2017  
21 on ACS to point out that at the time ACS did not have  
22 a functioning 27/7 ability to deal with child abuse,  
23 although again, there were no arrests made. I  
24 believe that that is incredibly valuable work that  
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 will protect children and is an essential part of  
3 DOI's mission and ought to be.

4 CHAIRPERSON TORRES: Now DOI's budget has two  
5 program areas. Agency operations and IG, Inspector  
6 general. When it comes to agency operations, DOI's  
7 budgeted head count has gone from 155 positions in FY  
8 2013 to 320 positions in FY 2019. A 106% increase.  
9 When it comes to Inspector General's IG, DOI's  
10 budgeted head count has gone from 62 positions in FY  
11 2013 to 75 positions in FY 2019. What accounts for  
12 the massive growth in agency operations but the  
13 modest growth in IG?

14 COMMISSIONER PETERS: I think that— yeah, I  
15 think a big chunk of that is accounting rather than  
16 reality issue. Remember that the titles that OMB  
17 ascribes to people, do not often reflect what they  
18 are doing, so that for example, there are people  
19 doing investigative work who are not listed by OMB as  
20 investigators and similarly there are large numbers  
21 of people doing investigative work who are paid for  
22 by other entities. So, for example, there are 47  
23 staff at the inspector general's office for NYCHA.  
24 None of those show up in OMB documents. So, there  
25 has been a significant growth in the size of DOI and

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 while some of that growth assuredly has been in terms  
3 of central staff, because that is – frankly, we have  
4 a more robust IT staff now then we did before both  
5 because we need to protect against the dangers of  
6 hacking and also be cost increasingly our work  
7 requires sophisticated computer forensics. When we  
8 recently had Health and Hospitals arrested somebody  
9 on child pornography charges, we needed computer  
10 forensics to get around some of the walls this person  
11 had set up to hide the pornography that he was  
12 downloading. So that in fact a person who's doing  
13 computer forensics for us may not be listed as an  
14 inspector general but their doing forensics work.  
15 So, yes there has been a large increase. Most of  
16 that in fact is people who are out in the field doing  
17 investigations.

18 CHAIRPERSON TORRES: Are most of your  
19 investigators within the program area of agency  
20 operations or within the program area of inspector  
21 general?

22 COMMISSIONER PETERS: Uhm, it's a mixture of  
23 both. But again, these are – I think its important  
24 not to read too much into OMB classifications of  
25 positions. Data analyst for example may not be



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 listed as being part of an agency IG, but obviously  
3 data analysts are full time reviewing bank records  
4 and other bits of data to see where is - you know  
5 where there are cases.

6 CHAIRPERSON TORRES: Why are the - you know  
7 NYCHA pays for all of its investigators in the office  
8 of the NYCHA IG. Why is the IG program area not  
9 fully funded by MOU's with other agencies? Why do  
10 you take a portion of the cost?

11 COMMISSIONER PETERS: I'm not sure I fully -

12 CHAIRPERSON TORRES: So, the office of the NYCHA  
13 IG based on what you conveyed to me pays for all of  
14 NYCHA's investigate - all of the investigators out of  
15 NYCHA's budget.

16 COMMISSIONER PETERS: That is correct.

17 CHAIRPERSON TORRES: Is that a pattern that  
18 holds true across every agency?

19 COMMISSIONER PETERS: No, no. So, there are some  
20 - it's a little bit complicated and if I get too  
21 wonky and if I get too budget wonky, please stop me.  
22 So, there are some agencies that are technically not  
23 mayoral agencies. The New York City Housing  
24 Authority, The School Construction Authority, Health  
25 and Hospitals Corporation. Because those are not

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 technically mayoral agencies, we have with each of  
3 them an MOU, in which they agree to be bound by all  
4 the rules that cover mayoral agencies. For example,  
5 mayoral agencies, we don't subpoena them. We simply  
6 send them something called an EO 16 letter and they  
7 give us documents that we need. Non-mayoral agencies  
8 sign an MOU with us, in which they agree to bound by  
9 all of this and they agree to pay for X-number of  
10 lines. Then additionally, DOI gets an allocation  
11 from the city of - that comes to about a little over  
12 300 lines and then there are about 70 more lines that  
13 are technically DOI employees, but money is  
14 transferred to our budget from certain agencies. For  
15 example, HRA we have an MOU with them under which  
16 they agree to essentially supplement the funding that  
17 we have already have allocated to that. The result  
18 comes to a staff count of about 700. In a better  
19 world, DOI would simply get 700 lines to use as  
20 appropriate. And the reason I say that is that  
21 priorities change and needs change. So, for example,  
22 right now the number of people working at the NYCHA  
23 IG's office is fixed by MOU. The number of people  
24 working at H&H IG's office is fixed by MOU. Some of  
25 the people working at HRA, are fixed by MOU. As it

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 happens, these are all agencies that require the  
3 staffing, but if a year from now we were to determine  
4 that every bit – there was less of a need at one of  
5 those places and a greater need at say, the  
6 Administration for Children Services, we do not have  
7 the ability to move lines around. Those lines are  
8 sort of frozen in a historical pattern and so it does  
9 restrict our ability to move resources around.

10 CHAIRPERSON TORRES: So, if I understand  
11 correctly, when it comes to non-mayoral governing  
12 entities, whether it be public benefit corporations  
13 or public authorities, those entities fully fund to  
14 the extent that those entities have an MOU with DOI,  
15 fully fund their inspector generals. Is that –

16 COMMISSIONER PETERS: That is correct.

17 CHAIRPERSON TORRES: But with city agencies,  
18 some of the investigators might be on DOI's payroll  
19 and some of them might be on the agency payroll. Is  
20 it a mix of the two with city agencies?

21 COMMISSIONER PETERS: It is a mix. With city  
22 agencies it is primarily, though not exclusively DOI.  
23 Payroll although in some instances money is  
24 transferred by that agency to DOI's budget to pay the  
25 cost, but there are in fact some city agencies for

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 example, the Department of Correction, there are DOC,  
3 people who are technically DOC employees who work for  
4 DOI pursuant to a variety. There are a variety of  
5 different MOU's. Honestly, a lot of it is  
6 historical. Something goes wrong at an agency,  
7 everybody agrees for additional oversight beyond what  
8 we have is necessary, the agency and DOI enter into  
9 an MOU in which the agency agrees to give us X head  
10 count. Sometimes that's done by simply having the  
11 agency give us the money and we hire. Sometimes  
12 technically they remain that agencies employees. In  
13 all instances however, they report through our chain  
14 of command.

15 CHAIRPERSON TORRES: When it comes to  
16 investigators beyond the payroll of DOI, how dramatic  
17 has your head count expansion been?

18 COMMISSIONER PETERS: The head count expansion  
19 beyond investigators has not been huge.

20 CHAIRPERSON TORRES: Investigators on DOI's  
21 payroll.

22 COMMISSIONER PETERS: On DOI's payroll.

23 CHAIRPERSON TORRES: Yes.

24 COMMISSIONER PETERS: Uhm, the expansion – the  
25 biggest expansion would be the H&H – you know two

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 years ago H&H was an independent IG and it had  
3 nothing to do with DOI. We now have – we're budgeted  
4 for 75, so that's probably the largest expansion of  
5 non-DOI numbers. We also as a result, as you may  
6 remember back in May of last year it developed that  
7 part of the Department of Corrections own Internal  
8 Affairs Group was listening in on DOI phone calls.  
9 The result of this was that part of DOC internal  
10 affairs was taken away from DOC and moved over to  
11 DOI. So that's I believe it was 20 head count that  
12 was removed from DOC and brought over to DOI. So, I  
13 would say those are probably the two biggest  
14 expansions of non-DOI head count are in those two  
15 places.

16 CHAIRPERSON TORRES: Do you have a total number,  
17 or do you want to get back to me on –

18 COMMISSIONER PETERS: A total number of the head  
19 count now –

20 CHAIRPERSON TORRES: The head count expansion  
21 beyond the investigators on your payroll.

22 COMMISSIONER PETERS: Uhm, it is – I can tell  
23 you that it is now 306 and if you want we will get  
24 back to you with the – you know, what it was three  
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 years ago or four years ago etc. We will get you a  
3 year by year break down.

4 CHAIRPERSON TORRES: So DOI enters into MOU's  
5 with Public [inaudible 37:05] corporations, public  
6 authorities for the purpose of treating them as city  
7 agencies for the purpose of investigations.

8 COMMISSIONER PETERS: Correct.

9 CHAIRPERSON TORRES: Why enter into MOU's with  
10 city agencies when DOI has inherent authority over  
11 them?

12 COMMISSIONER PETERS: The MOU's with city  
13 agencies have nothing to do with the authority. We  
14 already have it. They have solely to do with  
15 funding. So, for example, there is an MOU with HRA.  
16 It doesn't give us any authority over HRA.  
17 Basically, it's an agreement with HRA. It is we  
18 believe 30 but we will get you the exact number. It  
19 doesn't have anything to do with our authority, it  
20 just says we are entitled to higher up to 30  
21 additional staff to investigate benefits, fraud, at  
22 HRA and HRA will pick up the cost of those lines. So,  
23 the reason for that - I'm being informed by people  
24 who are a lot smarter than I am and know a lot more  
25 than I do. Uhm, the only way to get OTDA the state

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 agency to pay for this is to have it done through  
3 this mechanism. Another words, in order to get OTDA  
4 to reimburse part of the cost of these  
5 investigations, it has to be done through this route.

6 CHAIRPERSON TORRES: Understood. Uhm, one more  
7 question about head count. DOI has a budgeted head  
8 count of 415 positions, but an actual head count of  
9 363 positions. Uhm, from FY 2013 to FY 2017, DOI on  
10 average has had a budgeted head count of 287  
11 positions but an actual head count of only 269  
12 positions. There seems to be a persisting gap  
13 between the budgeted head count and the actual head  
14 count. Why is that?

15 COMMISSIONER PETERS: Sure. So, I believe that  
16 if you look at any city agency or for that matter,  
17 any large corp of any sort, you will see a gap  
18 between budget and actual because people leave and  
19 need to be replaced and there is a gap between them.  
20 For DOI, in many instances given the sensitive work  
21 we're doing, it can actually take longer than  
22 otherwise to find investigators. In fact, I will  
23 tell you when we initially took over the twenty  
24 positions from DOC although we were taking DOC  
25 people, the DOC people had to pass our background

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 screening which is more rigorous than DOC's and it  
3 has taken a long time. That is not fully staffed  
4 yet, or its almost fully staffed because a number of  
5 people who we would have taken, could not pass our  
6 background screening process. Leaving positions  
7 open. I believe that our vacancy rate is about 10%,  
8 and I'm told that the city-wide average is about 12.  
9 So, if anything, I think our vacancy rate is a little  
10 bit lower than the city's but that is really the  
11 function or the fact that when somebody that in an  
12 agency with roughly 700 people, some number of people  
13 leave at any given time. Also, many of those - of  
14 the vacancies of the whole 700, there are 93  
15 vacancies but really 20 of those will be filled  
16 momentarily. In other words, we have candidates, you  
17 know, they are going through the background  
18 screening.

19 CHAIRPERSON TORRES: What if we were to just  
20 aggregate it? Are there squads or offices of  
21 inspector general where you've had particular  
22 challenges with recruitment and retention and  
23 vacancies?

24 COMMISSIONER PETERS: Sure. Uhm, as you eluded  
25 to in your testimony the fact that we pay on average,



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 there is – the fact that on average, there is a lower  
3 pay at NYCHA has certainly made it more difficult to  
4 recruit and we have in fact had some people leave the  
5 NYCHA IG for other parts of DOI. Squad one, that is  
6 the Rikers Island the jails, has been particularly  
7 troubling to get good people. Uhm, we are still H&H  
8 actually we have more vacancies there bluntly than I  
9 would like. Part of that is that a big chunk of what  
10 we need to hire there are forensic accountants and  
11 auditors and I can honestly say that hiring good  
12 forensic accountants and auditors is arguably the  
13 hardest type of investigative slot to fill.

14 CHAIRPERSON TORRES: Overtime. DOI's overtime  
15 expenditures have risen from \$212,000 in FY 2013 to  
16 \$1 million in FY 2019. What is driving the  
17 astronomical growth in overtime?

18 COMMISSIONER PETERS: Uhm, so the growth of  
19 overtime and that is a growth over a number of years.  
20 It was in Fiscal Year 2017 it was \$926,000. In  
21 Fiscal Year 2018, we are on track for \$1.1 million.  
22 It has grown. Part of that is because all of DOI's  
23 work has grown. We are doing more work with more  
24 staff and lots of the work that we do in NYCHA, in  
25 DOC, require – if your doing cases involving large

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 scale drug operations, whether it's the Sheepshead  
3 Nostrand case where we arrested 16 people for running  
4 a large-scale drug operation out of that NYCHA  
5 complex, or the Rikers work that we've done. That  
6 stuff doesn't happen nine to five and so it requires  
7 the more you do this kind of work and I think its  
8 very valuable work. If we're going to keep places  
9 safe requires more overtime. Although, to keep it in  
10 perspective.

11 CHAIRPERSON TORRES: We'll can I ask is this a  
12 transitional serge in overtime, because what I worry  
13 about is a trajectory that might be unsustainable  
14 right now. Is overtime expenditures gonna quadruple  
15 over the next four years again? Or do you believe  
16 this is a transitional serge?

17 COMMISSIONER PETERS: I believe its  
18 transitional. I do not believe they are going to  
19 quadruple again. Uhm and for whatever its worth,  
20 just a matter of perspective, our overtime now is  
21 about 1.9% of our budget. I believe the NYPD's so  
22 it's a little under 2%. I believe the NYPD is about  
23 13%. So, we are spending less on overtime then the  
24 NYPD.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: I might be a low bar  
3 commissioner, but I think the NYPD has a special  
4 status in city government.

5 COMMISSIONER PETERS: As do we obviously. So,  
6 just to keep that into perspective, I don't believe  
7 that we are going to see a quadrupling again of it,  
8 but my other concern is that a chunk of our overtime  
9 is not reflected in the budget because it is paid for  
10 by forfeiture funds. The problem is forfeiture funds  
11 are not infinite. DOI did a case a number of years  
12 ago that brought in a huge amount of forfeiture funds  
13 more than we normally do. That money will run out  
14 and that money for overtime will run out. So, we are  
15 going to be increasingly dependent on the city's  
16 budget for overtime. But I think we're going to be  
17 reasonably stable over the next couple of years.

18 CHAIRPERSON TORRES: So, DOI has a just a widely  
19 very complex function in city government. DOI  
20 conducts [inaudible 45:01] checks, background checks,  
21 you service the investigative arm for [inaudible  
22 45:04], you investigate corruption. You oversee  
23 operations, so I'm going to have various questions  
24 about jurisdiction because not only do you have DOI  
25 as the centralized investigative force in city

1           COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 government, but each agency might have its own  
3 investigative unit and knowing the jurisdictional  
4 differences between the two can be complicated. One  
5 is what is the difference in jurisdiction between the  
6 commission to combat police corruption and the NYPD  
7 Inspector General?

8           COMMISSIONER PETERS: Sure. So, the commission  
9 to combat police corruption was created by an  
10 executive order a number of years ago and it  
11 essentially serves an advisory role with regard to  
12 the NYPD. They review a certain number of IB cases  
13 each year and then advise the police commissioner and  
14 an occasion— and I believe they issue an annual  
15 report on whether or not certain IAB functions.  
16 Meaning NYPD's Internal Affairs Bureau has handled  
17 its work correctly. The Department of Investigations  
18 Inspector General for the NYPD, is the independent  
19 Inspector General for the NYPD charged with reviewing  
20 not merely IAB functions, although we do have  
21 jurisdiction over that, but over the entire NYPD to  
22 look at whether the NYPD A. Has engaged in illegal  
23 activity. B. Has engaged in activity that is in  
24 violation of its own regulations. C. Has engaged in  
25 "waste, fraud, or abuse," meaning the obviously

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 improper use of resources and D. Whether the NYPD has  
3 taken actions that negatively effect the civil rights  
4 of New Yorker's. It's a very broad – we have a very  
5 broad mandate.

6 CHAIRPERSON TORRES: Why have two distinct  
7 entities? Why not centralize them?

8 COMMISSIONER PETERS: Right now, there are I  
9 suppose four different entities that look at the  
10 NYPD. There is IAB which is the Departments Internal  
11 Affairs Bureau and most agencies have some form of  
12 Internal Affairs Bureau. I think it is important for  
13 agencies to have Internal Affairs Bureau, I would  
14 note that A. This council, when it passed local law  
15 70 obligated Internal Affairs to report to DOI on  
16 certain trends or other issues. And B. Under  
17 Executive Order 16, which has been in place for at  
18 least I think, thirty years, every city's Internal  
19 Affairs group has an obligation to stand down if DOI  
20 sends them written notice saying that we are  
21 investigating something. As a general rule, we tend  
22 not to send a lot of stand down requests because we  
23 think that additional investigations are important,  
24 but there have been times in other agencies where we  
25 have in fact said to an Internal Affairs group,

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 please stand down. We are going to do this, and we  
3 don't want anybody else looking at it until we've had  
4 a chance.

5 CHAIRPERSON TORRES: You have the authority to  
6 review police misconduct, police operation.

7 COMMISSIONER PETERS: Absolutely.

8 CHAIRPERSON TORRES: Police operation. What is  
9 the difference or overlap, between CCRB and DOI?

10 COMMISSIONER PETERS: That's a great question.  
11 Uhm, and it is one that we have devoted considerable  
12 thought to over the last four years and one that to  
13 some extent experiences teaching us – has allowed us  
14 to evolve our thinking in. My thinking is different  
15 now then it was four years ago. CCRB has a large  
16 staff that investigates individual instances of  
17 police misconduct and they have a large staff. There  
18 staff is actually larger than the DOI's IG staff.  
19 They do individual instances, misconduct, both  
20 smaller instances of misconduct and very serious  
21 instances of misconduct. It would be impossible for  
22 DOI to replicate that work absent essentially taking  
23 on the entire staff and mechanism of the CCRB. What  
24 DOI does is we are empowered to look at both  
25 individual instances of misconduct, and systemic

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 problems. What we've tried to do, and we tried to do  
3 this with all of the agencies but especially so in  
4 the case of the police because there is ACCRB. Is  
5 rather than simply viewing individual cases in  
6 isolation, we have tried where there has been police  
7 misconduct, we have tried to look at it as a systemic  
8 matter. In other words, to go beyond did officer X  
9 you know, engage in misconduct on this date but is  
10 there a broader problem that goes beyond what officer  
11 X did. And I think that what you've seen in a lot of  
12 the reports that we've issued and what you will see  
13 in some future work that will be coming out of that  
14 Inspector General's office during the course of this  
15 year is an ability to look more broadly. So, for  
16 example, not just did the NYPD improperly surveil a  
17 particular political organization on a particular  
18 date, but a detailed review of whether the NYPD was  
19 improperly surveilling political and religious  
20 groups, and did they have the infrastructure in place  
21 to make sure that they didn't do so in the future.  
22 And what we found was that in fact, there was  
23 improper surveillance going on and improper checks on  
24 surveillance. And that was the kind of thing that  
25 could only be done by DOI, because it has to be done

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 by an entity that is independent from the police  
3 department, but that is also a law enforcement agency  
4 and therefore can have access to highly confidential  
5 documents.

6 CHAIRPERSON TORRES: You and I had – I just want  
7 to challenge. I do think action in individual cases  
8 could effect systemic change. Right, if individual  
9 officers are held accountable for misconduct, and  
10 what role can DOI play in holding officers  
11 accountable for misconduct? And later on, I'm going  
12 to ask you about some of the exposes that we've seen  
13 in the New York Times.

14 COMMISSIONER PETERS: Sure. So, I agree with  
15 you that individual cases can be a vehicle for  
16 dealing with systemic conduct.

17 CHAIRPERSON TORRES: Especially in matters of  
18 policing.

19 COMMISSIONER PETERS: I agree with you and I  
20 agree with you in especially matters of policing and  
21 I want to be very careful here, because as you know  
22 we do not ever speak about ongoing investigations or  
23 even acknowledge the existence of ongoing  
24 investigations and so with that very clear caveat, I  
25 agree with you completely about the importance of



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 doing individual cases including individual - I agree  
3 with you as a general matter on the importance of  
4 doing individual cases including individual criminal  
5 cases as a way of dealing with systemic problems. I  
6 agree with you on that as principal.

7 CHAIRPERSON TORRES: What about practice?

8 COMMISSIONER PETERS: And I am committed to - I  
9 believe we have put that into practice at many  
10 agencies. We are committed to that principal.  
11 Putting that principal into practice at the NYPD as  
12 well but beyond that I'm not going to discuss it.

13 CHAIRPERSON TORRES: I'm going to pressure on  
14 this commissioner. The Inspector General has been in  
15 place for how many years? Two or three?

16 COMMISSIONER PETERS: Four.

17 CHAIRPERSON TORRES: Four years. Have you  
18 brought any cases against individual officers for  
19 misconduct or malfeasance?

20 COMMISSIONER PETERS: We have not brought cases  
21 - that Inspector General's office has not brought  
22 individual cases to date.

23 CHAIRPERSON TORRES: And why is that?

24 COMMISSIONER PETERS: To date, the  
25 investigations that we have done have been looking at

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 broader systemic issues that have not presented  
3 themselves for individual prosecutions. Uhm, I  
4 believe well, I believed that there were other  
5 vehicles for effectively handling this. We are  
6 reconsidering whether there are alternative effective  
7 vehicles for handling individual prosecutions and as  
8 a result of that reconsideration, we are rethinking  
9 how we are handling certain investigations. That is  
10 a rethinking process that I and senior staff are  
11 going through. If your questions is, why did it take  
12 us four years to rethink it, because none of us are  
13 perfect.

14 CHAIRPERSON TORRES: Fair enough. I appreciate  
15 the admission of – okay, so your shifting toward a  
16 focus on individual cases, it sounds?

17 COMMISSIONER PETERS: We have always had a DOI  
18 and an influence on individual cases. We've arrested  
19 726 people last year including you know to give you a  
20 fairly – two fairly recent examples, we arrested 17  
21 asbestos inspectors for falsifying asbestos safety  
22 reports expressly as a way to demonstrate the need  
23 for wholesale change in the way we do asbestos  
24 inspections in New York City. We've arrested  
25 multiple general contractors for violating DOB

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 regulations that resulted in people getting killed  
3 and brought manslaughter charges expressly as a way  
4 of demonstrating there needs to be a change in the  
5 way safety is done. We are rethinking – we are  
6 always rethinking how we do all of our  
7 investigations, but certainly, we are rethinking how  
8 police investigations need to be done.

9 CHAIRPERSON TORRES: I want to press on this  
10 because DOI will often tell the number of arrests,  
11 the number of investigations and you show no  
12 trepidation about arresting the Loveland actors and  
13 other agencies. Why the trepidation with the NYPD?

14 COMMISSIONER PETERS: I would quibble with the  
15 phrase trepidation. Uhm, –

16 CHAIRPERSON TORRES: But you do treat the NYPD  
17 differently then you do other agencies when it comes  
18 to the anti-corruption in the law enforcement  
19 function of DOI's. Is that a fair observation? It  
20 seems like your role in relation to the NYPD is  
21 oversight, but is that –

22 COMMISSIONER PETERS: I – I don't know – as I  
23 said, I don't know that I would agree with the word  
24 trepidation. I think if you look at some of the  
25 reports we've issued via the NYPD and the response

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 that those reports have engendered from the NYPD, I  
3 don't believe they would feel as though we have  
4 treated them with kid gloves or with trepidation.

5 CHAIRPERSON TORRES: But those are oversight  
6 reports. So, earlier in our conversation, you said  
7 you had an expansive conception of corruption. Is  
8 excessive force, is police brutality, do those fall  
9 within the meaning of corruption as you understand  
10 it.

11 COMMISSIONER PETERS: Yes.

12 CHAIRPERSON TORRES: What about Test a Lying?  
13 This phenomenon that the New York times has  
14 chronicled. Does that fall within the meaning of -

15 COMMISSIONER PETERS: Absolutely.

16 CHAIRPERSON TORRES: So, why not investigate  
17 individual cases of test of lying, excessive force,  
18 police brutality?

19 COMMISSIONER PETERS: So, in 2015 we issued a  
20 report which among other things found we reviewed I  
21 believe it was 107, if I'm off by one or two, forgive  
22 me. Uhm, instances of excessive force that were  
23 presented - I want to make sure I'm getting these  
24 numbers exactly right. If I get the numbers off by  
25 even a little bit, somebody will correct me. In

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 which excessive force was substantiated by the CCRB  
3 and in roughly a third of the – we found that in 36%  
4 of instances where we independently verified that the  
5 CCRB was correct in terms of excessive force and  
6 presented evidence of excessive force to the police  
7 commissioner. The police commissioner nonetheless,  
8 declined to discipline the officer. We wrote that  
9 report in 2015 and we wrote it as the beginning of a  
10 review of excessive force and that is an attempt to  
11 say this is an issue that needs to be taking more  
12 seriously. Since then as you know, we issued a  
13 follow up report on the recording of excessive force  
14 which concluded that to this day, the NYPD is under  
15 reporting the use of force. I don't which to go into  
16 present investigations except to say, that we take, I  
17 take extremely seriously excessive force. I take  
18 extremely seriously false statement. I will also say  
19 that turning such cases into criminal cases as  
20 opposed to civil CCRB matters is remarkably difficult  
21 in a lot of different ways and requires a huge amount  
22 of work both from us and from the relevant DA's, but  
23 it is absolutely an issue. It is an issue for which  
24 we have jurisdiction and its one that we're concerned  
25 about.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: I know, and I know its  
3 incredibly complex. My only concern is that there  
4 have been zero cases and I think we all recognize  
5 that there is a small subset of officers who drive a  
6 disproportionate a share of CCRB complaints, law  
7 suits, police brutality, but its one thing to have a  
8 report on those subsets of officers. It is something  
9 else to actually hold them accountable and I want the  
10 city to be in the business of actually holding the  
11 worst actors in the NYPD accountable for driving a  
12 disproportion or share of excessive force or test of  
13 lying or whatever problems have been identified.

14 COMMISSIONER PETERS: I agree with you. I agree  
15 with you although I would also point out that part of  
16 the reason that we write these reports and there will  
17 be more of them in the coming year. Part of the  
18 reason for writing the reports is so that the public,  
19 so that the council, so that the Mayor, so the Police  
20 Commissioner, so that everybody is aware of the this.  
21 The first thing that needs to happen is if the NYPD,  
22 and as I said, these numbers are now several years  
23 out of date. If the NYPD fails to discipline some  
24 large percentage of officers where they are given

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 incontrovertible proof of excessive force. That is a  
3 real problem and it is one that requires examination.

4 CHAIRPERSON TORRES: But it seems to me you have  
5 more.

6 COMMISSIONER PETERS: I obviously do not have –  
7 I do not have the power to discipline officers. I  
8 actually don't tackle with the power to indict  
9 officers. The DA has to do that. I do have the  
10 power to arrest police officers. Uhm, although I  
11 would not – to be honest I would not arrest an  
12 officer without knowing that a DA was going to  
13 prosecute them. That would strike me as an abuse of  
14 my powers. In order to do that, you need to work  
15 with the DA, but I also would suggest that some of  
16 these are questions that ought to be posed of he city  
17 and of NYPD and part of the power of DOI is to point  
18 out where the disciplinary process is broken down.

19 CHAIRPERSON TORRES: But there is often denial.  
20 I mean its often the case that the NYPD will reject  
21 the recommendations of both CCRB and the NYPD  
22 Inspector General. The difference between DOI and  
23 CCRB is that DOI can actually take action against  
24 individual officers.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: That is true, and it is  
3 something that we are keenly aware of and I  
4 acknowledge that to date the work we have done,  
5 [inaudible 1:01:12], the NYPD and the problems we  
6 have seen have not to date resulted in arrests.

7 CHAIRPERSON TORRES: And a few more  
8 jurisdictional questions.

9 COMMISSIONER PETERS: Sure.

10 CHAIRPERSON TORRES: What is the difference in  
11 jurisdiction between the Special Commissioner of  
12 Investigation and the Office of Special  
13 Investigations at the DOE?

14 COMMISSIONER PETERS: Oh, so the Office of  
15 Special Investigations is DOE's internal – it is the  
16 equivalent of IAB for the NYPD and ID for DOC.  
17 That's their internal folks. Generally, when they  
18 get – and when they generally get complaints, they  
19 send them to us. Some small number we will deal with  
20 because they are serious enough and most of them we  
21 will send back to them to handle because they are  
22 clearly just disciplinary matters. The Special  
23 [inaudible 1:01:56] for Investigation, also known as  
24 the Inspector General for the Department of Education  
25 is the Inspector General reporting to me part of DOI.



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 Its called Squad 11 internally. That is the DOI  
3 Inspector General who does investigations, recommends  
4 discipline, etc. It's the difference between IAB and  
5 -

6 CHAIRPERSON TORRES: Oh, straight forward. Yeah.  
7 There was a New York times article recently about a  
8 portrayed to dispute you and the DOE regarding the  
9 special commissioner of investigations.  
10 I was not clear on the nature of that dispute. Can  
11 you -

12 COMMISSIONER PETERS: Well neither was I. Uhm to  
13 be honest, neither was I. So, very honestly 1. The  
14 most important thing to note is the mission of he  
15 Inspector General's office hasn't changed. The  
16 Inspector General has always reported to DOI and  
17 continues to and most importantly will continue to be  
18 independent of the Department of Education. I will  
19 tell you that we have made some managerial as I  
20 eluded to you in my testimony, we've made some  
21 managerial and structural changes to better integrate  
22 - for a variety of reasons we have made managerial  
23 and structural changes to both the NYPD IG and the  
24 Department of Education IG to bring them within fully  
25 integrated within DOI so that they can and will be

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 doing the same kinds of work that all of DOI does.  
3 Which also goes back to your question about, have we  
4 been treating the NYPD differently. We are now fully  
5 integrating that function within DOI. That's  
6 something we've done fairly recently. I will tell  
7 you that at no time while the New York Times reported  
8 that there was a conflict. At no time has anyone  
9 from the Department of Education contacted me or any  
10 one on my staff to object to anything we're doing.  
11 So, I'm not quite sure where the controversy is  
12 either. DOE certainly hasn't objected to us and what  
13 we are doing is simply making sure that those two  
14 squads, the police and DOE, are fully integrated  
15 within DOI and handle cases in the same consistent  
16 way as the rest of DOI. I think that that is  
17 important, and I think that although both of those  
18 squads have done enormous good work, and I think you  
19 will see in the fairly near future, a further display  
20 of that. This will allow them to do even more good  
21 work including as it relates to some of the things  
22 we've discussed previously.

23 CHAIRPERSON TORRES: So, I want to see if I  
24 understand the changes that are at work. You're

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 renaming the DOE Special Commissioner Investigation,  
3 the Inspector General for the DOE?

4 COMMISSIONER PETERS: Well, by law they are  
5 technically – will always be technically called the  
6 Special Commissioner for Investigation. They are  
7 also called the Inspector General for DOE. That  
8 strikes me as a bit of nomenclature. I tend to refer  
9 to it as the IG because it is important that we have  
10 consistent work across the line. As a matter of law,  
11 they still have a separate additional title.

12 CHAIRPERSON TORRES: And instead of the NYPD IG,  
13 and the DOE IG reporting directly to you, to whom  
14 will those – ultimately, they will report to you but  
15 who is the immediate supervisor?

16 COMMISSIONER PETERS: Right, everybody ultimately  
17 reports to me. Each of those – the way that the  
18 Department of Investigations is structured. Every  
19 Inspector General reports to an associate  
20 commissioner. The associate commissioners are people  
21 with tremendous experience in law, with 20, 30 years  
22 of law enforcement in many cases. There are three  
23 associate commissioners. All of the IG's report to  
24 one of those associate commissioners. The associate  
25 commissioners in turn report to Susan Lambiase who is

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 my Deputy Commissioner for Investigations whose also  
3 had an extremely long career in law enforcement  
4 starting out at the Brooklyn DA's office. They report  
5 to my first deputy who is in charge of running the  
6 office on a day to day basis who reports to me. Uhm,  
7 and his will in fact allow me to be more involved in  
8 both of these IG's offices because rather than having  
9 to deal - carve out time for day to day work, it  
10 allows me through the staff and we have I believe, I  
11 and my first deputy and my deputy commissioner and my  
12 associate commissioners have developed what I believe  
13 has been an extraordinarily effective model for  
14 handling cases, and this will allow us to leverage  
15 all of that experience.

16 CHAIRPERSON TORRES: I have many more questions  
17 commissioner, but I'm going to actually allow my  
18 colleague Keith Powers to ask a few questions.

19 CITY COUNCIL MEMBER KEITH POWERS: Thank you.  
20 Good to see you. Thank you for that testimony and  
21 its never easy to be on the microphone with Ritchie  
22 Torres. So, I commend you on that. I know the  
23 conversation at the beginning started about ways to  
24 ensure that DOI is more independent and I commend  
25 Council Member Torres for some ideas about how to

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 ensure the independence whether its going through and  
3 independent budget or through consent of the City  
4 Council. The other thought that one might have is -  
5 well, let me take a step back. The process as it  
6 currently stands for your appointment if I recall was  
7 to be nominated by the Mayor and then be with the  
8 consent of the City Council, is that correct?

9 COMMISSIONER PETERS: Yes. I was nominated by  
10 the Mayor and then confirmed by the Council.

11 CITY COUNCIL MEMBER KEITH POWERS: Great and you  
12 currently serve until further notice without any  
13 fixed term, or there is no year cap on your job. Is  
14 that correct?

15 COMMISSIONER PETERS: You're stuck with me for a  
16 good long while.

17 CITY COUNCIL MEMBER KEITH POWERS: Well, I think  
18 you're doing a good job, so I'm okay with being stuck  
19 with you.

20 COMMISSIONER PETERS: Well thank you.

21 CITY COUNCIL MEMBER KEITH POWERS: So, but  
22 another idea would be on terms of independence is to  
23 create a fixed term that lasts beyond any particular  
24 administration or city council member or otherwise.  
25 Any thoughts on something like that?

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: I'm not sure. I mean  
3 obviously there are instances. You know, the most  
4 notable instance is the FBI, you know the FBI  
5 directors term is ten years for several reasons. One  
6 is by definition extends beyond anyone in  
7 administrations. Second of all very bluntly, I think  
8 it probably takes roughly that much time to do a good  
9 job. I'd like to believe I've done a good job in my  
10 first four years here. I believe I have but I am  
11 acutely aware even if I'm not going to list right now  
12 all of the things that I have not yet done and all  
13 the changes that have not been made. Not because  
14 we're not - everybody on my staff working practically  
15 24 hours a day but because change takes time.  
16 Investigations take time. I mean I understand that  
17 the big investigations that people talk about coming  
18 out of DOI are usually sixteen to eighteen month long  
19 investigations from the time they start and in many  
20 instances where there's a troubled agency, it can be  
21 two years after we decide that there is real trouble  
22 at an agency before we're turning out the kind of  
23 work that can do that.

24 CITY COUNCIL MEMBER KEITH POWERS: And presumably  
25 you inherited some case work that a predecessor had,

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 and you will at some point and time handle office  
3 work too because of the multiyear process.

4 COMMISSIONER PETERS: Absolutely, and by the way  
5 I should say, I inherited, I'm very, very, lucky. I  
6 inherited from my predecessor a remarkable staff. I  
7 inherited, although we've added a lot to that staff,  
8 I inherited a remarkably talented staff and a  
9 remarkable legacy of work which has made everything  
10 that we've done in the last four years possible. We  
11 didn't have to start from scratch in a lot of places  
12 and that's made it possible. So, I owe a huge debt  
13 of gratitude to my predecessor and I feel therefore  
14 an obligation that whatever time it is that I'm done  
15 with this to hand over an agency in even better shape  
16 to my successor but as I said, I think you're stuck  
17 with me for awhile and I'm hopefully not going  
18 anywhere.

19 CITY COUNCIL MEMBER KEITH POWERS: Yeah and my  
20 point being that in particularly with the Department  
21 of Investigations more than any other agency I can  
22 think of having I think sharing council with Torres's  
23 statement about independent budget or other ways to  
24 ensure that you're not subject to the political  
25 moment, whether its at the council or the

1           COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2       administration. It's important to me not only as a  
3       council member but also as tax payer to ensure that  
4       we have an independent oversight body in the city.  
5       Uhm, I want to move to DOC and the Department of  
6       Corrections and your annuity with the Department of  
7       NYPD that the DOI's investing - I know you guys were  
8       just discussing it, investing the larger systemic  
9       issues rather than the individual employees or  
10      individual cases. Is that the same with the DOC?

11           COMMISSIONER PETERS: Uhm, its been different with  
12      DOC which has followed a bit more of a traditional  
13      DOI model to date. Uhm, and as I spoke to you  
14      before, we are now bringing everything within one  
15      entity. So, we have arrested since we started our  
16      sort of large scale look at DOC, we've arrested I  
17      think about 80 people including 23 correction  
18      officers for contraband, smuggling, for sexual  
19      assault, for violence. In addition to all of those  
20      arrests, we've issued a number of reports dealing  
21      with the failure to properly staff and hire, and  
22      screen DOC employees. The failure to properly set up  
23      check points to prevent contraband smuggling. All of  
24      that work - and all of that work is continuing.

25



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER KEITH POWERS: And on the  
3 contraband issue, you had a report just a few weeks  
4 ago really about continued failures at two complexes.  
5 The Manhattan Detention, Brooklyn Detention Complex.  
6 Presumably, have you looked at the other ones as  
7 well? Have you done pass actions on it? It seems  
8 like its both an individual failure and a systemic  
9 failure to continue to keep people secure  
10 particularly, we're talking about women employees.  
11 In this case, we're able to bring in contraband at  
12 that two facilities. Any status on - it was only a  
13 few weeks ago, but any update on the status of the  
14 recomm - the DOC agreed to your recommendations. Do  
15 you have any updates on status, timeline, and if not  
16 yet implemented when we might - and there was four  
17 recommendations when those would be [inaudible  
18 1:12:40].

19 COMMISSIONER PETERS: Sure. That's a great  
20 question. Uhm and it grows to a broader point which  
21 is we issue reports and make recommendations and  
22 frequently there not always - they get accepted. But  
23 the bigger issue is not, does somebody accept the  
24 recommendations, but do they actually implement them?  
25 And one of the things that we plan to do over the

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 course of this year is a much harder look at not  
3 merely whether recommendations are accepted, but  
4 whether they are implemented, and our plan is that by  
5 the end of this year we will be able to post publicly  
6 for every city agency. All of the recommendations,  
7 and not only whether they were accepted but whether  
8 they were actually implemented. So, that citizens,  
9 New Yorkers, and frankly this council, will be able  
10 to actually go and see not only did they say they  
11 would do it, but have they done it. And one of the  
12 real issues that we've had at DOC is that while  
13 they've agreed to many of our recommendations, they  
14 agreed to many of the recommendations that we made  
15 two years ago about contraband smuggling and yet,  
16 what this report demonstrated was that even though  
17 they'd agreed to these recommendations, they weren't  
18 actually implemented because if they had been, we  
19 wouldn't of been able to smuggle in scalpel blade and  
20 marijuana and suboxone into all of these facilities.  
21 It was clear if you you'd followed our recommendation  
22 from two years ago, we couldn't have smuggled the  
23 stuff in. We smuggled the stuff in. It was clear  
24 they're not following them. So, a lot of what our  
25 recommendations from the most recent report, we're

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 really just saying look, the stuff we told you about  
3 two, now three years ago, we meant it. It's  
4 important. Do it. Uhm, they have now committed to  
5 doing it. We will go back again, uhm I imagine it  
6 will take a number of months for them to implement  
7 this, but we will go back again and if they've  
8 implemented it, then the next time we try to smuggle  
9 scalpels and suboxone into the facilities, our guys  
10 will get stopped. And if the they haven't  
11 implemented it, I will be back to this council and to  
12 this committee to say, despite all their statements,  
13 nothings happened. Uhm, similarly, we made a huge  
14 number of recommendations to DOC about how they have  
15 to change their hiring practices. We are now in the  
16 process of examining whether or not they have  
17 accepted those recommendations and when we conclude  
18 that investigation, we will issue a report and I will  
19 be back to this committee if you're not tired of me  
20 by then. Uhm, to comment on whether or not they  
21 actually followed up.

22 CITY COUNCIL MEMBER KEITH POWERS: And are there  
23 penalties for in a case of the recent report, it  
24 seems like it was failure both to adopt your  
25 recommendations, but then behave - I mean is there

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 systematic problems with security and then there is  
3 individual behavior where people don't uh, a metal  
4 detector goes off and somebody then ignores it. Are  
5 there penalties for the folks in any report, or any  
6 investigation that fail to actually meet their job  
7 requirements? And I'm not calling for that, I'm just  
8 asking.

9 COMMISSIONER PETERS: Right. No, no, it's a  
10 great question. So, obviously where people are  
11 engaged in illegal conduct for example, the report  
12 went along with to go back to Chair Torres's  
13 observation, which I completely agree with. That it  
14 is often times necessary to do individual arrests to  
15 highlight a problem. That report accompanied the  
16 arrest of several officers who had in fact - you know  
17 several officers were part of a network of contraband  
18 smuggling and the report followed with the arrest  
19 because the arrest was a vivid demonstration of the  
20 broader problem. The report then demonstrated the  
21 broader problem. Where people simply are not  
22 following the rules in the sense of waving people  
23 through who shouldn't be, that's not criminal  
24 conduct. In some of those instances, we will make  
25 referrals to the agency recommending discipline.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 Sometimes we will and sometimes we won't and that's a  
3 judgement call based on a wide variety of factors,  
4 but certainly when we do these investiga- when we do  
5 investigations and find people not doing their jobs  
6 in this way, we often make a disciplinary referral  
7 separate and apart from any criminal referral.

8 CITY COUNCIL MEMBER KEITH POWERS: Got it. So,  
9 something that's more internal than in the criminal  
10 in terms of how to be punitive. And there was a  
11 recent report from Department of Corrections about  
12 sexual abuse. We noted a large increase in both  
13 allegations and I think findings, and a huge back log  
14 in terms of investigations. It would almost strike  
15 you as an almost a crisis of behavior. And I'm not  
16 pointing the finger at any particular person or  
17 entity responsible to it, its allegations come from -  
18 based on a lot of reasons but what are your recent  
19 findings or at least in terms of sexual abuse within  
20 our Director of Department of Corrections facilities?

21 COMMISSIONER PETERS: Right. So, this is a huge -  
22 it is in fact a real problem. Sixteen staff have now  
23 been modified as a result of DOI investigations.  
24 Meaning they are no longer allowed contact with  
25 inmates as a result of our investigations stemming

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 into sexual assault at Rikers and at other  
3 facilities. I think its important to say Rikers and  
4 other facilities because sometimes people lose track  
5 of the fact that there's Brooklyn House and there's  
6 Manhattan, and all of the problems that exist. Let  
7 me be very clear about this. All of the problems  
8 that exist on Rikers, exist equally if not more so at  
9 the localized borough facilities. I think that's an  
10 important fact not to lose track of especially in the  
11 debate about closing Rikers. So, we have done and  
12 are doing a number of investigations in sexual  
13 assault at the city jails. We have arrested - we  
14 have already made some arrests in this regard. We  
15 have arranged for sixteen staff to be modified.  
16 These are remarkably hard cases to do criminally for  
17 a variety of reasons. Nonetheless, we have made some  
18 arrests. We have arranged for an even larger number;  
19 sixteen modifications and I think that that work is  
20 going to be continuing for some time. It is a  
21 genuine problem. Uhm, bluntly we would do more  
22 investigations if we had more staff.

23 CITY COUNCIL MEMBER KEITH POWERS: Got it and you  
24 did mention that you had difficulty staffing for the  
25 DOC and Rikers and other and as you know, a very

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 important point, there is more than Rikers Island in  
3 terms of what's under the jurisdiction of DOC. Can  
4 you give us more reasons why or information on terms  
5 of your challenges and difficulties staffing that?

6 COMMISSIONER PETERS: Sure. I mean there have  
7 several. One is as I said, last year what it  
8 developed that DOC's and Internal Affairs division  
9 had been essentially ease dropping on – improperly  
10 ease dropping on DOI phone calls a part of DOC's  
11 internal affairs group. One of the parts that  
12 listens to – that monitors phone calls which is an  
13 enormously time – monitoring phone calls is an  
14 enormously time-consuming process that bluntly for a  
15 variety of reasons that I'd rather not go into in a  
16 public setting, cannot be made more efficient with  
17 computers. It is a huge time-consuming process.  
18 About twenty people were supposed to be sent over.  
19 Uhm, those people had to pass because although they  
20 would be technically DOC employees, they would be  
21 working for DOI. They would have access to DOI  
22 records. They would be in DOI facilities. They had  
23 to pass our background screening process and the  
24 number of people who got through the interview

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 process and then couldn't get through the background  
3 screening process, was significant.

4 CITY COUNCIL MEMBER KEITH POWERS: It was twenty  
5 that were supposed to come over?

6 COMMISSIONER PETERS: Twenty were supposed to  
7 come over. Not all of them were supposed to be DOC  
8 staff. I think it was twelve DOC staff, four DOC  
9 captains, and four civilian staff. Somebody is going  
10 to check the exact numbers.

11 CITY COUNCIL MEMBER KEITH POWERS: And they were  
12 current employees that were supposed to be sent over  
13 and become DOI -

14 COMMISSIONER PETERS: Correct. The four  
15 civilians were gonna just be hired by us. The other  
16 sixteen - did I just do the math right? Yes, I did.  
17 The other sixteen uhm, and somebody is checking  
18 those. I'm sorry, there's two captains, not four  
19 captains. Twelve staff, two captains, four civilian  
20 analysts, there is two more, somebody will find out  
21 what those other two positions were.

22 CITY COUNCIL MEMBER KEITH POWERS: And so, they  
23 were DOC employees that were then going to be  
24 transferred over -

25 COMMISSIONER PETERS: Correct.



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER KEITH POWERS: So, are you  
3 concerned - I'll share, I might be but are you  
4 concerned that there are employees at DOC who are  
5 doing work that could not pass your background  
6 investigation?

7 COMMISSIONER PETERS: I am uhm as I've said, and  
8 I don't mean to sound like a broken record on this.  
9 We obviously do not discuss ongoing investigations,  
10 but I will tell you that we are in the process of  
11 finish- of our review of whether - we issued a report  
12 two years ago about DOC staffing. In other words,  
13 what we found was that in something like a third of  
14 all hires from one class, there were red flags in the  
15 hiring. Meaning the people who'd been hired either  
16 had known gang affiliations, they had prior felonies  
17 on their records, or some other you know, indicator  
18 that they clearly shouldn't be a DOC employee but got  
19 hired anyway. Uhm, we are - we will be issuing a  
20 report this year, probably the first half of this  
21 year as to whether or not DOC made the changes we  
22 recommended and whether there still remaining, these  
23 kinds of red flags in the hiring. As I said, we do  
24 not discuss the contents of our investigations until  
25 they're completed but at the point at which that

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 report is completed, I'd be happy if this committee  
3 wants to come back and answer more detailed questions  
4 on that subject.

5 CITY COUNCIL MEMBER KEITH POWERS: Yeah, I'm  
6 concerned I mean I think if not I'm the Criminal  
7 Justice Chair, we can have you as well but you know,  
8 I think we would all share some concern that there  
9 are employees who can't pass and I'm sure you have a  
10 high standard but again, can't pass a background.

11 COMMISSIONER PETERS: I share your concern.

12 CITY COUNCIL MEMBER KEITH POWERS: Thank you.  
13 Just and I'll let my colleagues, you have a back log  
14 in terms of background checks?

15 COMMISSIONER PETERS: Yeap.

16 CITY COUNCIL MEMBER KEITH POWERS: Six thousand  
17 something - I don't know what the number is but over  
18 six thousand. So, on a similar note, does that mean  
19 that we have folks who are working [inaudible  
20 1:23:34] and who have accepted jobs or working that  
21 have not yet been received a background  
22 investigation?

23 COMMISSIONER PETERS: Yes.

24 CITY COUNCIL MEMBER KEITH POWERS: And its maybe  
25 not six thousand, but its in the thousands I assume.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: It is. I mean just, and I  
3 just want to be careful that we don't set off - it is  
4 a concern, but I don't want us all to panic.  
5 Obviously, there are certain jobs that are  
6 particularly sensitive or particularly senior where  
7 we will get a call from an agency saying we plan to  
8 hire this person for this very sensitive position.  
9 Can you please make sure it gets done before they  
10 start? And those will be kicked to the top of the  
11 pile. In deed one of the reason that you'll find  
12 that some number ten to linger is applications  
13 periodically for the most sensitive things jump the  
14 line. Which is appropriate. I'm not - I'm not  
15 criticizing on that.

16 COMMISSIONER PETERS: Right and I don't criticize  
17 agencies for periodically calling and saying this is  
18 a particularly sensitive position. Could you kick  
19 this to the top of the line, but yes there are a  
20 reasonable number of people who are working whose  
21 backgrounds have not been completed. That is true  
22 and every now and again something bad happens and  
23 we're reminded of it and it is something that  
24 concerns me.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER KEITH POWERS: Does that  
3 include teachers?

4 COMMISSIONER PETERS: Teachers go through a  
5 different background and process that's handled by  
6 the Board of Educations. So, we do not - we do not  
7 do teacher backgrounding.

8 CITY COUNCIL MEMBER KEITH POWERS: Got it and is  
9 there any sort of sense of time line by which -  
10 you're going to be getting more obviously because we  
11 hire people all the time, but if you had no new  
12 hires, what's the expected timeline that you think  
13 that you would actually achieve getting through  
14 65,000?

15 COMMISSIONER PETERS: Oh, if we do not have new  
16 hires that number will go up because obviously at  
17 some point we'll get through those 6,000 but more are  
18 coming in -

19 CITY COUNCIL MEMBER KEITH POWERS: When would  
20 your expected timeline be to get through the existing  
21 back log?

22 COMMISSIONER PETERS: Oh, in other words if the  
23 city never hired another person and I never had to do  
24 another background other than the ones we presently

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 have, which we understand is not — hang on, if you  
3 give me one sec and I'll tell you exactly how many.

4 CITY COUNCIL MEMBER KEITH POWERS: I mean you had  
5 2,700 last year, that you closed.

6 COMMISSIONER PETERS: Okay, so if we closed 2,700  
7 a year so three well, two and half years. Two to  
8 three years if we at current staffing levels, it  
9 would be two plus years.

10 CITY COUNCIL MEMBER KEITH POWERS: Right.

11 COMMISSIONER PETERS: Right, whatever 2,700  
12 divided by 6000, more math then I can do in my head,  
13 but if you want I'll —

14 CITY COUNCIL MEMBER KEITH POWERS: Its close to  
15 three years.

16 COMMISSIONER PETERS: Close to three years. It  
17 would take that long to get everything done.  
18 Obviously, one is as I said, a certain number of  
19 things will — obviously new things are coming in a.  
20 some of those will jump the line as they should but  
21 b. the number will in fact go up because more are  
22 coming in then are getting done. It tends to become  
23 more acute every four years and especially every  
24 eight years where there's a new administration  
25 because there tends to be an even greater inflex at

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 the senior levels and those sometimes take longer to  
3 do.

4 CITY COUNCIL MEMBER KEITH POWERS: Got it thank  
5 you. Thank you and I'll hand it off from there.

6 COMMISSIONER PETERS: Thanks.

7 CHAIRPERSON TORRES: I'm going to ask a few  
8 questions before turning it over to Council Member  
9 Yeger who has joined us. I notice you said that the  
10 localized borough-based jails.

11 COMMISSIONER PETERS: Hmm hmm.

12 CHAIRPERSON TORRES: Are as dangerous if not more  
13 so than Rikers Island.

14 COMMISSIONER PETERS: Yes.

15 CHAIRPERSON TORRES: I want to tread carefully  
16 because I know you're in the business of evaluating  
17 compliance and policy rather than making policy  
18 judgements, but I took that to mean some skepticism  
19 about the plan to close Rikers Island and replace  
20 them borough-based jails. Is there concern that  
21 those borough-based jails can be just miniaturization  
22 of Rikers Island or?

23 COMMISSIONER PETERS: Right. So, let me be very,  
24 very, clear. Unlike all of you, I'm not an elected  
25 official and so not in the business of setting city

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 policy and priorities. The Mayor has declared that  
3 Rikers should be closed. This Council has declared  
4 that Rikers should be closed and the Department of  
5 Investigation will do everything necessary to make  
6 that process work as well as possible and so I am  
7 wanting to be very clear that I'm not taking any  
8 position on the closure of Rikers. Having said that,  
9 it is clear that the localized borough facilities  
10 that exist now which are the ones that people are  
11 talking about using, have all of the same problems as  
12 Riker's. Have all of the same issues of violence of  
13 contraband smuggling and in fact we documented this  
14 to some extent in the most report we issued. So,  
15 that if Rikers is closed, we're closing Rikers and  
16 moving the population of Rikers to localized  
17 facilities. In that of itself will not eliminate the  
18 violence, or the contraband smuggling or the other  
19 issues that we are talking about at Rikers. Now  
20 whether closing Rikers has other virtues is a  
21 question for the Mayor and for the Council and not  
22 for me. Whether closing Rikers could in some way  
23 help reduce violence, is a questions for jails,  
24 professionals and not me but what I can say as a  
25 matter of fact, is that the simple closing of Rikers

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 and moving to localized facilities in it of itself  
3 what we now know is that does not have any impact on  
4 violence, contraband smuggling and the related  
5 problems.

6 CHAIRPERSON TORRES: So, the notion that borough-  
7 based facilities are inherently safer than Rikers is  
8 not one out by the facts as you understand them.

9 COMMISSIONER PETERS: That is absolutely correct,  
10 yes.

11 CHAIRPERSON TORRES: A few more questions about  
12 it. DOI has the authority to investigate city  
13 employees or those who do business with the city,  
14 contract with the city. Those who receive benefits  
15 from the city.

16 COMMISSIONER PETERS: Sure.

17 CHAIRPERSON TORRES: What about those who lease  
18 land from the city would that fall within -?

19 COMMISSIONER PETERS: Yes, absolutely. People  
20 who lease land - several things. People who lease  
21 land from the city are absolutely within our  
22 jurisdiction and as you know, we have done  
23 investigations about city leases and things like  
24 that. Additionally, people in the real estate  
25 industry who are regulated by DOB in terms of



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 construction safety are very much within our  
3 jurisdiction as you know in the last two years we  
4 brought three manslaughter cases against general  
5 contractors who failed to follow DOB regulations and  
6 got workers killed. And that is part of a larger  
7 work that we are doing with all five DA's to try to  
8 use criminal penalties to basically clean up and make  
9 safe for the construction industry.

10 CHAIRPERSON TORRES: Now one of the – as I  
11 understand one of the entities leasing land from New  
12 York City is the MTA. As I understand we technically  
13 own – even though the MTA is a – New York City  
14 [inaudible 1:30:55] authority is a creature of state  
15 law, apparently New York City technically owns the  
16 infrastructure on which it operates or at least the  
17 subways. Could the city's ownership interest in the  
18 infrastructure of the MTA? Sort of the basis for  
19 establishing an Inspector General?

20 COMMISSIONER PETERS: I want to be really careful  
21 how I answer this for several reasons. Uhm, as a  
22 technical matter, probably. However, to caveats here  
23 both of which are extremely important. 1. As you  
24 know by state law there is an inspector general of  
25 the MTA. State law mandates and there is an

1           COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 independent Inspector General's office at the MTA.  
3 By state law the MTA Inspector General is appointed  
4 by the Governor. In order for DOI to do that work,  
5 it would be – to do it in something other than for  
6 show which I don't believe engaging in this work for  
7 show. You know in order to do that we would a. be  
8 replicating the work of the state created entity. I  
9 don't know what the staffing is there, but I would  
10 guess, and we can get back to you on it but would  
11 guess they got about a 100 staff. For us to do this  
12 work either wholesale on our own or you know, as has  
13 been done before through an MOU in which the MTA  
14 agreed that their IG would then report through DOI,  
15 would require the hiring of 100 people, it would  
16 require a massive commitment of time from the senior  
17 central staff at DOI. Uhm, if this council or the  
18 Mayor were to direct us to do so, we cer – you know,  
19 you folks are elected, and we are not, and we would  
20 do it, but I think it would be a massive undertaking  
21 that would require an influx of resources vastly  
22 greater than anyone would ever see.

23           CHAIRPERSON TORRES: Now the state wide – the  
24 existing IG for he MTA has a state-wide focus and  
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 reports to presumably the state legislature, the  
3 Governor.

4 COMMISSIONER PETERS: Yes.

5 CHAIRPERSON TORRES: There's a debate about  
6 whether the city should invest resources in the MTA.  
7 Alright, we're debating whether we should invest in  
8 the MTA action plan.

9 COMMISSIONER PETERS: Yes.

10 CHAIRPERSON TORRES: Uhm I imagine that if the  
11 city does decide to invest resources there is going  
12 to be a call for greater accountability on how city  
13 dollars are spent and there is no IG that reports to  
14 the council or the Mayor, or the city at large. So,  
15 that's why I'm putting the idea - that's the context  
16 of which I'm asking the question.

17 COMMISSIONER PETERS: I am absolutely sympathetic  
18 to that point. I mean I'm obviously not going to get  
19 - I have no opinion on how the city should fund the  
20 MTA or whether the city should fund the MTA, that is  
21 so far beyond my swim lane that I can barely see that  
22 part of the pool.

23 CHAIRPERSON TORRES: And that's not my question.

24 COMMISSIONER PETERS: Right but the answer is I  
25 am entirely sympathetic to the idea that the city has

1           COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 no effective oversight of the MTA the way it does  
3 with every other thing the city funds. What I would  
4 cautions and if the council and the Mayor wanted that  
5 oversight, DOI would obviously be the place to  
6 provide it because we have the infrastructure, but I  
7 would want to caution that before we walk down that  
8 road, in order to do it in a meaningful, I mean, I  
9 could assign one person to think about it, but in  
10 order to do it in a meaningful way in which I could  
11 come before this council once a year and say, we are  
12 doing our job, would essentially require taking the  
13 part of the present MTA IG, or a big chunk of it and  
14 moving it over to the city. Or a massive influx of  
15 resources and honestly a massive use of time at the  
16 top of DOI, meaning I mean you can see my deputy  
17 commissioner for investigations turning slightly  
18 green at the thought of this. It would be a massive,  
19 massive -

20           CHAIRPERSON TORRES: It could be a prohibitive  
21 undertaking for all I know.

22           COMMISSIONER PETERS: And I would certainly want  
23 considerable time to think about it and talk with my  
24 staff about it before I spoke about it beyond that.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: These are purely academic  
3 questions but one more academic question. Uhm, given  
4 the city's ownership interest in the subway system,  
5 do you think that DOI has the authority to oversee  
6 the MTA in the absence of an MOU, or would it require  
7 an MOU as a legal matter?

8 COMMISSIONER PETERS: Uhm, DOI I believe, and I  
9 would really like the opportunity to sit with my  
10 general council before.

11 CHAIRPERSON TORRES: Sure.

12 COMMISSIONER PETERS: And I'm happy to have - I  
13 believe the answer is yes, that we have that  
14 authority, but I would actually like the ability to  
15 sit with my general council and write you a follow up  
16 letter if that's okay?

17 CHAIRPERSON TORRES: On your terms, absolutely.

18 COMMISSIONER PETERS: Yes. I am happy to get  
19 back to you about that. I'd like a chance to  
20 actually discuss that with general council staff,  
21 meaning the lawyers at DOI, so that I don't say  
22 something that demonstrates why I stopped being a  
23 lawyer a couple years ago.

24 CHAIRPERSON TORRES: Fair enough commissioner.  
25 Council Member Yeger.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER YEGER: Thanks Chairmen.

3 Good morning commissioner.

4 COMMISSIONER PETERS: Good morning.

5 CITY COUNCIL MEMBER YEGER: I stopped being a  
6 lawyer on December 31<sup>st</sup>. Well, I guess once a  
7 lawyer, always a lawyer right.

8 COMMISSIONER PETERS: Right. No, no, no, you'd  
9 be surprised. Do you feel better?

10 CITY COUNCIL MEMBER YEGER: I call myself a  
11 recovering lawyer. Uhm, I apologize for my  
12 tardiness, I was at a hearing across the street, so  
13 if I ask you something that was previously covered,  
14 just say previously covered and go watch the tape and  
15 I will be happy with that. I won't be insulted.  
16 Uhm, in your testimony you indicated that a  
17 background check unit closed 2,782 investigations in  
18 2017. Your performance indicators indicate that  
19 there is a 300-day average time to complete a  
20 background investigation. That's what your target  
21 is, that's what you're hoping for. You want more  
22 staff to close that number. If an employee or a  
23 punitive a perspective employee is required to  
24 undergo a background check as a condition of  
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 employment. Do they actually start the job prior to  
3 having the employment check?

4 COMMISSIONER PETERS: Yes.

5 CITY COUNCIL MEMBER YEGER: Okay, so they could  
6 be on the job prior to then what happens you know,  
7 300 days later you come back and say this guy should  
8 not be hired.

9 COMMISSIONER PETERS: Uhm, well by the way just  
10 to be clear. We never say to an agency, you should  
11 or should not hire the person.

12 CITY COUNCIL MEMBER YEGER: Right, just string  
13 the indicators.

14 COMMISSIONER PETERS: We basically say to the  
15 agency, we have done the background check and we have  
16 either developed no adverse information or we've  
17 developed the following adverse information and also  
18 understand that adverse information is a really  
19 broad, I mean, we will literally say this person has  
20 X number of unpaid parking tickets. Often  
21 commissioners will decide - will basically say to the  
22 employee go pay the parking tickets, I still want the  
23 person, and I'm just going to tell them to pay the  
24 parking tickets. So, we don't say hire, don't hire,  
25 we say, here's the adverse information. If somebody

1           COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 is working there and we send the commissioner a  
3 letter after they've started that says, here's the  
4 adverse information, the commissioner then has to  
5 decide, given the adverse information, given what I  
6 now know about this person's performance, do I want  
7 to fire them, or do I want to allow them to continue.  
8 In much the same way that if we send adverse  
9 information before somebody is hired, the  
10 commissioner or relevant hiring person then needs to  
11 decide uhm, do I still want to hire this person in  
12 anyway or do I want to not hire them.

13           CITY COUNCIL MEMBER YEGER: Okay. I know your as  
14 the with the very specific mandate that you have, you  
15 as I've heard your testimony before. You tend to shy  
16 away from the broad policy statements because you've  
17 said that's not really your thing and you give the  
18 facts and you know, you let everybody else do the  
19 policy stuff. Uhm, but would you feel comfortable  
20 with a process or even a statute or a regulation  
21 within the city of New York that if a particular job  
22 is subject to background investigation, by your  
23 agency that that position can't be filled until the  
24 investigation is complete?

25



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: I think that that would  
3 present real logistical problems for this reason.  
4 Uhm, there is a huge backlog in doing background  
5 investigations. You can only do so many ba- an  
6 investigator can only do so many background  
7 investigations per year. I mean, their time and  
8 space being finite. There is a huge backlog, I think  
9 that it would cripple the ability of many agencies to  
10 do hiring. Now, what I will tell you is that  
11 generally where an agency is hiring somebody in a  
12 particularly sensitive or important or high-profile  
13 position, they will often call us and say, we want to  
14 hire so and so, it's a particularly sensitive  
15 position, can you kick this to the top of the pile  
16 because we really want it done before we hire them.  
17 And as a general rule, we will accommodate that and  
18 part of the reason for the backlog and for somethings  
19 taking as long as they do is the number of things  
20 that jump the line. Ultimately, as I said, I don't  
21 opine on policy and that would be up to this council  
22 and the Mayor. I think that you would find that it  
23 could have a crippling effect on the city's ability  
24 to hire a workforce.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER YEGER: Okay, do you do  
3 background checks on employees of the council. Not  
4 member staff, but central staff?

5 COMMISSIONER PETERS: No, we do not.

6 CITY COUNCIL MEMBER YEGER: Not at all?

7 COMMISSIONER PETERS: No, we only do it for  
8 Mayoral agencies.

9 CITY COUNCIL MEMBER YEGER: Alright, uhm God  
10 bless us, this council is about to hire 125 people.  
11 Not with standing my no vote on the council's budget  
12 last week to the tune of approximately \$15 million.  
13 Good people like that. Uhm, would you support a law  
14 in the city that would require that this council's  
15 employees with the same definitions as those of  
16 Mayoral agencies that require DOI background checks  
17 also be subject to background checks?

18 COMMISSIONER PETERS: Respectfully I would leave  
19 to the city council to decide the requirements for  
20 their own hiring. I don't believe its my place to  
21 opine on that.

22 CITY COUNCIL MEMBER YEGER: More mine, I think.  
23 You spoke a little bit about Rikers and the closing  
24 and the outer borough facilities which I think as you  
25 indicated, and very rightfully, there often

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 unmentioned in the discussion about Rikers, because  
3 its close Rikers, close Rikers, close Rikers and then  
4 what? Let's build these borough facilities and then  
5 what? And the then what, is where you come in and  
6 say, folks listen, the same problems you have at  
7 Rikers, except for the part about being on an Island,  
8 you have at every borough facility. Uhm, do you  
9 believe that the city is ready to simply build these  
10 borough facilities right now with the management of  
11 DOC the way it is with the indicators that you're  
12 finding. With the repeated problems that you know,  
13 you're addressing. You're pointing out the issues  
14 not being addressed. Do you believe that the city is  
15 ready to just start building these out of borough  
16 facilities?

17 COMMISSIONER PETERS: Well, as I said, whether or  
18 not Rikers should be closed is the decision to be  
19 made by the Mayor and by this Council and not for me.  
20 Uhm, and we at DOI and let me be very clear, we will  
21 be absolutely supportive of whatever decision is made  
22 and whatever timeline is made, and we will do  
23 everything we need to do to help make that a success.  
24 I think it is clear from the most recent report we  
25 issued, that the problems that exist at Rikers, also

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 exist equally at the localized borough facilities and  
3 so that the mere act of building a series of  
4 facilities and moving the present population both of  
5 inmates and of correction officers to those  
6 facilities, will result in seeing all of the problems  
7 on Rikers spread out throughout these other  
8 facilities. So that if Rikers is going to be closed  
9 and if that closer is going to in fact solve the  
10 problems we're seeing, something beyond merely the  
11 construction of facilities and the disbursement of  
12 people off the island will need to take place.

13 CITY COUNCIL MEMBER YEGER: Okay. So, and again  
14 with the understanding obviously you don't do the  
15 policy stuff, you do the facts and you just present  
16 them. Should not DOI be called on to go back out and  
17 take another look at Rikers and say, clean and green.  
18 Give a checkmark, give a greenlight before the Rikers  
19 closing and the building of these borough facilities  
20 and DOI is able to say, everything we've pointed out  
21 and report a. and then report b. because you've  
22 indicated that they didn't pay attention to report a  
23 necessarily. Uhm, that yes, we give them a clean  
24 bill of health. Ready to go.

25 COMMISSIONER PETERS: Well -

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER YEGER: And I'm not even  
3 saying that this is something that you have to decide  
4 on your own to do. I'm just asking uhm you know,  
5 between us, with nobody else listening, is that  
6 something that it just makes sense to do?

7 COMMISSIONER PETERS: Well obviously we continue  
8 to right reports about what's going on both at Rikers  
9 and at localized facilities and we in fact, this most  
10 recent report dealt exclusively with localized  
11 facilities and I can assure you that over the course  
12 of the next year you will be seeing additional  
13 reports from us about issues at Rikers. I don't know  
14 that there is ever a situation which we give an  
15 agency a "clean bill of health".

16 CITY COUNCIL MEMBER YEGER: Fair enough.

17 COMMISSIONER PETERS: Not because there aren't  
18 many agencies that are incredibly well run. There  
19 are I should say, in the city of New York, a large  
20 number of agencies that are incredibly well run, but  
21 our function is not sort of like a general practicing  
22 physician, to give somebody a clean bill of health.  
23 Our function is to be constantly looking, because  
24 even something that is well run today, can have a  
25 problem tomorrow. We will regardless of whether the

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 city's inmate population is housed on Rikers Island -  
3 is housed I guess about 70% of the inmate population  
4 is housed on Rikers, I may have that number wrong.  
5 If I do, I apologize, but regardless of whether the  
6 bulk of the population is housed on Rikers or in  
7 localized facilities, we will continue the kind of  
8 work we've done that have resulted in as I said,  
9 about 80 arrests, including 23 correction officers.  
10 We will continue the work we've done that have  
11 resulted in 16 staff modified for sexual assault. We  
12 will continue that work regardless of where the  
13 inmates are housed.

14 CITY COUNCIL MEMBER YEGER: And I don't doubt  
15 that commissioner and your work in the city in the  
16 last four years is forgive this description is  
17 certainly legendary in many respects but what I would  
18 urge, and I would never tell the commissioner my  
19 thoughts on how to run the agency. Its not my job,  
20 its yours, but I would say that you have sort of a  
21 road map. Things that you've identified in Rikers  
22 that need broad - from the top, policy changes that  
23 filter in and make those changes and I would say that  
24 at the very least, before we can proceed to the next  
25 step, we would need DOI. I would need DOI and I'm

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 just one person here, but I would need to see that  
3 you said maybe not a clean bill of health, but these  
4 are the 20 things we pointed out and on these 20  
5 things we've seen the movement into the direction  
6 that we're not confident. We are now, not not. We  
7 are now confident that DOC is at the place where  
8 they've addressed our concerns because you are the  
9 watchdog. You are the one - DOC is not identifying  
10 it. Its not us at the council. Its not the Mayor.  
11 It's you, you're watching them.

12 COMMISSIONER PETERS: I appreciate that and as I  
13 said, and one of the things I said is one of the  
14 things we will do, and this will be done by the end  
15 of the year. Is we will list for every city agency  
16 where we have issued policy and procedure  
17 recommendations, called PPR's. We will be able to  
18 list by the end of the year, not only all of the  
19 PPR's and not only whether they were excepted meaning  
20 the agency said yes, we'll do it, but whether on our  
21 estimation, they've been implemented and so clearly  
22 one of those agencies will be DOC and so you and this  
23 council and the public at large will have the ability  
24 by the end of the year to essentially look at a list  
25 of all of the things that we have said need to be

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 fixed at DOC, and whether in our estimation that's  
3 happened. I think that will provide you with a very  
4 nice check list.

5 CITY COUNCIL MEMBER YEGER: I think so as well.  
6 Thank you very much commissioner.

7 COMMISSIONER PETERS: Thank you.

8 CITY COUNCIL MEMBER YEGER: Thank you Mr.  
9 Chairman.

10 CHAIRPERSON TORRES: Thank you. One question  
11 before I – and then I'll hand it over to – yes.

12 COMMISSIONER PETERS: Mr. Chair – Can I? I've  
13 just been told that I gave one piece of inaccurate  
14 information on my last set of answers. Can I clarify  
15 something?

16 CHAIRPERSON TORRES: Absolutely.

17 COMMISSIONER PETERS: I'm told that we do vetting  
18 on city council staffers and we do is when city  
19 council staffers, we do vetting, and we will tell the  
20 city council whether there are any substantiated DOI  
21 investigations about the staffer, but we don't do the  
22 fuller background review. So, we do that piece of  
23 vetting, but not a full background review and I  
24 apologize for getting that wrong. My apologies.  
25



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CITY COUNCIL MEMBER YEGER: No, I appreciate that  
3 and one of the things that they teach us in law  
4 school right even if we make the error, we have to  
5 correct it right away as soon as we get new  
6 information. I appreciate that. So, let me just do  
7 a quick follow up and then I'll give it back to the  
8 Chairman. Thank you Chair. So, like I indicated at  
9 the beginning of my questioning. God bless us, we're  
10 going to hire 125 here. I don't know where we're  
11 going to put them, but we're going to hire them.  
12 Uhm, and you indicated that you sometimes somethings  
13 go to the top of the pile. Fast track, I don't know  
14 what term you used, but for some kind of positions if  
15 there more important and you have to do a background  
16 check you put them at the top. Am I phrasing that  
17 wrong or?

18 COMMISSIONER PETERS: Yes. No in other words, we  
19 will be told that there are certain positions that  
20 are particularly important, and they will go to the  
21 top of the line.

22 CITY COUNCIL MEMBER YEGER: Who tells you that?

23 COMMISSIONER PETERS: Oh, in other words an  
24 agency will call - will occasionally call and say,  
25 you know, sometimes its self-evident. If the Mayor's

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 office is appointing a new commissioner, its self-  
3 evident that something needs to be done quickly, but  
4 occasionally agencies will call and say you know,  
5 we're hiring this and this. Can this get done  
6 quicker.

7 CITY COUNCIL MEMBER YEGER: There sending you 125  
8 people possibly.

9 COMMISSIONER PETERS: Well, although as I said so  
10 let me be clear. We do not do a full and I want to  
11 get it right the second time since I got it wrong the  
12 first time and I'm offering apologies. We do not do  
13 a full background check on city council staffers. We  
14 do the sort of limited review. Mr. Chair, could I  
15 correct two other little things.

16 CHAIRPERSON TORRES: Absolutely.

17 COMMISSIONER PETERS: I have an extremely  
18 efficient staff who have passed me two notes.

19 CHAIRPERSON TORRES: I wish those practices  
20 replicated elsewhere -

21 COMMISSIONER PETERS: You know what getting it  
22 right, it's the coin that we live with. I said that  
23 there were in talking about the 2005 use of force  
24 report, I said that we reviewed 107 IB files. We  
25 reviewed 104 and NYPD imposed no discipline - okay

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 there is a full public report on this. We reviewed a  
3 179. Of 104, where we believed discipline was  
4 required by our own independent review, 37 did not  
5 get disciplined. Did you follow that.

6 CHAIRPERSON TORRES: Yeah, understood.

7 COMMISSIONER PETERS: Good. Did I get that  
8 right? Hang on, I'm being told by my Deputy  
9 Commissioner I still got that wrong and I really  
10 apologize.

11 CHAIRPERSON TORRES: But I do admire the  
12 commitment to truth telling.

13 COMMISSIONER PETERS: May I send you a copy of  
14 this report?

15 CHAIRPERSON TORRES: Absolutely.

16 COMMISSIONER PETERS: And you may read page 40.  
17 I commend you to page 47 of the report which I assure  
18 you gets the numbers exactly right. Uhm and then on  
19 the DOC, the staff the 20. 12 Corrections officers,  
20 two civilian analysts, 2 captains, 2 assistant  
21 inspectors general, and 2 deputy inspectors general.

22 CHAIRPERSON TORRES: Council Member Yeger.

23 CITY COUNCIL MEMBER YEGER: Yeah, just going back  
24 to the limited vetting. Could you describe the  
25 difference between what you would do if you were

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 background checking a commissioner versus limited  
3 vetting on an employee of this body?

4 COMMISSIONER PETERS: Sure.

5 CITY COUNCIL MEMBER YEGER: Without giving any  
6 trade secrets that you may not -

7 COMMISSIONER PETERS: No, no there's no trade  
8 secrets. There is a very detailed questionnaire that  
9 a commissioner has to fill out. Its actually, I  
10 believe online some place, isn't it? Yes. Its  
11 actually online on our website. It is an incredibly  
12 lengthy process that takes days and days just to fill  
13 out. We then finger print people. We then go and  
14 make sure they've paid their taxes. We run a bunch  
15 of checks on them. Uhm, we do interviews. For the  
16 city council, what I'm told, somebody will stop me if  
17 I gotten this wrong. Is that we simply check to see,  
18 is there an open or a previously substantiated DOI  
19 investigation about that person, which is a very  
20 limited subset of the things we can check for.

21 CITY COUNCIL MEMBER YEGER: Gotcha, okay. Thank  
22 you very much Mr. Chairman.

23 COMMISSIONER PETERS: I got that right this time.

24 CHAIRPERSON TORRES: I have a quick question  
25 about since we're on the subject of Rikers Island and

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 a quick question about ACS and DOC's and the  
3 implementation of the Raise the Age Law. There is a  
4 policy dimension, but my question will be focused on  
5 the oversight dimension. Uhm, so under the Raise the  
6 Age law, New York City must transfer all 16 and 17-  
7 year old's from Rikers Island to what are known as  
8 specialized secure detention facilities. The city is  
9 planning to staff youth detention facilities with  
10 adult correction officers who in my opinion - not in  
11 my opinion, I think have been shown to be ill  
12 equipped to handle younger offenders and correction  
13 mistreatment of youth detainees has been the subject  
14 as you know, of a federal investigation and a court  
15 settlement. A number of advocates and elected  
16 officials have concerns that we run the risk of  
17 transferring the Rikers Island Correctional cultural  
18 and violence to these new facilities and in doing so,  
19 in my opinion, defeating the very purpose of Raise  
20 the Age. Is there a role for DOI and overseeing the  
21 matter in which the city will implement the Raise the  
22 Age law? Obviously, you cannot prevent the city from  
23 staffing SSD's with correction officers, but do you  
24 have a role to play in insuring that those officers  
25 are properly trained to handle 16 and 17-year old's?

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: Uhm, we certainly do. We do  
3 in this regard. We have jurisdiction over right now,  
4 the city already has two facilities for juvenile  
5 offenders. Cross Roads and Horizon, we have  
6 jurisdiction over those facilities. We have done  
7 investigations into those facilities. We have issued  
8 policy and procedure recommendations to ACS about  
9 those facilities. Uhm, as you know, we've actually  
10 made some arrests related to some of the non-secured  
11 detention facilities in the past. So, we have  
12 jurisdiction in the same way that we do over the  
13 jails over this and we've done investigations. Uhm,  
14 and as the population increases, we will attempt to  
15 shift resources to continue looking at that although  
16 as I said, one of the issues we confront is that a  
17 substantial chunk of our investigators are locked in  
18 my agency because of various MOU's and indeed we have  
19 in past budgets asked for more staffing for DOC,  
20 which would be helpful in looking at this. So, there  
21 is absolutely - there is a role. We will be looking  
22 at this. We will be investigating this. As to the  
23 broader policy of whether it's a wise idea to have -

24 CHAIRPERSON TORRES: I'm certainly not - I'm  
25 expressing my own opinion, but I just want you to

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 know it's a priority for me. Certainly, if it were  
3 up to me, these facilities would be staffed with ACS  
4 workers right. The city is going to staff them with  
5 correction officers in the short-term and then there  
6 is going to be a two-year transition to ACS workers.  
7 What I would expect from DOI is to ensure that to the  
8 extent that there are correction officers in these  
9 facilities. That they are properly trained. That  
10 they receive even more specialized training than ACS  
11 workers receive and what efforts or progress is the  
12 city making toward completing the two-year  
13 transition? And can it be done much sooner? I don't  
14 know what feasible, but I certainly hope that it can  
15 be done much sooner.

16 COMMISSIONER PETERS: So, you should know that we  
17 will absolutely be looking at this issue. We will be  
18 looking at the training issue. We will be looking at  
19 what's going on. I do think we need to be careful,  
20 as I said, we have done investigations in these  
21 facilities and it is not - they are not as staffed by  
22 ACS workers now they have not been problem free.

23 CHAIRPERSON TORRES: Of course.

24 COMMISSIONER PETERS: So, the mere changing over  
25 from DOC to - in some ways, just like the mere moving

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 people from one facility to another isn't going to  
3 solve the problems. The mere changing over from DOC  
4 employees to ACS employees in and of itself, I don't  
5 know is necessarily going to solve all of your  
6 concerns, but we will absolutely be reviewing this.  
7 It is a concern of ours as well.

8 CHAIRPERSON TORRES: Although maybe my facts are  
9 wrong. I suspect cases of brutality are not as  
10 prevalent among ACS workers as they are among  
11 correction officers.

12 COMMISSIONER PETERS: Issues of brutality are  
13 not. Issues of relationships and undo familiarity  
14 however, can be. We have not seen issues of  
15 brutality, that is true, but we have seen other  
16 issues.

17 CHAIRPERSON TORRES: Which was the subject of the  
18 federal law suit dating back to 2015 or 14?

19 COMMISSIONER PETERS: 15, I believe. Yes, issues  
20 of brutality are not things that we've seen at the  
21 facilities.

22 CHAIRPERSON TORRES: Okay. Council Member  
23 Lander.

24 COUNCIL MEMBER LANDER: Thank you Mr. Chair.  
25 Commissioner its good to see you. Uhm, two quick



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 questions because we're late in this hearing and uhm,  
3 so one, following up on the NYPD issue of sort of  
4 where discipline did not match either what was  
5 recommended by CCRB or what you guys thought. First,  
6 the numbers you are referring to are from the use of  
7 force report that you guys put out in October of  
8 2015?

9 COMMISSIONER PETERS: Yes.

10 COUNCIL MEMBER LANDER: Which was primarily cases  
11 that were before 2014 or so right?

12 COMMISSIONER PETERS: Most of those cases dated  
13 to the prior administration. Uhm, we are as we do  
14 with everything, we are very much following up on  
15 that and hope to have other things to say about it.

16 COUNCIL MEMBER LANDER: So, I guess that's my  
17 question, which you've answered, but I'm going to ask  
18 it anyway and of course that was in the context  
19 specifically of the use of force. You know, and I  
20 think a lot of progress has been made at the NYPD and  
21 this administration. I have a lot of respect for  
22 commissioner O'Neil. If there is one area where I  
23 really think we are still not where we need to be  
24 especially it is in accountability, where there are  
25 incidents of misconduct and obviously, that was in

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 the news very much just a month or two ago on an  
3 independent investigation. Which I think was more  
4 focused on things coming out of IAB. Then the CCRB,  
5 so I guess my question is light, both of the need to  
6 kind of come back to this issue in light of the fact  
7 that most of those were from the prior administration  
8 and this one in the light of the fact that there is  
9 some reason to be concerned more broadly about you  
10 know, whether and again, this is in the context of a  
11 small percentage of officers giving a bad name to a  
12 much larger percentage of officers and to me, when  
13 that happens, the good work of the vast majority of  
14 officers is undermined. Not only by the conduct of  
15 the very small percentage of officers who engage in  
16 misconduct but by the fact that there is not  
17 accountability when they do. So, it sounds like you  
18 implied that this is something you're looking at, but  
19 I guess I wanted to just ask it publicly. This seems  
20 to me to be an area that is really important for you  
21 guys to be focusing on.

22 COMMISSIONER PETERS: I agree with you. It is  
23 absolutely an area that its important for us to be  
24 focused on. We wrote the report in 2015. We then  
25 wrote a follow up report that was issued I guess

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 maybe two months ago looking at – one of the reforms  
3 that came out of the 2015 report was the idea that  
4 the NYPD would now for the first time require every  
5 time force was used. Not excessive force, force. A  
6 threat resistance investigation form, called a TRI  
7 form would be filled out and so it seemed to us the  
8 next most important thing to do is to see after  
9 giving the NYPD some time to get this thing unveiled,  
10 were they doing so? What we found was that in a  
11 number of ways they were not consistently getting the  
12 forms filled out and they were not consistently  
13 reporting force. The force is still being  
14 underreported. That was a report that we issued  
15 roughly two months ago. But the next step is to look  
16 at now that we know that force is still not being  
17 fully reported and we need to make changes there,  
18 what is happening in the disciplinary process? That  
19 is something that absolutely needs to be looked at.  
20 It is something I will be very honest with you, will  
21 take some time for a variety of reasons. Uhm, these  
22 things take time. Some of which, as I testified to  
23 this committee under the prior chair. Uhm, there  
24 have been issues with the NYPD's production of  
25 documents and information. They have slowed

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 investigations, but they have not prevented them.  
3 Uhm, I assured this committee and I will assure you  
4 again, that at such point that I believe that the  
5 failure to produce information cannot be resolved  
6 internally and is having a sufficiently negative  
7 effect on our ability to do investigations that  
8 requires coming back to the council and correcting  
9 the testimony that I gave. I will do so, but my  
10 testimony now stands. It has slowed investigations.  
11 It has not prevented them, and we are still trying to  
12 work through some of those issues.

13 COUNCIL MEMBER LANDER: I'm sorry. I appreciate  
14 that, and I know this chair will want you to follow  
15 up with him. Uhm, it makes me nervous that its going  
16 to be awhile. I have to be honest. I feel like this  
17 is a question that a lot of New Yorkers rightly have.  
18 Uhm, it could be resolved by one PP obviously without  
19 needing your Oversight and Investigation. The way  
20 the administration has handled 50A makes it much  
21 harder. So, I will leave it there. I feel like this  
22 area is where your reports have been good. A lot of  
23 changes at the NYPD have been good but the fact that  
24 when there is documented use of force, in too many  
25 cases the consequences minimal is less than the CCRB

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 recommends. It just corrodes confidence, so we don't  
3 need to go back and forth about it further, I'm glad  
4 you guys are looking at it. I want you to know its  
5 something that I at least and I think other members  
6 of this body and the chair are eager for you to be  
7 looking at.

8 COMMISSIONER PETERS: And please understand it is  
9 a very serious priority for us. It is the reason we  
10 wrote that report in 2015, so that we could say to  
11 the public, to this council, to everybody who needs  
12 to know. There has been a lot of talk about this  
13 failure to discipline in the last couple of months  
14 and there have been a number of articles written  
15 about it. I'm not going to comment on any of the  
16 articles or what we are doing vis a vis those  
17 specific situations, but this is something that in  
18 our defense, we've pointed out in October of 2015.

19 COUNCIL MEMBER LANDER: And to be clear the thing  
20 that I'm upset about is not you have not done more  
21 oversight and investigation of the reductions and  
22 discipline. You know, so I agree with you that you  
23 provided some evidence. There have been other  
24 investigations that provide some evidence. I'd like  
25 to see the problem get fixed more than more reports

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 about it, but the tool we have here is to do  
3 oversight so. Let me just ask one other question and  
4 its possible that you've gone over this since you've  
5 been here. This is about the restructuring, not on  
6 the NYPD IG side, but on the SCI and Department of  
7 Education side, because you know I've been reading  
8 the Newspapers and heard from some folks in SCI as  
9 well but there is one thing I just really want to  
10 make sure of and ask you on the record. Because as I  
11 understood it and was looking at it, even under as  
12 things have been until now, the number of  
13 investigators, of staff at the SCI relative to the  
14 total within DOI is a much lower percentage then the  
15 percent that the Department of Education is of the  
16 New York City budget. Which is to say if anything  
17 more resources need to go just as a matter of  
18 proportion into focusing on the Department of  
19 Education. So, I want to make sure obviously at a  
20 minimum since DOE funds that work that there's not  
21 any diminution of resources. But really what I think  
22 is merited at least as I do the math, is an increase  
23 in resources to look at DOE because again, the head  
24 count has just been much smaller than the percent  
25 that DOE is of the budget. And I know you know,

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 obviously a concern people have raised is that as you  
3 have positions that go across a number of different  
4 of the squads, some resources could get essentially  
5 diverted from DOE to being more broadly supporting  
6 the DOI. What I just want to know from you is that  
7 at a minimum there is no diminution of resources to  
8 looking at DOE and that if I'm right, that the  
9 proportion if anything should be increase, that  
10 you'll look to do that over time.

11 COMMISSIONER PETERS: So, there has been no  
12 diminution - let me go back to first principles. The  
13 inspector general for the school system, whether we  
14 title it Special Commissioner for Investigation of  
15 the Inspector General. Technically it is titled  
16 Special Commissioner for Investigation. I tend to  
17 refer to it as the Inspector General because it is  
18 important to me that we have consistency of  
19 investigations. That we handle investigations  
20 involving the school systems and the NYPD in the same  
21 way that we do everywhere else and so that's the  
22 reason for the internal nomenclature. That office  
23 has always reported to DOI. It always will. It is  
24 independent and always will be of the Department of  
25 Education. There's been no diminution in resources.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 The newspaper article noted there is a position that  
3 happens to be vacant there that we are using for an  
4 overall DOI function. That does happen from time to  
5 time because all of these IG's are dependent on uhm  
6 DOI's overall functioning. I'm actually hopeful that  
7 that's temporary and we've even said to OMB that  
8 we're doing this in a temporary way and we'd like the  
9 line back. Uhm, this is a very important area. I  
10 certainly would not say no to additional staff.

11 COUNCIL MEMBER LANDER: Am I right as a matter of  
12 math? That the head count as a percentage of total  
13 DOI head count is substantially lower than the  
14 percentage that the DOE budget represents of the  
15 city's budget?

16 COMMISSIONER PETERS: That is, I believe that's  
17 true. Somebody is going to sit here with a  
18 calculator and do the math for both of us, but I'm  
19 reasonably certain -

20 COUNCIL MEMBER LANDER: What is the head count by  
21 the way? What is the number?

22 COMMISSIONER PETERS: This one I'll say it  
23 publicly. 67 budgeted, 57 actual.

24 COUNCIL MEMBER LANDER: And the total DOI head  
25 count?



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: 708 did you just say? Oh,  
3 okay, 67 is the budgeted head count for SCI. Overall  
4 DOI has a little over 700 people, so its about 10%.  
5 I strongly suspect that the NYPD, I'm sorry, that the  
6 DOE is more than 10% of the city's.

7 COUNCIL MEMBER LANDER: Yeah, its over 20.

8 COMMISSIONER PETERS: Percent of the head count?

9 COUNCIL MEMBER LANDER: Yeah.

10 COMMISSIONER PETERS: I do want to caution that  
11 there are lots of factors that go into decisions  
12 about how to allocate resources of which size is only  
13 one. There are agencies that are small but require  
14 more intensive review then agencies that are larger  
15 that require less, but there is no doubt that size is  
16 a factor. Uhm, there is no doubt that with more  
17 staff we could do more. I am hopeful in the next six  
18 months it is extremely time consuming to add staff.  
19 Especially forensic accountants and auditors. If you  
20 want a life tip - what you could study in college to  
21 guarantee that you'll have a job when you get out of  
22 college, forensic accounting and auditing.

23 COUNCIL MEMBER LANDER: My sons a freshman and  
24 I'm going to call him right now and say, I got a good  
25 job for ya.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: All jokes aside. I have  
3 said.

4 COUNCIL MEMBER LANDER: Nursing and also forensic  
5 accounting.

6 COMMISSIONER PETERS: I have had conversations  
7 with Deans at various schools in New York and  
8 including John Jay and said we will basically hire as  
9 many qualified forensic auditors and accountants as  
10 you can graduate. You know, we'll hire them as fast  
11 as you can graduate them. Uhm, the problem is my  
12 Deputy Commissioner pointed out, we don't pay as much  
13 as the private sector or even a lot of other places.

14 COUNCIL MEMBER LANDER: Or hire as quickly.

15 COMMISSIONER PETERS: And therefore, can't hire  
16 as quickly, but I would like to add to the schools  
17 Inspector General more accountants and auditors  
18 because they spend a huge amount of money on  
19 contracting and I would like DOI to be able to take a  
20 closer look at that contracting and where that money  
21 is going. And it is on my list of things to do over  
22 the next four to six years. That is on my four to  
23 six - increasing that function is on my four to six-  
24 year plan.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COUNCIL MEMBER LANDER: That's good to hear.

3 Thank you for that. I think we share the belief that  
4 that needs to – you know is a critical area of  
5 oversight. Where lots of stuff is happening that  
6 can't possibly get the level of oversight and  
7 attention it needs so. Thank you. Thank you, Mr.  
8 Chair.

9 CHAIRPERSON TORRES: A few more questions and I  
10 will hand it over to Council Member Salamanca. Uhm,  
11 you spoke of the NYPD slowing down investigations.  
12 I'm not a lawyer, but that sounds like obstruction.

13 COMMISSIONER PETERS: Obstruction as a legal  
14 matter is a very specific, precise thing and if there  
15 was anything meeting the legal precise definition of  
16 obstruction, we would take appropriate action. Uhm,  
17 and let me be clear, I'm not suggesting that anything  
18 akin to the legal definition of obstruction is going  
19 on. I want to be very clear about that. Uhm, we  
20 have had issues as I've testified before, with the  
21 pace at which the NYPD produces material and, in some  
22 instances, have had disagreements with them about the  
23 production of certain materials. While that has  
24 slowed some investigations including one that I  
25 expect will have a lot more to say about in the

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 coming days. It has not prevented any  
3 investigations, nor have we yet hit the point where I  
4 have felt that our attempts to resolve this by  
5 working with the NYPD have hit a wall.

6 CHAIRPERSON TORRES: I'll phrase it less  
7 provocatively then. Uhm, are these slowed down  
8 investigations in good faith or bad faith? Likes is  
9 there you know there's disagreement, bureaucratic  
10 inertia, or is there an intent to impede your ability  
11 to do your job?

12 COMMISSIONER PETERS: I can't answer that  
13 question, because I cannot read minds.

14 CHAIRPERSON TORRES: But you can infer from  
15 behavior. If you feel like you're in no position to  
16 answer to answer that question I'm -

17 COMMISSIONER PETERS: We are still - let me put it  
18 to you this way. We are still discussing these  
19 issues, both with the NYPD and with City Hall. We  
20 have not yet hit the point at which I believe it is  
21 necessary to come to this council and say, the issues  
22 are unresolvable. Uhm, if we hit the point at which  
23 I determine that the issues are unresolvable, I will  
24 be back to this council, but we are not there at this  
25 moment.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Duly noted. Is there any  
3 other agency that slows the production of documents?

4 COMMISSIONER PETERS: The way NYPD does?

5 CHAIRPERSON TORRES: Yes.

6 COMMISSIONER PETERS: Not now. There has in the  
7 past but not now.

8 CHAIRPERSON TORRES: Okay. I want to ask a few –

9 COMMISSIONER PETERS: I'm sorry, I just wanted to  
10 ask somebody who does this everyday whether I  
11 overstated. She thinks I haven't.

12 CHAIRPERSON TORRES: I want to ask just a few  
13 quick questions about construction safety.

14 COMMISSIONER PETERS: Sure.

15 CHAIRPERSON TORRES: And then I want to hand the  
16 mic to Council Member Salamanca. As you know, we  
17 have crisis of construction workers fatalities in New  
18 York City. Uhm, how many investigations has DOI  
19 conducted regarding construction safety?

20 COMMISSIONER PETERS: Uhm, part of that and I  
21 don't want to do one of these what is, is mean. Part  
22 of that depends on how you define an investigation  
23 and here why. Every time there is a serious accident  
24 on a construction site, whether somebody dies or is  
25 seriously injured. At the same time that the NYPD

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 and fire department are alerted to this, DOI is also  
3 alerted to this and staff from our Construction squad  
4 go out there. So, literally once or twice a week we  
5 will get a notif- yeah, I think maybe once or twice a  
6 week but certainly many, many times a month we will  
7 get one of these alerts and we will send people out  
8 there. If that constitutes an investigation, there's  
9 a huge number of investigations. In the overwhelming  
10 number of those incidents, our folks come back from  
11 you know the onsite investigation and inform me or  
12 inform the associate [inaudible 2:13:51] and the  
13 associate commissioner will inform me as appropriate  
14 that there is nothing for us. Meaning there is no  
15 evidence that the injuries were the result of  
16 somebody violating DOB regulations and at which case  
17 there is nothing for us to do. We are not the NYPD,  
18 we are not the fire department. In some small subset  
19 of those cases, they will say, it maybe that there  
20 are violations of DOB regulations and we will do a  
21 more comprehensive investigation. In most of those  
22 cases, the conclusion is that there is no criminal  
23 activity. Somebody violated DOB regulations, but not  
24 the way that you could demonstrate was sufficiently  
25 linked to the injury to prosecute somebody and in a

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 small number of cases, our folks will come back and  
3 say we think there is and at which point we will sit  
4 with a district attorney and we will suggest to them  
5 that this person should be prosecuted. In most, not  
6 all of those instances the DA will then agree to do  
7 so. In some instances, the DA will say we just don't  
8 think the evidence is enough to convince a jury and  
9 that is - let me be clear, that is absolutely their  
10 right. Uhm, I believe in the last 18 months to 2  
11 years we've done 3 manslaughter cases. Which is more  
12 than have been done in a long time. There are  
13 although I don't discuss ongoing investigations, I  
14 will tell you there are several other investigations  
15 like that that are going on that I believe by the end  
16 of the year will result in additional prosecutions.

17 CHAIRPERSON TORRES: Now in addition to  
18 overseeing DOB's enforcement of the building codes,  
19 is a sense in which you play an enforcement role in  
20 relation to contract. You have the authority to  
21 arrest them. If you find evidence of criminal  
22 behavior, do we have stats on the arrests of  
23 contractors or responsible either injuries or  
24 fatalities on construction sites.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: I can get you — I don't —  
3 other than the three manslaughter cases that I'm  
4 aware of, we can get you some more information on  
5 that.

6 CHAIRPERSON TORRES: Okay. How large is the squad  
7 dedicated to construction safety?

8 COMMISSIONER PETERS: That's not a number that we  
9 generally put out. It is large, certainly with more  
10 staff. There are other things that we could do to go  
11 back to my constant complaint about auditors and  
12 analysts. Additional auditors and analysts would  
13 allow us to do some larger proactive reviews both of  
14 where the contractors are routinely violating DOB  
15 rules. Also, bluntly whether real estate owners are  
16 in violation to various DOB rules as a relate to  
17 tenant harassment.

18 CHAIRPERSON TORRES: My question are companies  
19 there?

20 COMMISSIONER PETERS: Without commenting on  
21 specifically on that case, because as you know we  
22 never comment on things that are ongoing.

23 CHAIRPERSON TORRES: Fair enough.

24 COMMISSIONER PETERS: We have as you know, I  
25 believe the year before last, we actually did arrest



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 a landlord for essentially filing false paperwork and  
3 creating hazardous conditions for tenants and we  
4 arrested them for all of that. We certainly have  
5 jurisdiction to do that. I'm obviously not going to  
6 comment on any specific investigations.

7 CHAIRPERSON TORRES: The City Council enacted a  
8 landmark construction safety legislation, a local law  
9 196. Which requires extensive safety training and a  
10 site safety training card for every worker. Do you  
11 have the resources necessary for the enforcement of  
12 that law?

13 COMMISSIONER PETERS: We do some of that  
14 enforcement and as you know we've done both arrests  
15 and reports related to site safety cards and there is  
16 no doubt that the forged site safety cards are a real  
17 problem. There is no way that DOI with our present  
18 staff or anything like it, could fully enforce that.  
19 A chunk of that enforcement would have to reside with  
20 DOB. Uhm, we simply at 700 staff overall, I don't  
21 think it's reasonable to assume that we could do the  
22 full enforcement of that.

23 CHAIRPERSON TORRES: Are you seeking an expansion  
24 in that area?

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: Uhm, somebody is checking  
3 on the exact new needs – it would be in our new needs  
4 request, which I believe you have but if they give me  
5 an answer in the next minute, I will. If not, I will  
6 send you a letter with an answer.

7 CHAIRPERSON TORRES: Okay.

8 COMMISSIONER PETERS: Sorry not to have every  
9 detail.

10 CHAIRPERSON TORRES: No, I think and since we're  
11 – I'm going to ask one more – I don't have it with me  
12 right here, but I will ask – I'm going to make a  
13 statement about Kushner companies. I know you cannot  
14 but obviously, we found more than 80 falsified  
15 filings for building permits across 34 properties in  
16 the span of 4 years. There are these forms, these  
17 PW1 forms. I will ask simple yes or no questions.  
18 Do you have occupied units that will remain occupied  
19 during construction? Does your building have rent  
20 regulated units and when it came to the question in  
21 particular, we have reason to believe that Kushner  
22 companies lied repeatedly, so my question is, have  
23 you investigated the practice of falsifying PW1  
24 forms? Have you made arrests in relation to the  
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 falsification of PW1 forms? What has been DOI's work  
3 in this area?

4 COMMISSIONER PETERS: Sure. About a year and a  
5 half ago we arrested a landlord who essentially  
6 falsified a series of forms. I do not know off the  
7 top of my head whether it was a PW1 form or something  
8 else, but we will check on that and I will get back  
9 to you on a written follow up. But certainly, it was  
10 about false filings that allowed the landlord to  
11 create uninhabitable situations for tenants and  
12 didn't attempt to get the tenants out. So, we've  
13 done these cases, we have the jurisdiction. We did  
14 arrest that landlord. We certainly, where there is a  
15 wholesale failure to accurately report on these forms  
16 have the right to do that. I want to caution that  
17 criminal cases are tricky in this regard, because you  
18 need to demonstrate not only that the form is false,  
19 but that the person who signed the form knew it was  
20 false when he or she signed it and one of the issues  
21 that comes up in a lot of these cases. Not just  
22 this, but a number of the others. Is that you have,  
23 unless the form exquisitely says, I personally have  
24 knowledge of everything. I personally - this is why  
25 were able to do the asbestos cases. We arrested 17

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 asbestos inspectors for falsifying forms saying there  
3 was no asbestos on this construction site. Go ahead  
4 feel free to knock down the walls. When in fact,  
5 either there was asbestos, or they'd never checked.  
6 Because that form as written, requires you to say, I  
7 personally was there and did this stuff. When the  
8 form doesn't have that, I don't believe the PWI form  
9 does, but again, we'll check and get back to you.  
10 It's a much trickier to do criminally because you  
11 need to prove that the person who signed it also knew  
12 - in other words if one person knows you know, if one  
13 person in the company knows that there are rent  
14 control tenants and another person in the company  
15 fills out the form and the two of them didn't talk,  
16 you may have a regulatory matter, but you probably  
17 don't have a criminal matter. That's probably more  
18 detailed than you wanted but.

19 CHAIRPERSON TORRES: And one more problem with  
20 those forms, is that it states that falsifying a PWI  
21 is a misdemeanor, but my understanding is under state  
22 law, falsifying a legal instrument could be a felony.

23 COMMISSIONER PETERS: It can be. Yes.

24 CHAIRPERSON TORRES: And it seems to me it should  
25 say that on the form, but that's my policy opinion.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: I can't well if we -- we do  
3 not even confirm whether investigations are ongoing,  
4 so I'm not going to -- but if we were to do an  
5 investigation and were to find that the way the form  
6 is constructed is an impediment to doing criminal  
7 cases, then we would absolutely issue a report saying  
8 that.

9 CHAIRPERSON TORRES: Absolutely. Thank you,  
10 commissioner. Council Member Salamanca.

11 COUNCIL MEMBER SALAMANCA: Thank you Mr. Chair.  
12 Good afternoon commissioner. Excuse my voice, I have  
13 a cold.

14 COMMISSIONER PETERS: Good afternoon.

15 COUNCIL MEMBER SALAMANCA: Uhm, commissioner I  
16 wanted to just ask you a quick question about  
17 oversight and investigations on the Department of  
18 Design and Construction. Has your agency done any  
19 investigations or audits in terms of there projects  
20 the last four years?

21 COMMISSIONER PETERS: I would like to I mean  
22 certainly, they are within one of our squads and  
23 certainly we have done -- I don't believe there is a  
24 city agency that we haven't done some oversight of.  
25 I am not aware of any major investigations that have

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 been completed in the last year involving DDC but I'm  
3 speaking really slowly in the hopes that if I'm  
4 saying something really stupid, somebody in my staff  
5 is going to stop me. Uhm, but if I could, I would  
6 like to get back to you on that one.

7 COUNCIL MEMBER SALAMANCA: Alright, I just you  
8 know, I just wanted to express my frustration with  
9 the Department of Design and Construction. I will  
10 give you an example. I have a project in my  
11 district. It's called [inaudible 2:23:14] uhm, it's  
12 one of the largest DC public space projects with a  
13 budget of about \$13 million. They started  
14 construction in May of 2014 and today is March of  
15 2018 and the plaza has not been completed. There has  
16 been issues with the contractor filing for  
17 bankruptcy. Work not being done and you know, I've  
18 had housing developments built faster than a plaza.  
19 You know in one of my busiest hubs in my district and  
20 I would really love to see your agency, you know, pay  
21 more close attention to some of these projects. That  
22 I agree some of my colleagues are raising frustration  
23 with DDC as well in terms of the delays of their  
24 projects.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 COMMISSIONER PETERS: So, with your permission  
3 Council Member, what I'd like to do is have somebody  
4 from the squad that deals with DDC. Reach out to  
5 your staff to get the details of this particular  
6 incident and we will take a look at it and get back  
7 to you.

8 COUNCIL MEMBER SALAMANCA: Sounds great thank  
9 you. Thank you, Mr. Chair.

10 CHAIRPERSON TORRES: Commissioner you've been.  
11 I'm just going to run through a few issues and then -

12 COMMISSIONER PETERS: I'm at your disposal.

13 CHAIRPERSON TORRES: Some issues that have been  
14 obviously in the papers and - franchise agreements.  
15 As you know, as you might know, Charter  
16 Communications, otherwise know as Spectrum has been  
17 found by do it to be out of compliance with this  
18 franchise agreement. In addition to failing to  
19 comply with the franchise agreement, Charter is under  
20 investigation from the Attorney General for allegedly  
21 defrauding New Yorkers over internet speeds and  
22 performance. Does DOI have oversight over franchise  
23 agreements?

24 COMMISSIONER PETERS: I believe that we would to  
25 the extent that we are giving something of value to

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 an agency, but I'd like permission to respond to that  
3 to you in writing after I can talk with my council  
4 staff.

5 CHAIRPERSON TORRES: Fair enough because I find  
6 DO Its enforcement of franchise agreements  
7 lackadaisical and it seems to me you have the most  
8 institutional memory on investigations and there  
9 should be a role for DOI in enforcing these franchise  
10 agreements. Uhm, so as far as you know, there is no  
11 Inspector General? Which squad covers DO It?

12 COMMISSIONER PETERS: Do it is in squad 4. So,  
13 we do have an inspector. Obviously, there is an  
14 inspector general. Squad 4 has Do it. Alright, its  
15 5. I thought it was 5. She told me 4, but no squad  
16 5.

17 CHAIRPERSON TORRES: Squad 5, okay.

18 COMMISSIONER PETERS: It is in squad 5 and in  
19 fact as you we issued about two and half years ago a  
20 very, very, detailed report on the 911 completion  
21 project that was done by them. Uhm, on the franchise  
22 agreement issue, let me talk with both squad 5 and  
23 council, my council and give you a more forceful  
24 answer.

25



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Understood. Second issue,  
3 according to a New York Post article dating back to  
4 February 27, 2018. Two of New York's biggest  
5 insurance providers, Empire, Blue Cross Blue Shield  
6 and Emblem Health have been accused of defrauding tax  
7 payers in the tune of \$1 billion. Are you aware of  
8 this matter?

9 COMMISSIONER PETERS: I am aware of the matter,  
10 and I cannot comment at this time beyond telling you  
11 that I'm aware of the matter.

12 CHAIRPERSON TORRES: Does DOI have jurisdiction  
13 over the matter?

14 COMMISSIONER PETERS: Yes.

15 CHAIRPERSON TORRES: Okay. Any updates? I want  
16 to respect the confidentiality of investigations, so  
17 I want to see how I can ask this question.  
18 Obviously, there's ongoing continuing interest in the  
19 lead safety. Are you in a position to confirm  
20 whether NYCHA is properly conducting lead safety  
21 inspections. Properly conducting remediation and  
22 abatement whether NYCHA is in compliance with  
23 federal, state, and local laws governing lead safety.

24 COMMISSIONER PETERS: I honestly cannot confirm  
25 that at this time.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Okay. Another issue is  
3 administrative subpoenas. According to a New York  
4 Post article dating back to January 8, 2018, the NYPD  
5 issued an administrative subpoena to Google for the  
6 purpose of obtaining the "entire digital history of a  
7 17-year-old high school student". Has DOI looked  
8 into the practice of improperly using administrative  
9 subpoenas in the place of what should be a court  
10 order or a judicial subpoena?

11 COMMISSIONER PETERS: Yeah, I can't other than to  
12 tell you that I'm aware of that issue, I can't  
13 comment.

14 CHAIRPERSON TORRES: You are aware of that issue?

15 COMMISSIONER PETERS: I'm aware of the issue and  
16 I can't comment further. We are aware, DOI with  
17 large is aware of the issue.

18 CHAIRPERSON TORRES: This one obviously has been  
19 widely covered. Harvey Weinstein, the former film  
20 producer, obviously sexually harassed Ambra Gutierrez  
21 here in New York City in 2015. The Governor has  
22 recently ordered the Attorney General to investigate  
23 the Manhattan District Attorney's handling of the  
24 case. The account of the NYPD's handling of the case,  
25 all come from within the NYPD. Has there been an

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 independent examination of the NYPD's handling of the  
3 Harvey Weinstein case.

4 COMMISSIONER PETERS: The issue of the NYPD's  
5 handling of sexual assault cases is one we are very  
6 much aware of issues relating to the NYPD's handling  
7 of sexual assault matters and beyond that I cannot  
8 today comment further.

9 CHAIRPERSON TORRES: And the reason I'm asking  
10 specifically about Harvey Weinstein is you know there  
11 is a perception that powerful people are above the  
12 law. That law enforcement institutions are much more  
13 aggressive in holding account everyday people then  
14 powerful film makers and that's obviously a cretic  
15 that's been leveled against the DE's office but as  
16 far as I know there's been no independent examination  
17 of the NYPD's handling of the Harvey Weinstein case.  
18 I understand there's confidentiality, but I just  
19 wanted to raise it as a cause -

20 COMMISSIONER PETERS: Right, I at this moment and  
21 time, I think it is a fair - questions about the  
22 NYPD's handling of sexual assault cases are fair  
23 questions but I can't go beyond saying anything about  
24 that just yet.

25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: I mean you have the  
3 authority to investigate the NYPD's handling  
4 particularly of Harvey Weinstein's case.

5 COMMISSIONER PETERS: We do. I want to be  
6 careful about one thing here. We do. As a general  
7 rule, I don't believe it is a good idea for the  
8 Department of Investigation to reinvestigate a  
9 specific case handled by the NYPD, for a variety of  
10 reasons. One is a matter of resources and two is  
11 absence some genuinely and improper conduct but  
12 having said that, the broader way in which these  
13 kinds of cases are handled is something that we have  
14 an absolute obligation to look at and will have more  
15 to say about it in the future.

16 CHAIRPERSON TORRES: Although there is a  
17 difference between investigating the Harvey Weinstein  
18 case versus investigating the NYPD handling of the  
19 case, or the DA's handling of the case. Those are -  
20 so I'm not requesting, I'm not talking about  
21 reinvestigation. Its overseeing best practice -

22 COMMISSIONER PETERS: I understand you and then  
23 there are a number of issues about best practices and  
24 I don't believe that they should be limited solely to  
25 the way that one particular case was handled.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 CHAIRPERSON TORRES: Okay. I understand that  
3 obviously the disinclination to look into individual  
4 cases right, but could an exception be made, and now  
5 I'm speaking hypothetically. Could an exception be  
6 made when there is concern that a public powerful  
7 figure might be – that there is a standard for the  
8 powerful and then there is a standard for everyone  
9 else. Could an exception be made for high profile  
10 cases where there's concern that there might be  
11 preferential treatment from law enforcement?

12 COMMISSIONER PETERS: It could be, but I think  
13 that is the kind of decision that needs to be  
14 exercised remarkably judiciously.

15 CHAIRPERSON TORRES: I think that's fair to say.  
16 Uhm, that is the extent of my questioning to you.  
17 Commissioner, you have been generous with your time  
18 and I'm an admirer of your work and I'm an admirer of  
19 really the transformation of DOI and to a much more  
20 robust oversight agency and you can count on my  
21 committee to be as supportive as we can be.

22 COMMISSIONER PETERS: Thank you very much and I  
23 really appreciate your time.

24 CHAIRPERSON TORRES: Absolutely, thank you. With  
25 that said, this hearing – Now we are proceeding to

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 public testimony, so we have Mr. Komatsu. Ms.  
3 O'Grady from Samaritan Suicide Prevention Center  
4 and Ms. Augustine from Samaritans of New York  
5 Suicide Prevention. And can we have a two-minute  
6 timer.

7 FIONA O'GRADY: Good morning.

8 CHAIRPERSON TORRES: Good Afternoon.

9 FIONA O'GRADY: Good afternoon. Yes, it was a  
10 long and fabulous hearing and new topics from a  
11 suicide prevention center. Good Afternoon. My name  
12 is Fiona O'Grady, I'm Director of Government  
13 Relations for Samaritan Suicide Prevention Center.  
14 Thank you, Chairman Torres and the committee, for the  
15 chance to speak today. As we all too often these  
16 days violent and self-harming behavior are on the  
17 rise impacting our families, friends, and communities  
18 where we work and where we live. This problem  
19 touches people of every age, race, sexual identity,  
20 and culture especially those living in poverty. The  
21 mentally ill, veteran, immigrants, and LGBT and Q  
22 adolescents. So, it makes sense that Mayor de Blasio  
23 would make preventing suicide a priority. What does  
24 not make sense is that in this battle to help those  
25 most at risk, the Mayor would eliminate funding for

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 Samaritans. The only community-based agency in New  
3 York whose soul mission is to prevent suicide.

4 Samaritans created New York City's first suicide  
5 prevention hotline 35 years ago answering 1.3 million  
6 calls from those in distress and when the Mayor  
7 determined New York needed to expand its suicide  
8 prevention network, one of the first things he did  
9 was to cut funding for Samaritans hotline.

10 Samaritans started the city's first suicide  
11 prevention education program 30 years ago providing  
12 40,000 to New York City DOE and community agency  
13 health care staff with needed crisis response  
14 training and when the Mayor's office issued contracts  
15 to provide that training to New York City schools he  
16 again rejected Samaritans who last year provided uhm  
17 we taught close to 800 psychologists, social workers,  
18 etc. from nearly 600 schools city wide. The same  
19 with volunteerism. The Mayor promotes it, but cuts  
20 funding to a hotline that staffed entirely by nearly  
21 100 community volunteers who donate over \$750,000 in  
22 free labor. Especially when the Mayor state in  
23 thrive that we'll work with our partners to create  
24 new programs and make them work, we would like the  
25 opportunity to work with you to look into this and on

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 that note, I'd like to pass on the next comments to  
3 my colleague Sambal[SP?] Augustine, a member of  
4 Samaritans Executive Leadership Team. Sambal.

5 SAMBAL AUGUSTINE: Good afternoon. I want to  
6 thank the committee for this time. My name is  
7 Sambal Augustine and I first came to the Samaritans  
8 15 years ago as a hotline volunteer. At the time,  
9 I was studying to go to medical school, but my  
10 experience at Samaritan changed my life. People  
11 talk about wanting to make a difference in the  
12 world we live in. Samaritans volunteers actually  
13 do something about it. Uhm, the first lesson we  
14 learn on the hotline is to shut up, because you  
15 can't be listening if your doing all the talking.  
16 We learn about how judgmental we can be, how often  
17 we make assumptions, await topic that make us  
18 uncomfortable. Mostly we learn to respect the fact  
19 that people are unique and complex and there are no  
20 easy answers. It humbling work because it forces  
21 you to realize when you are trying to help someone  
22 and its not about you. An important realization if  
23 you are going to be effective talking to someone  
24 who's depressed and feeling like they're standing  
25 on the edge of a cliff. Samaritans has over 100



1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 volunteers that reflect the city's [inaudible  
3 2:38:21] city. They are caring, devoted, when they  
4 complete the intensive emotional boot camp  
5 training, they work one shift a week, once a month  
6 and overnight from 11 pm to 8 am in the morning.  
7 Samaritans volunteers do what it takes to make a  
8 difference. They make the city more responsive to  
9 people when they are most vulnerable. Samaritans  
10 provide a necessary alternative to other services  
11 and should be embraced by the Mayor and the  
12 Department of Health. Why they do not, is  
13 certainly a question. At the same time Samaritans  
14 most thank this council for without your ongoing  
15 support, our hotline would have closed years ago  
16 and on behalf of Samaritans Volunteers, I want to  
17 thank you.

18 CHAIRPERSON TORRES: Thank you.

19 MR. KOMATSU: HI. I'm [Inaudible 2:39:13]  
20 Komatsu, we've met previously. Uhm, on January 8<sup>th</sup>  
21 I tried testifying in opposition to your Right to  
22 Know Act Bill in the blue room of City Hall.  
23 Members of NYPD actually tried to prevent me from  
24 entering City Hall for that purpose. So, there was  
25 some discussion earlier today in this meeting about

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
2 NYPD issues oversight also with regards to HRA.  
3 Uhm, I gave you some information to look at in your  
4 spare time. Currently defending a frivolous  
5 criminal prosecution on me in the Bronx, but I  
6 think 12 days after I testified on December 12<sup>th</sup> or  
7 December 14<sup>th</sup> in City Hall I was illegally stopped,  
8 ceased, arrested, in retaliation for just walking  
9 to a drug store in a public area. So, if your  
10 having the meeting today to I guess make an inquiry  
11 whether there is sufficient oversight of the NYPD,  
12 I talked to the commissioner on February 23<sup>rd</sup> at the  
13 New York Law School about this federal law suit  
14 against the Mayor's head of security. He told me he  
15 is not going to answer my questions and he claimed  
16 I filed a law suit against him. I haven't, so if  
17 I'm having these face to face conversations with  
18 the appropriate people, I'm not getting appropriate  
19 [inaudible 2:40:21]. When I tried going to your  
20 October 4<sup>th</sup> Town Hall meeting by Law School, the  
21 NYPD kept me out of it. So, if I'm a whistle  
22 blower, if I have a first amendment right to walk  
23 through the doors, conduct myself lawfully, and I  
24 brought it to your colleagues attention that this  
25 has been a repeated practice where by, when the

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 Mayor was up for reelection, using these public  
3 meetings as campaign events and I can't walk  
4 through three of the doors, that's actually voter  
5 fraud and voter suppression if you think about it.  
6 So, I guess at the end of the day, I don't mean to  
7 waste your time. The reason why I'm here is I live  
8 in Housing for Veterans by Katona Park. The  
9 landlord did a bade and switch. They're using tax  
10 payer money. Uhm, they are going to have a fund  
11 raiser in May and they're not [inaudible 2:41:02].  
12 They don't have the building registered with HPD or  
13 HRA and HPD. They are not doing a darn thing, so  
14 can you?

15 COMMISSIONER PETERS: I'll have my staff get  
16 your information and then we can follow up with HPD  
17 absolutely.

18 MR. KOMATSU: Thank you. No, he is the person  
19 who assaulted me on July 2<sup>nd</sup>.

20 COUNCIL MEMBER SALAMANCA: Is it your testimony  
21 that you were stopped by the police from going to  
22 testify at a hearing at the blue room, then several  
23 days later at a CVS in the Bronx, you were stopped  
24 by different police and those two things are  
25 connected?

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

2 MR. KOMATSU: Ah, there not connected, its just  
3 coincidental but in total its happened to me more  
4 than 20 times at public meetings. Uhm, there is  
5 collaborating witnesses, its on video, I submitted  
6 formal requests to the NYPD. I had their own video  
7 confirming it.

8 COUNCIL MEMBER SALAMANCA: Okay, alright.

9 MR. KOMATSU: If you want a copy of the video -

10 COUNCIL MEMBER SALAMANCA: No, no, no, I'm good.  
11 Thank you very much.

12 MR. KOMATSU: Thanks.

13 CHAIRPERSON TORRES: Thank you for your  
14 testimony. Are we entering any testimony for the  
15 record? Okay, great. So, with that said, this  
16 meeting is 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 April 1, 2018