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COMMITTEE ON OVERSIGHT AND INVESTIGATIONS 1

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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November 13, 2019
Start: 10:14 a.m.
Recess: 11:00 a.m.

HELD AT: 250 Broadway - Committee Rm, 16th
Fl.

B E F O R E: Ritchie J. Torres,
Chairperson

COUNCIL MEMBERS:

Diana Ayala
Ben Kallos
Rory I. Lancman
Keith Powers
Carlina Rivera
Rafael Salamanca, Jr.
Mark Treyger
Kalman Yeger

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COMMITTEE ON OVERSIGHT AND INVESTIGATIONS 2

A P P E A R A N C E S

Margaret Garnett
Commissioner of the New York City Department of
Investigation

Towaki Komatsu
Self

2 CHAIRPERSON TORRES: [GAVEL] Good morning
3 everyone, I'm City Council Member Ritchie Torres and
4 I am the Chair of the Committee on Oversight and
5 Investigations.

6 And I just want to acknowledge that we're joined
7 by Council Member Ben Kallos and I suspect members
8 will join us as the hearing unfolds.

9 The Department of Investigations has the
10 authority to investigate city agencies as well as the
11 select set of public benefit corporations and public
12 authorities that operate exclusively in New York
13 City, NYCHA and H&H being among them.

14 Those investigations will often result in policy
15 and procedure recommendations commonly known as
16 PPR's. I'm going to refer to these PPR's as reforms.

17 Once DOI recommends reforms, an agency reserves
18 the right to either accept or reject the reforms. An
19 agency reserves the right to agree or decline to
20 implement the reforms.

21 The committee has several questions about the
22 history of DOI reforms. To what extent do agencies
23 agree to implement reforms. To what extent do
24 agencies implement the agreed upon reforms and to
25

2 what extent does DOI track the implementation of the
3 reforms that agencies have agreed to implement.

4 The answer to all of these questions is unclear.
5 It is fair to say that DOI has no historical practice
6 of comprehensively and consistently tracking the
7 implementation of its own reforms, one by one agency
8 by agency.

9 Without systematic tracking by DOI, agencies have
10 less of an incentive to implement reforms and the
11 public has no means of knowing whether agencies are
12 implementing reforms as promised. An investigation
13 is only as good as the real world result it produces.
14 It is only as good as the follow up and follow
15 through.

16 As a city, we cannot afford a hit and run
17 approach to investigations. We cannot content
18 ourselves to issue reports and then move on to the
19 next order of business. We have to follow up, follow
20 through and see to it that city agencies are
21 implementing reforms that make government more
22 transparent and more accountable, more effective and
23 more ethical.

24 We have to be oriented toward producing real
25 world results rather than simply issuing reports.

2 The Committee on Oversight and Investigation is
3 therefore considering Intro. 1440 which would require
4 DOI to create an online dashboard that systematically
5 tracks the implementation of reforms one by one,
6 agency by agency.

7 A dashboard would enable us as private citizens
8 and as elected officials to hold DOI accountable for
9 holding agencies accountable and it would enable us
10 to hold those agencies accountable directly.

11 The DOI dashboard once established would
12 represent the most comprehensive accountability and
13 transparency tool since the creation of the Mayor's
14 Management Report. But unlike the MMR, the DOI
15 Dashboard is going to be principally informed by
16 independent investigations rather than merely by
17 agency self-reporting. The legislation would
18 represent a triumph of good government in the age of
19 open data.

20 The Dashboard will tell us which reforms agencies
21 have agreed to implement and whether agencies have in
22 fact implemented those reforms as promised. What the
23 dashboard will not do is assign a letter or number
24 grade. Reducing the Dashboard to a crude numbers
25 game would do a disservice to the complexity of DOI

2 investigations and the reforms that result from them.

3 Not all reforms are created equal. Not all reforms
4 are simple to implement. Some reforms are a matter
5 of life and death and some are simply a matter of
6 paperwork. Context matters, the Dashboard will
7 provide a qualitative rather than a quantitative
8 analysis that offers context.

9 The purpose of the Dashboard is not to shame
10 agencies with letter grades, like we do at
11 businesses, the purpose here is to inform the public
12 about the workings of their own government and to do
13 so comprehensively and consistently.

14 And with that said, I will afford the
15 Commissioner an opportunity to offer an opening
16 statement. Commissioner, can you raise your right
17 hand.

18 Do you affirm to tell the truth, the whole truth
19 and nothing but the truth in your testimony before
20 this Committee and to respond honestly to Council
21 Members questions.

22 MARGARET GARNETT: I do.

23 CHAIRPERSON TORRES: Thank you.

24 MARGARET GARNETT: Good morning Chairman Torres
25 and Members of the Committee on Oversight and

2 Investigations. My name is Margaret Garnett, and I
3 am the Commissioner of the New York City Department
4 of Investigation.

5 Thank you for inviting me to address the
6 Committee's proposed bill, Intro. 1440, which would
7 require DOI to create a web application to track and
8 assess agency cooperation and compliance with
9 investigations and recommendations.

10 DOI's mission is rooted in exposing and stopping
11 corruption, fraud, waste and other abuses that
12 undermine city governments ability to effectively
13 serve all New Yorkers. We have a unique role within
14 city government, as an independent fact finder with a
15 mission to conduct investigations, hold public
16 officials accountable, and strengthen city government
17 by sharing our investigative findings. Through DOI's
18 investigations, we uncover individual wrongdoing and
19 also expose systemic issues and vulnerabilities that
20 undermine good government and access to quality
21 government services.

22 In order to ensure the vulnerabilities, we
23 uncover are addressed, we routinely issue Policy and
24 Procedure Recommendations, which as the Chairman
25 noted are also called PPRs that aim to help agencies

2 close the corruption-related gaps that we find and
3 recommend concrete ways to improve and strengthen
4 operations and internal controls.

5 Increasing transparency and accountability within
6 city government is also an important part of DOI's
7 mission. DOI already reports our aggregate PPR
8 numbers, as well as the percentage of those PPRs that
9 have been accepted by city agencies, in the Mayor's
10 Management Report each fiscal year.

11 Beginning in the Fiscal 2020 report, we will
12 further break out the percentage of PPRs across the
13 city that have been accepted and the percentage of
14 accepted PPRs that have been implemented by the
15 agencies. But these numbers only tell part of the
16 story, scratching the surface of DOI's investigative
17 findings and the efforts made by both DOI and city
18 agencies in reforming and improving city operations.

19 I understand that prior to my appointment in
20 December 2018, this Committee had already begun
21 discussions with DOI about the possibility of a
22 public website for tracking DOI's PPRs. The idea is
23 significant, providing a window for the public into
24 DOI's compelling work in a way that goes beyond our
25 press release on arrests or our public reports, and

2 reflects the wide-reaching impact that our
3 investigations have on the city.

4 Equally important, it potentially allows the
5 public and other city agencies an opportunity to
6 review vulnerabilities citywide, and even for city
7 agencies to spot vulnerabilities found in other
8 entities that may usefully be addressed in their own
9 organization as well.

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

16 Over the past eleven months, a team at DOI has
17 been working hard to create a database model that
18 ensures information on our PPRs is both accurate and
19 fair. We have also focused on ensuring that any
20 public database would create the appropriate balance
21 between safeguarding sensitive information on
22 investigations and the right of the public to know
23 how their government operates.

24 Moreover, as the Chairman noted, all PPRs are not
25 created alike. Some address relatively minor issues,

2 while some address significant systemic changes.

3 Some are more costly or difficult to implement, while
4 others may require the approval or cooperation of
5 other entities. In light of these complexities, we
6 have thought carefully about the best way to present
7 that context and to provide additional information on
8 implementation, so that any database provides a
9 comprehensive and fair picture of DOI's
10 recommendations at any given agency.

11 Because of these complexities, I would caution a
12 database of PPRs should not be and is not intended to
13 be, a means to pit city agencies against each other
14 or derive a score or grade for individual city
15 agencies. Each agency's mission, operation, and
16 challenges are different, and with few exceptions,
17 PPRs are tailored to that agency and should be viewed
18 as such. Our focus at DOI is to combine outstanding
19 investigative skills, a high level of
20 professionalism, and a deep knowledge of the specific
21 work of each agency. We hope that the database, when
22 it is fully operational, will provide a better
23 understanding of the wide-ranging work that results
24 from that approach, and support greater civic
25 engagement with how city government functions.

2 DOI is currently working internally with a
3 database prototype and we are steadily moving towards
4 a public platform that would include all of DOI's
5 PPRs from January of 2014 through the present day.
6 The process has been painstaking and arduous. On the
7 data input side, we have had to ensure that
8 information was correct and that DOI had the most up
9 to date status regarding recommendations from dozens
10 of city agencies and entities.

11 On the technical and design side, we are working
12 to ensure the database will be user friendly,
13 accessible and functional. We've also engaged with
14 our partners at city agencies to ensure accuracy and
15 a presentation that effectively presents the context
16 of each PPR.

17 I believe we are approaching the final stages of
18 these processes. We expect to unveil an effective,
19 accurate database by the summer of 2020 and possibly
20 earlier. As presently envisioned, the database would
21 include the following fields: First, the date the
22 PPR was issued to the agency; Second, the agency or
23 entity to whom the PPR was issued; Third, the text of
24 the PPR as issued; Fourth, whether the PPR was
25 accepted; Fifth, whether the PPR has been implemented

2 and each of those would be yes, no, fields; and
3 finally a field for the receiving agency's comments,
4 if any. This last field will be populated from a
5 menu of choices developed in consultation with city
6 agencies and provides an opportunity for agencies to
7 provide additional context about their implementation
8 decisions.

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

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

2 DOI's mission is fundamentally about protecting
3 the public's interest in honest government. This
4 database is part of that mission and it is why we are
5 committed to launching it in a smart and measured way
6 that encourages public transparency, that safeguards
7 the integrity of ongoing and future investigations,
8 that protects confidential information, and that
9 provides an accurate picture of the reform process at
10 each agency.

11 Our goal is to ensure that any public database
12 will be an extension of DOI's mission, by maintaining
13 independence, fairness, honesty and a fidelity to the
14 facts.

15 Thank you again for the opportunity to comment on
16 this proposed legislation. My staff and I remain
17 available to discuss this matter further with the
18 Committee.

19 CHAIRPERSON TORRES: Thank you Commissioner for
20 your testimony. We've been joined by Council Member
21 Diana Ayala from the South Bronx.

22 It seems like DOI and the Council are largely in
23 agreement, so I'm only going to ask a few question
24 and then I will hand it off to my colleagues.
25

2 I made the observation that DOI had new tradition
3 of systematically tracking the implementation of PPRs
4 reforms. Is that an analysis that you share, what's
5 your own sense of DOI's role in tracking PPRs?

6 MARGARET GARNETT: So, I think that what is
7 different about how we are approaching it now is that
8 in the past, that had been a process that had been
9 located more with individual IG's for the agencies,
10 and different Inspector Generals at DOI had different
11 methods for keeping track and for following up with
12 agencies. And while in the past, there had been some
13 agency wide efforts undertaken to trigger regular
14 follow up to maintain records.

15 I think what this database represents is an
16 effort that would have an agency, a single place
17 agency wide, both internally and ultimately a public
18 facing, that would show all of the PPRs and an
19 accurate and up to date assessment of where the
20 agencies are in both agreement and implementation.

21 CHAIRPERSON TORRES: DOI has begun the process of
22 creating it's own Dashboard, are there any notable
23 differences as far as you can tell between the
24 Dashboard you are creating internally and the one
25

2 that's contemplated in the legislation before the
3 Council?

4 MARGARET GARNETT: No, I think the primary
5 difference is that the internal database as you would
6 expect has the capacity to cross reference things
7 within DOI to have a place for notes and things of
8 that nature that wouldn't necessarily be a public
9 record or public facing.

10 But the goal, both internally and public facing
11 is to have a single place that in which all of our
12 policy and procedure recommendations are collected
13 and that is maintained on a regular basis as to the
14 most recent status of those recommendations.

15 CHAIRPERSON TORRES: The term accepting PPR,
16 accepting a recommendation, is a morphos at some
17 level because I can accept a recommendation but
18 refuse to implement a recommendation because of
19 logistics or resources. Or I can reject the
20 recommendation because I disagree with your
21 underlying investigative findings. As a sense in
22 which, even though one person is using the word
23 accept and the other is using the word reject,
24 there's a sense in which both are rejections because
25 both represent a refusal to implement reforms that

2 DOI has deemed necessary. So, how do you distinguish
3 between those nuances?

4 MARGARET GARNETT: So, I mean, I think the first
5 thing that I would say is that in our experience, as
6 a general matter and overall, I think the agency is
7 engaged with us in good faith on agreeing or
8 rejecting. In that, it has not been my experience in
9 general that agencies agree just for superficial
10 agreement with no intention to –

11 CHAIRPERSON TORRES: But both of those examples
12 can happen in good faith.

13 MARGARET GARNETT: Yes, yes.

14 CHAIRPERSON TORRES: I can accept your
15 recommendation in principle, but I simply lack the
16 resources to implement it, versus, I disagree with
17 your investigative findings. But both of them are
18 representing a decision not to implement the
19 recommendation.

20 MARGARET GARNETT: Yes, and so, I think the
21 difference between agreement and implementation is
22 why we proposed and its been accepted by the Mayor's
23 Office for Operations, that beginning with Fiscal
24 2020, historically in the Mayor's Management Report,
25 the only consolidated number that we reported was the

2 percentage of PPRs that had been agreed to by the
3 agencies. And we didn't have a separate way of
4 reliably tracking implementation across all of DOI.

5 So, beginning in the fiscal year that ran
6 currently, we are tracking and will be reporting the
7 same percentage for agreed or rejected, but also, a
8 collective percentage for implemented or not
9 implemented and that difference will be reflected
10 also in the database that we're working on, preparing
11 now. So that, to better capture I think this
12 distinction that I think that you are getting now,
13 which is that agencies can agree but if they lack the
14 resources or they don't have buy in from their unions
15 or whatever other factors might be a play in
16 implementation. And we wanted to find a way to track
17 and reflect the difference between agreement and
18 implementation, which I believe that we are on track
19 to be accurately capturing that difference.

20 CHAIRPERSON TORRES: But acceptance does not
21 necessarily mean agreement to implement.

22 MARGARET GARNETT: Right.

23 CHAIRPERSON TORRES: Okay.

24 MARGARET GARNETT: I mean I think -
25

2 CHAIRPERSON TORRES: So, at some level, we leave
3 it to agencies to determine what qualifies as
4 acceptance of a recommendation?

5 MARGARET GARNETT: Well, to some extent but we
6 are engaged in conversations with agencies when PPRs
7 are issued, so it's not simply a one-way process.
8 Our goal is to have PPRs be of a nature that agencies
9 will accept and implement and ultimately, we are
10 applying our own independent judgment as to what we
11 think the recommendation should be. But the goal is
12 to be in conversation with agencies, so that the
13 recommendations accurately reflect what the agencies
14 are currently doing. What is possible for them to do
15 and to my mind, agreement means that we agree with
16 the recommendation as a policy matter and we will
17 take steps to implement it.

18 I think what happens after that, is influenced by
19 a variety of factors, some within the agencies
20 control and some outside of its control.

21 CHAIRPERSON TORRES: In your testimony you said
22 the database as you envision it is going to have six
23 fields and the sixth field is, "a field for receiving
24 agencies comment." So, the Dashboard would include
25 DOI's perspective, the agencies perspective. What

2 about comments from external stakeholders? What if
3 an external stakeholder. It could be the external
4 stakeholder whose request triggered the
5 investigation.

6 I disagree with DOI's analysis. I disagree that
7 this agency implemented the reforms and is there
8 going to be some mechanism by which the opinions of
9 external stakeholders are going to be included in the
10 Dashboard as DOI envisions it? Is that something you
11 are open to?

12 MARGARET GARNETT: So, we currently have no
13 capacity to do that and I think you know, that for a
14 variety of reasons is a challenge that I think is
15 beyond our ability to implement. The information
16 that is currently going to be in this PPR tracking
17 database is all information that is sort of in the
18 possession and control of DOI.

19 I do think that one of the benefits of this
20 database in a public facing way is that a variety of
21 external stakeholder, to use your term, whether they
22 are elected officials, community groups, advocacy
23 groups that have a particular interest in a topic,
24 will be able to use the database as tools to inform
25 themselves as well as take whatever action they think

2 is in their interests to respond to those
3 recommendations or to hold the agencies accountable
4 or to disagree with them if they disagree.

5 CHAIRPERSON TORRES: Is there and again, I'm no
6 expert on technology, actually Council Member Kallos
7 is more of the inhouse expert on technology. But
8 could there be a field where you could upload
9 comments, external stakeholders could upload comments
10 as one could in [INAUDIBLE 31:25] page. Again, I
11 don't know what's feasible, but if that were
12 feasible, is that something that you could be open to
13 supporting in principle?

14 MARGARET GARNETT: So, I think it's not feasible
15 in this phase. A tremendous amount of effort has
16 gone into the quality control of the data that we're
17 preparing to unveil when the database goes public
18 next year. And so, to add fields now, I think it's
19 not feasible but as I said, I think we'll continue to
20 refine and consider changes.

21 I guess personally, I don't know how much time
22 you spend on the internet Chairman Torres, but I'm
23 not sure that a publicly open comment field is useful
24 for the purpose -

2 CHAIRPERSON TORRES: Well, I'll give an example,
3 how about I think. You know, suppose there is a
4 hearing regarding ACS, right, and in preparation for
5 the budget hearing. I want to look at the DOI
6 Dashboard and see you know, what reforms did ACS
7 agree to implement? What did DOI say about the
8 status of the implementation? But also, I want to
9 see what do external stakeholders and if there were a
10 section that allowed me to view the opinions of
11 external stakeholders about the reforms and the
12 implementation of the reforms, that would only
13 enhance my ability as a Council Member to do better
14 oversight.

15 Because I have the agencies perspective, I have
16 the external perspective, I have the DOI perspective.

17 MARGARET GARNETT: So, I think that external
18 stakeholders have a lot of places to air their views.
19 I'm certainly open to continuing the conversation, I
20 think I'm reluctant to take on for DOI, the task of
21 collating, managing and publicizing the opinions of
22 groups that we don't necessarily have an ongoing
23 relationship with. It would be difficult for us to
24 take on the responsibility of assessing.

2 You know, we issue on average over five hundred
3 PPRs a year. So, to take on the task of trying to
4 assess and be fair and with equal treatment, which
5 different groups are interested, and which groups
6 have spoken about it. I think managing that and
7 collating that is a task that I'd be reluctant for
8 DOI to take on. I think we are good at and getting
9 better at, I hope, managing and ensuring the accuracy
10 of our own data. And to expand that beyond what we
11 sort of keep track of and collect in house, I'd have
12 some concerns about that.

13 CHAIRPERSON TORRES: You said you produce five
14 hundred PPRs every year?

15 MARGARET GARNETT: I would say looking at the
16 past five years, that's about the average, yes.

17 CHAIRPERSON TORRES: And the Dashboard as you
18 contemplated, will include PPRs dating back to
19 January of 2014, the beginning of the de Blasio
20 Administration, right.

21 MARGARET GARNETT: That's right.

22 CHAIRPERSON TORRES: And how large is that number
23 of PPRs?

24 MARGARET GARNETT: It's about 3,500 I believe.
25

2 CHAIRPERSON TORRES: Because part of the purpose
3 of the Dashboard is to you know, New York City is a
4 labyrinth of \$90 billion worth of agencies, right.
5 So, how do we distill the story of New York City
6 government in manageable chunks? But what was the
7 number you said, 3,500?

8 MARGARET GARNETT: It's about 3,500.

9 CHAIRPERSON TORRES: 3,500 is looming and I agree
10 that you know, all reforms are equally important.
11 Some are matters of life and death, some are matters
12 of paperwork. Is there some means by which we can
13 highlight for the public which reforms are the most
14 important from the perspective of DOI that warrant
15 the most attention? So that it's not lost in the
16 jumble of 3,500 PPRs?

17 MARGARET GARNETT: So, I think I would be
18 reluctant to rank PPRs in terms of which are most
19 important. Again, I think because of what I
20 mentioned that the relative importance of PPRs will
21 depend on the agency.

22 Some agencies have a very narrow mission and so,
23 a PPR that might very important to the functioning of
24 that small agency, might be viewed by some as not as
25 important in terms of a citywide issue or an issue

2 that effects many people. You know there are
3 agencies that are on the front lines of public health
4 and safety. Other agencies are doing important work,
5 but that just doesn't have the urgency that ACS or
6 Corrections or the Police Department; just to take a
7 few examples.

8 So, I think our goal with the database is to make
9 information available in a way that is transparent
10 and accurate. And so, I do think that is quite
11 possible and I think effective civic engagement would
12 mean that whether it's advocacy groups or the Council
13 or City Hall or other city agencies, we'll be able to
14 take that information and use it as a tool to have
15 more effective advocacy for community groups to have
16 more thoughtful oversight for the Council or for City
17 Hall.

18 So, I think I do not see DOI as being in the
19 business of ranking agencies in terms of the
20 importance of their work or ranking PPRs, but we hope
21 that by making the data available in a way that I
22 think will be user friendly and efficient for people
23 to find the things they care about. That it will
24 make advocacy by these other entities more feasible,
25 more focused, more targeted.

2 CHAIRPERSON TORRES: Along the same lines, so,
3 we're in agreement that the Dashboard should not
4 produce city government to a numbers game, right.

5 But I could imagine that there are some agencies that
6 have a pattern of complying with DOI recommendations,
7 accepting DOI recommendations and implementing them
8 as promised.

9 And then there are others that might have a
10 pattern of rejecting DOI recommendations or failing
11 to implement those recommendations as promised. Is
12 that something that we should – is there some way by
13 which we should communicate that to the public, which
14 agencies are more cooperative than others generally?

15 MARGARET GARNETT: Again, I don't view that as
16 DOI's role and I'm not sure that that's an effective
17 comparison because agencies have different
18 constraints under which they operate and you know,
19 whether that is collective bargaining or financial
20 issues or difficulties, constraints placed on them by
21 state law in the case of ACS being one example.

22 So, and I think the relationships between DOI and
23 its agencies sort of eb and flow over time and there
24 will, I'm sure be times where a given Commissioner of
25 an agency has a different vision or priorities for

2 how to operate the agency than our experts at DOI
3 have.

4 So, you know, it is process that mirrors I think
5 the complexity of New York City government as a whole
6 and so, personally, I don't think that comparing
7 agencies or even labeling the percentage of agreement
8 and implementation as an indicator of cooperation
9 versus noncooperation. I don't think that's going to
10 be universally true or a particular fair way to
11 evaluate agencies.

12 CHAIRPERSON TORRES: Is DOI's Dashboard as you're
13 envisioning it, going to include information about
14 the Department of Education?

15 MARGARET GARNETT: No. So, the special
16 Commissioner for Investigation is responsible for the
17 Department of Education and we have not included
18 their recommendation. They maintain the case
19 management system and there records separate from the
20 core of DOI.

21 CHAIRPERSON TORRES: But under the chart of the
22 special commissioner, although independent, has a
23 reporting obligation to DOI.

24 MARGARET GARNETT: That's right.
25

2 CHAIRPERSON TORRES: Right, so can the — one can
3 imagine a situation in which the Special Commissioner
4 reports the relevant information to DOI and DOI
5 includes the information. What's odd is, you know, a
6 Dashboard that fails to include one third of city
7 government is deeply deficient and that might be a
8 major point of disagreement between DOI and the
9 Council and this is a point in which I am going to
10 push very hard. But it would be odd not to include
11 the largest city agency or a city entity in the
12 Dashboard.

13 MARGARET GARNETT: Yeah, and as I said, you know,
14 I think that's certainly something that we can
15 explore, and our focus now is on getting the
16 Dashboard to a place with high quality control where
17 it's something that can be rolled out to the public
18 in the near term. And so, you know, I think the
19 possibility of adding a section on SCI for the
20 Department of Education is something we can certainly
21 explore down the road.

22 CHAIRPERSON TORRES: Understood. You have
23 jurisdiction over city agencies under the charter,
24 over a set of public benefit corporations and public
25 authorities by MOU, are there any entities, any

2 governmental entities over which you have
3 jurisdiction that will not be included in the
4 Dashboard?

5 MARGARET GARNETT: No.

6 CHAIRPERSON TORRES: Okay. Those are the extent
7 of my questions. Council Member Ayala, do you have
8 any questions?

9 COUNCIL MEMBER AYALA: Are recommendations
10 voluntary or are they like mandated requirements?

11 MARGARET GARNETT: They are voluntary. We don't
12 have any authority to force agencies to make any
13 particular change. So, we make our recommendations
14 and then their agreement or rejection and
15 implementation or non-implementation is voluntary.

16 COUNCIL MEMBER AYALA: How do you currently track
17 that? I'm sorry if I missed it, because I was a
18 little bit late.

19 MARGARET GARNETT: So, historically we have
20 tracked only the dimension of agreed or rejected for
21 PPRs and we have had various inconsistent ways
22 internally of tracking implementation.

23 Starting last year and moving forward, we have
24 begun an effort that will be reflected in the
25 database and in the MMR of also continuing to track

2 agreed or rejected as a binary dimension but also
3 tracking the implementation status at the agencies in
4 one central place.

5 So, we will continue as a historical comparison
6 the tracking of whether agencies have agreed to or
7 rejected PPRs, but we also have begun tracking and
8 will begin reporting on implementation yes or no.

9 COUNCIL MEMBER AYALA: So, are PPRs – are those
10 recommendations made after an investigation of an
11 agency? After a complaint of an agency? How does
12 that work?

13 MARGARET GARNETT: So, our recommendations are
14 based on our own investigations and those
15 investigations can begin in a variety of ways.
16 Referrals from the Council, referrals from the agency
17 itself, complaints from the public, information from
18 city employees. So, there's a huge range of ways
19 that our investigations begin, but we base our
20 recommendations on our own fact finding that we do in
21 the course of investigations and those
22 recommendations are made in writing to the agencies.
23 Typically, in the form of a referral letter which is
24 a letter that goes to the agency head.

2 COUNCIL MEMBER AYALA: So, the complaint is the
3 serious in nature and you're making a recommendation
4 but it's voluntary, how is that addressed? Does it
5 just stay there? I mean is it never rectified?

6 MARGARET GARNETT: I'm not sure I understand.

7 COUNCIL MEMBER AYALA: If you go into an
8 organization and there is a serious complaint that
9 was made and that merited DOI becoming involved and
10 you made recommendations based on findings of that
11 investigation and they are serious in nature. But
12 you are saying that the agency can voluntarily decide
13 whether or not they want to take you up on those
14 recommendations.

15 It just seems to be like a disconnect for me.
16 I'm not sure if I'm understanding then what the
17 procedure is.

18 MARGARET GARNETT: Yeah, so it's true that it is
19 up to the agencies to agree or reject and to
20 implement or not implement. I think historically if
21 you look you know at the last five years, it's easy
22 to asses because that's how far back the MMR
23 reporting goes.

24 Our acceptance rate overall hovers around 75
25 percent. So, 75 percent of our total recommendations

2 during that period approximately have been agreed to
3 by agencies and we don't have implementation numbers
4 for that whole period, but I think one example of an
5 agency where we have been tracking agreement and
6 implementation separately is for the Police
7 Department.

8 Since the creation of the Police Department
9 Inspector General, the Local Law 70 mandated an
10 annual public report that would track all
11 recommendations from the beginning of that office and
12 their current status of those recommendations with
13 the Police Department.

14 So, I think that provides a good example.

15 COUNCIL MEMBER AYALA: But if the information is
16 not public - I think I get where Council Member
17 Torres is you know a bill would kind of allow the DOI
18 a little bit more teeth right, and we're holding
19 people accountable, holding agencies accountable.

20 Because if it's voluntary, then there's no real
21 incentive you know, to follow up on the
22 recommendation.

23 MARGARET GARNETT: Well, and this may sound
24 naïve, but I hope that all Commissioners of city
25 agencies share our goal of effective city government

2 and I think that the percentages of agreed upon
3 recommendations are pretty high because our work is
4 of high quality and in general, I think most
5 Commissioners of city agencies want to improve how
6 they do things, want to address corruption
7 vulnerabilities and I think that's reflected in the
8 numbers.

9 It is true that I think one benefit of this
10 public facing database is as I said before, to give
11 tools to advocates, to elected officials to track
12 issues that are of particular interest or concern to
13 them and use whatever other tools are available to
14 hold agencies accountable or to have more complex
15 deeper discussions about the issues that are
16 reflected in those recommendation.

17 COUNCIL MEMBER AYALA: Do you have an idea of
18 what the percentage is or recommendations that you've
19 made to city agencies that have actually been
20 implemented?

21 MARGARET GARNETT: So, I can only estimate that
22 at this point, because we are still quality checking
23 that data. But if on average the number of agreed to
24 is around 75 percent, I would estimate that on
25

2 average, the implementation numbers are between
3 probably 50 and 60 percent.

4 COUNCIL MEMBER AYALA: Okay, thank you.

5 MARGARET GARNETT: Thank you.

6 CHAIRPERSON TORRES: The Committee has been
7 joined by Council Member Powers. Council Member
8 Powers, do you want to ask any questions? Okay, so,
9 I have no more questions Commissioner except to you
10 know, I believe strongly that external stakeholders
11 should have a voice and I believe strongly that DOE
12 should be part of the Dashboard. And so, those are
13 principles that I want to advance as we negotiate the
14 bill.

15 I certainly want to make it workable for DOI, but
16 I fill it's important that one third of city
17 government is included in the Dashboard and that
18 external stakeholder perspective is as available to
19 the public as DOI perspective and agency perspective.

20 With that said, I have no more oh, Council Member
21 Kalman Yeger, thank you for joining us. So, with
22 that said, thank you Commissioner for your testimony.

23 MARGARET GARNETT: Thank you.

24 CHAIRPERSON TORRES: We will call up the second
25 panel, Towaki Komatsu. Thank you.

2 TOWAKI KOMATSU: Hi.

3 CHAIRPERSON TORRES: We have a two-minute clock
4 and I would urge you to remain on topic to the extent
5 that you can.

6 TOWAKI KOMATSU: I owe them unlike you. After
7 testifying to you on March 26, 2018 and March 26,
8 2019 and otherwise talking with you outside of City
9 Hall, I have every reason to believe that you lied to
10 me about commitments you made in relation to my
11 testimony. Legal and ethical responsibilities and
12 having intervene on my behalf and those of other
13 military veterans and New Yorkers whose interest in
14 my conversations with you have also been -

15 CHAIRPERSON TORRES: Sir, your testimony is
16 irrelevant to the subject of the hearing.

17 TOWAKI KOMATSU: Excuse me, I have a first
18 amendment right to testify and you are violating
19 that.

20 CHAIRPERSON TORRES: You have no right to testify
21 before the City Council. You have a right to speak
22 wherever you want, but this Council has rules and if
23 you refuse to comply with those rules, then we're
24 done here. Thank you.

2 Thank you ladies and gentleman, this hearing is
3 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