

May 22, 2023

Sent via email

Council Member Adrienne Adams, City Council Speaker
Council Member Gale Brewer, Chair of the Committee on Oversight and Investigations
Council Member Kamillah Hanks, Chair of the Committee on Public Safety
Council Member Justin Brannan, Chair of the Committee on Finance

Re: Reject Budget Cuts to New York City Oversight Agencies in the Mayor's FY24 Executive Budget

Dear Council Members,

We are writing to express our concerns over the executive budget proposed by Mayor Eric Adams for Fiscal Year 2024, which includes significant budgetary reductions to key oversight agencies of New York City government. We ask that you reject these cuts, and fully support oversight agencies with the resources needed to effectively carry out their critical work.

In a previous letter sent to you after the Mayor's preliminary budget was published, we highlighted the potential risks in reducing resources and personnel to the Department of Investigation, including the Office of the Inspector General for the NYPD, and to the Civilian Complaint Review Board. We thank the City Council for rejecting those proposed cuts in its April budget response, which called on the administration to baseline 30 additional positions in the Department of Investigation and provide the CCRB with funding to hire 92 positions.¹

Unfortunately, the proposed executive budget maintains the same cuts that were part of the preliminary budget, including a 55-headcount reduction to the DOI and a 22-headcount reduction to the CCRB. We believe this will severely hinder the agencies' ability to ensure accountability, ethics, and good governance across the municipal workforce, and prevent waste and corruption.

We acknowledge the Mayor's efforts to address the City's fiscal challenges through various budgetary tools. However, we believe that the broad vacancy reduction directive from the OMB to all city agencies, without tailoring reductions to specific program needs and priorities, can lead to ineffective budget cuts or damages to critical areas. In a recent survey of city agencies conducted by the DOI, two-thirds of agencies reported that understaffing and problems in recruiting employees adversely affected or posed risks to their anti-corruption efforts. The broad OMB directive stands out particularly because high vacancy rates in city agencies largely stem from external factors related to the aftermath of the pandemic rather than performance or management.

We urge the City Council to continue to its past support of oversight agencies by providing adequate funding in the FY24 budget. Strong oversight agencies not only raise the quality of services that New Yorkers receive but also prevent waste and inefficiencies throughout city government.

Department of Investigation

The FY24 executive budget presents a reduction of 55 full-time budgeted positions from the Department of Investigation (DOI) compared to the FY23 approved budget, funding a total of 293 positions for the

agency. This completes a reduction of 21% of staff in only three years, bringing DOI's headcount to its lowest level since the FY2015 budget.²

Yet the need for the Department's crucial task of ensuring ethics, efficiency, and good governance in city government and preventing waste and corruption has not been reduced. Since FY15, the municipal workforce has increased by 8% while the City's total budget grew by over 30%. The number of complaints the DOI receives has remained relatively steady at around 11,000-12,000.³

Much of the current staffing cuts are attributed to the Mayor's Program to Eliminate the Gap (PEG), which required agencies to eliminate 50% of vacant positions. However, the DOI's vacancy rate - 25% as of October 2022 - is higher than most agencies, largely because of the difficulties filling titles over the last two years, especially in professional positions competing with the private sector, like attorneys, accountants, or auditors.⁴ Removing more positions from the baseline budget and further reducing the DOI's capacity could hit the Department in vital areas and be difficult to reverse in future budgets.

An investment in the Department of Investigation is an investment in a more efficient and effective city government. The DOI is not only charged with rooting out fraud, abuse of authority, and corruption by City employees and contractors, but also reducing waste. Its investigations bring in millions of dollars as revenue each year and help prevent even more funds from being misused.

Inspector General for the NYPD

Fully independent from the Police Department, the Office of the Inspector General for the NYPD (OIG-NYPD), housed within the DOI, is charged with external review and audit of the NYPD. A decade after its establishment, the OIG-NYPD could also be hurt by the proposed budget cuts to the DOI. The OIG-NYPD is severely understaffed, with only 17 positions currently filled out of 39 budgeted.⁵ The position of the IG itself has been vacant for more than a year. As a consequence, the agency's capacity to complete its charter mandate has also been reduced, and the publication of new systematic investigative reports has dragged on for years.

Further budget reductions to OIG-NYPD would limit the unit's capacity to provide critical oversight of policing in New York City. Its reports and audits identify patterns in the Police Department's operations and are often used by the Council Members and advocates to advance or track implementation of necessary reforms. Yet the OIG often faces resistance from the NYPD, leading to recommendations being rejected or not implemented. The Council should do more to signal its support for the OIG-NYPD.⁶

Civilian Complaint Review Board

The proposed executive budget reduces the Civilian Complaint Review Board's (CCRB) headcount by 22 positions, achieved entirely by vacancy reduction. This would bring the Board to 237 full-time budgeted positions.

The proposal is above the minimum staffing level required by the City Charter, which is set at 227 positions this year. However, the Council has significantly expanded the CCRB's mandate since the staffing threshold was added to the Charter in 2019.⁷ In 2021, the Council gave the agency jurisdiction over bias-based policing and racial profiling and empowered it to investigate officers' past professional misconduct related to bias or racial profiling.⁸ Since early 2022, the CCRB has been granted the power to self-initiate complaints when there is evidence of police misconduct without needing to wait for formal

complaints from citizens.⁹ In addition, the Board is required to respond to more FOIL requests regarding officers' records of misconduct since the Legislature repealed Civil Rights Law Section 50-a in 2020.

The Council has previously provided the CCRB with the funds to meet these new demands. Specifically, a 33-person unit to investigate bias-based policing was established through the Council's FY22 budget. This Racial Profiling & Bias Based Policing Unit is being set up, agency rules have been promulgated, and over 60 complaints were under investigation in 2022 alone. However, CCRB Chair Arva Rice has publicly stated that the proposed cuts to the agency's budget would come from still-vacant positions in the new bias-based and racial profiling policing unit, leaving it with only 13 people out of the 33 originally provided by the Council. The proposed budget would lead the agency to halt investigations into bias-based policing and refer complaints back to the police department by the end of the fiscal year.¹⁰

The CCRB plays a critical role in protecting everyday New Yorkers from abuses of power. By providing an impartial avenue for civil complaints to be properly and fully examined, the CCRB promotes trust between New Yorkers and the NYPD. Without proper funding, the CCRB cannot achieve its mandate and will continue to face ongoing challenges in achieving its goals, mainly due to difficulties imposed by the NYPD. We urge the Council to provide it with the required funds to complete its expansive mandate.

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In summary, we request that you consider the long-term impact of these cuts on city government and prioritize maintaining strong and effective oversight agencies.

Sincerely,

Betsy Gotbaum
Executive Director
Citizens Union

Faiza Patel
Senior Director, Liberty & National Security Program
Brennan Center for Justice

Susan Lerner
Executive Director
Common Cause/NY

Deborah Brodheim and Kai Rosenthal
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John Kaehny
Executive Director
Reinvent Albany

¹ New York City Council's Response to the Fiscal 2024 Preliminary Budget and Fiscal 2023 Preliminary Mayor's Management Report. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/04/Fiscal-2024-Preliminary-Budget-Response-Final-1.pdf>

² DOI receives funding for other staff members from other agencies and public bodies through direct MOUs. Counted as total, the Department's headcount reduced by almost a quarter since FY2020, from 546 to 412.

³ Dynamic Mayor's Management Report, DOI indicator: complaints

⁴ Office of the New York City Comptroller, *Title Vacant: Addressing Critical Vacancies in NYC Government Agencies*, December 2022 <https://comptroller.nyc.gov/reports/title-vacant/>

⁵ January 2023 Financial Plan, Departmental Estimates, NYPD OIG Full Time Salaried; Oral testimony of DOI Commissioner Jocelyn E. Strauber, 03/07/23 Preliminary Budget Hearing, Committee on Oversight and Investigation.

⁶ According to the DOI's Policy and Procedure Recommendations Tracker, only 51% of the OIG-NYPD's recommendations have been implemented by the NYPD since 2015.

⁷ In 2019, voters approved a charter amendment that set the CCRB's staffing level at least 0.65 percent of the number of New York Police Department uniformed personnel. In the FY24 executive budget, the NYPD is proposed to receive 35,001 full-time uniformed positions.

⁸ Local Law 2021/47

⁹ Local Law 2022/24

¹⁰ NYPD Oversight Board May Halt Probes of Biased Policing Over Lack of Funding, The CITY, May 10, 2023. <https://www.thecity.nyc/2023/5/10/23719164/nypd-oversight-ccrb-halt-probes-biased-policing-budget>