



**NEW YORK CITY COUNCIL
COMMITTEE ON TRANSPORTATION**

**WRITTEN TESTIMONY OF MARGARET GARNETT
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**CONCERNING INT. NO. 1393-2019
A LOCAL LAW IN RELATION TO PARKING ENFORCEMENT**

MARCH 27, 2019

Good afternoon Speaker Johnson, Chairperson Rodriguez and members of the Committee on Transportation. I am Margaret Garnett, Commissioner of the NYC Department of Investigation (DOI). Thank you for inviting me to comment on the City Council's proposed bill, Int. 1393, "A Local Law in relation to parking enforcement."

Rooting out corruption and ensuring that public servants do not abuse their authority are central components of DOI's work and essential to our mission. Accordingly, I appreciate the City Council's concerns regarding the issuance of NYC parking permits, the use of such permits, and the enforcement of the rules governing these permits. Because the current draft of Int. 1393 creates specific obligations for DOI, I would like to submit the following comments and proposed changes for the Council's consideration. This is accompanied by a copy of Int. 1393 with proposed edits that are consistent with DOI's comments.¹

Section 1.c. of Int. 1393-2019 currently includes the following language regarding DOI:

Beginning no later than May 15, 2019 and no later than the 15th day of each month thereafter, the department of investigation shall submit a report regarding the information submitted pursuant to subdivision b during the previous month to the police department, the department of transportation, the mayor, and the speaker of the council and post such report online. Such report shall include, at a minimum, an analysis of such evaluations, the effectiveness of the photographs and information provided in determining whether vehicles were parked legally, any patterns or trends relating to the enforcement of parking laws and the use of parking permits. In addition, the report due no later than October 15, 2019 shall also include recommendations related to the enforcement of parking laws, the use of parking permits, and the issuance of parking permits.

As drafted, Int. 1393-2019 would require DOI to publish six monthly reports between May 15, 2019 and October 15, 2019. For each monthly report, DOI would be required to review at least 200 NYPD evaluations of blocks or intersections along with possibly thousands of photographs of individual vehicles, permits, and license plates. In addition to this review, the current draft of Int. 1393 would require DOI, each month, to analyze NYPD's evaluations and photographs with respect to (a) whether the photographs and evaluations are effective for assessing parking activity, (b) patterns and trends regarding the NYPD's enforcement of the parking laws, and (c) patterns and trends regarding the use of parking permits by City employees. As drafted, Int. 1393 would also require DOI to complete each monthly review of these 200-plus evaluations

¹ To be clear, DOI neither endorses nor opposes the passage of Int. 1393. The comments, suggestions, and revisions contained in my testimony today are intended to reflect DOI's expertise, in hopes that the Council will take this input into account if it determines that Int. 1393 should be enacted in some form.

and thousands of photographs within five business days after the close of the monthly evaluation period. This is an extremely high volume of material to process on a monthly basis for six consecutive months, much less synthesize into meaningful evaluations and proposals for reform. Not only would the task as currently described place a serious burden on DOI, it would also divert resources from other critical investigations that the public expects of our agency.

Beyond the extremely tight time constraints and the diversion of resources away from existing critical investigations, we are concerned that monthly DOI reports during the study period may add little value beyond the monthly public disclosures by the NYPD, and would not advance the overall purpose of this legislation.

By contrast, we do see value in broader systemic reviews that address conduct over time and develop evidence-based recommendations for reform. Such recommendations are discussed in the last sentence of Section 1.c. (quoted above).

Accordingly, we propose revising Section 1.c. as follows:

The department of investigation shall conduct an investigation and issue a report regarding the issuance of parking permits and enforcement of parking laws. This investigation shall include a review of the operations, policies, programs and practices of the police department, consistent with § 803(c)(1) of the New York City Charter. The report may include, among other things, any patterns or trends relating to the enforcement of parking laws and the use of parking permits. In addition, the report due no later than December 31, 2019 shall also include recommendations related to the enforcement of parking laws and the issuance of parking permits.

This revised text would require DOI to conduct a systemic review of the enforcement and use of parking permits in New York City, based at least in part on assessment of the evidence gathered by the NYPD, and to issue a report following the completion of NYPD's six-month evaluation period. DOI's investigation would focus on both the NYPD and the Department of Transportation. The systemic review would allow DOI to analyze patterns and trends in NYPD's monthly evaluations, but the investigation would not be limited to these evaluations. In short, rather than a series of discrete monthly reports with a narrow scope, a single report with a broader scope and longer time frame is more likely to address the Council's concerns underlying Int. 1393.

Lastly, we propose adding language making clear that DOI shall have unfettered access to relevant City records and City personnel for the purposes of completing the investigations contemplated in Int. 1393.

Thank you again for the opportunity to comment on this proposed legislation and this important issue. My staff and I remain available to discuss this matter further with the Council.

DOI Proposed Edits to Int. No. 1393
[New Text]; [~~proposed deletions~~]

Int. No. 1393

By The Speaker (Council Member Johnson) and Council Members Torres and Chin

A Local Law in relation to parking enforcement

Be it enacted by the Council as follows:

Section 1. Parking Enforcement. a. 1. Beginning no later than April 1, 2019, **and through October 1, 2019,** each week, the police department shall evaluate no fewer than 25 blocks or intersections with the highest number of 311 complaints submitted during the previous week relating to the improper use of a parking permit and no fewer than 25 blocks or intersections each week with the highest number of 311 complaints submitted during the previous week relating to the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle.

2. For each such block or intersection to be evaluated pursuant to this section, the police department shall analyze the times at which such complaints were submitted, determine the three hour period during which the largest number of complaints were submitted, and ensure evaluations are conducted within such three hour period.

3. Each evaluation conducted pursuant to this section shall include a description of each such block or intersection and why it was selected for evaluation; the 311 complaints associated with such block or intersection; photographs of each vehicle parked in such location demonstrating whether such vehicle was parked legally; and for any vehicle parked illegally, a photograph of any city-issued parking permit other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement

actions taken regarding each such vehicle and if an enforcement action is not taken regarding each such vehicle, the reasons why.

b. No later than seven days following each such evaluation, the police department shall submit a list of the blocks or intersections evaluated, the analyses and determinations made by the police department pursuant to paragraph 2 of subdivision a, and each such evaluation to the department of investigation, the department of transportation, the mayor, and the speaker of the council and post such information online.

~~c. Beginning no later than May 15, 2019 and no later than the 15th day of each month thereafter, the department of investigation shall submit a report regarding the information submitted pursuant to subdivision b during the previous month to the police department, the department of transportation, the mayor, and the speaker of the council and post such report online. Such report shall include, at a minimum, an analysis of such evaluations, the effectiveness of the photographs and information provided in determining whether vehicles were parked legally,~~

1. The department of investigation shall conduct an investigation and issue a report regarding the issuance of parking permits, and enforcement of parking laws. This investigation shall include a review of the operations, policies, programs and practices of the police department, consistent with § 803(c)(1) of the New York City Charter. The report may include, among other things, any patterns or trends relating to the enforcement of parking laws and the use of parking permits. In addition, the report due no later than ~~October~~ **15December 31**, 2019 shall also include recommendations related to the enforcement of parking laws, ~~the use of parking permits,~~ and the issuance of parking permits.

2. Consistent with § 803 of the New York City Charter, the police department shall respond to any such recommendations concerning the police department within ninety days of the report, and the department of investigation shall, each year, issue an annual report that identifies those recommendations on which the police department has not yet taken corrective action.

3. The department of transportation shall respond to any such recommendations concerning the department of transportation within the customary period for department of investigation recommendations.

4. Consistent with the New York City Charter and relevant laws and directives, the department of investigation shall have unfettered access to any and all records and any and all employees of any city agency, including the police department, for the purposes of completing the investigation.

§ 2. This local law takes effect immediately and is deemed repealed upon the submission of the report due no later than ~~October 15~~ **December 31**, 2019, submitted pursuant to subdivision c of this local law.