



The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

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October 31, 2018

**BY HAND DELIVERY**

Honorable Bill de Blasio  
Mayor  
City of New York  
City Hall  
New York, New York 10007

Honorable Corey Johnson  
Speaker  
New York City Council  
City Hall  
New York, New York 10007

Re: Whistleblower Law Complaints for Fiscal Year 2018

Dear Mr. Mayor and Mr. Speaker:

The New York City Department of Investigation ("DOI") is pleased to submit this report pursuant to Section 12-113 of the New York City Administrative Code, the City's "Whistleblower Law." Subsection (i) of the Whistleblower Law provides that, "[n]ot later than October thirty-first of each year, the commissioner [of investigation] shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints."

The Whistleblower Law protects City employees, as well as officers and employees of vendors who have contracts with the City valued at \$100,000 or more, from retaliation for reporting misconduct, corruption, criminal activity, conflicts of interest, gross mismanagement and abuse of authority in City government. In order to qualify for protection under the Whistleblower Law, individuals must make these complaints to DOI, to a member of the City Council, the Public Advocate, or the City Comptroller, each of whom must refer the complaints to DOI. The following is DOI's report for Fiscal Year 2018.

DOI received complaints from 30 individuals who alleged retaliation or sought protection for reporting corruption or misconduct in City government. Although not all individuals explicitly referenced the City's Whistleblower Law, DOI reviews all complaints of alleged retaliation in any form regardless of whether the complainant specifically invokes the Law.

The 30 whistleblower complaints received in Fiscal Year 2018 are 10 less than were received in the prior fiscal year. We believe, however, that the overall number of complaints

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received can be attributed, in part, to a comprehensive education program in which DOI conducts corruption prevention/whistleblower protection lectures to the City's workforce throughout the year. In Fiscal Year 2018, DOI conducted 389 such lectures, covering 13,198 City employees. Moreover, an additional 25,068 employees completed on-line corruption prevention lectures through the Citywide e-learning module.

Following is a breakdown of agencies where the 30 complainants worked as either an employee or contractor:

Agency	Number of Complaints
Administration for Children's Services	1
Department of Correction	3
Department of Education	12
Department of Environmental Protection	1
Health + Hospitals	1
Department of Homeless Services	1
Department of Investigation	1
New York City Housing Authority	9
Department of Transportation	1

The 30 complaints were handled in one of several ways, depending on the allegations and supporting facts: (a) opened as a whistleblower investigation (22 complaints);<sup>1</sup> (b) opened as a new or merged into an existing investigation unrelated to whistleblower allegations (two complaints); (c) referred to another agency for appropriate action (two complaints); or (d) filed for intelligence purposes (four complaints).

Of the 22 complaints that were opened as a whistleblower investigation in Fiscal Year 2018, at the end of the reporting period on June 30, 2018, twelve remained open and under investigation; the remaining 10 matters were closed. In total, in Fiscal Year 2018, DOI closed 18 investigations: the 10 matters mentioned above and 8 other matters that had been opened in a prior fiscal year. Of these 18 investigations, the cases were closed without a finding that the complainants were entitled to protection under the City's Whistleblower Law. In five of the 18 cases closed, the individuals withdrew the complaint or decided not to pursue the matter with DOI. Even when a complainant is found not to have met the technical requirements for protection under the Whistleblower Law, where warranted, DOI will still make recommendations to an agency to redress any problematic conduct related to that complaint.

In the two instances where DOI opened a new or merged into an existing investigation unrelated to whistleblower allegations, it was determined that specific allegations warranted further inquiry separate from the basic complaint. With respect to the two complaints referred to other agencies, DOI determined that neither complaint on its face made out a claim for protection under the City's Whistleblower Law. However, in each of these instances, there were allegations of conduct that the individual agencies needed to be aware of and review further.

<sup>1</sup> Three of these complaints, filed by two employees of the Department of Education and one filed by a Department of Investigation employee, were referred to an outside attorney for investigation because the allegations involved DOI. The disposition of these three matters will be included in DOI's report for Fiscal Year 2019.

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With respect to two of the four matters where the complaints were filed for intelligence purposes, DOI staff spoke with each individual to explain that their complaint did not make out a claim under the City's Whistleblower Law. In the other two instances, DOI had previously referred allegations to the individual agencies for appropriate action.

The protections afforded by the City's Whistleblower Law are essential to maintaining a government that functions with integrity and transparency. DOI remains committed to insuring that City employees or employees of City vendors who come forward and report information involving criminal conduct, abuse of authority or other wrongdoing in city government can do so without fear of retaliation.

Thank you for the opportunity to submit this report.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark G. Peters', written in a cursive style.

Mark G. Peters  
Commissioner