



The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

80 MAIDEN LANE  
NEW YORK, NY 10038  
212-825-5900

October 20, 2016

**BY HAND DELIVERY**

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

Honorable Melissa Mark-Viverito  
Speaker  
New York City Council  
City Hall  
New York, New York 10007

Re: Whistleblower Law Complaints for Fiscal Year 2016

Dear Mr. Mayor and Madam Speaker:

The New York City Department of Investigation ("DOI") is pleased to submit this report for Fiscal Year 2016, covering the period July 1, 2015 – June 30, 2016, 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, "not 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.

During Fiscal Year 2016, DOI received complaints from 28 individuals alleging retaliation for reporting misconduct or corruption in City government. Although not all individuals specifically mention the City's Whistleblower Law, DOI reviews all complaints of alleged retaliation in any form regardless of whether the complainant specifically invokes the Law.

Honorable Bill de Blasio  
Honorable Melissa Mark-Viverito  
October 20, 2016

The 28 whistleblower complaints received in Fiscal Year 2016 are eight fewer than were received in the prior Fiscal Year. We believe, however, that the overall number of complaints received can be attributed 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 2016, DOI conducted 408 such lectures, covering 13,082 City employees. Moreover, an additional 15,298 employees completed on-line corruption prevention lectures through the new citywide e-learning module.

The following is a breakdown of agencies where the complainants were employed, or had jurisdiction over the reported entity:

Administration for Children's Services	2
Department of Correction	1
Economic Development Corporation	1
Department of Education	10
Department of Health and Mental Hygiene	3
Department of Homeless Services	2
New York City Housing Authority	4
Office of Payroll Administration	2
Department of Parks and Recreation	1
New York Police Department	1
Department of Transportation	1

Each of these 28 complaints was carefully reviewed by DOI's General Counsel's Office and/or by one of our Inspectors General. The 28 complaints were dispositioned in one of three ways, depending on the allegations and supporting facts: (a) opened for investigation (20 matters); (b) referred to another agency for appropriate action (four matters); or (c) filed for intelligence purposes (four matters).

Of the 20 complaints that were opened for investigation in the past fiscal year, nine remained open and under investigation at the end of the reporting period. DOI closed 28 investigations during the reporting period – 16 of which had been opened in a prior fiscal year, and 12 of which were opened in Fiscal Year 2016 – without a finding that the complainant was entitled to protection under the City's Whistleblower Law. In two of these instances, the complainant withdrew or decided not to pursue the matter.

With respect to the four complaints that were referred, DOI determined that the complaints did not make out a claim for protection under the City's Whistleblower Law. In each of these matters, it was determined that referrals to the individual agencies where the misconduct was alleged to have occurred, or had jurisdiction over the reported entity, was necessary so that those agencies could review and be aware of the complainant's underlying allegations.

Similarly, in three of the four instances where complaints were filed for intelligence purposes, DOI's review determined that the complainants had not alleged facts and circumstances that made out a claim of entitlement to protection under the Whistleblower Law, nor did these complaints form the basis for any other action by DOI. In the fourth matter, the complainant failed to respond to DOI's request to provide additional information.

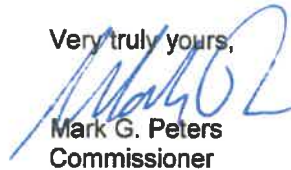
Even when a complainant is found not to have met the technical requirements for protection under the Whistleblower Law, DOI will, where warranted, make recommendations to an agency to redress any problematic conduct. Consistent with this policy, in one recent investigation a complainant was found not to have been the victim of retaliation, DOI nonetheless referred the investigative findings to the agency Advocate for appropriate action.

Honorable Bill de Blasio  
Honorable Melissa Mark-Viverito  
October 20, 2016

The protections afforded by the Whistleblower Law are essential to maintaining a government that functions with integrity and transparency. DOI remains committed to enforcing the Whistleblower Law because it is essential to our efforts to encourage City employees or employees of a City contractor to come forward and report wrongdoing in City government without fear of retaliation.

Thank you for the opportunity to submit this report.

Very truly yours,



Mark G. Peters  
Commissioner