

Democracy depends on empowered watchdogs: On her last day, the city's Department of Investigation commissioner reflects on her tenure

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Today is my last day as the commissioner of the New York City Department of Investigation (DOI), a unique anti-corruption agency that works to protect integrity and root out fraud and other wrongdoing in New York City.

We hear the word “corruption” tossed around a lot these days, usually without context. Whether it takes the form of nepotism, bribery, graft or placing personal benefit above the public interest, corruption is pernicious. It undermines government’s ability to function with fairness, equity and integrity, and to deliver services effectively. Corruption is particularly dangerous to democracy, because it erodes public trust and disincentivizes the participation and engagement on which democratic government depends. Public trust is crucial for a democratic government to act quickly and effectively, especially during crises. We have seen firsthand the challenges of combating a pandemic during a time when such trust has ebbed to a low point.

DOI remains as relevant today as it was when it was established in 1873 in the wake of the crooked regime of William “Boss” Tweed and his cronies, who pillaged the city’s coffers and used government to benefit themselves. It is not an overstatement to say that scandal made DOI what it is today: an oversight agency with statutory independence that has the broad jurisdiction to look at anything that touches city government.

Of course, scandals did not end in 1873. In the years since, DOI has been relentless in tackling municipal corruption, whether the skirting of regulations that diminish safety and result in the loss of life; the theft of public funds that can hinder access to public benefits or programs; or the erosion of faith in government when public officials flout the law and send the unacceptable message that the rules don’t apply to them. It is a huge job: New York City has a \$98.7 billion budget and the largest municipal workforce in the country.

As commissioner of DOI over the past three years, I have come to deeply understand the advantage that DOI gives New York City, and that it is a global model for municipal anti-corruption agencies. We must continue to push forward and advance our anti-corruption mission and reputation.

In that vein, as the incoming mayor and his team consider DOI’s future, I want to share what should be done to further protect the agency’s independence and its ability to robustly and expediently conduct investigations. I hope these ideas can also serve as a resource for any level of government, around the country and the world, looking to empower itself and its constituents with crucial, independent oversight.

The City Charter mandates that the commissioner of DOI be an attorney and have at least five years of law enforcement experience. Because DOI’s core work relies on conducting criminal investigations and working with prosecuting authorities, any DOI commissioner should have solid experience as a prosecutor who has managed an active and broad criminal docket that includes proactive investigations. That individual should not have run for political office or have ambitions to do so. The ability to conduct investigations without fear or favor, or without concern over one’s political future, is essential to both DOI’s independence and to the integrity of its investigations.

The city should also consider establishing a set term of years for the DOI commissioner to serve, which would further protect the position from political whims and pressures. There is precedent for this in the director of the Federal Bureau of Investigation, who is appointed for a 10-year period, allowing that position to transcend presidential administrations. A term that is not co-terminous with mayoral administrations, such as five years or seven years, would further protect the independence of DOI.

In addition, the city should advance DOI’s independence through the budget process, setting its minimum budget as a formula based on the size of the city’s workforce, or its overall budget. This change would ensure adequate resources for robust oversight and insulate DOI’s budget from political pressures or the favor in which DOI is held by elected officials each budget season.

I have been so privileged to have served as DOI commissioner and to work with the DOI staff, who are wholly dedicated to giving New Yorkers the honest government they deserve. I leave knowing this: There is no substitute for independent, anti-corruption agencies that are empowered to investigate and hold accountable the very government that they exist within. Having a resilient and independent agency that roots out corruption, fraud, abuses of power and malfeasance from within government is essential to democracy. Here at home, preserving and advancing DOI’s strength and independence is good for New York City and good for all New Yorkers.

Garnett has been the commissioner of DOI since December 2018 and is leaving the agency to become the deputy United States attorney for the Southern District of New York.