



The City of New York
Department of Investigation

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**STATEMENT FROM NEW YORK CITY DEPARTMENT OF INVESTIGATION (“DOI”)
COMMISSIONER MARK G. PETERS**

A DOI investigation has revealed that members of Department of Correction (“DOC”) staff, including Deputy Commissioner for the Investigation Division and Correction Intelligence Bureau Gregory Kuczinski, engaged in unauthorized surveillance of DOI undercover operations. Specifically, over a period of months this year, DOC staff, including at the direction of DC Kuczinski, used DOC technology to listen to calls placed between DOI and certain confidential informants. DOI’s investigation demonstrated that this was not inadvertent, but that DOC staff deliberately targeted DOI investigators for surveillance, and that they continued the surveillance even after written directives that such surveillance was to end. City rules expressly prohibit surveillance by DOC of calls made to DOI investigators. None of the DOC staff were able to provide a coherent explanation for this misconduct. DOI is particularly concerned that there was a renewal of this activity, directed by DC Kuczinski, immediately after he and other senior staff were informed that DOI was preparing a Report on their improper use of City vehicles. Our investigation provided no alternative explanation that would suggest this timing was coincidental.

We have sent a letter describing those findings to Mayor de Blasio. Because the letter contains significant technical information about security operations, we will not be making the letter available at this time beyond the summary of findings above. However, we note that the letter contains the following five recommendations, each of which the Mayor’s office has now agreed to implement immediately:

- All members of DOC that are tasked with listening to inmate calls must immediately be retrained. This investigation determined that DC Kuczinski did not know the rules and at no time provided training or guidance on these rules to his staff.
- DOC’s current organizational structure for telephone monitoring must immediately be overhauled to ensure sufficient safeguards are in place and DOI investigations are not further compromised.
- DC Kuczinski must be terminated from his current position. His failure to demonstrate sound judgment in this matter raises concerns about his ability to oversee the Investigation and Intelligence Divisions, two crucial units to DOC operations.
- DOC must sign a Memorandum of Understanding dictating that a newly created “Telephone Monitoring Unit” be under the direct supervision of DOI.
- In order to make sure that similar problems do not occur at any agency, the Mayor should send a memo to all agency heads and agency general counsel reviewing the City rules mandating cooperation with DOI.

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I want to thank City Hall for taking this issue of improper surveillance by DOC seriously and for acting quickly to resolve the problems. Interference, by anyone, with a DOI investigation is a very serious matter that will not be tolerated. In particular, surveillance of DOI activities in the City's jails by the very agency DOI is investigating, not only compromises investigations but can potentially put the lives of investigators, correction officers, inmates and others at risk.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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