



The City of New York
Department of Investigation

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**DOI COMMISSIONER STATEMENT PROVIDING AN UPDATE ON DOI'S INVESTIGATION INTO
THE NEW YORK CITY POLICE DEPARTMENT'S RESPONSE TO THE
PROTESTS IN THE WAKE OF GEORGE FLOYD'S DEATH**

The following is a statement from Margaret Garnett, Commissioner of the New York City Department of Investigation ("DOI"):

As requested in Mayoral Executive Order 58, this morning I sent a letter to the Mayor, City Council Speaker, and Chair of the Oversight Committee updating them on the status of DOI's independent investigation into the New York City Police Department's response to the protest activity in the City following the death of George Floyd. That letter is attached to this statement and establishes the only two elements that will guide this investigation: the facts and the law. DOI is currently reviewing hours of videos and scores of documents and other evidence as part of its investigation. Our investigation is being conducted in the context of an array of other disciplinary and criminal investigations that are ongoing, and we are coordinating effectively with the various other oversight entities leading those matters. We are conducting DOI's investigation with due care to avoid jeopardizing those other investigations, and the timeline of those investigations will have some impact on how DOI proceeds.

An investigation of this nature and complexity, in these circumstances, cannot be completed responsibly in a matter of weeks. The Mayor's Executive Order requests that we use best efforts to complete our report by August 31, 2020, and we will endeavor to meet that timeline, understanding that ultimately the timing of any report, or series of reports, will be determined by the fact-finding process and the status of parallel proceedings. Until then, DOI will not comment publicly on the investigation's status, or provide updates to City or elected officials on our findings, unless unforeseen circumstances arise that warrant a further update.

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.

**DOI's press releases can also be found at twitter.com/NYC_DOI
Bribery and Corruption are a Trap. Don't Get Caught Up. Report It at 212-3-NYC-DOI.**



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June 24, 2020

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

Honorable Corey Johnson
Speaker of the New York City Council
City Hall
New York, NY 10007

Honorable Ritchie Torres
Chair, Committee on Oversight & Investigations
New York City Council
250 Broadway, Suite 1759
New York, NY 10007

Dear Mayor de Blasio, Speaker Johnson, and Chair Torres:

On May 31, 2020, you requested pursuant to Charter § 803 that the Department of Investigation undertake an investigation into the New York City Police Department's response to the protest activity that took place in the City following the death of George Floyd at the hands of police officers in Minneapolis.¹ Given the urgency and public interest in the matter, I write now to update you on the status of the investigation.

¹ The Mayor's request was then codified in Executive Order No. 58, issued June 20, 2020.

Accountability in these circumstances takes multiple forms: individual accountability for police officers who may have personally engaged in wrongdoing or abused their authority, institutional accountability for the NYPD and its leadership, and the need for public transparency designed to increase trust in government and policing. In New York City, individual accountability for police officer misconduct is the responsibility of the Civilian Complaint Review Board, the Internal Affairs Bureau of the NYPD, and local and federal prosecutors where there may be criminality. With regard to police oversight, DOI's role is focused on institutional accountability and public transparency. Each aspect of accountability is important and serves a different function.

DOI's investigation will review and evaluate the NYPD's response to the protests, including making relevant factual findings about specific incidents occurring during the protests, culminating in a public report. To conduct this investigation, DOI will seek to interview protestors and officers who were witnesses to or participants in specific incidents, and review statements made to other entities about those events; DOI will review video and other photographic evidence from the public and in the possession of the NYPD; DOI will review internal NYPD documentation and communication about the planning and real time response to the protests, as well as documents that may be in the possession of other City agencies; and DOI will conduct whatever other interviews of NYPD leadership or City officials that may be necessary. Based on my professional experience, and consistent with best practices in a fact-finding investigation, DOI has begun this task by collecting and reviewing as much objective evidence as possible before interviewing witnesses.

In my professional and independent judgment, the nature of DOI's investigation is such that it cannot be conducted responsibly in a matter of weeks.² First, the sheer volume of materials compels a more deliberative timeline. This is compounded by the fact that the protests and police response were not isolated to a few days, but continued over weeks and are continuing; indeed, the Executive Order by its terms contemplates a review of events occurring over 20 days or more.

Second, if there is to be individual accountability for officers involved in specific incidents, the disciplinary process and criminal investigations must be given precedence. I firmly believe it would be deeply irresponsible and a dereliction of our role as an agent of accountability more broadly, to take any steps that risk tainting a meritorious disciplinary

² See, e.g., "2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review," Police Foundation (July 2018); "After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri," U.S. Department of Justice Critical Response Initiative (September 2015); "Monitoring of Protests, March and April 2007," District of Columbia Police Complaints Board (June 2007).

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proceeding or criminal investigation into individual officer misconduct. Accordingly, I am conducting DOI's investigation with great care so as to perform our role without jeopardizing those proceedings. These concerns chiefly affect the timing of witness interviews and the publication of our ultimate factual findings. In the meantime, we have already received and are reviewing hundreds of pages of material, dozens of hours of video, and other evidence relevant to our investigation, and will continue to request relevant materials as the need arises. We are cooperating closely with the CCRB and IAB, and, where appropriate, coordinating with the District Attorneys' Offices and U.S. Attorneys' Offices, to investigate these events in parallel. We have received excellent cooperation from these partners, and, I believe, given it in return. I fully expect that will continue.

We are working as expeditiously as possible in light of these concerns, and will continue to work with the goal of publishing our findings as soon as it is responsible to do so. I will consider issuing multiple reports if that seems advisable under the circumstances. Those decisions will be driven by the facts developed in our investigation and consideration of the status of any other proceedings. As the investigation will remain ongoing for the near future, further status updates will not be provided unless unforeseen circumstances arise that warrant an update.

Finally, I will continue to confer with Corporation Counsel Jim Johnson, as appropriate, to ensure that DOI's investigation does not interfere with his review of policy questions and other factors that may have contributed to the protest environment and response (and vice versa), and that we are taking full advantage of our respective areas of expertise and experience to serve the public interest.

In this matter, as in all others under my purview at DOI, we will conduct our work with independence and a total fidelity to apolitical and objective fact-finding. I look forward to sharing our findings and any recommendations with you and with the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Garnett", with a stylized, cursive script.

Margaret Garnett