

The Honorable John C. Liu
Comptroller
City of New York
Once Centre St.
New York, NY 10007

Honorable Comptroller Liu:

For over a decade the New York City Police Department's Intelligence Division has used public funds to engage in aggressive and unwarranted surveillance of New Yorkers without any transparency or oversight. Though your initiation of an audit of the Domain Awareness System (DAS) cameras is a step forward, we urge you to initiate a more comprehensive audit of the units within the Intelligence Division specifically charged with placing under surveillance entire swathes of Muslim, Arab and South Asian life in our city without specific suspicion of wrongdoing. These units include, but may not be limited to, the Zone Assessment Unit (which falls under the Public Security Section), the Debriefing Unit, the Cyber Intelligence Unit and other units within the Criminal Intelligence Section (CIS) and Intelligence Operations and Analysis Section (IOAS) of the Intelligence Division. A more comprehensive audit is necessary to determine the financial integrity, efficiency and effectiveness of the NYPD's unregulated and unchecked counterterrorism programs.

A diverse set of community organizations, houses of worship, civil rights groups, activists and individuals, we represent communities whose sense of security has been violated by the Intelligence Division's discriminatory and suspicion-less surveillance of American Muslims and left-leaning groups. This systematic surveillance has chilled constitutionally protected activity by curtailing religious practice, censoring speech and stunting political organizing in our communities across the city.¹ Unsurprisingly, discriminatory surveillance has decimated the trust that should exist between the NYPD and the communities it is charged with protecting.²

These grave policies have now been the subject of three federal lawsuits and were central to the discussions and momentum that led the New York City Council to pass the Community Safety Act establishing an Inspector General over the NYPD and banning discriminatory profiling. Despite this uproar, the Intelligence Division continues to receive hundreds of millions in federal, state, and municipal funds without check or meaningful oversight. Moreover, both lawmakers and citizens have been stonewalled at City Council meetings and through unanswered Freedom of Information Law requests as the NYPD answers any queries related the Intelligence Division's activities or funding with ambiguity or silence.

We believe it is necessary for your office to initiate a more comprehensive audit of the Intelligence Division for the following critical reasons:

The City Comptroller has never comprehensively audited the Intelligence Division. Before the audit of the DAS initiated last week, the Intelligence Division, which has a reported annual budget of more than \$60 million and employs about 800 officers³, had never been subject to a financial or management audit. This is especially surprising given that the New York City Charter calls on the Comptroller to perform an audit of some aspect of every City agency at least once every four years.⁴ **The audit of the DAS touches**

¹ The Muslim American Civil Liberties Coalition (MACLC), the CLEAR Project & the Asian American Legal Defense
² *Id.*

³ The City of New York, *Hearing on the Fiscal 2014 Preliminary Budget: Police Department*, available at http://council.nyc.gov/downloads/pdf/budget/2014/056_nypd.pdf

⁴ New York City Charter, Chapter 5, Section 93(c)

on one small piece of the Intelligence Division's activities. The vast financial resources that go into the Division and the sweeping nature of their reach demand a more comprehensive audit of its other surveillance programs and technologies.

The Intelligence Division uses taxpayer monies in an ineffective and inefficient manner. The Comptroller's office is expressly charged with determining whether City agencies are using funds effectively and efficiently. Thomas Galati, Commanding Officer of the Intelligence Division has unequivocally admitted that during his tenure as Commanding Officer, discriminatory surveillance had been fruitless, as it "never led to a single lead or investigation."⁵ The FBI has also commented that the NYPD's intelligence gathering practices since 9/11 are "not only a waste of money but a violation of American rights."⁶ These statements clearly indicate that the Intelligence Division's vast resources are being used unproductively. Moreover, the federal Department of Homeland Security determined that the NYPD awarded \$4.1 million in contracts without following competitive bidding requirements – a process designed to save taxpayer dollars.⁷ Finally, by participating in potentially illegal and unconstitutional practices the Division has made the NYPD vulnerable to costly litigation in federal and state courts.

The NYPD has not been transparent with lawmakers about the Intelligence Division's spending. The NYPD has repeatedly dodged questions from lawmakers about the Intelligence Division's funding needs and uses. Councilman Brad Lander commented: "we simply do not currently have the transparency, accountability or trust needed to have confidence that the NYPD is following the law or spending our money wisely."⁸ The department's written filings are as obscure as their City Council testimony. For example, the NYPD redacts any detail of how federal grant money is being spent in their quarterly reports for 'safety' reasons. Other City agencies, like the FDNY, reveal the names of vendors in the same types of reports.⁹

As Comptroller, you are charged with reducing the cost of City government, while improving the quality and maintaining the integrity of government services. Through your recent statements, you have acknowledged that discriminatory policing is "ineffective and creates deep mistrust between communities and police, which makes everyone less safe."¹⁰ You have also described how discriminatory actions drive up claim costs against the City. Finally, you have stated repeatedly that it is "time to restore trust between police and New Yorkers by stamping out all forms of discriminatory profiling."¹¹ Through your words and recent audit engagements it is apparent that you believe that the NYPD's discriminatory policing is an affront to the City government's integrity and effectiveness. We urge you to continue on this path and expand your audit of the Intelligence Division to take a more comprehensive look at the Zone Assessment Unit and other Intelligence Division units tasked with spying on innocent communities.

⁵ Handschu v. Special Servs. Dic., No. 71CIV.2203, Galati Dep. 128-129 (June 28, 2012)

⁶ Rocca Parascandola & Joseph Straw, *New FBI slap at NYPD spying*, August 1, 2012, available at <http://www.nydailynews.com/new-york/new-fbi-slap-nypd-spying-article-1.1126312>

⁷ Josh Margolin, *Feds rap NYPD no-bid pacts*, February 8, 2011, available at http://www.nypost.com/p/news/local/feds_rap_nypd_no_bid_pacts_pL2GbjM0HDwKH9R0oCfxBJ

⁸ Cassandra Garrison, *Lawmakers: Commissioner Kelly won't explain where money in NYPD budget increase is going*, March 15, 2012, available at <http://www.metro.us/newyork/news/local/2012/03/15/lawmakers-commissioner-kelly-wont-explain-where-money-in-nypd-budget-increase-is-going/>

⁹ Benjamin Lesser & Robert Gearty, *NYPD shields spending of security funds, won't disclose specifics of expenditures for 'safety'*, October 16, 2011, available at <http://www.nydailynews.com/new-york/nypd-shields-spending-security-funds-won-disclose-specifics-expenditures-safety-article-1.965586>

¹⁰ Comptroller Liu's Statement on Community Safety Act, June 2013, available at http://comptroller.nyc.gov/press/2013_releases/pr13-06-100.shtm

¹¹ *Id.*

Respectfully Submitted,

The Arab American Association of New York (AAANY)

Alliance of South Asian American Labor

Bill of Rights Defense Committee

BK Nation

CAAAV Organizing Asian Communities

Council on American Islamic Relations - NY (CAIR - NY)

Center for Constitutional Rights (CCR)

CLEAR project—Creating Law Enforcement Accountability & Responsibility

Chhayya CDC

Committee to Stop FBI Repression

Defending Dissent Foundation

Desis Rising Up and Moving (DRUM)

Free Mumia Abu-Jamal Coalition

FIERCE NYC

Global Justice Institute

Jews for Racial and Economic Justice

Islamic Circle of North America (ICNA)

Islamic Civic Association

The Islamic Leadership Council of Metropolitan New York

Judson Memorial Church

Metropolitan Community Churches

The Mosque of Islamic Brotherhood

Muslim American Civil Liberties Coalition (MACLC)

Muslim Bar Association of New York (MuBANY)

Muslim Consultative Network (MCN)

Muslims for Liberty

Muslim Progressive Traditionalist Alliance

South Asian Network

Streetwise & Safe (SAS)

T'ruah: The Rabbinic Call for Human Rights

The Clergy Campaign for Social & Economic Justice

Veterans for Peace - NYC Chapter 34

Women In Islam, Inc.