

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, September 30, 2021 4:04 PM
To: 'recordsaccess@advocate.nyc.gov'; 'dbarbato@council.nyc.gov'
Cc: 'RecordsAccessAppeals@pubadvocate.nyc.gov'
Subject: FOIL -- Procedures required to be established by the Public Advocate pursuant to §24(g) of the NYC Charter: "procedures for receiving and processing complaints, responding to complainants, conducting investigations and reporting findings"
Attachments: 5-11-21-foil-to-nyc-public-advocate-and-city-council-section24g-procedures.pdf; city-council-5-18-21-acknowledgment.pdf; pubadvocate-7-9-21-response-FOIL_Section 24 _g.pdf; pubadvocate-7-9-21-enclosure-Constituent Services.pdf; Investigative Manual 200.00.pdf

TO: NYC Public Advocate and City Council FOIL/Records Access Officers

RE: My above-attached May 11, 2021 FOIL request, sent by the below May 11, 2021 e-mail, pertaining to §24(g) of the New York City Charter, which states, in pertinent part:

"The public advocate shall establish procedures for receiving and processing complaints, responding to complainants, conducting investigations, and reporting findings, and shall inform the public about such procedures. ..."

From City Council FOIL Officer Danielle Barbato, I received the above-attached May 18, 2021 e-mail acknowledgment, but no response thereafter.

From Public Advocate FOIL Officer Wesley Paisley, I received the above-attached July 9, 2021 responding letter with an accompanying "Constituent Services Procedural Manual" that is only tangentially responsive, mentioning complaints only twice as simply a category of intake. Has the Public Advocate NOT established procedures responsive to §24(g) – something, for example, also reflecting the mandate of §§24(f) and (k), requiring that the Public Advocate:

"shall promptly require the complaint regarding criminal conduct to the department of investigation or, as applicable, to the appropriate prosecuting attorney or other law enforcement agency and shall refer the complaint regarding conflict of interest to the conflicts of interest board."

Does the Public Advocate have nothing like the Department of Investigation's Investigative Manual, §200, entitled "Complaint Intake: Opening and Tracking Procedures" – a copy of which I have above-attached. And isn't the City Council keeping track of the Public Advocate's fidelity to the requirements of the City Charter?

Please advise.

Thank you.

Elena Sassower, Director
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