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July 16, 2013

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

Dear Comptroller Liu:

Thank you for your time and attention to our April 29, 2013 request for an audit of the New York Police Department's Intelligence Division and any fusion/intelligence centers operated by the City of New York. It is our understanding that on or around 2002 or thereafter an agreement was made between the New York City Comptroller and the New York Police Department concerning potential audits of the finances and activities of the Intelligence Division. We write to request a copy of that agreement.

As you will recall, we requested an audit of the Intelligence Division and its activities – including but not limited to fusion centers and intelligence centers. In response to that request, we were informed by your office of this agreement, but were informed we needed to submit a request pursuant to the Freedom of Information Law. We are troubled by the impression conveyed to us by your office that an agreement between the City Comptroller and the Police Department might exist which your office believes can be denied to the Legislature. As state senators, we vote to fund hundreds of millions of dollars for homeland security. Irrespective of whether such a document concerns the activities of the New York Police Department's Intelligence Division, there are no government documents that are not subject to legislative oversight for this would violate the basic principles of checks and balances essential to our system of government.

At the federal level, where there is a need to refrain from making public certain types of sensitive information, Congress has granted the Executive and certain federal agencies the ability to classify documents.¹ No such authority exists at the state level. Even in certain circumstances where the Comptroller must take steps to protect the confidentiality of records, the Comptroller

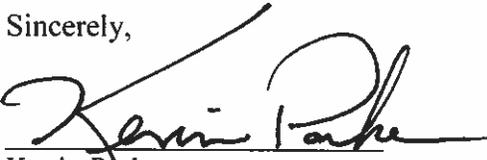
¹ 50 U.S.C. § 435-438. See, *Executive Order 12958*, 60 Fed. Reg. 19,825 (amended by *Exec. Order 13292*, 3 C.F.R. 197 (2004) (establishing a uniform system for the classification and maintenance of national security information.)

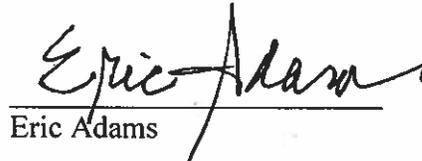
is required to conduct an audit at least once every four years, and such audits must be submitted to the Mayor, the City Council, and the Audit Committee.²

As we previously asserted to you, we are requesting a copy of the above-referenced document, and any other record relating to any agreement or arrangement between the Comptroller's Office and the NYPD that might purport to restrict or otherwise limit the revelation of audits of the Intelligence Division. In light of the serious allegations and evidence of wrongdoing charged against the Division, which is the basis of three federal lawsuits concerning the Intelligence Division's unconstitutional targeting of civil rights groups, leftist organizations, and religious groups, we request that you produce the above-referenced agreement between the New York City Comptroller and the New York Police Department.

We thank you for your assistance with this most important request.

Sincerely,


Kevin Parker


Eric Adams

² New York City Charter, Chapter 5, Section 93(c)