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DOI ISSUES REPORT ON PROBE INTO MISUSE OF THE MAYOR'S SECURITY DETAIL

Margaret Garnett, Commissioner of the New York City Department of Investigation ("DOI"), issued a report today on three allegations involving the misuse of the Mayor's security detail and a fourth allegation DOI probed on whether the Mayor's presidential campaign repaid the City of New York the costs associated with the travel of the Mayor's security detail during his campaign trips in 2019. The 47-page report, which presents DOI's investigative findings and makes recommendations to the NYPD, the Office of the Mayor, the Conflicts of Interest Board ("COIB"), and the City Department of Records and Information Services ("DORIS"), is attached to this release and posted at the following link: https://www1.nyc.gov/site/doi/newsroom/public-reports.page

DOI Commissioner Margaret Garnett said, "This investigation is a testament to DOI's commitment and perseverance to get at the facts no matter the obstacles, as well as the problems that arise when there are no structured, written policies for functions as important as the operations of the Mayor's security detail. Protecting the Mayor and his family is a serious and significant job that should be guided by best practices, formalized procedures, and an understanding that security details are not personal assistants in a dignitary's daily life but provide essential protection. Moreover, this investigation substantiated that New York City expended more than $300,000 on travel costs alone for the Mayor's security detail during his presidential run. Under existing COIB guidance, these expenses must be repaid by the Mayor, either personally or through his campaign."

The investigation focused on four specific allegations and made related findings:

1. DOI's investigation probed whether the Mayor ordered members of his security detail to move his daughter, Chiara de Blasio, from her Brooklyn apartment to Gracie Mansion in the summer of 2018.

   DOI found in some instances the Mayor's security detail was properly used during Chiara de Blasio's move to Gracie Mansion, such as transporting the First Lady to assist in the move and transporting Chiara and her belongings to Gracie Mansion. However, other NYPD resources were inappropriately used, including an NYPD sprinter van that transported some of Chiara's belongings from her apartment to Gracie Mansion, and at least one member of the security detail participating in moving Chiara's belongings, specifically a futon, into and out of the sprinter van.

2. DOI investigated whether the Mayor ordered his security detail to drive his son, Dante de Blasio, to Yale University and to various destinations throughout New York City.

   DOI identified multiple instances when detectives from the Mayor's security detail drove Dante de Blasio to or from Yale University in New Haven, Connecticut, without the Mayor or First Lady present in the vehicle. DOI also found that it was common practice for the security detail to drive Dante de Blasio to locations around New York City without the Mayor or First Lady present, typically at the direction of the security detail's superior officers. Both a sergeant in the detail and a former mayoral staffer recalled several instances when Mayor de Blasio

more

directly requested that Dante de Blasio be driven to locations throughout New York City, such as train or bus stations, without the Mayor or First Lady present in the vehicle.

3. DOI investigated whether the Mayor ordered his security detail to transport mayoral staff members, or members of his presidential campaign staff, without him in the vehicle.

   DOI's investigation found numerous instances when the Mayor's security detail transported mayoral staffers to various locations, including to their homes, and transported them when running errands for the Mayor. Additionally, DOI identified several instances when the security detail was asked to transport guests of the Mayor, at his direction, without him present in the vehicle.

4. DOI reviewed whether the City of New York had borne the ancillary travel costs for the Mayor's security detail during his presidential campaign.

   DOI determined that the City of New York expended $319,794 for the members of the Mayor's security detail to travel on the Mayor's presidential campaign trips. Mayor de Blasio has not reimbursed the City for these expenses, either personally or through his campaign. DOI also found that, during these campaign trips, the security detail occasionally transported Mayor de Blasio's campaign staffers while driving the Mayor. Both reflect a use of NYPD resources for political purposes.

Other findings from the investigation include:

- DOI learned that for approximately one year the security detail has been conducting frequent security checks at houses owned by the Mayor in Brooklyn, where neither he nor his family members currently reside.

- The NYPD Inspector in charge of the Mayor's security detail actively obstructed and sought to thwart this investigation, frustrating DOI's efforts to learn the full facts regarding these allegations.

- There are no written policies or procedures at the NYPD for the operation of the mayoral security detail. There are no procedures for formally initiating or ending security detail protection, or briefing new protectees on the operation of and proper use of the detail.

- At the root of nearly all of these issues is the complete lack of any written policies or procedures at the NYPD for the operation of the mayoral security detail. Because it does not exist, neither the NYPD nor, as far as DOI is aware, any other City entity provided the Mayor, his family, or his representatives with any guidance – written or otherwise – concerning the appropriate or inappropriate uses of the security detail. Furthermore, the NYPD does not appear to conduct formal or written security analyses or threat assessments for potential protectees, formally initiate or terminate security detail protection, or even properly train detail members to ensure against corruption vulnerabilities.

As part of the investigation, DOI interviewed the Mayor, the First Lady, members and supervisors of the Mayor's security detail, and requested an array of records from NYPD and City Hall, including communications between the Mayor's security detail and City Hall officials and staffers.

The Report provides context on best practices for the provision of executive protection by outlining federal security detail practices at agencies such as the United States Secret Service, the United States Department of State, and the United States Marshals Service. DOI interviewed members of these federal agencies with significant experience in executive protection, including in supervision and training, to identify effective policies and best practices for operating security details and preventing abuse. These interviews provided information about formal processes, including assessing whether an individual is entitled to security detail protection, the level of protection provided, the process of declining protection, and rotation of security detail members to maintain appropriate boundaries between protectee and the detail.

DOI made 13 recommendations, three to the NYPD, seven to the Office of the Mayor, and one each to the COIB and DORIS, including:

- To the NYPD:
  - The NYPD must collect and maintain the records regarding the travel expenses incurred by Mayor de Blasio's security detail during his Campaign, so as to facilitate reimbursement of those expenses.
  - The NYPD should consult with experts on official protection outside of the NYPD to develop and adopt improved practices for standing or long-term security details.
  - The NYPD should create a policy concerning out-of-state travel records at the NYPD. Travel records should specify the purpose of the travel, especially for trips that require any reimbursements to the City.
- To the Office of the Mayor:
  - Electronic devices, including cell phones; and City Hall email addresses, should not be assigned by City Hall to members of the Mayor's security detail.
  - Trainings on document retention obligations should be delivered to all individuals who regularly use electronic devices and emails issued by the Mayor's Office, whether or not they are formally employed by the Mayor's Office.
  - The Office of the Mayor should develop and provide trainings regarding use and retention of text messages to any City employee to whom it issues City Hall cell phones.
- To the COIB:
  - The Conflicts of Interest Board should publicly release as guidance any advice issued to elected officials regarding the use of City resources in connection with political activities.
  - If the Board's advice or guidance provides for the reimbursement of expenses to the City, it should specify, at a minimum, a timeline for such reimbursements to the City and the parties responsible for reimbursement.
- To DORIS:
  - DORIS should issue an updated retention schedule to include rules governing text messages, messaging applications, and any communications not conducted via official government accounts nor retained on government servers.

DOI Commissioner Margaret Garnett thanked the team of investigators at DOI who conducted this investigation, specifically Senior Investigative Attorney Carolyn Tomsu, former Special Investigator Evelyn McCorkle, Deputy Inspector General Juve Hippolyte, and Senior Inspector General Eleonora Rivkin, with invaluable assistance from Assistant Inspector General Matin Modarressi and Digital Forensics Investigator Matthew Oelsner, under the supervision of Deputy Commissioner/Chief of Investigations Dominick Zarrella, Deputy Commissioner for Legal Affairs and General Counsel Leslie Dubeck, and First Deputy Commissioner Daniel Cort.

New York City
Department of Investigation

DOI's Investigation into Mayor de Blasio's Security Detail

Margaret Garnett
Commissioner

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October 2021

Executive Summary

In August 2019, the New York City Department of Investigation (DOI) initiated an investigation into several allegations concerning New York City Mayor Bill de Blasio's security detail. First, DOI's investigation probed whether Mayor de Blasio had ordered members of his security detail to move his daughter, Chiara de Blasio, from her Brooklyn apartment to Gracie Mansion. Second, DOI investigated whether Mayor de Blasio ordered his security detail to drive his son, Dante de Blasio, to Yale University and to various destinations throughout New York City. Third, DOI investigated whether Mayor de Blasio ordered his security detail to transport mayoral staff members, or members of his presidential campaign staff, without him in the vehicle. Lastly, DOI reviewed whether the City of New York had borne the ancillary travel costs for the Mayor's security detail during his presidential campaign. Many of these allegations were also reported in contemporaneous news articles alleging a variety of inappropriate uses of the Mayor's security detail.[1]

This report reflects the pertinent facts identified in the course of this investigation. As discussed in greater detail below, DOI's findings comprise a range of issues, including potential violations of the New York City Conflicts of Interest Law, lapses in best practices, corruption vulnerabilities, and inefficient uses of public resources.

[1] On July 15, 2019, The City published an article alleging that Mayor Bill de Blasio's presidential campaign had at that point cost taxpayers $100,000 in EPU travel expenses, including airfare, hotel, meals, rental cars, and gasoline costs. Reuven Blau & Greg B. Smith, De Blasio Cross-Country Presidential Run Takes NYC Taxpayers for a $100k Ride, THE CITY, July 15, 2019, *available at* https://www.thecity.nyc/2019/7/15/21210942/de-blasio-cross-country-presidential-run-takes-nyc-taxpayers-for-a-100k-ride. An article published on August 4, 2019, by the New York Daily News reported that members of the EPU moved Chiara de Blasio from her apartment in Brooklyn utilizing two unmarked NYPD sprinter vans and that First Lady Chirlane McCray personally oversaw the move. Graham Rayman & Stephen Rex Brown, Mayor de Blasio Ordered NYPD Executive Protection Unit to Move His Daughter Out of a Brooklyn Apartment, Sources Say, NEW YORK DAILY NEWS, Aug. 4, 2019, *available at* https://www.nydailynews.com/new-york/ny-mayor-epu-move-20190804-tjn45baxivdf5fseljd4myku2e-story.html. An article published on October 28, 2019, by the New York Daily News alleged further misuse of Mayor de Blasio's security detail in that members of the EPU were required to drive Dante de Blasio to and from Yale University. Graham Rayman & Stephen Rex Brown, Mayor de Blasio's Used His NYPD Security Detail to Take His Son to Yale: Sources, NEW YORK DAILY NEWS, Oct. 28, 2019, *available at* https://www.nydailynews.com/new-york/ny-dante-epu-yale-probe-20191028-innjjwz3ird2jkyjtuso6fjape-story.html.

Mayor de Blasio's security detail, as well as those of certain other City elected officials, is comprised of members of the New York City Police Department's (NYPD) Intelligence Bureau. The purpose of these security details is to provide personal security to individuals for whom the NYPD has determined that such protection is necessary, whether by virtue of their official position or due to a particular threat. Within the Intelligence Bureau, the Executive Protection Unit (EPU) is responsible for the security needs of the Mayor and, if necessary, his family.

Regarding Chiara de Blasio's move, DOI's investigation determined that multiple EPU members were present during Chiara de Blasio's move from her apartment, and that an NYPD sprinter van was used to transport some of Chiara's belongings from her apartment to Gracie Mansion. DOI's investigation found that at least one EPU member participated in moving Chiara's belongings – specifically, a futon – into and out of the sprinter van. DOI's investigation was unable to determine whether NYPD resources assisted in the move at Mayor de Blasio's direct instruction. However, the provision of the sprinter van and the assistance of NYPD personnel in physically moving furniture was a misuse of NYPD resources for a personal benefit, whether it was requested or merely accepted.

Regarding Dante de Blasio's use of the security detail, DOI's investigation identified multiple instances when EPU detectives drove Dante de Blasio to or from Yale University in New Haven, Connecticut, without the Mayor or First Lady present in the EPU vehicle. The detectives interviewed by DOI asserted that the directives to drive Dante de Blasio came from their superiors, not directly from Mayor de Blasio. DOI also found that it was common practice for the EPU to drive Dante de Blasio to locations around New York City without the Mayor or First Lady present, typically at the direction of their EPU superiors. However, both an EPU sergeant and a former mayoral staffer recalled several instances when Mayor de Blasio directly requested that Dante de Blasio be driven to locations throughout New York City, such as train or bus stations, without the Mayor or First Lady present in the EPU vehicle. Whether such rides were a misuse of NYPD resources for personal benefit depends on whether Dante de Blasio was himself a protectee or merely the child of a protectee. The children of protectees are not entitled to use NYPD resources outside the presence of the

protectee, absent an independent security determination by NYPD that family members require protection. While multiple witnesses described their understanding that Dante was "entitled" to NYPD protection, there are no records documenting a security determination that Dante de Blasio should be a protectee or identifying the level of security that he should be provided. Although it is the position of the NYPD Intelligence Bureau that both de Blasio children should have full-time protection, both children declined an assigned detail as adults. Since that time, in practice, Dante's use of NYPD resources was determined by his personal preferences and the availability of personnel, rather than any risk assessment.

DOI's investigation also revealed numerous instances when EPU members transported mayoral staffers to various locations, including to their homes, and assisted them in running errands for the Mayor. Additionally, DOI identified several instances when the security detail was asked to transport guests of the Mayor, at his direction, without him present in the vehicle.

DOI determined that the City of New York expended $319,794 for the members of Mayor de Blasio's security detail to travel on the Mayor's presidential campaign trips. Mayor de Blasio has not reimbursed the City for these expenses, either personally or through his campaign. DOI also found that, during these campaign trips, EPU members occasionally transported Mayor de Blasio's campaign staffers while driving the Mayor. Both reflect a use of NYPD resources for political purposes.

In addition, DOI learned that, for approximately one year, the security detail has been conducting frequent security checks at houses owned by the Mayor in Brooklyn, where neither he nor his family members currently reside.

Finally, DOI has concluded that the NYPD inspector in charge of the First Family's security detail actively obstructed and sought to thwart this investigation, frustrating DOI's efforts to learn the full facts regarding these allegations.

In addition to the misuse of EPU staff and resources, DOI's investigation identified several vulnerabilities in the EPU's policies and procedures.

Based on its findings, DOI issues several policy and procedure recommendations to address these matters.

Background

The New York City Police Department Executive Protection Unit

The Intelligence Bureau of the NYPD contains the Executive Protection Unit and the Uniformed Operations Unit (UOU). The EPU is responsible for providing security for the Mayor and, where necessary, his immediate family. The UOU is responsible for securing particular locations, such as City Hall and Gracie Mansion.

Chief Thomas Galati heads the Intelligence Bureau. Inspector Howard Redmond, who reports to Chief Galati, oversees both the EPU and the UOU. He has held that position since the start of the de Blasio Administration in early 2014. The reporting structure within both units is largely the same. Each has a lieutenant in command who reports directly to Inspector Redmond. Sergeants, who manage the day-to-day operations, report to the lieutenants, while the detectives and officers report to the sergeants.

Both the Mayor and First Lady Chirlane McCray have full-time security details, staffed by the EPU, who are with the Mayor and First Lady McCray 24 hours a day, seven days a week. The EPU staff is divided into several teams, with each team working a rotating schedule to ensure full-time coverage. Typically, the Mayor is protected by multiple EPU members and multiple EPU vehicles, with the precise number depending on the circumstances and any security concerns. EPU members told DOI that mayoral staffers occasionally travel to official events in the motorcade – either in the same vehicle as the Mayor or in one of the additional vehicles.

The NYPD is responsible for determining eligibility for mayoral family members to receive EPU protection; however, it is unclear what criteria, if any, are used in these determinations. During its investigation, DOI requested copies of NYPD policies and procedures concerning the EPU, including any documentation concerning eligibility determinations, the declination of EPU protection, and the use of EPU resources by protectees, protectees' families, and protectees' staffers. In response, the NYPD represented that it had "no written policies or procedures" responsive to DOI's request.

Applicable Rules

The New York City Charter does not directly address security details, but it prohibits public servants from using their City positions for personal advantage, such as by having a subordinate perform personal tasks unrelated to City work for the superior, regardless of whether the superior requests the service or the subordinate volunteers. Using City personnel for non-City purposes may also violate the City Charter. The City Charter also prohibits public servants from using their City position or City resources to benefit their family members or other close associates.[2]

The New York City Conflicts of Interest Board ("Board") has adopted Rules of the Board, Sections 1-13(a) and (b), which elaborate on the Charter's prohibition on the use of City time and City resources for any non-City purpose. While these rules do not prohibit certain incidental personal uses of City time and City resources (such as, for example, a brief phone call during an employee's workday to schedule a personal appointment), ***no*** use of City time or City resources is permitted for either personal profit or for political or campaign activities and there is no "incidental use" exception for these activities.[3]

In Advisory Opinion No. 2009-1, the Board created a limited exception to this flat ban for City elected officials who are provided with a City-owned vehicle and City personnel as drivers in order to perform their official duties.[4] Such officials may make any lawful use of the City-owned vehicle for personal purposes in or near New York City, including political activities, provided the use is not itself a conflict of interest and the official is in the vehicle during all such use. In delineating this exception, the Board concluded that it applied only to the elected official's own use of the City vehicle and City-provided driver. "Absent an independent security need as determined by the NYPD, a public official . . . may *not* send a City car with security personnel . . . on personal errands for the official or utilize the car and/or driver to

[2] See NY City Charter §§ 2604(b)(3) and 2604(b)(2).

[3] Board Advisory Opinion 2012-5.

[4] The Conflicts of Interest Board publicly addressed these matters for the first time in March of 2009. Any comparable activity of City elected officials preceding this guidance is not governed thereby, and is therefore not germane to any analysis of conduct taken subsequent to the issuance of this public guidance.

transport members of the official's family to and from their own daily pursuits . . . unless the Elected Official is in the car at the time or unless, as noted, the NYPD has determined that the official's family member has an independent security need."

The exception articulated in Advisory Opinion No. 2009-1 addresses only the elected official's use of a City-owned car in or near New York City; it does not extend the exception to political travel other than by City-owned car. Absent a Board opinion specifically addressing such travel, the applicable guidance on campaign related activities is provided by Advisory Opinion No. 2012-5, which provides a "flat ban" on using City resources for political or campaign activities.

Federal Security Detail Practices

Several federal agencies, including the United States Secret Service (USSS), the United States Department of State (USDOS), and the United States Marshals Service (USMS) provide executive protection details to eligible individuals, domestically and internationally. DOI interviewed members of these federal agencies with significant experience in executive protection, including supervision and training, to identify effective policies and best practices for operating security details and preventing abuse.

The general structure and operation of federal security details are similar to those managed by the NYPD's Executive Protection Unit. Some federal protectees receive larger, more complex, 24/7 details, akin to that provided to the Mayor, while others may receive smaller permanent details or temporary details. Details are comprised of teams, or shifts. Each detail team has a supervisor.

Those interviewed told DOI that certain individuals were protectees due to their position in the government, while others were assigned protection in response to changing threat levels or specific threats. Interviewees stated that protection was not usually extended to family members of designated protectees, with certain limited exceptions. For example, U.S. law provides that spouses and immediate family members of the United States President and Vice President are automatically

provided protection, through the Secret Service, unless declined by adult family members, as set forth below.[5]

USSS, USDOS, and USMS follow formal processes to determine whether an individual is entitled to security detail protection, and the level of protection provided. One interviewee stated that the USDOS routinely receives requests for protection from the diplomatic community. USDOS then engages in a decision-making process wherein, among other things, it considers the threat level. Other interviewees similarly stated that USSS and USMS research potential threats before determining the appropriate levels and methods of security to provide a potential protectee. For all three agencies, these findings are recorded in a formal written document.

Additionally, each of these federal agencies have formal processes for declining protection, including the completion and submission of forms documenting the declination. One interviewee stated that USSS will not disapprove requests to decline protection, explaining that this decision is the prerogative of all adult protectees, excepting the President and Vice President of the United States. The Secret Service agent explained that an eligible protectee's declination of protection was not permanent or irrevocable, but was typically only for a specified period of time. Similarly, an interviewee told DOI that USMS will resume providing protection to a protectee on request so long as an updated assessment finds that a threat remains that warrants USMS protection.

All interviewees explained that federal security details do not drive the family members of protectees, who are not themselves protectees or who have declined protection, without the protectee present. When asked about the conditions under which such a scenario may occur, one interviewee simply declared, "It just wouldn't happen." Interviewees told DOI that a protectee's family members, or their staffers, may travel in the protectee's vehicle or motorcade, but only if space is available and the protectee is present.

Additionally, interviewees told DOI that supervisors of federal security details meet with new protectees in person, before the detail formally begins, to set clear expectations concerning the role of the security

[5] 18 U.S.C. § 3056(a).

detail. Protectees are notified in advance that the detail will not drive anybody, including the protectee's family members, without the protectee present, nor run errands for the protectee or their family members or staffers.

One interviewee explained to DOI that agents often feel pressured to please protectees, given their power and prominence, and agents may be afraid to lose their jobs or be reprimanded. The interviewee stated that USDOS training addresses how a protectee's small requests may escalate over time, and recommends declining small requests from the start.

Interviewees also detailed their methods of movement tracking and record keeping regarding protective details and use of government vehicles. While specific policies and forms varied, all included a means of recording and maintaining records of all vehicles used, personnel present and their roles, and all stops and destinations (including matters not on the protectee's official itinerary, such as personal appointments and meals).

Two interviewees from the USDOS stated that security detail agents were rotated to different assignments approximately every two years, although the supervisor typically remained for a longer period of time. One interviewee explained that the practice of rotating agents acted as a means of maintaining appropriate boundaries between the protectee and the detail. In addition to the pressures of serving high-level protectees noted above, agents may also feel pressured to accommodate a protectee's inappropriate requests, if such accommodation may result in the extension of the agent's prestigious detail assignment. By rotating agents regardless of protectee preference, such accommodating behavior is not rewarded. Instead, qualified agents bid for two-year assignments that they know will be limited in length. Interviewees emphasized that close relationships between detail members and protectees, such as those formed during long assignments, risk the detail's ability to protect the protectee from harmful or embarrassing situations, including behavior that could lead the press to allege unprofessionalism or unethical behavior on the part of the protectee or the detail. Interviewees from the other federal agencies told DOI that they share similar concerns of maintaining appropriate boundaries with protectees.

DOI also inquired into the modes of communications used by federal security details, and whether they use text or encrypted text messaging applications to communicate. While one interviewee told DOI that he had not observed USSS detail members using encrypted text messaging applications to communicate, other interviewees stated that USDOS and USMS agents have used them. However, interviewees indicated that the USDOS's use of encrypted text messaging applications was limited, with one stating that a messaging application is typically used only to communicate last minute moves. Another interviewee represented that USMS had approved the use of encrypted text messaging applications. Interviewees explained to DOI that federal agencies are still developing policies around the retention of communication records conducted on more recent technologies.

Findings of Investigation

1. Use of the Detail for Non-Protectees

During their interviews with DOI, Mayor de Blasio and First Lady McCray repeatedly stated that they had not received any guidance concerning the appropriate or inappropriate uses of their security details at any point during the Mayor's administration. They both stated that their understanding of the security detail came from their past experiences working in government, as well as common sense, resulting in a general understanding that they would be provided with security protection at all times and that the security detail could not be used for personal or political matters other than merely accompanying them to such events. Mayor de Blasio stated that, when he may have had questions about his security detail, he has brought those questions to the NYPD because "they had to determine how their people would operate."

DOI requested copies of any guidance provided by the NYPD to the Mayor or his representatives concerning the use of EPU resources. In response, the NYPD represented that it had no documents, including no general written policies or procedures, responsive to DOI's requests.

a. Security Detail Protection Provided to the Mayor's Children

During the course of its investigation, DOI learned that Chiara de Blasio and Dante de Blasio were assigned standing full-time security details at various times during Mayor de Blasio's administration. According to Inspector Redmond, Chiara de Blasio was assigned a standing detail at the start of the administration in 2014, until she left for college in California, although DOI notes that Chiara de Blasio was already attending college at the start of her father's term on January 1, 2014. Chiara was reassigned a standing detail in 2016, when she returned to New York City. Several detail members told DOI that her standing detail was again dissolved shortly thereafter, at Chiara's request. Inspector Redmond estimated that Chiara's standing detail dissolved approximately one year after her return from college, and confirmed that the dissolution came at Chiara's request. DOI was informed that none of these arrangements or changes were documented in writing, and so DOI had to rely on the recollections of participants.

Dante was also assigned a standing security detail at the start of Mayor de Blasio's administration. The standing detail was dissolved in 2015, when he left for college at Yale University in New Haven, Connecticut. DOI learned that Dante continued to be transported, on request, by members of the EPU when he returned to New York City on breaks from school and after graduating in 2019. According to Inspector Redmond, Dante was assigned a "quasi-type detail," consisting of one UOU detective, at some point after his college graduation. DOI notes that the UOU detective was not "assigned" to Dante's detail, but was assigned to a post at Gracie Mansion and was instructed to give Dante rides when he requested them. Mayor de Blasio and First Lady McCray denied that Dante's security detail had ever been dissolved, although both agreed that he had not had a permanent, 24/7 security detail since he departed for college in 2015. Both the Mayor and the First Lady McCray deferred questions about Dante's security arrangements to Inspector Redmond, claiming that they did not know specifics. As with Chiara de Blasio, DOI was informed that there was no documentation regarding security arrangements for Dante de Blasio or any changes to those arrangements over the years.

Mayor de Blasio explained that, over the course of his administration, Dante's and Chiara's lives had evolved, as had their willingness to

accept detail protection. Mayor de Blasio stated that it was his understanding that the NYPD wanted to provide Dante and Chiara with as much security as they would accept, so there was a "strategic effort to make it as attractive as possible to use detail whenever possible." The Mayor explained that he was told that it was NYPD's position that if his children were willing to accept security detail protection 30% of the time, as an example, that would be better than 0% of the time, when considering their total security risk. Mayor de Blasio explained that he understood that Dante and Chiara were eligible for NYPD security "anytime, anywhere," in "any circumstance," with or without notice, because "every single additional minute" that they are with a member of the NYPD is "a minute [they] would be secure." This understanding is based on the conclusion of the NYPD Intelligence Bureau that both children should have full-time protection, which they have declined. NYPD informed DOI that there is no written documentation of this conclusion, or of the children's decisions to decline full-time protection.

Inspector Redmond similarly told DOI that he believes Chiara and Dante should be provided with EPU transportation on request because they are entitled to security detail protection if they want it, even though they are not currently assigned permanent security details. Inspector Redmond explained to DOI that he believes his job includes protecting the Mayor's children, so he takes every available opportunity to ensure they are protected.

In practice, this means that Dante and Chiara currently receive transportation from NYPD personnel – either EPU or UOU – in NYPD vehicles upon request and if personnel and vehicles are available. It is DOI's understanding that such transportation is provided by one officer, who neither "advances" nor inspects the destination for security purposes, neither leaves the vehicle nor accompanies Dante or Chiara upon arrival, and does not remain at the location after Dante or Chiara have departed the NYPD vehicle.[6] In other words, since the dissolution of their standing security details, Dante and Chiara's use of NYPD

[6] DOI learned that at least one federal agency may assign "portal-to-portal" security protection to designated protectees, as an established lesser level of protection than full-time 24/7 protection. This means that a protectee receives transportation – and security – from his/her residence to his/her workplace and back, as well as to events scheduled during or following work. Dante's and Chiara's current security arrangements do not adhere to this or any other specific level of protection.

resources is driven solely by their preference and the availability of personnel and vehicles, without regard to any particularized threat assessment or the relative security concerns posed by any given situation; they may be unaccompanied in potentially high-risk situations and accompanied in low-risk situations.[7]

Several other EPU interviewees expressed to DOI their understanding that Dante was entitled to protection because he is the Mayor's son, even after he declined a standing detail. They understood this to mean that Dante was entitled to transportation upon request. Two EPU detectives claimed that this understanding came from conversations with Inspector Redmond following Dante's graduation from Yale, when he returned to live full-time at Gracie Mansion.

Neither the Mayor nor First Lady McCray could provide timelines of when Dante or Chiara had standing security details or other security arrangements and indicated that, if such records existed, they would be maintained by the NYPD. DOI requested any relevant information concerning the date ranges and dissolutions of Chiara and Dante's security details from the NYPD. In response, the NYPD represented that it had no responsive records.

The Board's guidance makes clear that Chiara and Dante's use of NYPD resources for their own transportation would be a misuse of City resources unless "the NYPD has determined that the official's family member has an independent security need."[8] Although witnesses informed DOI that such a general determination had been made, without documentation of the determination, it is impossible to know the timeframe and scope of the security need, in order to evaluate any potential misuse. Additionally, Mayor de Blasio and First Lady McCray told DOI that Chiara and Dante had each received threats at points during the administration. It is unclear whether or how their security arrangements were adjusted in response to these threats, as NYPD did

[7] Mayor de Blasio provided the following example during his DOI interview: "[Dante] was out [working]…on Eastern Parkway two months ago…and there was a major fight, like a big group of guys started fighting with each other and folks were very concerned. The detail didn't happen to be there at that moment, but folks working with him were very concerned because he is obviously someone very prominent. If detail saw a situation like that, if they happened to be nearby, unquestionably they would intervene in that situation."

[8] Board Advisory Opinion No. 2009-01 at 11.

not maintain records concerning the evolution of Chiara's or Dante's security arrangements. DOI found that the asserted general security determination (that the children actually "need" as much security as possible) bears little relationship to the NYPD resources provided, which, as discussed below, are driven by the personal preferences of the children and the availability of resources at the time the preference is expressed, not any specific or particularized security assessment.[9]

b. Chiara de Blasio's 2018 Move

On August 10, 2018, NYPD resources and personnel assisted in the move of Chiara de Blasio's belongings from her Brooklyn apartment in Sunset Park ("the Apartment") to Gracie Mansion ("the Move"). DOI identified four NYPD employees who were present for the Move, including three EPU detectives assigned to First Lady McCray's security detail and a UOU officer typically assigned to a fixed post at City Hall.

During her interview with DOI, First Lady McCray stated that she had learned approximately two weeks to one month before the Move that Chiara planned to return to live at Gracie Mansion, and First Lady McCray had then decided to assist with her daughter's move. First Lady McCray was shown her official schedule for the date of August 10, 2018, which did not include a stop at the Apartment. First Lady McCray told DOI that personal stops are not included on her official schedule, although DOI notes that at times personal stops are included on these schedules (for example, time at the gym or meals).

On the date of the Move, First Lady McCray believed that she texted her detail members about stopping at Chiara's apartment. Two of her assigned EPU detectives recalled that the stop was made at First Lady McCray's verbal request, following the first stop on her daily schedule, the gym, located in Brooklyn approximately three miles from the Apartment. One of the detectives recalled texting another EPU detective about the stop and providing the address. First Lady McCray told DOI

[9] DOI notes that Chiara and Dante de Blasio are entitled to security detail protection if the NYPD has determined that they have an independent security need. However, because this would be an exception to the otherwise applicable rule that City resources cannot be used to benefit family members, the security determination should be documented and the resources tailored to the nature of the documented need.

that she had planned to move Chiara's belongings to Gracie Mansion in her detail vehicle, as she believed that Chiara would not have many belongings.[10]

Meanwhile, the UOU officer told DOI that, on the date of the Move, Inspector Redmond told him that Chiara would be moving and verbally instructed him to use the NYPD sprinter van[11] parked at City Hall to assist in moving her belongings. The UOU officer stated that he drove the sprinter van to the Apartment; when he arrived, he observed First Lady McCray and Chiara bringing out Chiara's personal belongings, which consisted of bags and other small items. He claimed that he did not assist in moving any items, and was not aware of any furniture being moved.

First Lady McCray recalled loading her detail vehicle with some of Chiara's belongings but, at some point, realized that Chiara had a futon which would not fit in the detail vehicle. First Lady McCray stated that the futon was ultimately placed into a van, which had "miraculously" arrived to assist in the Move. First Lady McCray stated that while she and Chiara moved most of the belongings on their own, she recalled that one of the detail members helped move the futon due to its heavy and unwieldy nature. She did not recall which member assisted, but stated that she did not ask for assistance. First Lady McCray told DOI that she did not request the van, and that she did not know, either at the time of the Move or at the time of her DOI interview, how the van had been arranged to assist with the Move.[12]

First Lady McCray stated that she and Chiara returned to Gracie Mansion in her detail vehicle, which contained some of Chiara's belongings; the remainder were moved in the NYPD sprinter van. First

[10] DOI notes that First Lady McCray's use of her own security detail throughout the Move – driving her on a personal errand, and transporting Chiara and her belongings in the vehicle – was appropriate, given that McCray was present in the vehicle at all times.

[11] The UOU officer told DOI that the NYPD sprinter van was typically used to transport metal detectors to the Mayor's Town Hall events and, to his knowledge, the Move was the only instance during his time at City Hall that the van was used for another purpose.

[12] First Lady McCray told DOI that she did not know that the van was an NYPD vehicle when she saw it outside the Apartment and placed some of Chiara's belongings inside it. She initially stated that she only learned much later, possibly from a news article, that it was an NYPD van. Later in her DOI interview, she corrected these statements and stated that she believed she learned that it was an NYPD van while the Move was in progress, although she could not recall any details about when, how, or from whom she had learned that fact.

Lady McCray believed that detail members helped unload the futon at Gracie Mansion. She stated that most of Chiara's belongings were placed on an elevator and put into Chiara's bedroom, while the futon and other belongings were placed in a storage area at Gracie Mansion.

Two of First Lady McCray's EPU detectives told DOI that the First Lady left her detail vehicle when they arrived at the Apartment, unaccompanied by any member of the detail, then returned alone, not carrying anything, approximately 10 to 30 minutes later. They both told DOI that they did not observe Chiara at the Apartment, did not drive Chiara to Gracie Mansion, did not leave the detail vehicle while parked near the Apartment, and did not help move any of Chiara's belongings. In light of the other evidence, DOI finds this testimony to be not credible.

First Lady McCray told DOI that she did not notify her security detail or Inspector Redmond of Chiara's plan to move to Gracie Mansion, and did not discuss the logistics of the Move with anybody at the NYPD. Mayor de Blasio did not recall a specific conversation with Redmond about Chiara's plan to move, but noted that such a conversation "wouldn't have been unusual." He likewise did not recall when he learned that Chiara intended to return to live at Gracie Mansion but acknowledged that he was likely aware of the Move before it happened. Inspector Redmond told DOI that he did not recall discussing the Move with Mayor de Blasio, First Lady McCray, or any mayoral staffer. Rather, he told DOI that he was acting on his own initiative when he instructed the UOU officer to drive the NYPD van to the Apartment.[13] Inspector Redmond explained that, although he did not know whether the van was needed, he hoped that it would "streamline" the moving process by preventing the need for an unauthorized vehicle, such as an Uber or U-Haul, to enter Gracie Mansion and then be inspected by UOU personnel.

Inspector Redmond also told DOI that he did not inform First Lady McCray, Chiara, or anybody at City Hall, that he was sending the NYPD van to assist in the Move. He claimed that the relevant EPU members knew the van was being sent, but was unable to explain how they were notified of this important fact. None of First Lady McCray's three

[13] Inspector Redmond also told DOI that he had "assigned" the UOU officer to Chiara on the date of the Move.

assigned EPU detectives told DOI that they knew that the van was coming; in fact, each told DOI that they did not even know until later that Chiara moved to Gracie Mansion at this time.[14] The UOU officer driving the NYPD sprinter van told DOI that he did not know which detail members were driving with First Lady McCray that morning, and thus he could not have informed them that he was on his way to the Apartment with an NYPD van.

At approximately 11:32 a.m. on August 10, 2018, First Lady McCray's cell phone records show a two-minute-long incoming call from Mayor de Blasio. First Lady McCray told DOI that she did not recall what they discussed or whether they discussed the Move or the van on the call. Mayor de Blasio also told DOI that he had "no memory" of the phone call, and did not recall speaking with his wife during the Move or learning of any problems encountered during the Move.

In his interview with DOI, Mayor de Blasio stated that he did not know much about Chiara's move. He repeated his general understanding, discussed above, that Chiara was entitled to detail transportation upon request, which he believed was provided for the Move.[15] Mayor de Blasio told DOI that he did not know that an NYPD van, rather than a detail vehicle primarily intended for passengers, was used to move Chiara's belongings. He further stated that his DOI interview was the first he had learned that such a van was used in the Move. When asked whether he had asked Redmond or a member of the detail for assistance in advance of Chiara's move, Mayor de Blasio stated that he had "no memory of that at all." Similarly, he stated that he did not remember asking his staffers to seek assistance from anyone for Chiara's move.

DOI's efforts to resolve discrepancies in witness testimony were stymied by a combination of poor record keeping and lack of clear lines of authority over the detail's modes of communications, among other factors. During the course of its investigation, DOI reviewed the City-Hall-issued email accounts of Inspector Redmond and the three EPU detectives assigned to First Lady McCray's detail in August 2018, but

[14] DOI notes that this claim, as well as others made by First Lady McCray's assigned detectives in their DOI interviews, does not appear plausible, given First Lady McCray's testimony.

[15] Mayor de Blasio further explained his understanding of Chiara's access to detail resources, stating: "if [Chiara] was going from Point A to Point B and wanted detail to take her, that would be perfectly normal. If she had belongings with her, that would also be perfectly normal."

found no communications about the Move. However, DOI's investigation determined that members of the EPU primarily used other forms of communication with each other and with mayoral staffers, such as text messages or encrypted text messaging applications. As discussed in more detail below, despite repeated requests, DOI was unable to obtain access to much of these communications.

On June 30, 2021, DOI received the text message communications from the City-Hall-issued cellphones of two of First Lady McCray's three assigned EPU detectives. The text messages received did not include those from August 2018; rather, they dated from approximately December 2018. DOI did not receive the encrypted text messaging application communications of the detectives in the First Lady's detail, including those from August 2018. However, DOI notes that, by the time of DOI's request, the EPU was no longer using the same encrypted text messaging application as was used in August 2018. According to the Office of the Mayor, the third detective's cell phone could not be located. Although the Office of the Mayor issued the requested cell phone, DOI was instructed to follow up with the NYPD about the phone. DOI requested, but did not receive, the text message or encrypted text messaging application communications of the UOU officer who drove the NYPD sprinter van during the Move. The Office of the Mayor informed DOI that the UOU officer's phone could not be located because he had since retired from NYPD.[16]

DOI sought for approximately 19 months to obtain access to Inspector Redmond's text and encrypted messaging communications. However, as discussed more fully below, the communications DOI ultimately received were deficient for, among other reasons, not including Inspector Redmond's communications from August 2018.

c. Dante de Blasio's Transport

As discussed above, the Mayor, First Lady McCray, and Inspector Redmond all acknowledged that, after the dissolution of his standing security detail, Dante de Blasio was transported by NYPD personnel on numerous occasions, on an *ad hoc* basis. None of the three could provide

[16] DOI notes that the UOU officer was never issued a City Hall phone. DOI requested, from the NYPD, the text message and encrypted text messaging application communications from his NYPD-issued cell phone, but these communications were never produced for DOI's review.

specifics about those trips, but all three took the position that it was their understanding that Dante was entitled to be transported by NYPD personnel at any time, at his sole option. Each witness couched their understanding of this prerogative in terms of "security" for Dante, although DOI's investigation determined that, regardless of what his true security needs may have been, in practice, the use of this prerogative was not correlated with any security analysis but was instead driven solely by a combination of Dante's preferences and the availability of personnel who were otherwise assigned to the Mayor, the First Lady, or to protect the premises at City Hall or Gracie Mansion.

These practices made it difficult for DOI to determine the full scope of Dante's transportation by NYPD personnel after the dissolution of his standing security detail in 2015. DOI's investigation included the review of text message communications of two EPU sergeants and two EPU detectives assigned to the Mayor's and First Lady's security details. DOI requested, but did not receive, the text message communications of other EPU members, nor the encrypted text messaging application communications of any EPU members. Even in its limited review of text message communications, DOI identified approximately 34 instances when Dante de Blasio was transported by NYPD personnel in NYPD vehicles, without the Mayor or First Lady present.[17]

(i) Transportation to Yale University

Of the ten EPU detectives, three EPU sergeants, and two supervisors interviewed by DOI, four detectives recalled driving Dante to or from Yale without the Mayor or First Lady McCray present. One other EPU member told DOI that she had never personally driven Dante to or from Yale without the Mayor or First Lady McCray present, but was aware of other detail members having done so. Additionally, one EPU member, two sergeants, and Inspector Redmond stated that members of the EPU transported Dante to or from train and bus stations located in New York City for transit to or from Yale.

[17] DOI's review identified approximately eight examples of Chiara de Blasio being transported by NYPD personnel in NYPD vehicles without the Mayor or First Lady present, after her standing security detail was dissolved. According to Inspector Redmond, these requests generally came directly from Chiara.

One EPU detective recalled driving Dante de Blasio to or from Yale approximately seven or eight times without the Mayor or First Lady present. Another EPU detective recalled driving Dante de Blasio to or from Yale between five and seven times without the Mayor or First Lady present. These detectives also told DOI that they were often asked to transport Dante de Blasio to various other New York City locations without the Mayor or First Lady present; one added that he often also transported Dante's friends on these occasions. One text message reviewed by DOI also mentioned an EPU detective being asked to drive Dante "and his two friends." Two other EPU detectives each told DOI that they each drove Dante de Blasio to or from Yale on one occasion without the Mayor or First Lady present.

None of these EPU detectives told DOI that they were asked to drive Dante de Blasio to or from Yale directly by the Mayor. Two detectives stated that these instructions came from Inspector Redmond, with one recalling that they sometimes came from his EPU sergeant. In his interview with DOI, Inspector Redmond claimed that he never asked EPU members to transport Dante to or from Yale without the Mayor or First Lady present, even after being told that DOI's investigation indicated otherwise. DOI does not find this statement credible.

One EPU detective recalled assisting Dante de Blasio move while he attended Yale. The detective recalled driving to Yale and entering Dante's dorm room with Dante. The detective did not recall whether Dante drove with him from New York or was already at Yale. The detective, Dante, and Dante's roommate each carried a large box from the dorm room, but the detective did not recall whether the boxes were driven in the NYPD vehicle to Dante's new apartment, or whether the three men brought the boxes there on foot.

While Dante attended Yale, EPU members were also asked to transport him between Gracie Mansion and train or bus stations within New York City for transit to or from the university. One detective told DOI that he drove Dante to or from a bus stop "a lot of times" without the Mayor or First Lady present, at the instruction of Inspector Redmond. One EPU sergeant stated that he arranged NYPD transportation for Dante to or from Grand Central Station "a couple of times" at the instruction of Inspector Redmond or the EPU lieutenant. Another sergeant recalled driving Dante to or from another train station on multiple occasions,

typically at the instruction of Inspector Redmond. He also told DOI that Mayor de Blasio asked him to arrange such transportation for Dante on "under five" occasions. On these occasions, Mayor de Blasio asked the sergeant in person, upon arriving at Gracie Mansion, to have someone retrieve Dante from the train at a certain time. Inspector Redmond confirmed that members of the detail transported Dante de Blasio to or from train and bus stops, but did not recall specifics about these occurrences, including how frequently they occurred. Inspector Redmond stated that he may have learned the time and location of Dante's transportation from the EPU detectives, mayoral staffers, Mayor de Blasio or First Lady McCray. Inspector Redmond did not specifically recall discussing these rides with Mayor de Blasio or any mayoral staffer.

A former City Hall staffer interviewed by DOI stated that she witnessed Mayor de Blasio request that his security detail drive Dante de Blasio without the Mayor or First Lady in the vehicle approximately three or four times. She recalled that these requests were typically made by the Mayor while they were driving. She did not recall the requests being directed at specific detectives, explaining that all members of the security detail wore radios, so speaking to one was like speaking to all. The staffer stated that the Mayor requested rides for Dante to or from a bus or train station. The staffer told DOI that her understanding was that this was an appropriate use of the Mayor's security detail, and that his children were entitled to rides even if they did not have their own security details. She was not able to say from where or from whom she got that understanding.

Regardless of the Intelligence Bureau's view of Dante's actual security needs, the totality of the circumstances around the use of NYPD personnel to assist in transporting Dante de Blasio to and from Yale University indicates that these decisions were driven primarily by personal preference and availability of NYPD resources, rather than any security analysis. When a detective could be spared to drive Dante all the way to New Haven, Connecticut, and then return to his post at Gracie Mansion, that was arranged. When that three-hour-plus round trip was not feasible, an EPU member might be directed to instead drive Dante to Grand Central Terminal, for example, where he would be dropped off at the curb and proceed alone through the terminal, ride a

Metro-North train alone to New Haven, and proceed from there alone to his residence. No interviewee provided any security-related rationale for eliminating the addition of a subway or taxi trip from Gracie Mansion to Grand Central and substituting an NYPD escort, other than the general principle articulated by the Mayor, First Lady, and Inspector Redmond that something was better than nothing.

DOI's text message review did not find evidence that Mayor de Blasio directly requested that members of the EPU transport Dante de Blasio to or from Yale, or anywhere else in New York City. DOI notes that it received insufficient records of Inspector Redmond's communications. Based on witness testimony and the routine operation of the EPU, Inspector Redmond likely directed much of Dante's transportation by EPU personnel, and may have communicated directly with Mayor de Blasio about Dante de Blasio's transportation needs.

(ii) Daily Commutes

Dante de Blasio graduated from Yale in May 2019. Since that time, he has lived at Gracie Mansion.

A UOU detective who is assigned to the front booth at Gracie Mansion recalled that Dante first approached the front booth to request a ride in the summer of 2019. The UOU detective confirmed that, after determining that no EPU members were available, he called his supervisor, who directed the detective to transport Dante. A UOU sergeant told DOI that she called Inspector Redmond to ask whether the UOU should provide rides to Dante, and he responded affirmatively. The sergeant stated that she took Redmond's response to mean that the UOU should provide rides to Dante as needed, but she did not anticipate the frequency with which Dante would request rides. The UOU detective recalled personally driving Dante to Brooklyn two or three times in the summer of 2019, and driving him to a Metro North train station in Harlem several times in December 2019.

Beginning in approximately December 2019 or January 2020, Dante began receiving rides from NYPD personnel each weekday morning from Gracie Mansion to his place of employment, located in Brooklyn. These daily rides ceased at some point in the spring of 2020, due to the coronavirus pandemic. Initially, Dante requested these daily rides by

walking to the front guard booth at the entrance to Gracie Mansion and speaking to the officer on duty. Transportation was provided by available EPU or UOU personnel, who would leave their assigned locations and use detail-designated EPU vehicles. Eventually, one UOU detective became the designated driver for Dante's morning commute. The UOU detective told DOI that Inspector Redmond had approved this arrangement. Inspector Redmond, however, told DOI that the UOU detective had approached him and asked to be assigned to Dante's daily rides.

The UOU detective also told DOI that, when Dante was driven to Brooklyn, he occasionally asked to be picked up later in the day. The UOU detective did not retrieve Dante on these occasions because the pickups occurred after his shift ended. The UOU detective stated that he relayed Dante's requests to the EPU sergeant on duty, who arranged for a different NYPD member to pick up Dante. DOI notes that the daily rides provided to Dante were not recorded in any way.

While First Lady McCray told DOI that she knew that Dante was regularly transported to Brooklyn by the NYPD during this time, Mayor de Blasio denied knowledge of this arrangement.

d. Staff Transport

Inspector Redmond, the EPU lieutenant, two EPU sergeants, and several EPU detectives told DOI that City Hall staffers have received rides from EPU members without the Mayor or First Lady present. The third EPU sergeant told DOI that he had never been asked to, and was not aware of, EPU members transporting City Hall staffers without the Mayor or First Lady present. However, DOI finds this representation implausible, given its review of his text messages.

The EPU lieutenant stated that Inspector Redmond had instructed him to arrange rides for the staffers, and he did not know whether the Mayor or First Lady were involved in these requests. One EPU sergeant told DOI that the requests to provide transportation to mayoral staffers came either from Inspector Redmond or from the staffers themselves. This latter assertion is confirmed in text messages reviewed by DOI, which contained numerous examples of mayoral staffers texting the EPU sergeants to request transportation to various locations, including

to run errands for the Mayor, and to or from their homes. Two sergeants explained that Inspector Redmond authorized the practice, but stated that they had not received specific guidance about transporting mayoral staffers without the Mayor or First Lady present.

Inspector Redmond confirmed that he directed his detectives to provide transportation to mayoral staffers because he believed working and staying close with them enabled a "smooth operation" and helped the EPU detectives do their jobs. Inspector Redmond stated that he typically asked the staffers directly whether they would like rides; he did not recall that Mayor de Blasio had ever asked him to arrange transportation for a staffer. DOI's limited review of EPU communications found one text message, sent from a mayoral staffer to an EPU sergeant, stating that the "Mayor would like a member of [the] detail to give [a staffer] a ride" because she "is Jewish and needs to get back for Passover."

Mayor de Blasio stated that it was his understanding that his staffers may not generally use detail vehicles for transportation, but that they may use detail vehicles in his motorcade for transportation to official events. Mayor de Blasio admitted that transportation may also have been provided to staffers in cases of "emergencies," or when they "had worked really late into the night," though he believed that this rarely occurred.[18] The Mayor stated, in substance, that on these rare occasions, using the detail for this purpose reflected "a culture of people trying to be helpful," where "everyone tries to just support each other, pitch in, whatever." Mayor de Blasio stated that he did not recall any other occasions when his staffers used detail personnel or vehicles, and he did not recall requesting his staffers to use detail resources to run errands on his behalf. He added that he did not ask members of the NYPD to run errands for him.

DOI's limited review of EPU communications identified approximately 36 instances of the EPU transporting mayoral staffers without the Mayor or First Lady present, including approximately 16 instances facilitated by the EPU sergeant who implausibly told DOI that he was

[18] DCAS provides a pool of cars and chauffeurs to City Hall for use by mayoral staff in the course of official duties. The policies and procedures for the use of those resources are set by City Hall and the City's Vehicle Use policies. Outside of assigned security details, the NYPD is not assigned to provide transportation to mayoral staff.

not aware of this practice. Approximately 12 of the 36 instances involved the staffer running an errand for Mayor de Blasio, such as getting him coffee or food. On two occasions, the detail drove a staffer to the airport; in both, the request originated with the EPU sergeant. It is unclear how the sergeants learned of the staffers' transportation needs.

In addition, three detectives told DOI about their considerable experience transporting mayoral staffers. One detective told DOI that he was asked by EPU sergeants approximately ten to fifteen times to drive members of the Mayor's or First Lady's staffs to or from the staffers' homes without the protectee. Another detective recalled driving at least three mayoral staffers without the protectee. He stated that he drove one staffer "a lot," estimating between five and ten times, when he was assigned to a security position at Gracie Mansion, typically at the direction of Inspector Redmond or his EPU sergeant. He also recalled an incident, following a City parade, when Inspector Redmond, an EPU sergeant, and the mayoral staffer went to a Manhattan bar together. The detective stated that Inspector Redmond instructed him to wait while they were at the bar; when they emerged from the bar after approximately three hours, Inspector Redmond directed the detective to drive the staffer to her Brooklyn apartment. No protectee was present for this excursion. Another former EPU detective recalled being asked by his sergeant to drive this same mayoral staffer without a protectee on more than ten occasions. He recalled picking her up at her apartment and bringing her to meet the Mayor at his gym in Brooklyn, and also driving her to or from City Hall and Gracie Mansion without a protectee.

e. Guest Transportation

DOI's investigation identified approximately eight instances when Mayor de Blasio directly requested that his guests be transported, without his accompaniment, by members of the EPU. In addition to specific examples identified in DOI's review, both Mayor de Blasio and First Lady McCray confirmed that they had requested that members of the NYPD drive official guests, such as visiting dignitaries or prospective candidates for high-level City positions, from Gracie Mansion to their hotels. Mayor de Blasio explained that he viewed these instances as "official business," and that the transportation was an "appropriate courtesy." Mayor de Blasio estimated that this occurred approximately five to ten times.

According to two EPU sergeants, the Mayor's brother has visited New York City on more than one occasion. Both sergeants recalled retrieving the Mayor's brother from the airport. While one recalled that the Mayor was present for these trips to the airport, the other sergeant stated that he did not recall whether the Mayor was present, but admitted that only one EPU vehicle, not the motorcade, drove to the airport to retrieve the Mayor's brother, indicating that the Mayor was not present. This sergeant recalled that Inspector Redmond had instructed that the Mayor's brother be provided transportation. In one visit, in September 2019, text messages indicate that the security detail drove the Mayor's brother to pick up a Zipcar in Palmyra, New Jersey, a drive time of approximately one hour and forty-five minutes. It is unclear whether the Mayor was present for this excursion. Subsequently, the security detail drove the Mayor's brother to an Alamo rental car location without the Mayor present.

Mayor de Blasio told DOI that he was typically present when his brother was driven in detail vehicles. He stated that there may have been occasions when his brother was driven by the detail without him present due to "a last minute change" in schedule, and suggested that the detail may have offered to drive his brother on those occasions.

One detective recalled an incident when Mayor de Blasio asked him and his EPU partner to drive a guest of the Mayor from Gracie Mansion to her residence on the Upper West Side of Manhattan.

A text message sent from an EPU sergeant to an EPU detective in February 2021 stated: "Just FYI …. He might request we give his guest a ride home. Please be available just in case." The sergeant stated that the Mayor's guest was "a political analyst and friend who worked on his mayoral campaign." It is unclear whether the guest was, in fact, transported home by the EPU detective. Mayor de Blasio did not recall asking his security detail to drive this guest without him in the vehicle.

In another message reviewed by DOI, an EPU detective reported that, "Per [the Mayor]," another EPU member "is going to drive this girl home." No other information about the guest was shared in the message thread.

One EPU sergeant told DOI that he recalled at least two occasions when Mayor de Blasio directly asked that his guests be driven home. According to the sergeant, both occasions were at Gracie Mansion at the end of the night. The sergeant did not recall the names of the guests. The sergeant also recalled at least two other instances when a mayoral staffer asked him to drive a guest of the Mayor. The sergeant assumed these instructions likewise came from Mayor de Blasio.

A former City Hall staffer recalled another occasion when Mayor de Blasio requested that his security detail drive a guest to the airport following a speech at the Museum of Natural History. The staffer did not recall which detail members were present at the event, and did not believe that the Mayor directed this request at any specific detail member. Mayor de Blasio did not recall asking his security detail to drive this guest without him in the vehicle.

In addition to the transportation that occurred at the direct request of Mayor de Blasio, DOI's limited text message review identified approximately eight more occasions when the EPU transported guests of the Mayor without the Mayor or First Lady present. It is unclear who requested the transportation on these occasions.

f. Campaign Transport

Four members of the EPU, including two EPU sergeants and the EPU lieutenant, told DOI that, while traveling with the Mayor on trips related to his 2019 presidential campaign, they transported campaign staffers with the Mayor in the detail vehicles. At times, these staffers rode in the same vehicle as the Mayor, and at times they rode in other motorcade vehicles.[19] The staffers were mayoral staffers who had taken leaves of absence from their City positions to work on the Mayor's presidential campaign. Several detail members, including two EPU sergeants, told DOI that they were never notified that these staffers had taken leaves of absence, and were working for the campaign and not City Hall, while traveling. Two detail members told DOI that Inspector Redmond instructed them that campaign staffers should not be given

[19] As a general matter, the protectee may have anyone, including political or campaign staff, ride in the same vehicle as the protectee. Political or campaign staff should not be transported by the detail in additional cars where the protectee is not present, even if such motorcade transport would be permissible for mayoral staff.

rides on campaign trips. However, one of these interviewees admitted that he did not know whether the staffers on campaign trips were employed by the City or the campaign at the time.

One former campaign staffer told DOI that campaign staffers obtained and used rental cars while traveling on the Mayor's campaign trips. Mayor de Blasio similarly told DOI that his campaign staffers typically arranged their own transportation while on campaign trips, but that it was possible that campaign staffers had accompanied him in detail vehicles. Mayor de Blasio also stated that he was not always aware of the specific dates that mayoral staffers had taken leaves of absence to work on his campaign, and he did not know whether this information was shared with his security detail or Inspector Redmond.

g. Additional Use of the Security Detail for Tasks Unrelated to Protecting the Mayor and First Lady

DOI's limited review of EPU communications also determined that EPU members have been regularly checking on houses that the Mayor and First Lady McCray own in Brooklyn. At the time of these checks, no member of the de Blasio family resided at either home, and at least one of the homes was used as an investment property with paying tenants. The visits were purportedly for security issues, including conducting perimeter checks of the premises. One EPU sergeant explained that this practice began during the protests in 2020, following vandalism at the residences of other City politicians. The sergeant stated that Inspector Redmond initiated this practice, which remains ongoing. Mayor de Blasio similarly told DOI that this practice began at the initiative of the NYPD's Intelligence Bureau, following protests and a "pattern" of other activity at the two houses. The checks on the houses that the Mayor owns are conducted approximately once per shift by members of the EPU. The sergeant stated that any observed issues are reported to the local precinct. When asked why these checks, if necessary, were not being conducted by the local precinct, Mayor de Blasio deferred to the NYPD's Intelligence Bureau, explaining that they were "specialists," and that "they would not assume a local precinct does what they do."[20]

[20] The purpose of the EPU is to provide personal protection to the Mayor, not to protect his private property or business interests. Property crimes or nuisance matters should be handled by the local precinct in the ordinary course. To the extent that events at these private properties may provide valuable intelligence to be used in adjusting the Mayor's personal security, merely

Lastly, DOI identified one additional instance when NYPD resources appear to have assisted the de Blasio family move their belongings. One detective told DOI that he moved items from the de Blasio's Brooklyn residence to Gracie Mansion in the first months of the Mayor's administration. He explained that he drove an NYPD vehicle from Gracie Mansion to the residence and First Lady McCray, who was already at the Brooklyn residence, brought approximately four boxes to the curb. The detective stated that he and an NYPD officer, assigned to the Brooklyn residence at the time, loaded the boxes into the vehicle and the detective returned, alone, to Gracie Mansion. At Gracie Mansion, he removed the boxes from the vehicle, placed them on a hand cart, and brought them inside. The detective did not specifically recall, but believed that these instructions came from his EPU sergeant. Neither Mayor de Blasio nor First Lady McCray recalled the detail assisting in their move to Gracie Mansion, with the Mayor adding that it was conducted by a "professional" moving company.

2. Presidential Campaign Travel

On May 16, 2019, Mayor de Blasio announced his bid to be the Democratic nominee for the 2020 United States presidential election. Mayor de Blasio's campaign (the "Campaign") ended on September 20, 2019. During the approximately four months of active campaigning, Mayor de Blasio made approximately 21 separate trips to numerous destinations, totaling approximately 60 days, in whole or in part, of travel. DOI notes that some members of the Mayor's security detail typically traveled to these destinations ahead of the Mayor, incurring additional travel costs.[21]

According to publicly available guidance issued by the Conflicts of Interest Board, any use of City time or resources for political activities is a violation of Chapter 68, except that City-owned vehicles may be used by certain elected officials for political travel in or near New York City.

having EPU detectives drive by during their shifts is an ineffective and inefficient way to gather such intelligence.

[21] Other candidates in the same election who had personal security on campaign travel paid for that security with campaign funds. See Nolan Hicks, Mayor Pete Pays for His Security, but de Blasio Sticks NYC Taxpayers with Bill, NEW YORK POST, July 18, 2019, *available at* https://nypost.com/2019/07/18/mayor-pete-pays-for-his-security-but-de-blasio-sticks-nyc-taxpayers-with-bill/; Bullock Reimburses Highway Patrol for Campaign Security, AP NEWS, Nov. 5, 2019, *available at* https://apnews.com/article/770f561d036c4179b6264ccd9ea1ecce.

The Board has not publicly articulated any exception that would allow the Mayor to use City resources in connection with purely political travel at a distance from the city.

In the course of this investigation, DOI found that the NYPD paid approximately $319,794.20 for Mayor de Blasio's security detail to travel outside of New York City on his Campaign trips.[22] This total includes only ancillary travel costs – namely flights, hotels, rental cars, fuel, and meals – and does not include EPU salary or overtime costs. To date, the City has not been reimbursed for these expenditures.

A supervisor in the NYPD's Audits and Accounts Unit told DOI that she had no knowledge of whether the NYPD had been reimbursed for these travel expenses. This supervisor also stated that she was "not aware of who" at the NYPD would know the total amount that the NYPD had been reimbursed for these travel expenses.[23] She further represented that she did not receive, nor was she aware of, any guidance specifically concerning travel expenditures incurred by the security detail for out-of-state travel related to the Mayor's Campaign. She claimed, and NYPD records confirm, that paperwork submitted to her unit does not specify the purpose of the Mayor's travel.

Mayor de Blasio did not comment on the City's expenditures or his Campaign's reimbursement obligations beyond noting that "there appear to be many different inputs, to some extent in conflict, I don't think anyone was able to resolve it squarely, and I mean I can't say who resolved it because I don't think anyone did."[24]

3. Record Keeping and Retention

DOI's investigation uncovered numerous issues related to the EPU's communication formats, record keeping, and record retention.

[22] This total includes two trips taken only by First Lady McCray and her security detail, which incurred ancillary travel costs of $7,981.37.

[23] Both the NYPD and the Campaign confirmed to DOI that these costs have not been reimbursed.

[24] If any advice on this matter was sought from or provided by the Board confidentially, the Mayor has declined to make it available for public disclosure.

a. Security Detail Communications

Detail members told DOI that, in addition to their NYPD-issued cell phones and email accounts, they received cell phones and email accounts from City Hall. Detail members stated that they primarily used their City Hall, not NYPD, devices for communicating with other members of the EPU and with mayoral staffers. While detail members told DOI that they used numerous modes of communication during the workday, most stated that they primarily communicated with each other via encrypted text messaging application and text message.

One former NYPD detective told DOI that Inspector Redmond instructed EPU members assigned to the Mayor and his family to communicate with the City Hall resources to impede the NYPD from getting access to EPU communications when "dumping"[25] NYPD phones and emails during investigations. The former detective stated that Inspector Redmond had initially instructed EPU members to download a Blackberry messaging application (BBM) to their City Hall phones to use as their primary means of communication.[26] However, no other detail member interviewed recalled how the use of messaging applications originated. Several other detectives told DOI that, after the BBM app was discontinued, detail members began using other encrypted text messaging applications, including WhatsApp and Signal. Based on DOI's investigation, it is unclear if the use of these messaging applications was formally approved, and if so by whom.[27] Three EPU members added that they also used their personal cell phones to communicate with other detail members about official business, often via these same encrypted text messaging applications.

Most detail members told DOI that they communicated with mayoral staffers via email and text message, although one former detail member

[25] This term is used to reference the NYPD's routine extraction of information from Department-issued cell phones.

[26] Mayor de Blasio has a Blackberry that he uses for email and other written communication.

[27] An EPU sergeant interviewed by DOI stated that he did not believe the detail's use of Signal was the result of any official review or approval process, either at NYPD or City Hall. While one detective recalled receiving instruction from Redmond, Redmond told DOI that he did not instruct anyone regarding Signal, and he did not think that anybody approved its use. Text messages reviewed by DOI indicate that the decision to use Signal was communal, and that an EPU lieutenant suggested its use to other EPU members because it was "more secured" than WhatsApp.

stated that the detail also used an encrypted text messaging application to communicate with the Mayor's staff. Two former City Hall staffers interviewed by DOI stated that they used an encrypted text messaging application to communicate with their City Hall colleagues, but not for communications with the Mayor's security detail.[28]

In addition to the City-Hall issued phones assigned to individual members of the detail, each detail had a "number 1" phone, which is a City-Hall-issued cell phone that remained with the on-duty detail team for direct and consistent communication with Mayor de Blasio and First Lady McCray.[29] DOI learned of these "number 1" phones from one EPU detective; no other interviewees mentioned these phones in their DOI interviews.

b. Production Issues

(i) Records Requests

During the course of this investigation, DOI requested, from both the NYPD and City Hall, communications between members of the EPU and mayoral staffers conducted via email, text message, or messaging applications. DOI initially requested text and email communications from City Hall in December 2019, and requested additional communications, including "messaging application communications," in April 2020. At the request of City Hall, DOI did not press these requests for several months in recognition of the impact of the COVID-19 pandemic on City Hall operations and availability of resources. DOI renewed its request in August of 2020. An initial production was made by City Hall to DOI in November of 2020. However, this response was lacking in several respects.[30] In January 2021, DOI requested EPU text

[28] A December 2019 article in the Wall Street Journal reported that City Hall staff had used the Signal app to discuss official business. Katie Honan, NYC Mayor's Aides Communicate in Encrypted Messages, WALL STREET JOURNAL, Dec. 16, 2019, *available at* https://www.wsj.com/articles/nyc-mayors-aides-communicate-in-encrypted-messages-11576507167.

[29] In other words, the "number 1" phone is a "duty phone" that is physically passed from one detail team to another at the shift change, such that the same phone with the same assigned number remains with the on-duty detail team at all times.

[30] Specifically, text messages were produced via screenshots that did not indicate the custodian of the text messages or who was participating in the messages. In addition, the production included no communications from messaging applications. DOI identified these shortcomings to City Hall immediately. Ultimately, City Hall indicated that it lacked the technological capacity to collect and produce the information DOI had requested. DOI was therefore told to follow up

message and encrypted text messaging application communications from the NYPD. As discussed above, DOI received some of the requested text messages on June 30, 2021.

With one small exception, DOI never received the requested encrypted text messaging application communications. A review of text messages clearly shows that members of the EPU also communicated, often simultaneous to their text message exchanges, via those encrypted text messaging applications on City-issued phones as well as via their personal devices.

DOI requested the communications of twelve specific EPU or UOU members, and ultimately received the text messages of only six members, and some, not all, of the encrypted text messaging application communications of one EPU sergeant. According to City Hall, two City-Hall-issued cell phones could not be located because the members had retired. Two additional cell phones could not be located for unknown reasons. City Hall represented that a cell phone for one EPU sergeant had not been issued. During the sergeant's interview with DOI, however, this sergeant told DOI that he had been issued a City Hall cell phone, but that he conducted EPU business and communications on his personal cell phone instead, which was never submitted for DOI's review.

One factor contributing to the apparent difficulties complying with DOI's communications records requests is the lack of clear lines of authority and control over EPU members and their devices. EPU members remain at all times members of the NYPD and subject to its chain of command, and they do not answer to, and cannot be disciplined by, City Hall personnel. However, they conduct official City business on devices and via channels issued to them by City Hall. This diffusion of responsibility and supervision can inhibit appropriate records retention, enforcement of policies, and compliance with requests from DOI (or, presumably, from the Law Department or via FOIL). As just one example, when DOI requested forensic images of devices that City Hall had issued to EPU members (rather than merely screenshots), DOI was informed that City Hall did not have the capability to image phones, but

directly with NYPD to get communications from City Hall phones that had been issued to EPU personnel.

also could not allow DOI to use DOI's equipment to image the phones because they had been used for NYPD business and NYPD would need to agree that DOI could image the phones. When DOI sought approval from NYPD, NYPD's initial position was that they were not involved and would not get involved because the phones were not NYPD-issued devices. Eventually, after extensive communication and coordination among DOI, NYPD, and City Hall, the City-Hall-issued phones that could be located were given to NYPD by City Hall, imaged by NYPD, and the report of this analysis was provided to DOI.

DOI also encountered production issues with other records requested from City Hall and the NYPD.[31] For example, in April 2020, DOI requested copies of Gracie Mansion security camera footage from the date of Chiara de Blasio's move, as well as copies of Gracie Mansion logbooks from November 2019 through March 2020, when Dante de Blasio was receiving daily rides for his work commute from the NYPD. On May 17, 2021, an NYPD representative stated that such security camera footage is retained only for a limited time, so DOI's requested footage was no longer available and thus would not have been available at the time of DOI's request. On June 25, 2021, DOI received the logbooks from November 2019, December 2019, and the second half of March 2020; the NYPD was "unable to locate the corresponding log(s) for the dates of December 29, 2019 through March 14, 2020."

(ii) "Number 1" Phones

In February 2021, DOI asked City Hall to provide information about "certain cell phones issued to the security details assigned to the Mayor and the First Lady," known as the "number 1 phone." A City Hall representative initially informed DOI that they were not aware of the existence of these phones or their use by EPU personnel to communicate with the Mayor and First Lady.[32]

[31] While some delays and challenges with production were justly attributable to the COVID-19 pandemic and its corresponding impact on NYPD operations and priorities in City Hall, that is by no means a complete explanation of the difficulties encountered in this investigation.

[32] On June 29, 2021, City Hall formally responded to DOI's February 2021 request for clarification of and records from the number 1 phones used by the Mayor's and First Lady's security details. City Hall represented that, "[p]er consultation with the Mayor's Office of Information Services ["MIS"] and the head of the NYPD Executive Protection Unit [Inspector Redmond], there is no 'number 1 phone' that has been used" by the Mayor's security detail "during any of the dates covered by this request." In response to DOI's request that City Hall

DOI's investigation confirmed that the First Lady's security detail currently uses a "number 1" phone to communicate with the First Lady. It is not clear whether, or to what extent, a "number 1" phone is currently used by the Mayor's security detail. In communications with DOI after their initial interviews, five detail members acknowledged that a "number 1" phone had been used by the Mayor's security detail, though their accounts of how and when differ. Two detectives claimed that they did not know whether the "number 1" phone remained in use, but they knew that there had been such a phone in the past. Two other detail members indicated that the phone remains in use; one stated that it remains with a certain EPU member in the protectee's vehicle, while the other stated that the phone is kept in another EPU vehicle. Two detail members told DOI that the phone was provided to the detail by Inspector Redmond in January 2014. One sergeant told DOI that the "number 1" phone had been intended to be a consistent phone number for "emergency" situations when someone needed to get in touch with the Mayor's security detail, without wasting time finding out which members were on duty. Mayor de Blasio stated that he was not aware of a "number 1" phone used by his detail and that, when he needed to communicate with any members of the detail, it was typically via his own scheduling team, Inspector Redmond, or direct communications – in person, phone call, or email – with the on-duty detail members or supervisors.

Text message communications between EPU members referenced two "number 1" phones, but it is unclear from these messages how specifically these "number 1" phones are used, or if either remains with Mayor de Blasio's on-duty security detail.

DOI also reviewed an October 2019 text message conversation among detectives assigned to the First Lady's security detail, wherein one detective asked the on-duty detective to delete text messages from the

"confirm that the phone number for the cellphone provided to the Mayor's NYPD security detail for the purpose of for direct communication with the First Lady is [XXX-XXX-XXXX]. If this is incorrect, please provide the correct phone number." In response, City Hall responded only that "there is no cellphone matching" the number identified in DOI's request. After learning, directly from First Lady McCray, the correct phone number of the number 1 phone used by her security detail, DOI contacted City Hall to request records associated with that phone number. City Hall promptly responded that MIS "records show that the number … is for an iPhone that travels in/with the First Lady's car for the exclusive use of the NYPD Security Detail." DOI did not obtain communications from this phone prior to the publication of this report.

"number 1" phone that she had forgotten to delete before ending her shift.

The issuance of electronic devices to NYPD employees for use in official business that were not disclosed by the head of the EPU, were not disclosed by any EPU member until specifically asked by DOI, and were unknown to City Hall counsel (who is responsible for responding to records requests from outside City Hall) raises serious concerns regarding oversight, record keeping, and record retention.

(iii) NYPD Failure to Appear

On June 15, 2021, in an attempt to clarify the issues surrounding the "number 1" phones, as well as other outstanding matters, DOI emailed a set of written questions to the EPU sergeants' union attorney,[33] who had previously represented all three sergeants in their interviews with DOI, requesting responses from each of the three EPU sergeants. The attorney advised DOI that his clients would respond to additional questions only if compelled to do so. On July 1, 2021, pursuant to its authority under Mayoral Executive Order 16 and the City Charter, DOI emailed the attorney three letters, addressed to each EPU sergeant, compelling their appearance at interviews with DOI on July 14, 2021. The attorney confirmed these interviews and the scheduled date via email. On July 14, 2021, neither the attorney nor the sergeants appeared as scheduled.

Approximately two hours past the scheduled start of the interviews, DOI called the attorney and the attorney represented to DOI that two of the sergeants were on vacation and would not appear for their interviews. He represented to DOI that he had not forwarded DOI's letters to the sergeants, but had spoken with them about DOI's notice for a compelled interview, although he did not specify when those discussions occurred. Furthermore, he represented that he, personally, could not compel his clients to appear at DOI for an interview and provided no explanation for why he had failed to notify DOI of his clients' refusal to appear nor made any effort to reschedule those appearances. Although two of the interviews were subsequently rescheduled (after DOI had to enlist the assistance of NYPD's Legal Bureau to enforce the compulsion notice),

[33] The EPU sergeants' union attorney is not an employee of the NYPD or the City of New York.

the failure of the sergeants and their attorney to appear when compelled is unacceptable.

c. Retention of EPU Communications

The New York City Charter requires City agencies and employees to retain municipal records long enough to satisfy administrative, fiscal, legal, research, and historical needs. The Charter calls for the disposal of municipal records to be in accordance with "an approved records disposal schedule," and provides for the disposal of records to be overseen by the New York City Department of Records and Information Services (DORIS).[34] DORIS's current retention schedule, entitled "Supplemental Records Retention and Disposition Schedule" was updated in August 2021. New York City agencies are permitted to follow their own retention schedules, and agencies may adopt policies that differ from DORIS's retention schedule. The Office of the Mayor has been using its current retention schedule since at least June 3, 2014. Neither DORIS's nor the Mayor's Office's current retention schedules provide specific retention requirements for text messages or encrypted text messaging application communications; rather, all "documents" are classified by the substance of the communication, not the form in which the communication takes place. This is an appropriate approach to retention, so long as the form of the communication does not make it technologically infeasible to retain the communication based on the substance of the communication.

Despite repeated attempts to clarify, it is unclear whether the NYPD follows DORIS's retention schedule or has established its own. An NYPD representative told DOI that NYPD does not follow a specific schedule regarding text message retention, but "when there isn't a specific policy in place, unaddressed items are retained indefinitely."

DOI notes that the use of City-Hall-issued cell phones and email addresses by NYPD employees results in uncertainty concerning which retention schedule applies to the EPU's communications. Neither

[34] See NY City Charter § 1133; NY City Charter §§ 3000-3011. The New York State Archives' "Retention and Disposition Schedule for New York Local Government Records" sets forth the regulations that govern records retention in New York State. In it, DORIS is given the authority to promulgate the rules for the government of New York City.

retention schedule contains specific retention requirements for EPU communications.

Additionally, the use of communication channels that are not approved or supported by City information technology to communicate about official business also raises record-keeping concerns. Such unregulated use creates a risk that official records will not be retained and available for collection when needed. For example, the encrypted text messaging applications used by the EPU have a setting that, when enabled, automatically deletes sent and received messages. Even if not automatically deleted, these encrypted application messages are not maintained in a centralized City database and are inconvenient to forward to an official government account for proper retention. Furthermore, as noted above, DOI's text message review found numerous references to EPU members deleting text messages, message threads, and encrypted messaging applications – and, thus, all the communications conducted therein – from their City-Hall-issued cell phones. It appears that such deletion was, at a minimum, a regular shared practice among EPU members, if not an informal policy. Moreover, in approximately May 2019, the EPU stopped using a particular encrypted text messaging application because it was transitioning to a paid service. DOI was unable to determine whether, or how, the EPU communications stored in this application were retained or reviewed to determine that retention was unnecessary.

DOI reviewed training materials provided by City Hall that instruct employees not to use their personal phones and email accounts to conduct City business. These materials note that text and other messaging formats are subject to FOIL disclosure and must be retained according to the substance of the communication, regardless of format. However, this training is not provided to members of the Mayor's security detail, despite their use of City-Hall-issued phones, because they are not City Hall employees and are not supervised by anyone within City Hall. This is yet another example of the oversight gaps created by EPU's practices: NYPD has no control over the phones used by their employees for official business and City Hall takes no apparent measures to ensure the appropriate usage of these phones or the retention of records created by them. Moreover, City Hall's training does not provide guidance to employees as to how to ensure that official

communications sent via text or messaging applications are retained and made available for production when required.

d. Inspector Redmond's Cell Phone Communications and Obstructive Conduct

DOI requested Inspector Redmond's communications on December 20, 2019, and again on April 3, 2020. It is DOI's understanding that City Hall repeatedly requested that Inspector Redmond provide his City-Hall-issued cell phone to an attorney at City Hall for production to DOI, but that he did not comply. DOI was informed that City Hall counsel sought the assistance of NYPD and, on multiple occasions in May and June 2021, Inspector Redmond was requested by an attorney in NYPD's Legal Bureau to provide his City-Hall-issued cell phone to the City Hall attorney or to NYPD's Legal Bureau. Again, he did not comply. In July 2021, the DOI Commissioner personally had to ask senior leadership of NYPD to issue a direct order to Inspector Redmond to turn in his City-Hall-issued cell phone. Only then did Inspector Redmond comply.

As per the protocol described above on page 34, NYPD conducted the initial analysis of Redmond's City-Hall-issued cell phone. On July 23, 2021, DOI received a report and related records of Redmond's communications conducted on this phone. While DOI was able to review some limited data associated with Redmond's text message and encrypted text messaging application communications – such as date sent, message sender, and recipient(s) – the content of very few messages was available for review because they had been deleted from the phone. DOI's review of other EPU members' text messages showed that Inspector Redmond had exchanged thousands of text messages with, for example, the EPU sergeants, relating to EPU business on this City-Hall-issued cell phone.

After realizing the extent of the deletion of records on the City-Hall-issued phone, DOI requested (1) direct access to Redmond's City-Hall-issued cell phone to conduct its own analysis; and (2) access to Redmond's NYPD-issued cell phone.[35]

On July 27, 2021, DOI received Redmond's City-Hall-issued cell phone. DOI's analysis found that the phone was set to auto-delete text

[35] DOI's investigation found that Inspector Redmond extensively used both his City-Hall-issued and NYPD-issued cell phones to communicate with the EPU.

messages after 30 days. However, this setting would not account for the absence of any text messages from the prior month.

Around the same time, Inspector Redmond was directed by NYPD Legal Bureau personnel to provide his Department cell phone to the Legal Bureau. On August 3, 2021, the NYPD provided DOI with information extracted from Inspector Redmond's NYPD-issued cell phone. The analysis indicated that the phone Redmond had surrendered had only been placed into service and issued to Redmond on July 29, 2021. DOI then learned that, ***after*** being directed by an NYPD attorney to provide his Department-issued phone for production, Inspector Redmond instead turned his previous cell phone in to an NYPD IT office for an "upgrade." Redmond then surrendered this new and essentially unused device to the Legal Bureau for production to DOI, without informing the Legal Bureau that the device was new. After discovering that Redmond's prior device had been handed over by him to NYPD's IT personnel and then (unwittingly, by IT personnel) submitted for recycling and erasure, NYPD was able to recover Inspector Redmond's prior NYPD-issued cell phone from its technology recycling vendor. NYPD then provided DOI with the communications and other information from this prior phone on August 9 and August 11, 2021.

NYPD Legal Bureau personnel were aware of all of these facts and assured DOI that the matter would be investigated by the NYPD. DOI was subsequently informed that the matter would not be investigated further by the NYPD, nor would any disciplinary action be taken against Inspector Redmond, because NYPD had concluded that his conduct did not violate any NYPD policies. This conclusion was reached despite the knowledge that Inspector Redmond had deliberately sought to destroy official communications that he knew were sought in a DOI investigation and then misled the NYPD's own attorneys about his compliance with the demand for records.

DOI's review of Inspector Redmond's prior NYPD-issued cell phone communications found that the earliest substantive text message remaining therein was dated July 29, 2021, ***after*** Redmond was told he must surrender his NYPD phone for production to DOI and the date that he, instead, decided to turn the phone in for destruction under the guise of receiving an upgraded device. While some evidence remained of messages sent or received before July 29, 2021, the messages themselves

had all been deleted. DOI's review found that Redmond's NYPD cell phone, like his City-Hall-issued cell phone, was set to auto-delete text messages after 30 days. However, this setting should not have deleted messages sent and received between June 30 and July 29, 2021, and yet those messages were also not present on the phone.[36] Inspector Redmond's prior NYPD-issued cell phone also included a calendar appointment for Sunday, July 25, 2021 entitled "Meeting Gracie"; approximately three days before DOI interviewed the First Lady and then the Mayor at Gracie Mansion about the matters contained in this Report.

Inspector Redmond sought to obstruct this investigation by refusing to provide his City-Hall-issued phone for production, deliberately seeking to destroy his NYPD-issued phone after he was informed that he must surrender it for production to DOI, and deleting all communications from both phones before they could be provided to DOI. These actions are a continuation of his conduct during his sworn DOI interview, in which he demonstrated a lack of candor, repeatedly claimed he could not recall the facts around matters under his direct supervision, and gave multiple answers that were not credible in light of the objective evidence and the sworn statements of other witnesses.

e. Lack of Records Regarding Daily Movements

According to many EPU detectives interviewed in this investigation, they began using memo books and vehicle logbooks only in approximately September 2018, when a new captain joined the unit, and had not previously kept similar records. Regarding the memo books, the detectives interviewed stated that they typically only recorded two pieces of information: the time they clocked in, and the time they clocked out. Regarding the vehicle logbooks, the detectives explained that one logbook is kept in each vehicle, and it is used to track the user of the vehicle, the time of the usage, the mileage, and anything unusual found in the vehicle.

[36] Based on DOI's review of other EPU text message communications from previous months, Redmond's NYPD cell phone should have contained at least approximately one to two hundred text message exchanges with EPU sergeants, alone, during those thirty days, and likely would have contained additional text messages, for example, with other EPU personnel and mayoral staffers.

Detail members confirmed that they maintained no records concerning their daily activities, such as the stops, official or unofficial, actually made by the protectee throughout the day, or any duties they assumed beyond direct coverage for their assigned protectee. Detail members told DOI, and email records confirm, that the protectee's daily schedule is circulated to detail members before the start of each day. The schedule may be re-circulated with any subsequent changes. Detail members also use text messages to relay their movements in real time to one another and to their supervisors. However, DOI was only able to review the text message communications of a small sample of EPU members, and, as described above, due to the dispersal of communications between City-Hall-issued cell phones, NYPD-issued cell phones, and the sanctioned use of personal devices and encrypted text messaging applications, there is no system for appropriately preserving these records for official purposes, for litigation, for investigations, or for any other legitimate purpose. Moreover, even if they were being properly preserved, these communications (which sometimes, but not always, reference the location) do not constitute sufficient or complete records of the EPU's movements or activities for any of these purposes.

Conclusion and Recommendations

No reasonable person disputes that the Mayor of New York City should have security protection and that providing such protection, consistent with the City's ethics rules, is in the interest of the City. Likewise, where the spouse of the Mayor is performing public duties as First Lady (or, someday, First Gentleman), few would dispute that he or she is also entitled to appropriate security protection and that doing so serves an official purpose. However, because of the nature of protective work (to include both the inevitability of idle time and the intimacy of the relationship between detail and protectee over time), the provision of a standing security detail is potentially vulnerable to corruption and misuse of public resources. Appropriate policies and practices can guard against these risks.

As to the specific complaints and allegations that prompted this investigation, DOI's investigation revealed that the City has not been reimbursed by the de Blasio Campaign for the travel expenses of the security detail during the Mayor's presidential campaign, totaling over

$300,000. The investigation also found that, in addition to the appropriate use of EPU resources used in Chiara de Blasio's move to Gracie Mansion, such as transporting the First Lady to assist in the move, and transporting Chiara and her belongings to Gracie Mansion, additional NYPD resources were inappropriately utilized, including an NYPD sprinter van and at least one NYPD member who assisted in physically moving Chiara's belongings. DOI's investigation was unable to determine whether these NYPD resources assisted in the Move at Mayor de Blasio's instruction.

Additionally, DOI's investigation found misuse of the EPU and UOU in that non-protectees were regularly transported outside the presence of designated protectees. In several instances, such transportation occurred at the direct request of Mayor de Blasio. Many of these instances involved Dante de Blasio, who may or may not be entitled to security detail protection, but who has not had an assigned detail since approximately August 2015. DOI found that the NYPD does not appear to have followed any formal processes or procedures, nor created any written records, regarding Dante de Blasio's or Chiara de Blasio's eligibility for, and declination of, security detail protection. There is no written threat assessment or security analysis, no documentation regarding the de Blasio children's declination of their security details, and no written policies or procedures regarding any episodic or ad hoc use of NYPD resources following the dissolution of their standing details. As a result, irrespective of the Intelligence Bureau's unwritten assessment of their security needs, their use of security detail resources has, in practice, operated as a matter of personal preference and convenience, combined with availability of NYPD resources, divorced from any meaningful evaluation of their security needs or the threat associated with any particular situation or even broad categories of daily activities. NYPD transportation of other non-protectees outside the presence of designated protectees (*e.g.*, guests of the Mayor, official visitors to Gracie Mansion, or mayoral staff) also appears to have no security rationale whatsoever and is, instead, viewed merely as a resource that can be called upon as a "courtesy."

At the root of nearly all of these issues is the complete lack of any written policies or procedures at the NYPD for the operation of the mayoral security detail. Because it does not exist, neither the NYPD nor, as far

as DOI is aware, any other City entity provided the Mayor, his family, or his representatives with any guidance – written or otherwise – concerning the appropriate or inappropriate uses of the security detail. Furthermore, the NYPD does not appear to conduct formal or written security analyses or threat assessments for potential protectees, formally initiate or terminate security detail protection, or even properly train detail members to ensure against corruption vulnerabilities.

In the course of this investigation, DOI identified several vulnerabilities concerning the operation of Mayor de Blasio's security detail, particularly regarding official communications, compliance with record retention protocols, and a culture susceptible to abuse.

DOI is making a number of referrals to the appropriate authorities and also makes the following recommendations:

The New York City Police Department

1. The NYPD must collect and maintain the records regarding the travel expenses incurred by Mayor de Blasio's security detail during his Campaign, so as to facilitate reimbursement of those expenses.

2. The NYPD should consult with experts on official protection outside of the NYPD to develop and adopt improved practices for standing or long-term security details. DOI recommends that the NYPD take the following steps:

    a. Implement a formal process, including written records, for determining eligibility for standing or long-term security detail protection. This determination should not be made by the NYPD personnel serving on or directly supervising the details to ensure independence and remove incentives to recommend additional security resources.

    b. Implement a formal process, including written records, for declination of security detail protection

    c. Create a clear written policy regarding permitted use of detail resources and personnel. Convey that policy to all

current protectees, and create a standardized procedure for conveying that policy to future protectees.

d. Require and provide high-quality executive protection training to personnel assigned to the Executive Protection Unit. Such training should ideally be provided by experts outside the NYPD who have experience with best practices in establishing clear boundaries and navigating the challenges inherent to the detail-protectee relationship, in addition to effective techniques for protection.[37]

e. Maintain appropriate records establishing location and time of each stop when detail resources/personnel are in use, such as detailed memo books and car logs, as well as any other duties undertaken by EPU members.

f. Establish an automatic rotation system of two to three years' service for all NYPD members assigned to the EPU.

3. The NYPD should create a policy concerning out-of-state travel records at the NYPD. Travel records should specify the purpose of the travel, especially for trips that require any reimbursements to the City.

The Office of the Mayor

1. The Office of the Mayor should not issue electronic devices, including cell phones, to members of the EPU.

2. The Office of the Mayor should not assign City Hall email addresses to EPU members.

[37] During the course of its investigation, DOI requested information from the NYPD about the professional trainings offered to members of the EPU and UOU. The NYPD responded that its Intelligence Bureau offers a two-day "dignitary protection training course," and that this training "is currently the only required training" for members of the EPU. The NYPD's response listed just 15 EPU members, including only two of the EPU's three sergeants, who have received this training since January 1, 2013. The majority received the training in 2013 or 2014. It does not appear that EPU members have received any additional professional training since that time. The NYPD's response also named 24 UOU members who have received this training since January 1, 2013, including several trained in 2018 and 2019, and two trained in 2021.

3. Trainings on document retention obligations should be delivered to all individuals who regularly use electronic devices and emails issued by the Office of the Mayor, whether or not they are formally employed by Office of the Mayor.

4. The Office of the Mayor should develop and provide trainings regarding use and retention of text messages to any City employee to whom it issues City Hall cell phones.

5. The Office of the Mayor should amend its internal policies and compliance trainings to specifically address retention obligations with respect to messaging applications, such as Signal and WhatsApp.

6. All individuals who regularly use electronic devices issued by the Office of the Mayor should be instructed, to the extent they use messaging applications to communicate about City business, that:

    a. Accounts regularly used to communicate about City business should have auto-delete functions turned off; furthermore, users should never delete messages relating to City business and should, at a minimum, retain messages within the application.

    b. Messages sent to or from other accounts that do concern City business should not be deleted. Insofar as these messages are sent to or from a personal account with auto-delete settings enabled, it is the user's responsibility to ensure that messages are retained – through an export function, screenshot, or other mechanism. To the extent this is impracticable, the user must use an alternate method of communicating about City business.

    c. Users should not delete messaging applications from their City-issued devices without taking practicable steps to retain the communications therein concerning City business.

7. The Office of the Mayor should notify all relevant City agencies, including the EPU, when mayoral staffers with whom they regularly interact and communicate, take leaves of absence from their City positions to work on a political campaign of any kind.

The Conflicts of Interest Board

1. The Conflicts of Interest Board should publicly release as guidance any advice issued to elected officials regarding the use of City resources in connection with political activities.

2. If the Board's advice or guidance provides for the reimbursement of expenses to the City, it should specify, at a minimum, a timeline for such reimbursements to the City and the parties responsible for reimbursement.

New York City Department of Records and Information Services

1. DORIS should issue an updated retention schedule to include rules governing text messages, messaging applications, and any communications not conducted via official government accounts nor retained on government servers.