



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 11

JUNE 28, 1990

Deputy Commissioner of Investigation
for the City School District of the City
of New York

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Statement of Purpose. In its report on the Office of the Inspector General of the New York City Board of Education, dated March 15, 1990, the Joint Commission on Integrity in the Public Schools established by the Mayor, the Board of Education, and the Chancellor, found that the Office of the Inspector General must be independent of those whom it is called upon to investigate. This Executive Order requires the Commissioner of Investigation to appoint a Deputy Commissioner of Investigation for the City School District of the City of New York ("Deputy Commissioner"), who will be independent from the Board of Education, and will be responsible for the investigation of corruption, conflicts of interest, unethical conduct and other misconduct within the school district of the City of New York. The appointment of this Deputy Commissioner, and the

cooperation of the Board of Education and the Chancellor, represent an important step in the fight against crime and corruption in the City school system and will help restore public confidence in that system.

Section 2. Appointment and Removal of Deputy Commissioner. The Commissioner of Investigation shall appoint a Deputy Commissioner of Investigation for the City School District of the City of New York. The Deputy Commissioner shall be a member of the bar of the state of New York in good standing and shall have had at least five years of law enforcement experience. The Commissioner of Investigation may remove the Deputy Commissioner upon filing in the office of the City Personnel Director, the Board of Education, and the Office of the Chancellor, and serving upon the Deputy Commissioner the reasons therefor and allowing such officer an opportunity of making a public explanation.

Section 3. Powers and Duties. (a) The Deputy Commissioner shall receive and investigate complaints from any source or upon his own initiative or at the direction of the Commissioner of Investigation regarding alleged acts of corruption or other criminal activity, conflicts of interest, unethical conduct, and misconduct within the City School District of the City of New York, including the Board of Education, the Office of the Chancellor and the Community School Boards. The Deputy Commissioner may refer such matters involving unethical conduct or misconduct as he or she deems appropriate to the Board of Education, the Chancellor, a Community School Board, or Community Superintendent, as appropriate, for

investigation, disciplinary or other appropriate action. The Deputy Commissioner shall also be authorized to make any other investigation and issue such reports regarding corruption or other criminal activity, unethical conduct, conflicts of interest, and misconduct, that he or she deems to be in the best interest of the school district.

(b) The Deputy Commissioner shall exercise the powers conferred on a Deputy Commissioner of Investigation by Chapter 34 of the City Charter, including but not limited to the power to compel the attendance of witnesses.

(c) The Deputy Commissioner shall have full and unrestricted access to examine, copy or remove any records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence and any other materials of the City School District of the City of New York, including the Board of Education, the Chancellor, the Community School Boards, Community Superintendents and any other officer or employee of the school district, and any agency of the City, except those documents or other records which cannot be so disclosed according to law.

(d) The Deputy Commissioner shall recommend such remedial action as he or she deems necessary, and monitor the implementation by the City School District of recommendations made by him or her.

(e) The Deputy Commissioner shall, at the conclusion of any investigation that results in a written report or statement of findings, provide a copy of the report or statement to the

Commissioner of Investigation, . . Chancellor, and the Board of Education.

(f) The Deputy Commissioner shall make an annual report of his or her findings and recommendations to the Commissioner of Investigation, the Board of Education and the Chancellor. The annual report shall include a summary of the steps taken by the Board of Education, Chancellor, Community School Boards, and Community Superintendents to implement prior Deputy Commissioner recommendations.

(g) The Deputy Commissioner shall make available to appropriate law enforcement officials information and evidence which relate to criminal acts that he or she may obtain in carrying out his or her duties.

Section 4. Cooperation with the Deputy Commissioner of Investigation for the City School District. (a) The Department of Investigation shall provide whatever assistance the Commissioner of Investigation deems necessary and appropriate to enable the Deputy Commissioner to carry out his or her responsibilities.

(b) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the School District of the City of New York, and all other heads of department or agencies of the City shall insure the full cooperation of all persons employed or supervised by them with investigations or inquiries conducted by the Deputy Commissioner.

(c) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the School District of the City of New York shall make available to the Deputy Commissioner such facilities, services, personnel and other assistance as may be necessary for the conduct of his or her investigations.

(d) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the City School District of the City of New York and all other departments or agencies of the City shall provide to the Deputy Commissioner upon request any and all documents, records, reports, files or other information, except such documents as cannot be so disclosed according to law. To insure full availability of such records and documents to the Deputy Commissioner, the Board of Education, the Chancellor, all Community School Boards and Community Superintendents and all other City departments and agencies shall make and retain copies of any documents, records or files provided to state or federal prosecutors, or other investigative bodies, pursuant to subpoena or otherwise.

(e) Every officer or employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, members of all Community School Boards and Community Superintendents shall cooperate fully with the Deputy Commissioner. Interference with or obstruction of the Deputy Commissioner's investigations or other functions shall constitute cause for removal from office or employment, or other appropriate penalty.

(f) Every officer and employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, all Community School Boards and Community Superintendents, and all other officers and employees of the City shall have the affirmative obligation to report, directly and without undue delay, to the Deputy Commissioner, any and all information concerning conduct which they know or should reasonably know may involve corrupt or other criminal activity or conflict of interest (i) by an officer or employee of the City School District, which concerns his or her office or employment, or (ii) by persons dealing with the City School District, which concerns their dealing with the school district, and shall proceed in accordance with the Deputy Commissioner's directions. The knowing failure of any officer or employee to so report shall constitute cause for removal from office or other appropriate penalty.

(g) The obligation to report information regarding corruption, criminal activity or conflict of interest to the Deputy Commissioner shall be in addition to the reporting obligations imposed on City officers and employees to report such information to the Department of Investigation, pursuant to Executive Order No. 105, dated December 20, 1986.

Section 5. Budget. The salaries and expenses of the Deputy Commissioner and his or her staff shall be borne by the Board of Education, within a budgetary allocation to be mutually agreed upon by the Board of Education and the City, provided however, that such budgetary allocation shall be adequate to ensure

the effective and independent performance of the duties and responsibilities of the Deputy Commissioner.

Section 6. Construction with Other Laws. Nothing in this Order shall be construed to limit the power and duties of any agency under the City Charter or as otherwise provided by law.

Section 7. Effective Date. This order shall take effect immediately.



DAVID N. DINKINS