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Executive Director's Monthly Report

November 2022

(Statistics for October 2022)

Contents

Executive Summary

The Civilian Complaint Review Board ("CCRB") is an independent municipal Agency that investigates complaints of NYPD misconduct. Every month, the CCRB prepares an Executive Director report for its public meeting. Data for October 2022 included the following highlights:

1) Of the cases in the CCRB active investigations docket, 41% have been open for 4 months or fewer, and 58% have been open for 7 months or fewer (page 10). In October, the CCRB opened 321 new cases (page 4), and currently has a total open docket of 3,331 cases (page 11).

2) The CCRB substantiated allegations in 43% of its fully investigated cases (page 17).

3) The CCRB fully investigated 43% of the cases it closed in October (page 14) and resolved (fully investigated, mediated or attempted mediation) 47% of the cases it closed (page 18). The Agency closed 40% of the cases as unable to investigate/withdrawn (page 14).

4) For October, investigations using video evidence resulted in substantiated allegations in 44% of cases - compared to 38% of cases in which video was not available (page 22-23).

5) The Monthly Report includes a breakdown of complaints and substantiations by NYPD precinct and borough of occurrence (pages 5-6, 26-29).

6) In October the Police Commissioner finalized 6 decision(s) against police officers in Administrative Prosecution Unit (APU) cases; 2 were guilty verdicts won by the APU (page 35). The CCRB's APU prosecutes the most serious allegations of misconduct. The APU conducted 18 trials against members of the NYPD year-to-date; 2 trials were conducted against respondent officers in October.

The CCRB is committed to producing monthly reports that are valuable to the public, and welcomes feedback on how to make its data more accessible.

Glossary

In this glossary we have included a list of terms that regularly appear in our reports.

Allegation: An allegation is a specific act of misconduct. The same "complaint" can have multiple allegations – excessive force and discourteous language, for example. Each allegation is reviewed separately during an investigation.

APU: The Administrative Prosecution Unit is the division of the CCRB that has prosecuted "charges" cases since April 2013, after the signing of a 2012 Memorandum of Understanding between the CCRB and NYPD.

Board Panel: The "Board" of the CCRB has 15 members. Following a completed investigation by the CCRB staff, three Board members, sitting as a Board Panel, will make a finding on whether misconduct occurred and will make a recommendation on what level of penalty should follow.

Case/Complaint: For the purposes of CCRB data, a "case" or "complaint" is defined as any incident within the Agency's jurisdiction, brought to resolution by the CCRB.

Disposition: The Board's finding as to the outcome of a case (i.e. if misconduct occurred).

FADO: Under the City Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: Force, Abuse of Authority, Discourtesy, and Offensive Language, collectively known as "FADO".

Intake: CCRB's intake team initially handles complaints from the public. Intake takes complaints that come via live phone calls, voicemails, an online complaint form, or in-person.

Investigation: CCRB investigators gather evidence and interview witnesses to prepare reports on misconduct allegations. An investigation ends when a closing report is prepared detailing the evidence and legal analysis, and the case is given to the Board for disposition.

Mediation: A complainant may mediate his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator.

Unable to Investigate / Withdrawn: When the CCRB is unable to obtain a sworn statement from the complainant/alleged victim, the case is closed as unable to investigate. When the complainant/alleged victim asks that their complaint be withdrawn, the case is closed as withdrawn.

Closed Pending Litigation: Sometimes when a complainant is involved in criminal or civil litigation, their attorney advises against making sworn statements until the conclusion of the court case. When a complainant declines to cooperate with an investigation on the advice of their attorney, the complaint disposition is "Closed Pending Litigation."

Complaints Received

The CCRB's Intake team processes misconduct complaints from the public and referrals from the NYPD. Under the New York City Charter, the CCRB's jurisdiction is limited to allegations of misconduct related to Force, Abuse of Authority, Discourtesy and Offensive Language. All other complaints are referred to the appropriate agency. Figure 1 refers to all complaints that the CCRB receives and Figures 2 and 3 refer to new cases that remain with the Agency. In October 2022, the CCRB initiated 321 new complaints.

Figure 1: Total Intake by Month (January 2021 - October 2022)

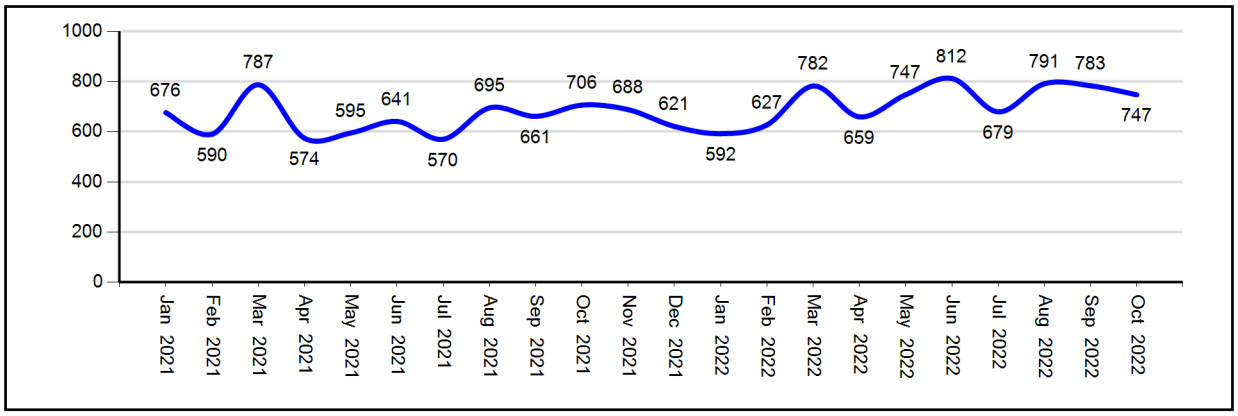


Figure 2: New CCRB Complaints by Month (January 2021 - October 2022)

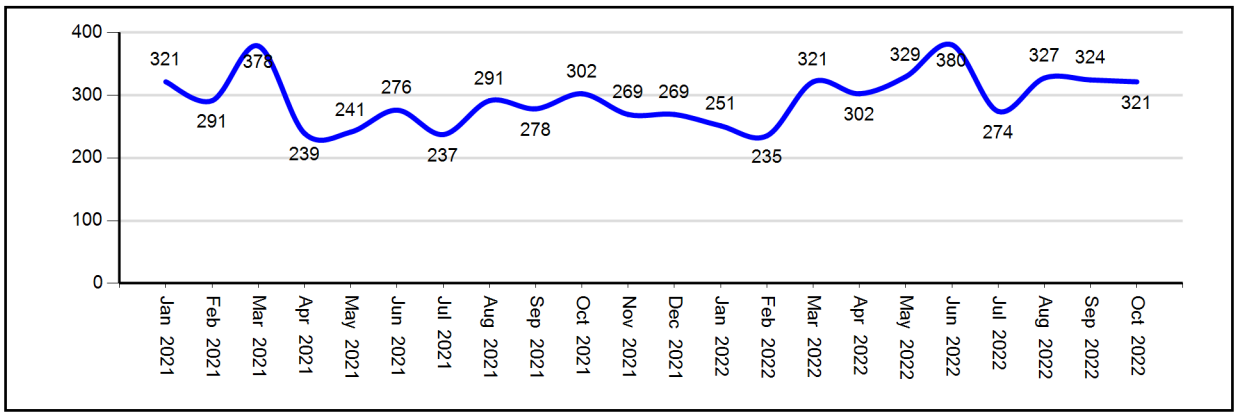
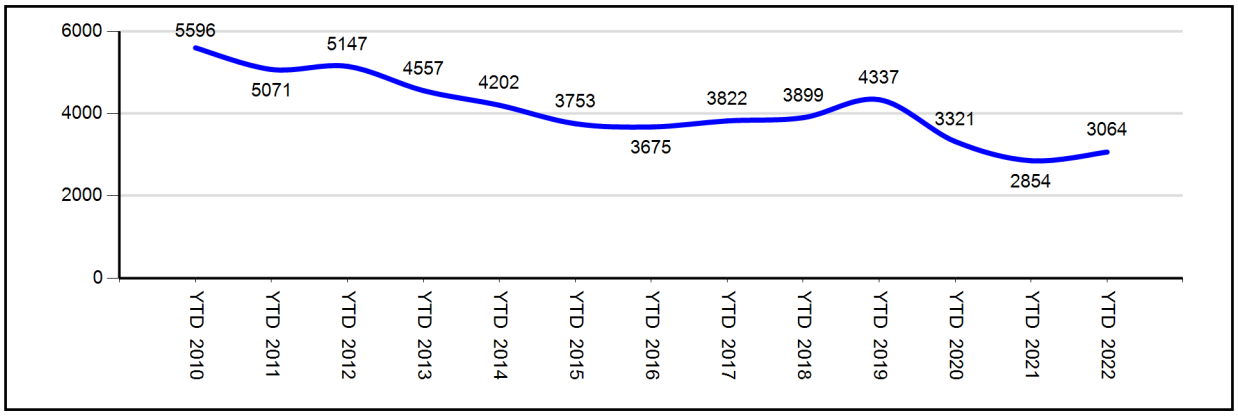


Figure 3: New CCRB Complaints by Year (YTD 2010 - YTD 2022)



CCRB Cases Received by Borough and Precinct

Of the five boroughs, the largest number of misconduct complaints stemmed from incidents occurring in Brooklyn, followed by Manhattan. The 75th Precinct had the highest number at 12 incidents.

Figure 4: CCRB Complaints Received By Borough of Occurrence (October 2022)

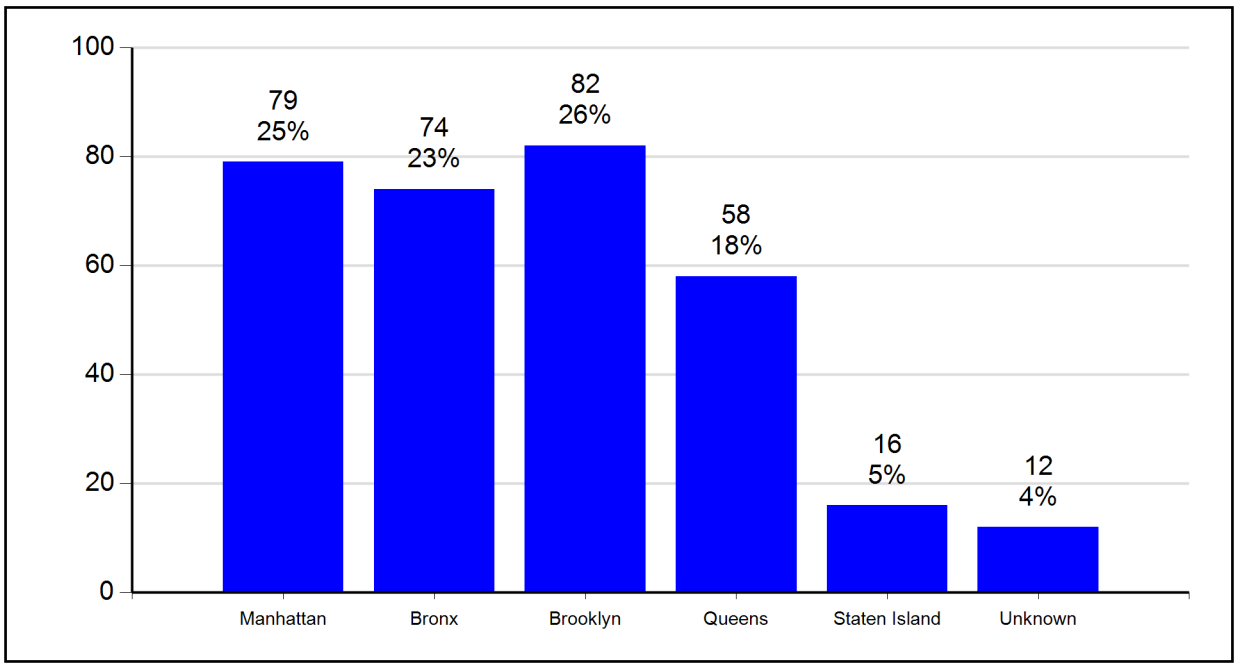


Figure 5: CCRB Complaints Received By Borough of Occurrence (YTD 2022)

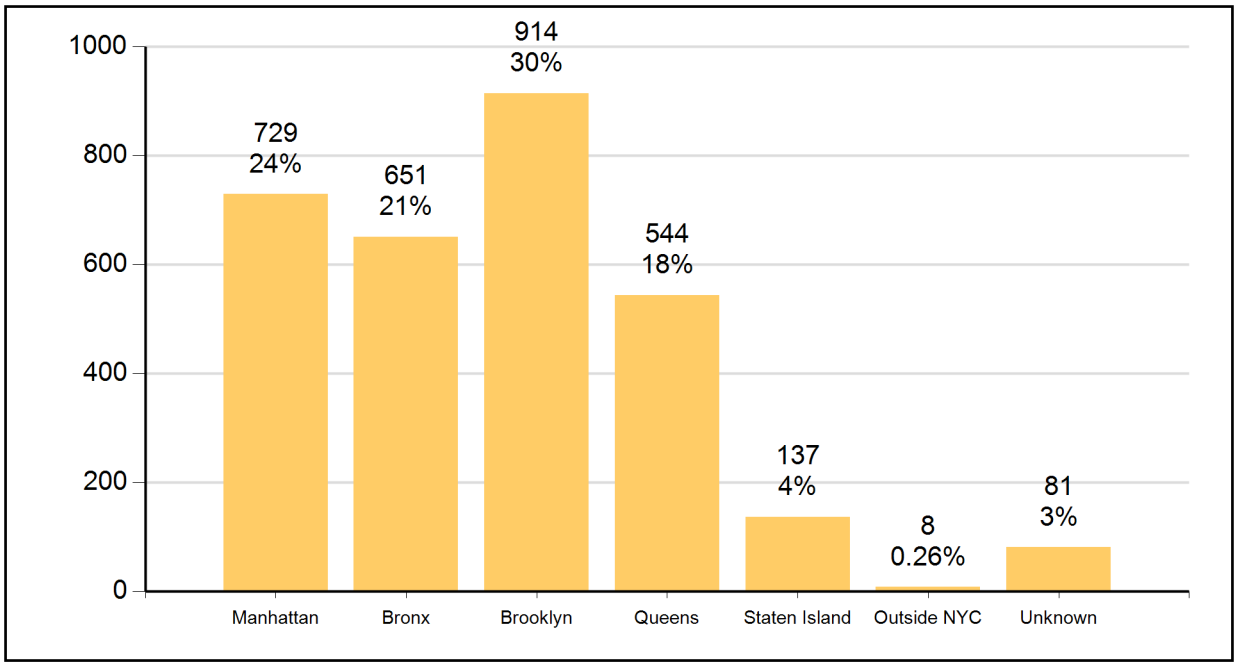


Figure 6: CCRB Complaints Received By Precinct of Occurrence (October 2022)

NYPD Precinct of Occurrence*	Number of Complaints
0	3
1	1
5	5
6	1
7	6
9	6
10	2
13	2
14	8
18	6
19	5
20	2
22	1
23	7
24	1
25	3
28	6
30	2
32	5
33	5
34	1
40	7
41	3
42	11
43	8
44	5
45	5
46	9
47	4
48	5
49	7
50	2
52	6
60	6
61	1
62	3
63	1

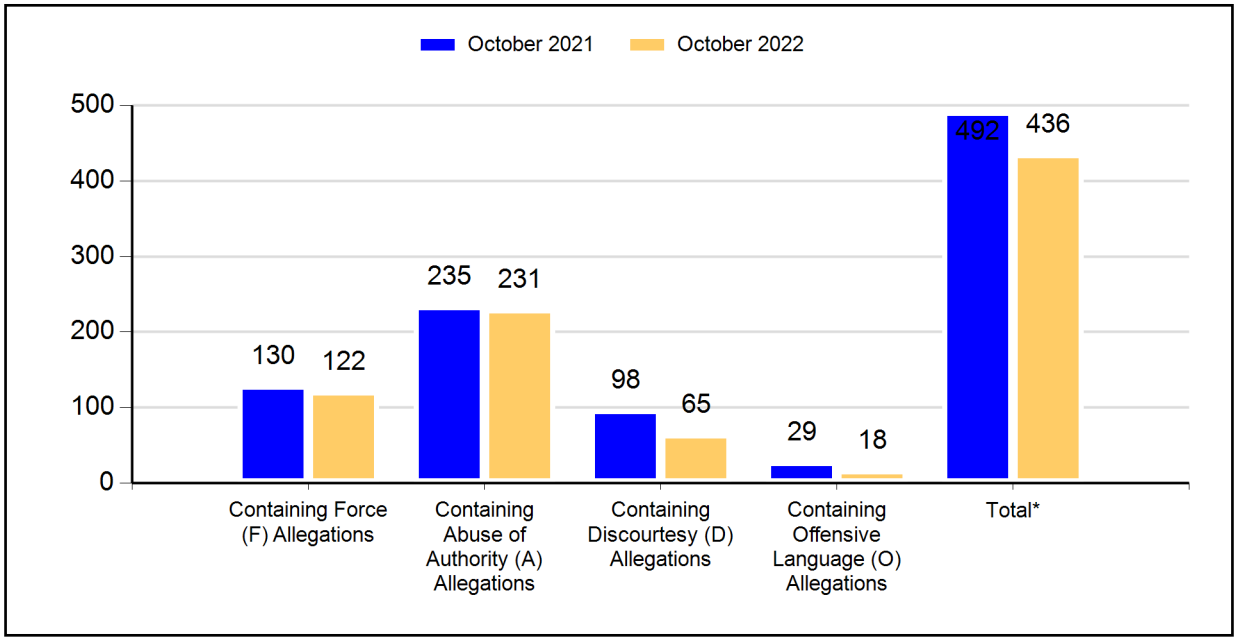
NYPD Precinct of Occurrence*	Number of Complaints
67	6
68	3
69	1
70	3
71	4
72	6
73	7
75	12
77	4
78	2
79	7
81	1
83	8
84	3
88	1
90	3
100	2
101	6
102	2
103	7
104	4
105	3
106	5
107	4
108	2
110	3
112	6
113	2
114	8
115	3
120	5
121	4
122	4
123	3
Unknown	16

*These figures track where an incident occurred, not necessarily the Command of the officer.

Allegations Received

As described in the previous section, the CCRB has jurisdiction over four categories of NYPD misconduct. In comparing October 2021 to October 2022, the number of complaints containing an allegation of Force is down, Abuse of Authority complaints are down, Discourtesy are down and Offensive Language are down. Figures for the year-to-date comparison show that in 2022, complaints containing an allegation of Force are up, Abuse of Authority are up, Discourtesy are down and Offensive Language are down.

Figure 7: CCRB Complaints Received By Type of Allegation (October 2021 vs. October 2022)



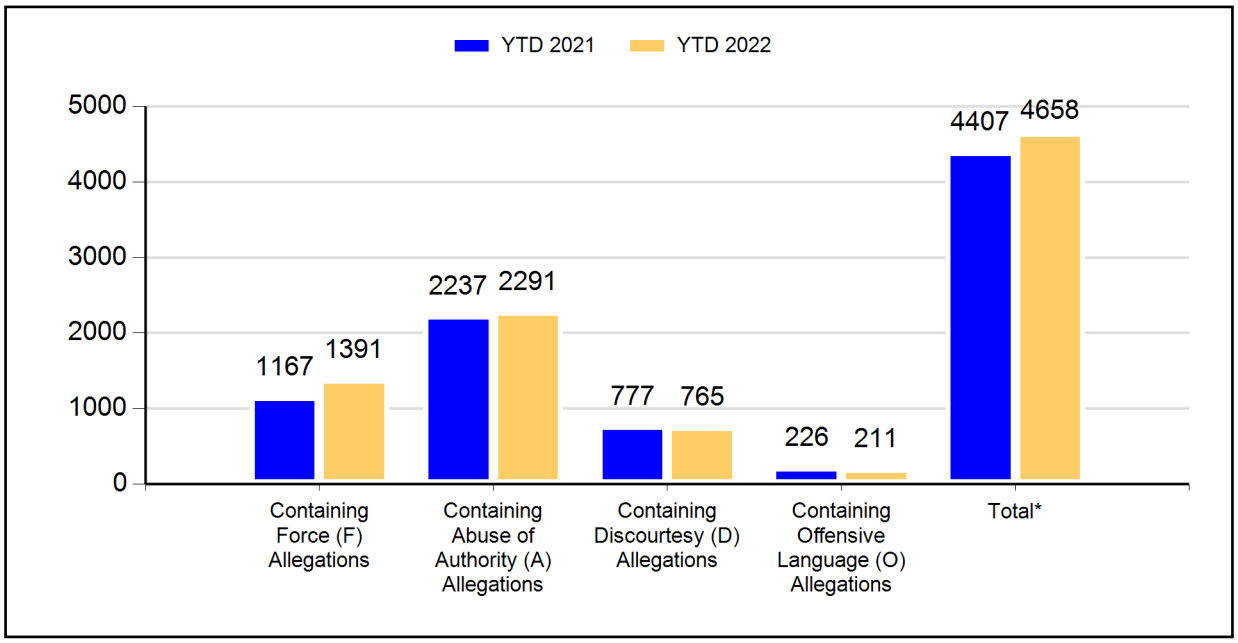
*This is the total of distinct FADO allegation types in complaints received.

Figure 8: CCRB Complaints Received By Type of Allegation (% of Complaints)

	October 2021		October 2022			
	Count	% of Total Complaints	Count	% of Total Complaints	Change	% Change
Force (F)	130	43%	122	38%	-8	-6%
Abuse of Authority (A)	235	78%	231	72%	-4	-2%
Discourtesy (D)	98	32%	65	20%	-33	-34%
Offensive Language (O)	29	10%	18	6%	-11	-38%
Total FADO Allegations	492		436		-56	-11%
Total Complaints	302		321		19	6%

Note: the number of allegations in recently received complaints typically grows somewhat as the complaints are investigated.

Figure 9: CCRB Complaints Received By Type of Allegation (YTD 2021 vs. YTD 2022)



*This is the total of distinct FADO allegation types in complaints received.

Figure 10: CCRB Complaints Received By Type of Allegation YTD (% of Complaints)

	YTD 2021		YTD 2022			
	Count	% of Total Complaints	Count	% of Total Complaints	Change	% Change
Force (F)	1167	41%	1391	45%	224	19%
Abuse of Authority (A)	2237	78%	2291	75%	54	2%
Discourtesy (D)	777	27%	765	25%	-12	-2%
Offensive Language (O)	226	8%	211	7%	-15	-7%
Total FADO Allegations	4407		4658		251	6%
Total Complaints	2854		3064		210	7%

Note: the number of allegations in recently received complaints typically grows somewhat as the complaints are investigated.

Figure 11: Total Allegations (% of Total Allegations)

	October 2021		October 2022			
	Count	% of Total Allegations	Count	% of Total Allegations	Change	% Change
Force (F)	347	25%	233	27%	-114	-33%
Abuse of Authority (A)	824	59%	535	61%	-289	-35%
Discourtesy (D)	181	13%	83	9%	-98	-54%
Offensive Language (O)	37	3%	25	3%	-12	-32%
Total Allegations	1389		876		-513	-37%
Total Complaints	302		321		19	6%

Figure 12: Total Allegations YTD (% of Total Allegations)

	YTD 2021		YTD 2022			
	Count	% of Total Allegations	Count	% of Total Allegations	Change	% Change
Force (F)	2963	25%	3246	28%	283	10%
Abuse of Authority (A)	7532	62%	6985	60%	-547	-7%
Discourtesy (D)	1250	10%	1145	10%	-105	-8%
Offensive Language (O)	310	3%	274	2%	-36	-12%
Total Allegations	12055		11650		-405	-3%
Total Complaints	2854		3064		210	7%

The number of allegations in recently received complaints typically grows as the complaints are investigated.

CCRB Docket

As of the end of October 2022, 41% of active CCRB cases are fewer than five months old, and 58% active cases have been open for fewer than eight months.

Figure 13: Age of Active Cases Based on Received Date (October 2022)

Case Age Group	Count	% of Total
Cases 0-4 Months	1338	40.6%
Cases 5-7 Months	560	17.0%
Cases 8-11 Months	581	17.6%
Cases 12-18 Months*	732	22.2%
Cases Over 18 Months**	84	2.5%
Total	**3295**	**100%**

*12-18 Months: 7 cases that were reopened; 1 case that was on DA Hold.
**Over18 Months: 5 cases that were reopened; 4 cases that were on DA Hold.

Figure 14: Age of Active Cases Based on Incident Date (October 2022)

	Count	% of Total
Cases 0-4 Months	1193	36.2%
Cases 5-7 Months	552	16.8%
Cases 8-11 Months	599	18.2%
Cases 12-18 Months*	816	24.8%
Cases Over 18 Months**	135	4.1%
Total	**3295**	**100%**

*12-18 Months: 8 cases that were reopened; 1 case that was on DA Hold.
**Over18 Months: 6 cases that were reopened; 5 cases that were on DA Hold.

An active case is here defined as an investigation; cases in mediation are excluded.

Figure 15: Number of Active Investigations (January 2021 - October 2022)

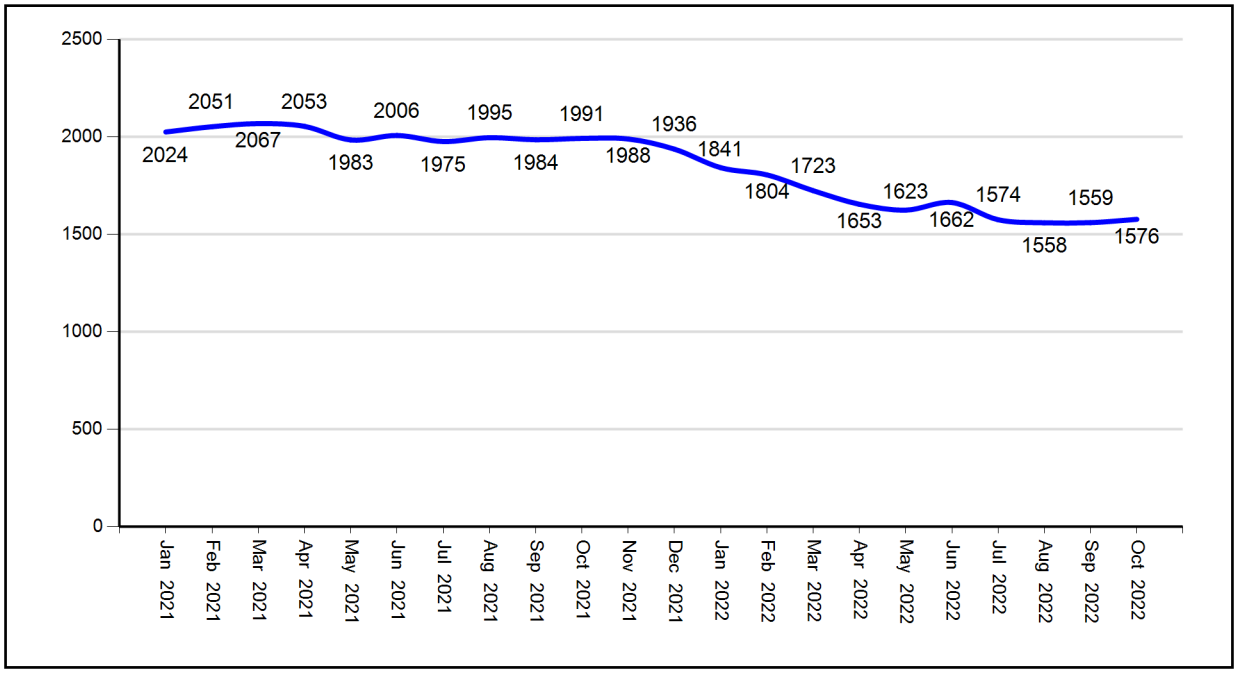


Figure 16: Open Docket Analysis

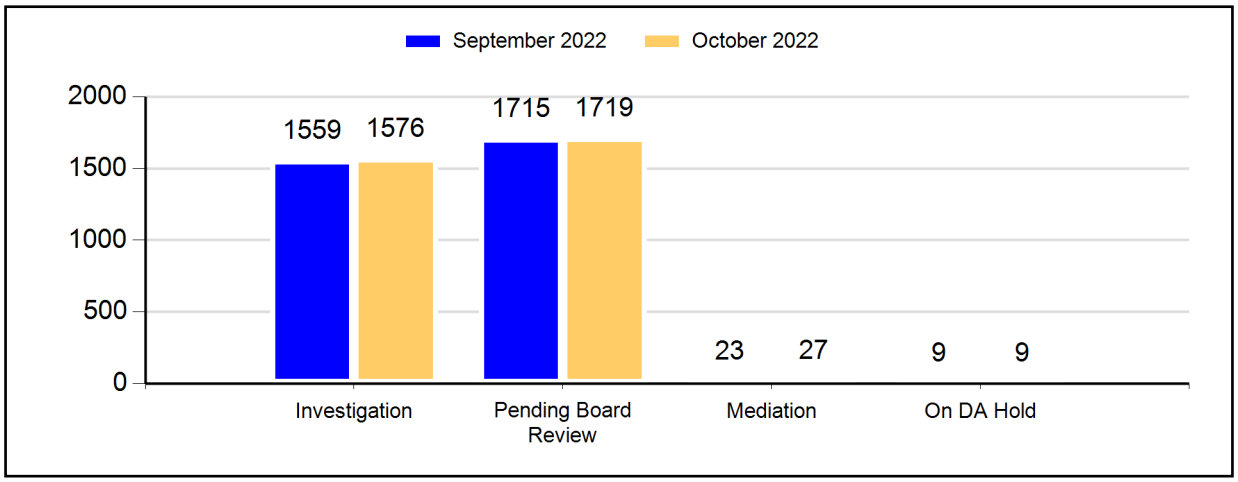


Figure 17: Open Docket Analysis with % Change

	September 2022		October 2022			
	Count	% of Total	Count	% of Total	Change	% Change
Investigations	1559	47%	1576	47%	17	1%
Pending Board Review	1715	52%	1719	52%	4	0%
Mediation	23	1%	27	1%	4	17%
On DA Hold	9	0%	9	0%	0	0%
Total	3306		3331		25	1%

Body Worn Camera Footage Requests

Since the widespread roll out of body worn cameras in 2018, the collection of footage from these cameras has become an integral part of CCRB investigations.

The timeliness of the response to BWC footage requests has a direct impact on the length of time it takes to complete an investigation. The longer it takes to fulfill BWC requests, the longer CCRB investigations remain on the open docket.

Figure 18: Average Days To Recieve Positive Return on BWC Requests (January 2021 - October 2022)

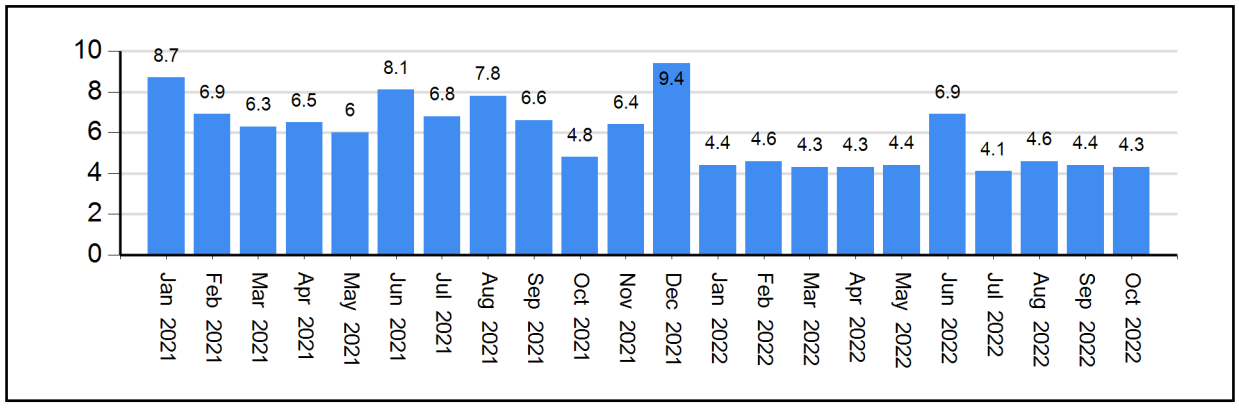


Figure 19: Pending Requests for BWC Footage

Days Pending	BWC Requests	% of Total
00 <= Days < 30	61	56.5%
30 <= Days < 60	9	8.3%
60 <= Days < 90	8	7.4%
90 >= Days	30	27.8%
Total	**108**	**100%**

Figure 20: Percentage of Open Investigations Docket with Pending BWC Requests (January 2021 - October 2022)

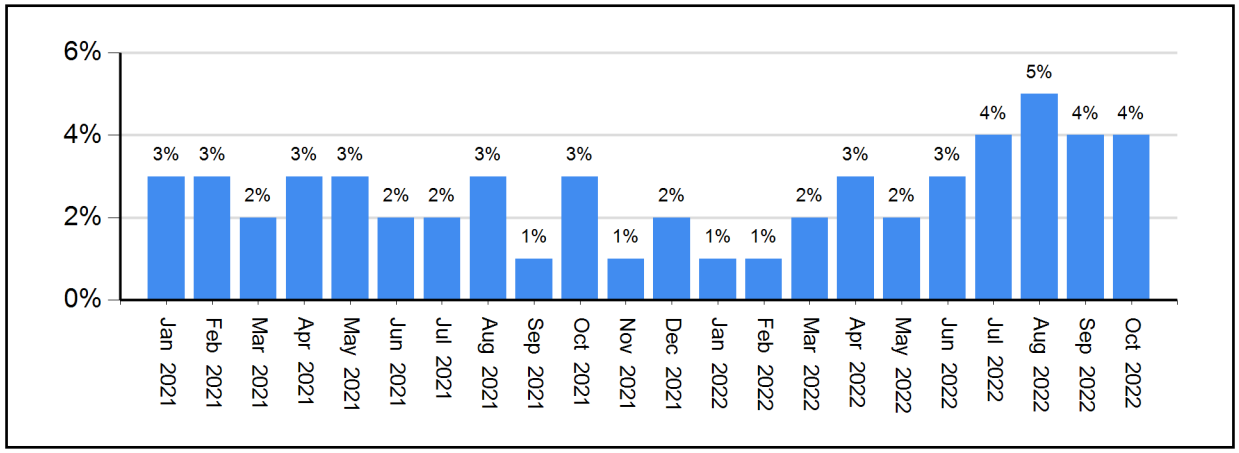
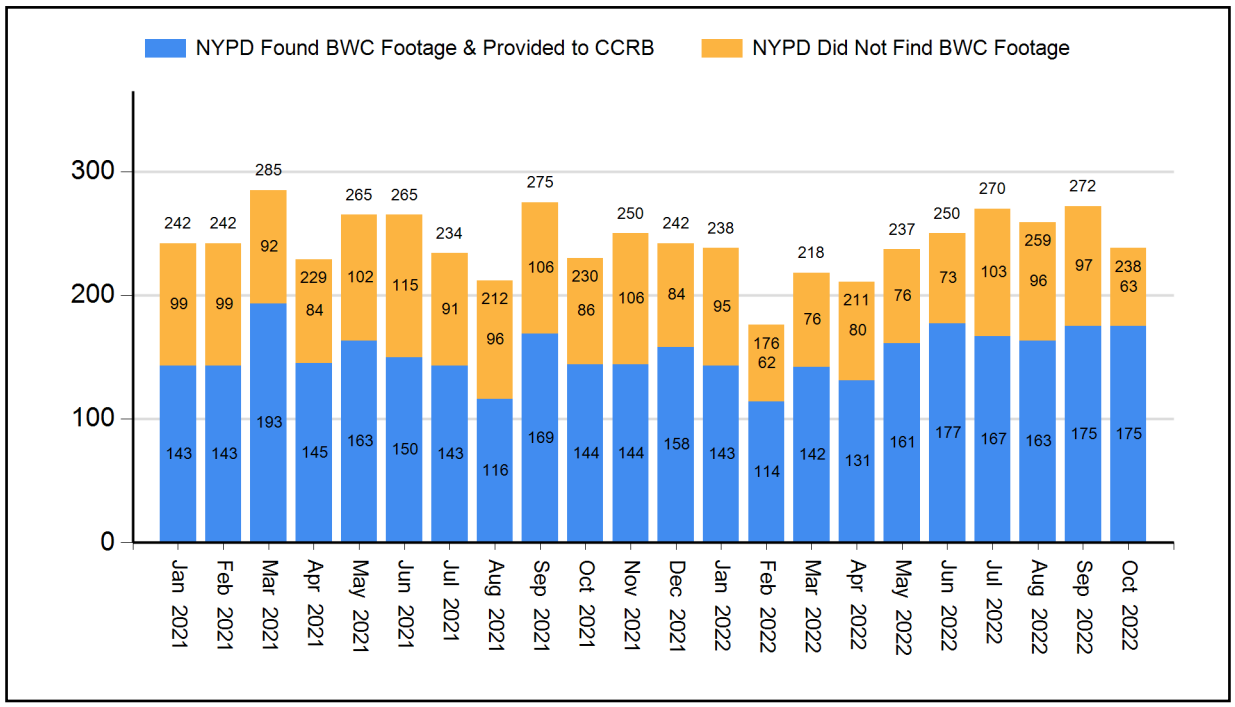


Figure 21: Fulfilled BWC Requests
(January 2021 - October 2022)

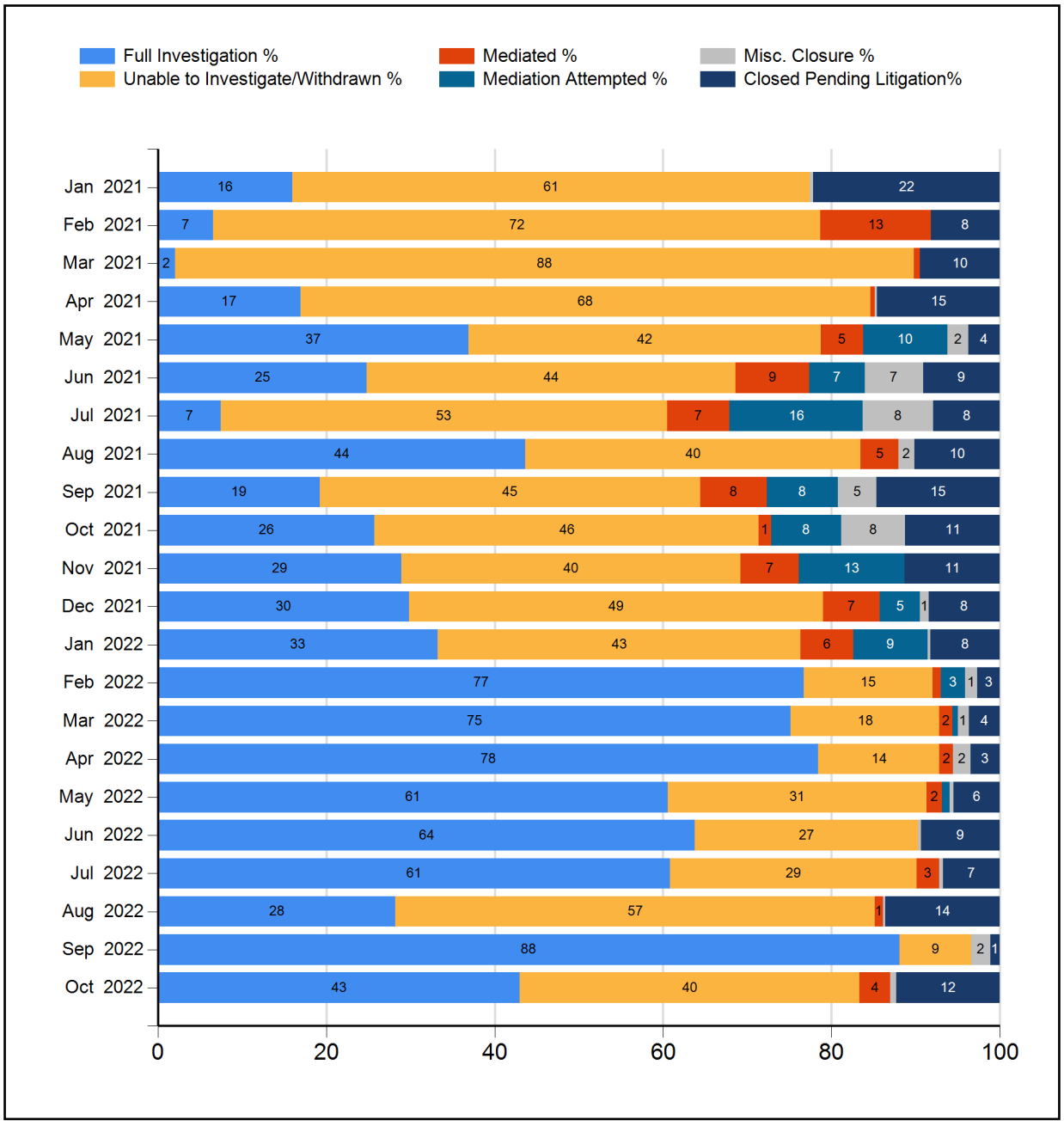


Closed Cases

Resolving Cases

In October 2022, the CCRB fully investigated 43% of the cases it closed, and resolved (fully investigated, mediated or mediation attempted) 47% of the cases it closed.

Figure 22: Case Resolutions (January 2021 - October 2022) (%)



Dispositions

Cases fully investigated by the CCRB generally receive one of five outcomes:

- If the alleged misconduct is found to have occurred, based on the preponderance of the evidence, the allegation is closed as **substantiated**.
- If there is not enough evidence to determine whether or not the alleged misconduct occurred, the allegation is closed as **unable to determine**.*
- If the preponderance of the evidence suggests that the event or alleged act did not occur, the allegation is closed as **unfounded**.
- If the event did occur, but was not improper by a preponderance of evidence, the allegation is closed as **within NYPD guidelines**.**
- If the CCRB was unable to identify any of the officers accused of misconduct, the case is closed as **officer unidentified**.

Additionally, a case might be **mediated**, with the subject officer and complainant discussing the incident in the presence of a neutral third-party moderator, or closed as **mediation attempted**, the designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice for the scheduled mediation session or fails to respond to attempts to schedule a mediation session. Finally, a case that cannot be fully investigated because the CCRB was unable to obtain a sworn statement from the complainant/victim is closed as **unable to investigate**.

Case Abstracts

The following case abstracts are taken from complaints closed this month and serve as examples of what the different CCRB dispositions mean in practice:

1. Substantiated

An individual was driving his moped when officers tried to pull him over. He kept on driving and as he turned onto a street, he lost control of the moped and crashed. The subject officer was in an unmarked police vehicle following the individual hit both the moped and the individual with his vehicle with enough force that the moped slid several feet away while making a loud sound. When interviewed about the incident, the subject officer said that he did not make physical contact with either the individual or his moped. Eyewitness video captured the individual and moped on the ground and the subject officer accelerating and hitting both the moped and the individual. When showed the video the subject officer acknowledged that he struck the individual and his moped with his vehicle but insisted he had no recollection of the incident even though the interview was a few months after the incident. The Board substantiated the Use of Force and Untruthful Statement allegations.

2. Unable to Determine

An individual called the police to report that a package was stolen from her home. The subject officer and another officer responded to the individual home a few days later. They spoke with the individual outside her home. The officers received an emergency call and told the individual that they had to go. The subject officer told the individual that a report would be generated for her incident and the individual asked if she could get a reference number for the report. She asked the officers for their name and shield numbers for her records. One of them provided the information and the subject officer did not. His body was turned away from the individual's doorway so she couldn't see his name or shield. The officers then left to respond to the emergency call. The subject officer's partner stated that the individual never asked for the subject officer's name and shield number. Because both the individual and the witness officer statements are in conflict, as well as a lack of other independent evidence, the investigation was unable to determine if the subject officer refused to provide his name and shield number to the individual. The Board closed the Abuse of Authority allegations as Unable to Determine.

3. Unfounded
An individual waved down officers after she had detained an unidentified female individual that she believed had scammed her. The individual was shouting in her native language and couldn't communicate with the officers about why she had detained the individual. The individual alleged that the subject officers did not offer her language interpretation throughout the incident. The incident was captured on BWC. The subject officers immediately identified that they could not converse with the individual as they separated her from the unidentified female individual which caused the individual to become upset. They spoke to the individual in two different languages, and it was not successful because the individual spoke a different dialect. The individual's friend arrived at the scene, and they spoke to him and also called the NYPD language line to get an interpreter. The interpreter answered and was able to successfully bridge the communication gap by speaking with both the individual and her friend and relaying information between them and the subject officers. The investigation determined that the subject officers got language assistance to assist the individual. The Board closed the Abuse of Authority allegation as Unfounded.

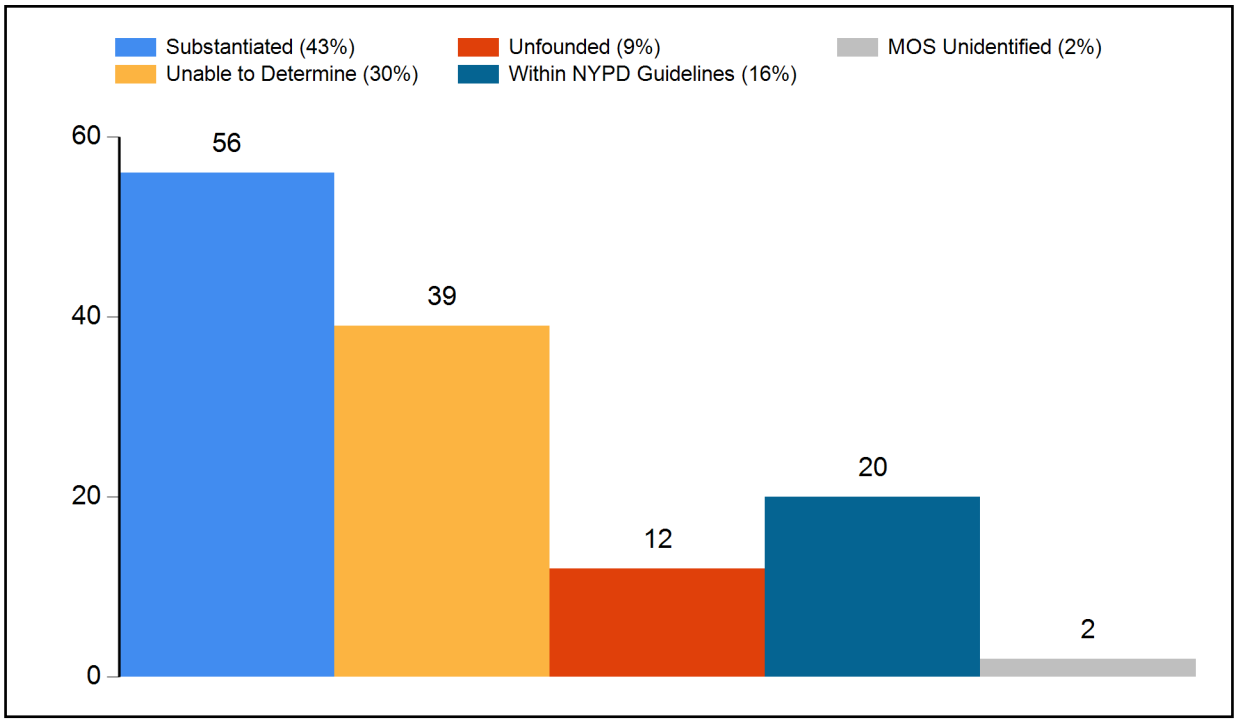
4. Within NYPD Guidelines
An individual and his girlfriend were in his vehicle. The individual's girlfriend was driving, and the vehicle had temporary plates. They were stopped by Subject Officer 1 and Subject Officer 2. During the stop, Subject Officer 1 talked to the individual about the temporary license plate and said "listen, they're fake, if you want to argue, I can just arrest you right now. Or we can call it a day." The incident was captured on BWC. The two subject officers pulled over the vehicle. Subject Officer 1 speaks with the individual about the temporary plates on the vehicle and Subject Officer 1 informs him that it's a fake and that the driver, the individual's girlfriend could be arrested. Subject Officer 1 had previously arrested the individual for the same temporary license used on the same vehicle – the temporary license had been determined to be a forged instrument. The investigation determined that the subject officers stop of the vehicle because of the temporary license plate was justified and that the individual's girlfriend could have been arrested for possessing the forged instrument. The Board found the subject officers conduct to be within the Department's guidelines and closed the Abuse of Authority allegations as being Within NYPD Guidelines.

5. Officer Unidentified
An individual was on the phone with a male friend as the male friend was on a street intersection hailing a cab. Her friend was approached by the subject officer and an EMT. The individual could hear her friend speaking to the officer and EMT who repeatedly asked what he was doing and why he was outside. They refused to let him even go even after a taxicab pulled up five minutes later. They continued to question and let the friend leave in the cab a short time later. The individual could not remember the physical description of the subject officer as relayed to her by her friend. The investigation found only one 911 call in the vicinity of the incident area; the responding police officers and EMTS did not recall having any interaction with the individual's friend and the call was about an unconscious individual. Without additional pertinent information, the investigation could not identify the subject officer. The Board closed the Abuse of Authority allegations as Officer Unidentified.

* Unable to determine is reported to the Commissioner as Unsubstantiated, meaning that there was insufficient evidence to establish whether or not there was an act of misconduct.
** Within NYPD Guidelines is reported to the Commissioner as Exonerated, meaning there was a preponderance of the evidence that the acts alleged occurred but did not constitute misconduct.

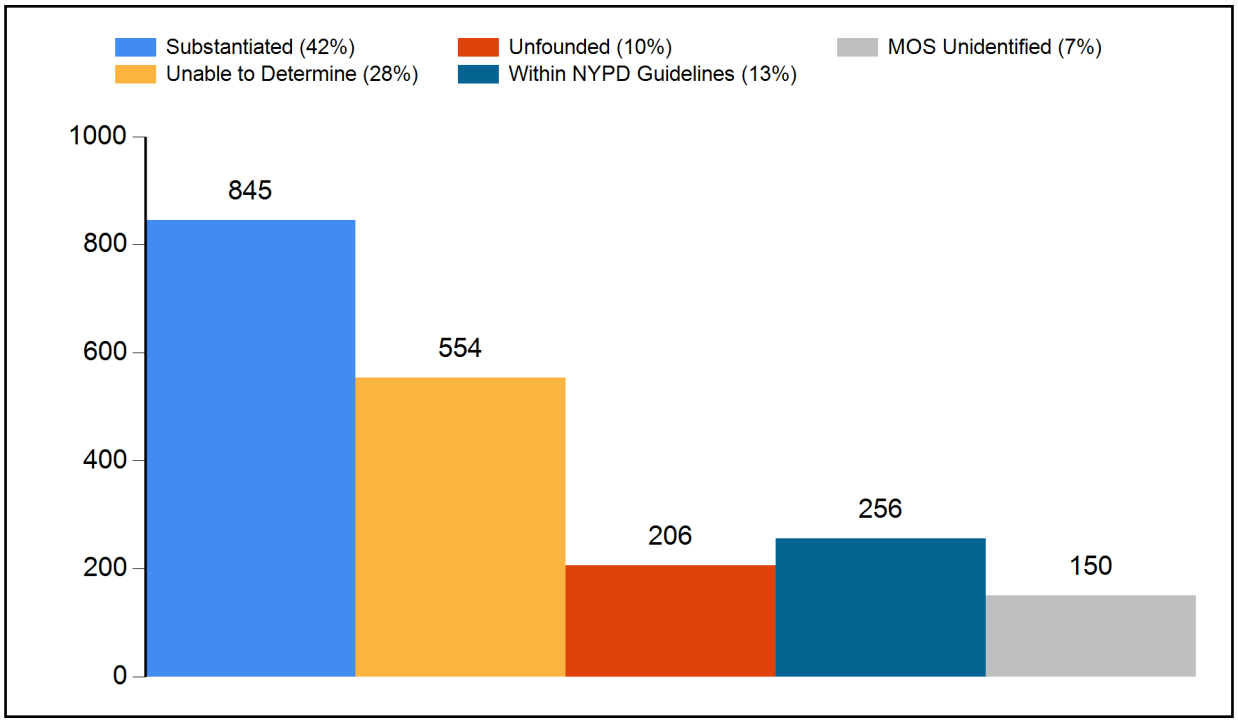
Dispositions - Full Investigations

Figure 23: Disposition Counts of Full Investigations (October 2022)



Due to the reconsideration process, counts are subject to change.

Figure 24: Disposition Counts of Full Investigations (YTD 2022)



Due to the reconsideration process, counts are subject to change.

Dispositions - All CCRB Cases

The following table lists all the CCRB case closures for the current month and year-to-date.

Figure 25: Disposition of Cases (2021 vs 2022)

	Oct 2021		Oct 2022		YTD 2021		YTD 2022	
Full Investigations	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Substantiated	29	41%	56	43%	165	35%	845	42%
Within NYPD Guidelines	10	14%	20	16%	69	14%	256	13%
Unfounded	7	10%	12	9%	35	7%	206	10%
Unable to Determine	18	25%	39	30%	136	28%	554	28%
MOS Unidentified	7	10%	2	2%	73	15%	150	7%
Total - Full Investigations	71		129		478		2011	
Mediation Closures	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Mediated	4	15%	11	100%	89	46%	63	59%
Mediation Attempted	23	85%	0	0%	106	54%	44	41%
Total - ADR Closures	27		11		195		107	
Resolved Case Total	98	36%	140	47%	673	30%	2118	64%
Unable to Investigate / Other Closures	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Complaint withdrawn	34	19%	27	17%	312	20%	216	18%
Unable to Investigate	92	52%	94	59%	896	58%	708	60%
Closed - Pending Litigation	31	17%	37	23%	265	17%	220	19%
Miscellaneous	1	1%	0	0%	13	1%	30	3%
Administrative closure*	20	11%	2	1%	64	4%	3	0%
Total - Other Case Dispositions	178		160		1550		1177	
Total - Closed Cases	276		300		2223		3295	

*Administrative closure is a special category that deals with NYPD's Internal Affairs Bureau-referred cases or spin off cases with no complainant/alleged victim, and in which CCRB attempts to locate or identify a complainant/alleged victim has yielded no results.

Dispositions - FADO Allegations

"Allegations" are different than "cases." A case or complaint is based on an incident and may contain one or more allegations of police misconduct. The allegation substantiation rate is 21% for the month of October 2022, and the allegation substantiation rate is 21% year-to-date.

Figure 26: Disposition of Allegations (2021 vs 2022)

	Oct 2021		Oct 2022		YTD 2021		YTD 2022	
Fully Investigated Allegations	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Substantiated	99	23%	123	21%	553	21%	2667	21%
Unable to Determine	115	26%	171	29%	686	26%	3135	25%
Unfounded	43	10%	67	11%	204	8%	1521	12%
Within NYPD Guidelines	101	23%	206	35%	701	27%	3886	31%
MOS Unidentified	77	18%	28	5%	495	19%	1361	11%
Total - Full Investigations	435		595		2639		12570	
Mediation Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Mediated	13	16%	24	100%	230	42%	179	54%
Mediation Attempted	67	84%	0	0%	315	0%	153	0%
Total - ADR Closures	80		24		545		332	
Unable to Investigate / Other Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Complaint withdrawn	84	16%	88	20%	803	17%	515	15%
Unable to Investigate	234	46%	238	55%	2472	54%	1770	50%
Closed - Pending Litigation	117	23%	85	20%	1024	22%	647	18%
Miscellaneous	7	1%	20	5%	100	2%	578	16%
Administrative closure	72	14%	4	1%	191	4%	5	0%
Total - Other Case Dispositions	514		435		4590		3515	
Total - Closed Allegations	1029		1136		7774		18050	

Figure 27: Disposition of Allegations By FADO Category (October 2022)

	Substantiated	Unable to Determine	Within NYPD Guidelines	Unfounded	Officers Unidentified	Total
Force	6	26	39	23	11	105
	6%	25%	37%	22%	10%	100%
Abuse of Authority	95	108	158	31	13	405
	23%	27%	39%	8%	3%	100%
Discourtesy	14	31	9	10	1	65
	22%	48%	14%	15%	2%	100%
Offensive Language	4	6	0	3	3	16
	25%	38%	0%	19%	19%	100%
	119	171	206	67	28	591
Total	20%	29%	35%	11%	5%	100%

Figure 28: Disposition of Allegations By FADO Category (YTD 2022)

	Substantiated	Unable to Determine	Within NYPD Guidelines	Unfounded	Officers Unidentified	Total
Force	313	564	974	480	352	2683
	12%	21%	36%	18%	13%	100%
Abuse of Authority	1723	2072	2706	776	729	8006
	22%	26%	34%	10%	9%	100%
Discourtesy	465	381	203	214	222	1485
	31%	26%	14%	14%	15%	100%
Offensive Language	79	110	3	51	58	301
	26%	37%	1%	17%	19%	100%
	2580	3127	3886	1521	1361	12475
Total	21%	25%	31%	12%	11%	100%

Dispositions - Untruthful Statement Allegations

Following the 2019 passage of Ballot Question #2 and the subsequent City Charter Revision, CCRB's jurisdiction was expanded to include untruthful material statements made by police officers. As a result, CCRB added a new "Untruthful Statement" category of allegations.

There are four specific allegations in the new "Untruthful Statement" category: 1) False official statement, 2) Misleading official statement, 3) Inaccurate official statement and 4) Impeding an investigation.

Figure 29: Disposition of Untruthful Statement Allegations (October 2022)

Untruthful Statement Allegation	Substantiated		Within NYPD Guidelines		Unable to Determine		Unfounded		Administratve Closure		Other	
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%
False official statement	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Misleading official statement	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Inaccurate official statement	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Impeding an investigation	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	4	100%	0	0%	0	0%	0	0%	0	0%	0	0%

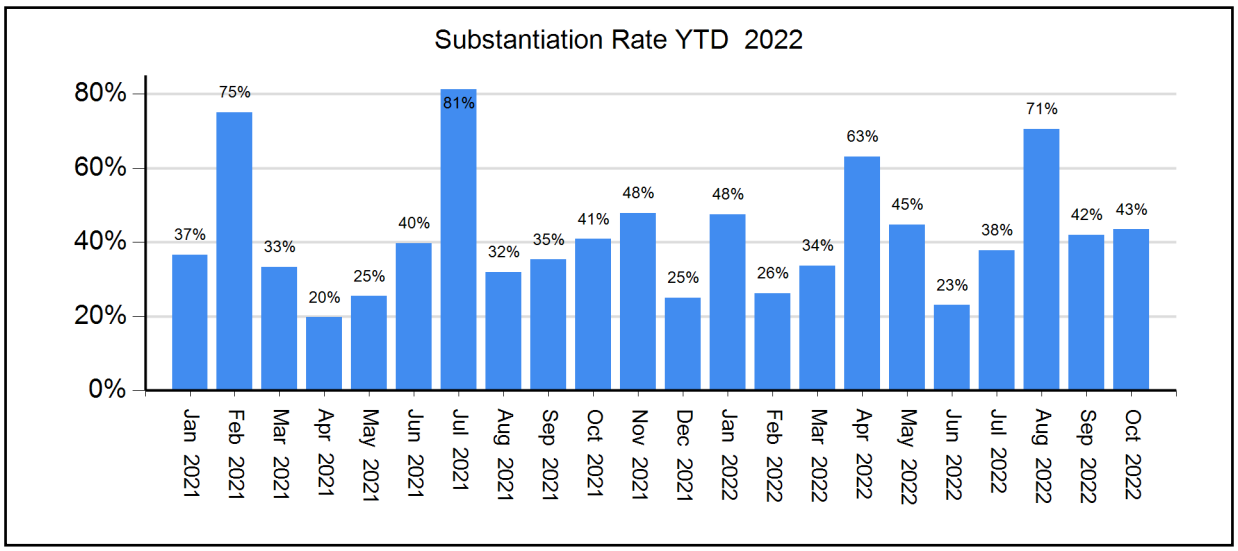
Figure 30: Disposition of Untruthful Statement Allegations (YTD 2022)

Untruthful Statement Allegation	Substantiated		Within NYPD Guidelines		Unable to Determine		Unfounded		Administratve Closure		Other	
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%
False official statement	46	86.8%	0	0%	7	13.2%	0	0%	0	0%	0	0%
Misleading official statement	40	97.6%	0	0%	1	2.4%	0	0%	0	0%	0	0%
Inaccurate official statement	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Impeding an investigation	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	87	91.6%	0	0%	8	8.4%	0	0%	0	0%	0	0%

Substantiation Rates

The October 2022 case substantiation rate was 43%.

Figure 31: Percentage of Cases Substantiated (January 2021 - October 2022)

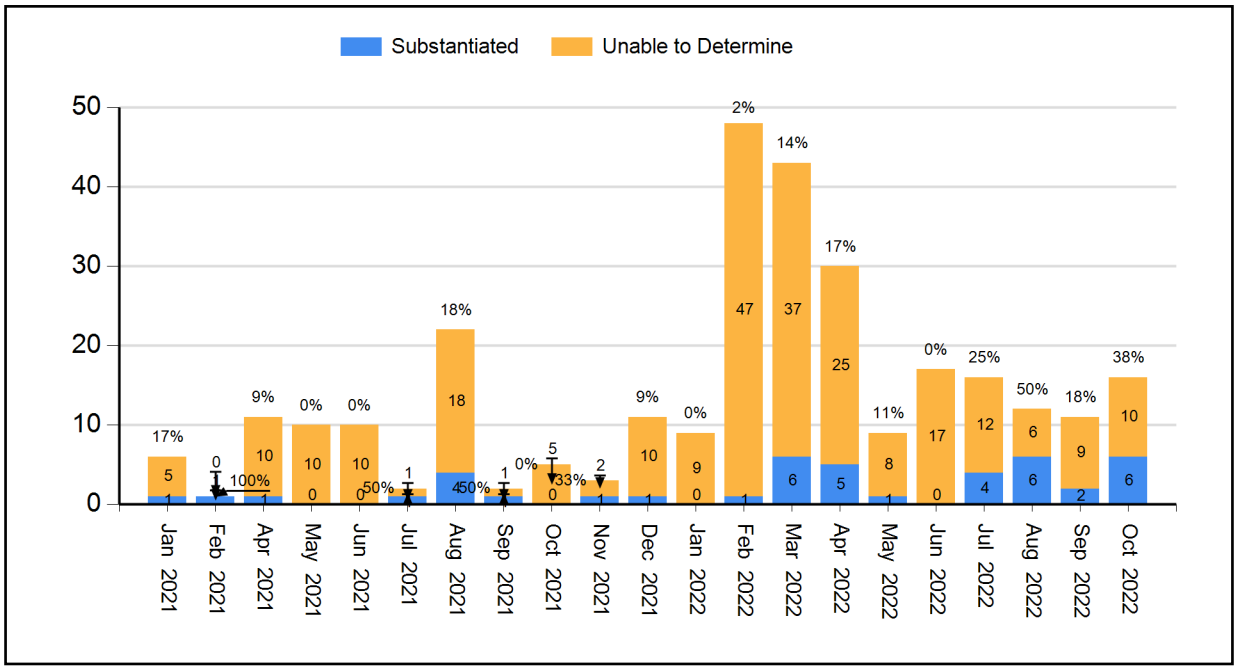


Due to the reconsideration process, counts are subject to change.

Substantiation Rates and Video

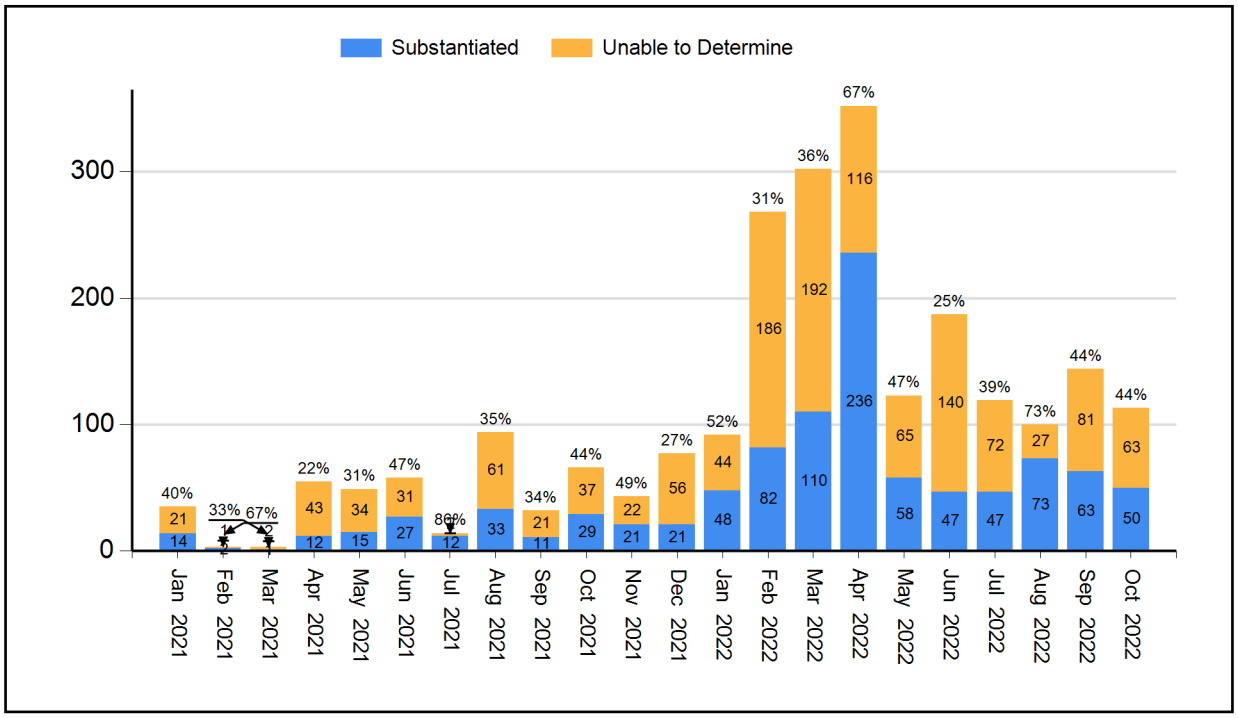
In general, investigations relying on video evidence result in much higher substantiation rates.

Figure 32: Substantiation Rates for Full Investigations without Video (Jan 2022 - Oct 2022) (% substantiated shown)



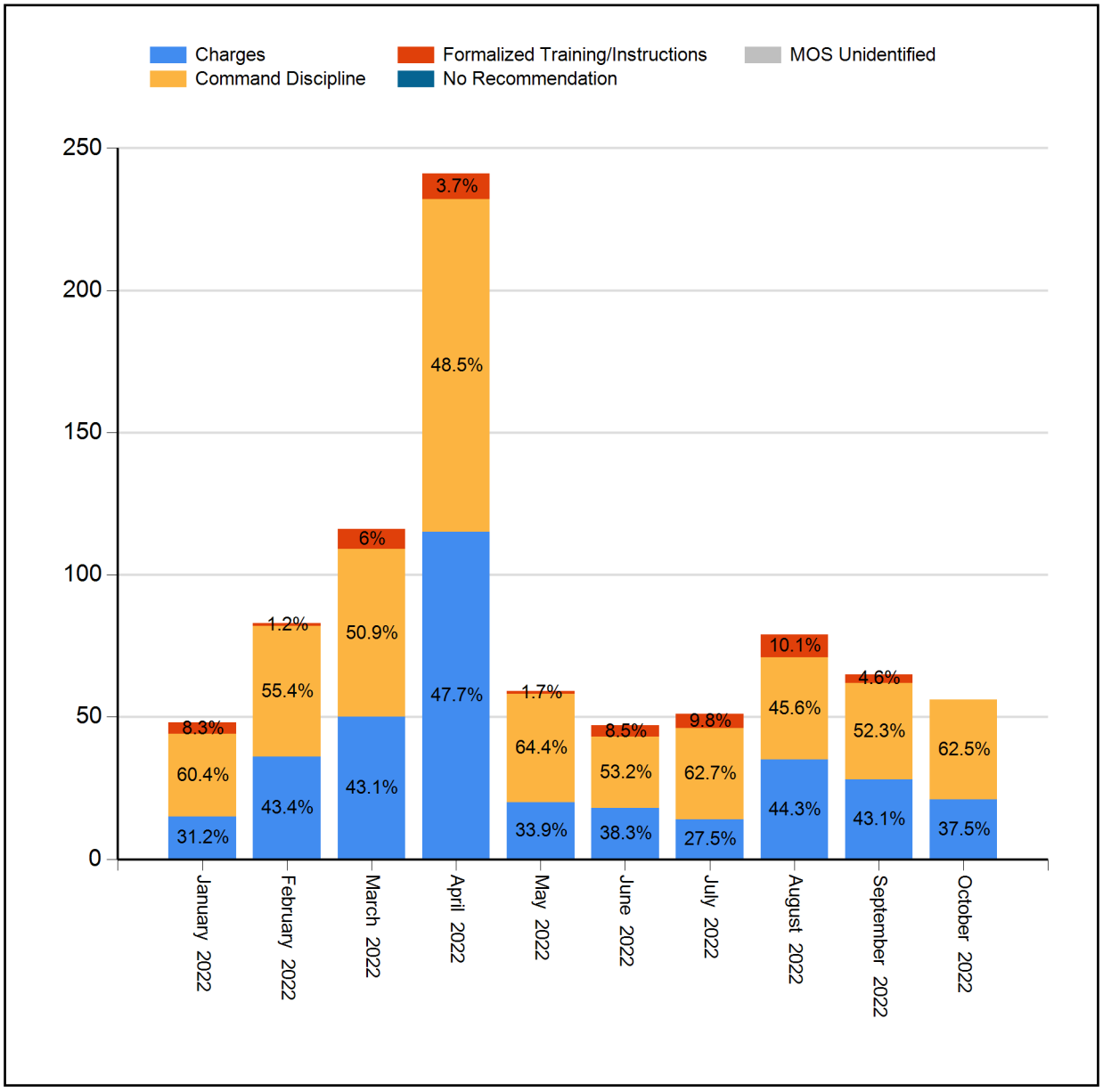
Due to the reconsideration process, counts are subject to change.

Figure 33: Substantiation Rates for Full Investigations with Video (Jan 2022 - Oct 2022) (% substantiated shown)



Due to the reconsideration process, counts are subject to change.

Figure 34: Disposition of Substantiated Complaints* (2022)



Due to the reconsideration process, counts are subject to change.

* A substantiated complaint may contain a number of substantiated allegations with different dispositions. To determine the disposition associated with the complaint as a whole, the CCRB uses the most severe of the substantiated allegation dispositions. The order of severity is: 1) Charges 2) Command Discipline 3) Formalized Training 4) Instructions.

Board Discipline Recommendations for Substantiated Officers

After a CCRB investigative team has completed its investigation, a panel of Board members determines whether to substantiate the allegation(s) and make a disciplinary recommendation against the officer(s).

- "Charges and Specifications" are the most severe form of discipline. A decision to assign Charges commences a process that may result in an administrative trial in the NYPD Trial Room. An officer may lose vacation days, be suspended, or be terminated if the officer is found guilty.
- "Command Discipline B" and "Command Discipline A" are recommended for misconduct that is moderately serious. An officer can lose up to ten vacation days as a result of Command Discipline B and up to five vacation days as a result of Command Discipline A.
- "Formalized Training" and "Instructions*" are the least severe discipline, often recommended for officers who misunderstand a policy. This determination results in training at the Police Academy or NYPD Legal Bureau (Formalized Training) or training at the command level (Instructions*).
- When the Board has recommended Instructions*, Formalized Training or Command Discipline, the case is sent to the NYPD Commissioner to impose training and/or other penalties. Cases where the Board recommends charges are prosecuted by the CCRB's Administrative Prosecution Unit.

Figure 35: Board Discipline Recommendations for Officers with Substantiated Allegations (Oct 2021, Oct 2022, YTD 2021, YTD 2022)**

	October 2021		October 2022		YTD 2021		YTD 2022	
Disposition	Count	%	Count	%	Count	%	Count	%
Charges	22	42%	23	30%	140	49%	472	33%
Command Discipline B	16	31%	26	34%	50	18%	325	23%
Command Discipline A	14	27%	28	36%	71	25%	516	37%
Formalized Training	0	0%	0	0%	17	6%	100	7%
Instructions	0	0%	0	0%	6	2%	0	0%
Total	52		77		284		1413	

Due to the reconsideration process, counts are subject to change.

*With the adoption of the NYPD Disciplinary Matrix on 03/15/2021, the CCRB no longer issues Instructions as a Board Discipline Recommendation.

** The Board issues a separate Board Discipline Recommendation for each officer in a complaint against whom an allegation is substantiated.

Prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021, the Board Discipline Recommendation for each officer was deteremined by the most severe disposition of the allegation(s) substantiated against the officer, with the order of serverity as follows: 1. Charges 2. Command Discipline B 3. Command Discipline A 4. Formalized Training 5. Instructions.

Following the adoption of the NYPD Disiciplinary Matrix on 03/15/2021, the Board Discipline Recommendation for each officer is determined by the sum of the Matrix penalty days associated with the allegation(s) substantiated against the officer as follows: 1. Charges (penalty days >= 11) 2. Command Discipline B (6 <= penalty days <= 10) 3. Command Discipline A (1 <= penalty days <= 5) 4. Formalized Training (0 < penalty days < 1)

Figure 36: Substantiated Allegations By Borough and NYPD Precinct (October 2022)

The figures in this table reflect all substantiated allegations for each MOS.

Board Disposition	Officer	FADOU Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Command Discipline A)	POM Randy Adames	Abuse of Authority	Failure to provide RTKA card		Bronx
Substantiated (Charges)	DT3 Michael Mcnelis	Abuse of Authority	Sexual Miscon (Inappropriate Touching)		Outside NYC
Substantiated (Charges)	POM Luigi Tirro	Discourtesy	Word	1	Manhattan
Substantiated (Charges)	POM Luigi Tirro	Offensive Language	Ethnicity	1	Manhattan
Substantiated (Charges)	POM Sean Robinson	Discourtesy	Word	7	Manhattan
Substantiated (Charges)	POM Sean Robinson	Offensive Language	Gender	7	Manhattan
Substantiated (Command Discipline B)	SGT Richard Cho	Abuse of Authority	Refusal to process civilian complaint	14	Manhattan
Substantiated (Command Discipline B)	SGT Ralph Aquino	Abuse of Authority	Refusal to process civilian complaint	20	Manhattan
Substantiated (Command Discipline B)	POF Jennifer Tierney	Abuse of Authority	Refusal to process civilian complaint	20	Manhattan
Substantiated (Command Discipline A)	PO Vincent Bracco	Abuse of Authority	Frisk	23	Manhattan
Substantiated (Charges)	DT3 John Ambrosino	Abuse of Authority	Entry of Premises	25	Manhattan
Substantiated (Charges)	DT3 John Ambrosino	Abuse of Authority	Search of Premises	25	Manhattan
Substantiated (Charges)	POF Melanie Paganmerritt	Abuse of Authority	Interference with recording	32	Manhattan
Substantiated (Command Discipline B)	PO Bianery Garcia	Abuse of Authority	Threat re: removal to hospital	32	Manhattan
Substantiated (Command Discipline B)	PO Israel Alcantara	Abuse of Authority	Threat re: removal to hospital	32	Manhattan
Substantiated (Command Discipline A)	PO Kevin Cabrera	Abuse of Authority	Refusal to provide name	33	Manhattan
Substantiated (Command Discipline A)	PO Thomas Kang	Abuse of Authority	Refusal to provide name	33	Manhattan
Substantiated (Command Discipline A)	PO Timothy Howell	Abuse of Authority	Refusal to provide name	33	Manhattan
Substantiated (Command Discipline A)	PO Jeff Jiang	Abuse of Authority	Refusal to provide name	33	Manhattan
Substantiated (Command Discipline A)	PO Philip Robinson	Abuse of Authority	Refusal to provide name	33	Manhattan
Substantiated (Command Discipline A)	PO Philip Robinson	Abuse of Authority	Refusal to provide shield number	33	Manhattan
Substantiated (Command Discipline A)	PO Jeff Jiang	Abuse of Authority	Refusal to provide shield number	33	Manhattan
Substantiated (Command Discipline A)	PO Timothy Howell	Abuse of Authority	Refusal to provide shield number	33	Manhattan
Substantiated (Command Discipline A)	PO Thomas Kang	Abuse of Authority	Refusal to provide shield number	33	Manhattan
Substantiated (Command Discipline A)	PO Kevin Cabrera	Abuse of Authority	Refusal to provide shield number	33	Manhattan
Substantiated (Command Discipline B)	PO Nicholas Caniglia	Abuse of Authority	Entry of Premises	34	Manhattan
Substantiated (Command Discipline B)	PO Erick Estrada	Abuse of Authority	Entry of Premises	34	Manhattan
Substantiated (Command Discipline B)	PO Saul Rodriguezcarrasco	Abuse of Authority	Entry of Premises	34	Manhattan
Substantiated (Command Discipline B)	POM Elbi Martinez	Abuse of Authority	Entry of Premises	40	Bronx
Substantiated (Charges)	SGT Jose Rosa	Force	Vehicle	41	Bronx
Substantiated (Charges)	SGT Jose Rosa	Untruthful Statement	Misleading official statement	41	Bronx
Substantiated (Command Discipline A)	POF Angelica Santos	Abuse of Authority	Failure to provide RTKA card	42	Bronx
Substantiated (Command Discipline A)	SGT Ruben Arroyoperez	Abuse of Authority	Failure to provide RTKA card	42	Bronx

Board Disposition	Officer	FADOU Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Command Discipline A)	POM Artan Konjuhi	Abuse of Authority	Failure to provide RTKA card	42	Bronx
Substantiated (Command Discipline A)	POM Lorenzo Vargas	Abuse of Authority	Failure to provide RTKA card	42	Bronx
Substantiated (Command Discipline A)	POF Cristina Andeliz	Abuse of Authority	Failure to provide RTKA card	42	Bronx
Substantiated (Charges)	PO John Ohagan	Abuse of Authority	Entry of Premises	45	Bronx
Substantiated (Charges)	PO John Ohagan	Abuse of Authority	Property damaged	45	Bronx
Substantiated (Charges)	PO Daniel Trentowski	Abuse of Authority	Property damaged	45	Bronx
Substantiated (Charges)	POM Brian Fechtmann	Abuse of Authority	Property damaged	45	Bronx
Substantiated (Charges)	POM Brian Fechtmann	Abuse of Authority	Search of Premises	45	Bronx
Substantiated (Charges)	PO John Ohagan	Abuse of Authority	Search of Premises	45	Bronx
Substantiated (Charges)	SGT Janielle Mendoza	Abuse of Authority	Seizure of property	46	Bronx
Substantiated (Command Discipline B)	SGT Lissette Henriquez	Abuse of Authority	Vehicle search	47	Bronx
Substantiated (Command Discipline A)	PO Orlando Espinoza	Abuse of Authority	Vehicle search	47	Bronx
Substantiated (Command Discipline A)	PO William Ortiz	Abuse of Authority	Refusal to process civilian complaint	47	Bronx
Substantiated (Command Discipline B)	SGT Lissette Henriquez	Abuse of Authority	Failure to provide RTKA card	47	Bronx
Substantiated (Command Discipline B)	SGT Lissette Henriquez	Abuse of Authority	Failure to provide RTKA card	47	Bronx
Substantiated (Command Discipline B)	SGT Lissette Henriquez	Abuse of Authority	Failure to provide RTKA card	47	Bronx
Substantiated (Command Discipline B)	PO Genesis Perezvilomar	Abuse of Authority	Entry of Premises	52	Bronx
Substantiated (Command Discipline B)	POF Christina Moncion	Abuse of Authority	Threat of force (verbal or physical)	52	Bronx
Substantiated (Command Discipline B)	PO David Guzman	Abuse of Authority	Search (of person)	52	Bronx
Substantiated (Command Discipline A)	POM Jonathan Warfield	Abuse of Authority	Failure to provide RTKA card	60	Brooklyn
Substantiated (Charges)	POM Conner Anzalone	Discourtesy	Word	60	Brooklyn
Substantiated (Charges)	POM Conner Anzalone	Discourtesy	Word	60	Brooklyn
Substantiated (Charges)	POM Jiantong Li	Force	Physical force	60	Brooklyn
Substantiated (Charges)	POM Conner Anzalone	Offensive Language	Race	60	Brooklyn
Substantiated (Charges)	POM Jiantong Li	Untruthful Statement	False official statement	60	Brooklyn
Substantiated (Command Discipline B)	SGT Matthew Gilson	Abuse of Authority	Threat of arrest	63	Brooklyn
Substantiated (Command Discipline B)	DT3 Salvatore Melore	Abuse of Authority	Entry of Premises	67	Brooklyn
Substantiated (Command Discipline B)	DT3 Michael Welsome	Abuse of Authority	Entry of Premises	67	Brooklyn
Substantiated (Command Discipline B)	DT3 Michael Welsome	Abuse of Authority	Search of Premises	67	Brooklyn
Substantiated (Command Discipline B)	POF Michelle Brandman	Abuse of Authority	Frisk	68	Brooklyn
Substantiated (Command Discipline B)	POF Michelle Brandman	Abuse of Authority	Failure to provide RTKA card	68	Brooklyn
Substantiated (Charges)	POM Vitali Melnikau	Discourtesy	Word	68	Brooklyn
Substantiated (Charges)	POM Manuel Martinez	Force	Physical force	68	Brooklyn
Substantiated (Command Discipline A)	SGT Juan Cruz	Abuse of Authority	Entry of Premises	69	Brooklyn
Substantiated (Charges)	LT Justin Simms	Abuse of Authority	Threat of force (verbal or physical)	69	Brooklyn
Substantiated (Command Discipline B)	LT Thomas Redmond	Abuse of Authority	Threat of force (verbal or physical)	69	Brooklyn
Substantiated (Command Discipline B)	LT Thomas Redmond	Abuse of Authority	Threat of force (verbal or physical)	69	Brooklyn

Board Disposition	Officer	FADOU Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Charges)	LT Justin Simms	Abuse of Authority	Refusal to process civilian complaint	69	Brooklyn
Substantiated (Command Discipline A)	SGT Juan Cruz	Abuse of Authority	Search of Premises	69	Brooklyn
Substantiated (Command Discipline B)	POM Daniel Davidoff	Discourtesy	Word	69	Brooklyn
Substantiated (Command Discipline A)	POM Rosarion Saintelme	Abuse of Authority	Vehicle search	72	Brooklyn
Substantiated (Charges)	POM Orkhan Mamedov	Abuse of Authority	Entry of Premises	73	Brooklyn
Substantiated (Charges)	POM Mdabdul Halim	Abuse of Authority	Entry of Premises	73	Brooklyn
Substantiated (Charges)	POM Orkhan Mamedov	Abuse of Authority	Threat of force (verbal or physical)	73	Brooklyn
Substantiated (Charges)	POM Orkhan Mamedov	Abuse of Authority	Forcible Removal to Hospital	73	Brooklyn
Substantiated (Charges)	POM Mdabdul Halim	Abuse of Authority	Forcible Removal to Hospital	73	Brooklyn
Substantiated (Charges)	POM Orkhan Mamedov	Force	Physical force	73	Brooklyn
Substantiated (Command Discipline B)	POM Lawrence Perrotta	Abuse of Authority	Threat of arrest	75	Brooklyn
Substantiated (Command Discipline B)	POM Lawrence Perrotta	Abuse of Authority	Threat to damage/seize property	75	Brooklyn
Substantiated (Command Discipline A)	LT Keith Hum	Abuse of Authority	Search of Premises	75	Brooklyn
Substantiated (Command Discipline B)	POM Lawrence Perrotta	Discourtesy	Word	75	Brooklyn
Substantiated (Command Discipline A)	POM Dani Torosian	Discourtesy	Action	75	Brooklyn
Substantiated (Command Discipline A)	POM Billy Gomez	Abuse of Authority	Refusal to provide name	76	Brooklyn
Substantiated (Command Discipline A)	POM Billy Gomez	Abuse of Authority	Refusal to provide shield number	76	Brooklyn
Substantiated (Charges)	SDS Eric Samuels	Discourtesy	Word	77	Brooklyn
Substantiated (Charges)	SDS Eric Samuels	Offensive Language	Gender	77	Brooklyn
Substantiated (Charges)	PO Joseph Zerella	Abuse of Authority	Question	79	Brooklyn
Substantiated (Charges)	PO Colin Russell	Discourtesy	Word	79	Brooklyn
Substantiated (Charges)	PO Joseph Zerella	Untruthful Statement	False official statement	79	Brooklyn
Substantiated (Charges)	PO Colin Russell	Untruthful Statement	Misleading official statement	79	Brooklyn
Substantiated (Command Discipline A)	LT Ronald Cheng	Abuse of Authority	Failure to provide RTKA card	81	Brooklyn
Substantiated (Command Discipline B)	POM Tiagom Reis	Abuse of Authority	Refusal to provide name	84	Brooklyn
Substantiated (Command Discipline B)	POM Tiagom Reis	Discourtesy	Action	84	Brooklyn
Substantiated (Command Discipline B)	POM Shaun Grossweiler	Abuse of Authority	Search (of person)	100	Queens
Substantiated (Command Discipline B)	POM Shaun Grossweiler	Abuse of Authority	Search (of person)	100	Queens
Substantiated (Command Discipline B)	POM Mahandra Rassbeharry	Abuse of Authority	Failure to provide RTKA card	100	Queens
Substantiated (Command Discipline B)	POM Shaun Grossweiler	Abuse of Authority	Failure to provide RTKA card	100	Queens
Substantiated (Command Discipline B)	PO Christopher Ghee	Abuse of Authority	Entry of Premises	101	Queens
Substantiated (Command Discipline B)	PO Anthony Zanfardino	Abuse of Authority	Entry of Premises	101	Queens
Substantiated (Command Discipline A)	SGT Shereen Summa	Abuse of Authority	Seizure of property	102	Queens
Substantiated (Command Discipline B)	PO David Kim	Abuse of Authority	Threat of arrest	103	Queens
Substantiated (Charges)	PO Amanda Marrero	Abuse of Authority	Threat of arrest	103	Queens
Substantiated (Charges)	PO Amanda Marrero	Abuse of Authority	Stop	103	Queens
Substantiated (Charges)	PO Amanda Marrero	Abuse of Authority	Failure to provide RTKA card	103	Queens

Board Disposition	Officer	FADOU Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Charges)	POM Sung Kim	Abuse of Authority	Entry of Premises	104	Queens
Substantiated (Charges)	POM Fidney Moise	Abuse of Authority	Entry of Premises	104	Queens
Substantiated (Command Discipline B)	SGT John Lawton	Abuse of Authority	Refusal to process civilian complaint	104	Queens
Substantiated (Charges)	POM Fidney Moise	Abuse of Authority	Search of Premises	104	Queens
Substantiated (Charges)	POM Fidney Moise	Abuse of Authority	Failed to Obtain Language Interpretation	104	Queens
Substantiated (Charges)	POM Sung Kim	Abuse of Authority	Failed to Obtain Language Interpretation	104	Queens
Substantiated (Command Discipline A)	POM Anthony Rosario	Discourtesy	Gesture	107	Queens
Substantiated (Command Discipline B)	POM Cesar Dorado	Abuse of Authority	Threat of force (verbal or physical)	109	Queens
Substantiated (Charges)	POM Brandon Rivera	Discourtesy	Word	110	Queens
Substantiated (Charges)	POM Brandon Rivera	Force	Radio as club	110	Queens
Substantiated (Charges)	POM Brandon Rivera	Force	Radio as club	110	Queens
Substantiated (Charges)	PO Donald Leblanc	Abuse of Authority	Threat of force (verbal or physical)	112	Queens
Substantiated (Charges)	PO Donald Leblanc	Discourtesy	Action	112	Queens
Substantiated (Charges)	SGT Kenneth Miklas	Abuse of Authority	Forcible Removal to Hospital	113	Queens
Substantiated (Charges)	SGT Kenneth Miklas	Abuse of Authority	Threat re: removal to hospital	113	Queens
Substantiated (Charges)	SGT Kenneth Miklas	Abuse of Authority	Refusal to provide name	113	Queens

Unable to Investigate and Withdrawn Complaints

When the CCRB is unable to obtain a sworn statement from the complainant/alleged victim, the case is closed as unable to investigate. When the complainant/alleged victim asks that their complaint be withdrawn, the case is closed as withdrawn.

Figure 37: Unable to Investigate and Withdrawn Allegations (October 2022)

	Withdrawn	Unable to Investigate	Total
Force	14	65	79
Abuse of Authority	66	153	219
Discourtesy	7	13	20
Offensive Language	0	7	7
Untruthful Statement	0	0	0
Total	87	238	325

Figure 38: Unable to Investigate and Withdrawn CCRB Complaints (October 2022)

	Withdrawn	Unable to Investigate	Total
Total	27	94	121

Figure 39: Unable to Investigate and Withdrawn Allegations (YTD 2022)

	Withdrawn	Unable to Investigate	Total
Force	106	540	646
Abuse of Authority	340	1031	1371
Discourtesy	56	144	200
Offensive Language	12	55	67
Untruthful Statement	0	0	0
Total	514	1770	2284

Figure 40: Unable to Investigate and Withdrawn CCRB Complaints (YTD 2022)

	Withdrawn	Unable to Investigate	Total
Total	216	708	924

Complaints Against Officers Assigned to Police Service Areas

The Police Service Areas (PSA) are commands that police New York City Housing Developments throughout the five boroughs. PSA complaints are defined as complaints that contain at least one FADO allegation against an officer assigned to a PSA command.

Figure 41: PSA Complaints Closed as % of Total Complaints Closed

	Oct 2021	Oct 2022	YTD 2021	YTD 2022
PSA Complaints	15	9	103	190
Total Complaints	276	300	2223	3295
PSA Complaints as % of Total	5.4%	3.0%	4.6%	5.8%

A single PSA complaint may contain allegations against multiple officers assigned to multiple PSA commands. The following table breaks out the different PSAs and shows the number of officers assigned to each PSA against whom FADO allegations have been made.

Figure 42: Closed Complaints Against Officers Assigned to a PSA

	Oct 2021	Oct 2022	YTD 2021	YTD 2022
PSA 1	6	4	21	24
PSA 2	1	0	34	75
PSA 3	2	1	18	44
PSA 4	0	1	6	14
PSA 5	4	2	24	35
PSA 6	0	2	6	20
PSA 7	11	2	46	147
PSA 8	1	0	22	43
PSA 9	4	1	12	33
Total	29	13	189	435

Complaints typically contain more than one allegation. The following table shows the allegations made against officers assigned to PSA commands broken out by FADO type.

Figure 43: Closed Allegations Against Officers Assigned to a PSA by FADOU Type

	Oct 2021		Oct 2022		YTD 2021		YTD 2022	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Untruthful Statement (U)	0	0%	0	0%	0	0%	8	1%
Force (F)	18	39%	3	23%	104	42%	172	30%
Abuse of Authority (A)	17	37%	8	62%	108	44%	287	50%
Discourtesy (D)	8	17%	2	15%	28	11%	91	16%
Offensive Language (O)	3	7%	0	0%	8	3%	17	3%
Total	46	100%	13	100%	248	100%	575	100%

Dispositions of Officers Assigned to PSAs

The following tables show the Board disposition of officers assigned to a PSA with a FADO allegation made against them.

Figure 44: Disposition of PSA Officers (2021 vs 2022)

	Oct 2021		Oct 2022		YTD 2021		YTD 2022	
Full Investigations	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Substantiated	7	39%	2	29%	11	30%	125	41%
Within NYPD Guidelines	3	17%	3	43%	10	27%	67	22%
Unfounded	3	17%	0	0%	4	11%	27	9%
Unable to Determine	5	28%	2	29%	12	32%	77	25%
MOS Unidentified	0	0%	0	0%	0	0%	6	2%
Total - Full Investigations	18		7		37		302	
Mediation Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Mediated	0	0%	0	0%	2	14%	3	21%
Mediation Attempted	3	100%	0	0%	12	86%	11	79%
Total - ADR Closures	3		0		14		14	
Resolved Case Total	21	72%	7	54%	51	27%	316	73%
Unable to Investigate / Other Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Complaint withdrawn	2	25%	1	17%	18	13%	16	17%
Unable to Investigate	2	25%	2	33%	89	64%	46	48%
Closed - Pending Litigation	4	50%	3	50%	27	20%	13	14%
Miscellaneous	0	0%	0	0%	3	2%	21	22%
Administrative closure*	0	0%	0	0%	1	1%	0	0%
Total - Other Case Dispositions	8		6		138		96	
Total - Closed Cases	29		13		189		435	

*Administrative closure is a special category that deals with NYPD's Legal Bureau-referred cases or spin off cases with no complainant/alleged victim, and in which CCRB attempts to locate or identify a complainant/alleged victim has yielded no results.

Mediation Unit

Whenever mediation between a complainant/alleged victim and subject officer is suitable, it is offered by CCRB investigators. If the complainant/alleged victim and subject officer both agree to participate, a neutral, third-party mediator facilitates a conversation between the parties. "Mediation Attempted" refers to a situation in which an officer agrees to mediate and the complainant becomes unavailable (after the complainant initially agreed to mediation). The chart below indicates the number of mediations and attempted mediations in October and this year.

Figure 45: Mediated Complaints Closed

	October 2022			YTD 2022		
	Mediated	Mediation Attempted	Total	Mediated	Mediation Attempted	Total
Mediated Complaints	11	0	11	63	44	107

Figure 46: Mediated FADO Allegations Closed

	October 2022			YTD 2022		
	Mediated	Mediation Attempted	Total	Mediated	Mediation Attempted	Total
Force	3	0	3	11	19	30
Abuse of Authority	19	0	19	141	116	257
Discourtesy	2	0	2	27	12	39
Offensive Language	0	0	0	0	6	6
Total	24	0	24	179	153	332

Figure 47: Mediated Complaints By Borough (October 2022)

	Mediations
Bronx	2
Brooklyn	3
Manhattan	4
Queens	2
Staten Island	0

Figure 48: Mediated Allegations By Borough (October 2022)

	Mediations
Bronx	6
Brooklyn	4
Manhattan	7
Queens	7
Staten Island	0

Figure 49: Mediated Complaints By Precinct (Oct 2022 - YTD 2022)

Precinct	Oct 2022	YTD 2022
1	0	1
5	0	1
6	1	1
7	1	1
9	0	1
13	1	3
17	0	1
18	0	1
23	0	1
24	0	1
25	0	1
30	1	1
32	0	1
40	1	2
41	0	1
42	0	1
43	0	1
44	0	1
47	0	1
49	0	3
50	1	1
52	0	1

Precinct	Oct 2022	YTD 2022
62	1	2
63	1	1
67	0	1
68	0	1
69	0	1
70	0	1
71	0	2
72	0	1
75	0	1
78	0	1
81	1	3
83	0	1
84	0	1
90	0	1
94	0	1
103	0	2
108	0	2
109	1	3
111	0	1
113	1	4
114	0	3
120	0	1
122	0	1

Figure 50: Mediated Allegations By Precinct (Oct 2022 - YTD 2022)

Precinct	Oct 2022	YTD 2022
1	0	1
5	0	1
6	1	1
7	2	2
9	0	2
13	2	8
17	0	5
18	0	3
23	0	4
24	0	1
25	0	9
30	2	2
32	0	10
40	5	7
41	0	3
42	0	1
43	0	3
44	0	1
47	0	3
49	0	13
50	1	1
52	0	2

Precinct	Oct 2022	YTD 2022
62	1	3
63	2	2
67	0	3
68	0	3
69	0	5
70	0	1
71	0	3
72	0	1
75	0	2
78	0	2
81	1	15
83	0	3
84	0	3
90	0	2
94	0	6
103	0	5
108	0	3
109	3	10
111	0	5
113	4	8
114	0	7
120	0	1
122	0	3

Administrative Prosecution Unit

The CCRB's Administrative Prosecution Unit (APU) prosecutes police misconduct cases when the Board has recommended charges, in the NYPD Trial Room. The APU is also able to offer pleas to officers who admit guilt rather than going to trial. Following a plea agreement or the conclusion of a disciplinary trial, cases are sent to the Police Commissioner for final penalties.

Figure 51: Administrative Prosecution Unit Case Closures

Disposition Category	Prosecution Disposition	Oct 2022	YTD 2022
Disciplinary Action	Not guilty after trial but Discipline Imposed	0	0
	Guilty after trial	2	5
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0	0
	Trial verdict dismissed by PC, Formalized Training imposed	0	0
	Trial verdict dismissed by PC, Instructions imposed	0	0
	Trial verdict reversed by PC, Final verdict Guilty	0	0
	Resolved by plea	0	11
	Plea set aside, Comm. Disc. B	0	0
	Plea set aside, Comm. Disc. A	1	1
	Plea set aside, Formalized Training	0	0
	Plea set aside, Instructions	0	0
	*Retained, with discipline	0	2
	Disciplinary Action Total	**3**	**19**
No Disciplinary Action	Not guilty after trial	2	8
	Trial verdict reversed by PC, Final verdict Not Guilty	0	1
	Plea set aside, Without discipline	0	0
	**Retained, without discipline	0	3
	Dismissed by Police Commissioner	1	2
	Dismissed by APU	0	0
	SOL Expired in APU	0	0
	No Disciplinary Action Total	**3**	**14**
Not Adjudicated	Charges not served	0	0
	Deceased	0	0
	Other	2	6
	***Previously adjudicated, with discipline	0	1
	***Previously adjudicated, without discipline	0	0
	†Reconsidered by CCRB Board	0	0
	Retired	2	13
	SOL Expired prior to APU	0	0
	Not Adjudicated Total	**4**	**20**
	Total Closures	**10**	**53**

*Retained cases are those in which the Department kept jurisdiction pursuant to Section 2 of the April 2, 2012 Memorandum of Understanding between the NYPD and the CCRB.
** When the Department keeps jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it is the equivalent of a category referred to as "Department Unable to Prosecute" (DUP). Cases are referred to as DUP when the department decides that it will not discipline an officer against whom the Board recommended discipline other than charges.
*** In some cases, the Department conducts its own investigation and prosecution prior to the completion of the CCRB's investigation. In those cases, the APU does not conduct a second prosecution.
† Under the Board's reconsideration process, an officer who has charges recommended as the penalty for a substantiated allegation may have the recommended penalty changed to something other than charges or have the disposition changed to something other than substantiated. In those cases, the APU ceases its prosecution.

NYPD Discipline

Under the New York City Charter, the Police Commissioner makes the final decision regarding discipline and the outcome of disciplinary trials. When the Police Commissioner issues the discipline recommended by the CCRB, we report it as discipline concurrence.

Figure 52: NYPD-CCRB Discipline Concurrence

Discipline Report Year	Non APU %	APU %	Total %
2020	73	19	68
2021	67	25	62
2022 YTD	36	39	37

The remaining charts in this section provide additional detail regarding NYPD-imposed discipline, both for cases brought by the APU (Charges) and for Non-APU cases referred to the Police Commissioner with a recommendation of Command Discipline, Formalized Training or Instructions.

Figure 53: NYPD Discipline Imposed for Adjudicated APU Cases

Discipline*	October 2022	YTD 2022
Terminated	0	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0	2
Suspension for or loss of vacation time of 21 to 30 days	0	2
Suspension for or loss of vacation time of 11 to 20 days	2	6
Suspension for or loss of vacation time of 1 to 10 days	0	7
Command Discipline B	0	1
Command Discipline A	1	1
Formalized Training**	0	0
Instructions***	0	0
Warned & Admonished/Reprimanded	0	0
Disciplinary Action† Total	**3**	**19**
No Disciplinary Action†	3	14
Adjudicated Total	**6**	**33**
Discipline Rate	**50%**	**58%**
Not Adjudicated† Total	4	20
Total Closures	**10**	**53**

*Where more than one penalty is imposed on a respondent, it is reported under the more severe penalty.
** Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.
*** Instructions are conducted at the command level.
† The case closure types that define the "Disciplinary Action", "No Disciplinary Action" and "Not Adjudicated" categories are listed in Figure 51 on the previous page.

Figure 54: NYPD Discipline Imposed for Non-APU Cases

Disposition	Disposition Type*	September 2022	YTD 2022
Disciplinary Action	Terminated	0	0
	Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0	0
	Suspension for or loss of vacation time of 21 to 30 days	0	2
	Suspension for or loss of vacation time of 11 to 20 days	0	0
	Suspension for or loss of vacation time of 1 to 10 days	0	3
	Command Discipline B	7	31
	Command Discipline A	11	167
	Formalized Training**	4	32
	Instructions***	0	0
	Closed Administratively (With Discipline) ††	0	9
	Total	**22**	**244**
No Disciplinary Action	Retired	3	10
	Resigned	2	11
	SOL Expired	4	24
	Department Unable to Prosecute†††	22	287
	Closed Administratively (No penalty reported) ††	0	0
	Not Guilty †	0	1
	Total	**31**	**333**
	Discipline Rate	**42%**	**42%**
	DUP Rate	**42%**	**50%**

*Where the respondent is found guilty of charges,and the penalty imposed would fall into more than one of the above listed categories, it is reported under the more severe penalty.
** Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.
*** Instructions are conducted at the command level.
† Trial outcomes in non-APU cases typically involve MOS who turned down command discipline, prompting the police department to proceed with charges.
†† "Closed Administratively" is a term typically used by the police department to report on an incident of misconduct that has been previously adjudicated by the department itself prior to the receipt of a disciplinary recommendation from the CCRB.
††† When the department decides that it will not discipline an officer against whom the Board recommended discipline other than charges,those cases are referred to as "Department Unable to Prosecute," or DUP.

NYPD Penalty Departure Letters are posted on the CCRB website at: https://www1.nyc.gov/site/ccrb/complaints/redacted-departure-letter.page

Figure 55: NYPD Discipline Imposed for Allegations - Non-APU Cases (September 2022)

Board Disposition	Officer	FADO Type	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline A)	DT3 Michael Cortes	A	Refusal to process civilian complaint			Command Discipline - A
Substantiated (Command Discipline A)	DT3 Alan Herndonsoto	A	Refusal to process civilian complaint			Command Discipline - A
Substantiated (Command Discipline A)	POM Sam Zitomer	D	Word	7	Manhattan	No Discipline
Substantiated (Command Discipline A)	POM Daniel Pearles	D	Word	13	Manhattan	No Discipline
Substantiated (Command Discipline B)	POM James Kearney	A	Threat re: removal to hospital	17	Manhattan	No Discipline
Substantiated (Command Discipline A)	LT David Sansone	A	Forcible Removal to Hospital	20	Manhattan	No Discipline
Substantiated (Command Discipline A)	POF Jennifer Tierney	A	Forcible Removal to Hospital	20	Manhattan	No Discipline
Substantiated (Command Discipline A)	LT David Sansone	A	Search of Premises	20	Manhattan	No Discipline
Substantiated (Command Discipline A)	POM Hyppolite Paul	A	Entry of Premises	25	Manhattan	No Discipline
Substantiated (Command Discipline A)	POM Edward Barrett	A	Entry of Premises	42	Bronx	Command Discipline - A (Vacation: 0.25 days)
Substantiated (Command Discipline A)	POM Edward Correa	A	Failure to provide RTKA card	42	Bronx	No Discipline
Substantiated (Formalized Training)	POM Miguel Martinez	A	Failure to provide RTKA card	43	Bronx	Formalized Training
Substantiated (Formalized Training)	DTS James Antoine	A	Failure to provide RTKA card	43	Bronx	Formalized Training
Substantiated (Command Discipline A)	DT3 Richard Quinones	D	Word	44	Bronx	Retired
Substantiated (Command Discipline A)	DT3 Richard Quinones	D	Word	44	Bronx	Retired
Substantiated (Command Discipline A)	DT3 Richard Quinones	D	Word	44	Bronx	Retired
Substantiated (Command Discipline A)	DT3 Richard Quinones	D	Word	44	Bronx	Retired
Substantiated (Command Discipline A)	DT3 Richard Quinones	D	Word	44	Bronx	Retired
Substantiated (Command Discipline A)	PO Mike Suarez	D	Other	44	Bronx	Command Discipline - A
Substantiated (Command Discipline A)	DT3 Pedro Gomez	A	Frisk	46	Bronx	No Discipline
Substantiated (Command Discipline A)	DT3 Pedro Gomez	A	Stop	46	Bronx	No Discipline
Substantiated (Command Discipline A)	DT3 Pedro Gomez	A	Failure to provide RTKA card	46	Bronx	No Discipline
Substantiated (Command Discipline A)	POM Lewis Nunez	D	Word	47	Bronx	No Discipline
Substantiated (Command Discipline A)	PO Eric Dustin	D	Word	47	Bronx	No Discipline
Substantiated (Command Discipline A)	SGT David Coote	D	Word	47	Bronx	Retired
Substantiated (Command Discipline A)	LT Anderson Ortiz	A	Failure to provide RTKA card	48	Bronx	No Discipline
Substantiated (Command Discipline B)	DT3 Michelle Almanzar	A	Search of Premises	52	Bronx	Command Discipline - B (Vacation: 5 days)

Board Disposition	Officer	FADO Type	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline B)	DT3 Pablo Rodriguez	A	Search of Premises	52	Bronx	Command Discipline - B (Vacation: 5 days)
Substantiated (Command Discipline B)	DT3 Felix Baez	A	Search of Premises	52	Bronx	Command Discipline - B (Vacation: 5 days)
Substantiated (Command Discipline B)	POM Hans Arias	A	Sex Miscon (Sexual Harassment, Verbal)	52	Bronx	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	LT SA Kevin Kenny	A	Failure to provide RTKA card	52	Bronx	No Discipline
Substantiated (Command Discipline A)	LT SA Kevin Kenny	A	Failure to provide RTKA card	52	Bronx	No Discipline
Substantiated (Command Discipline A)	LT SA Kevin Kenny	A	Failure to provide RTKA card	52	Bronx	No Discipline
Substantiated (Command Discipline A)	LT SA Kevin Kenny	A	Failure to provide RTKA card	52	Bronx	No Discipline
Substantiated (Command Discipline A)	LT SA Kevin Kenny	A	Failure to provide RTKA card	52	Bronx	No Discipline
Substantiated (Command Discipline A)	LT Timothy Brovakos	A	Failure to provide RTKA card	60	Brooklyn	No Discipline
Substantiated (Command Discipline A)	LT Timothy Brovakos	A	Failure to provide RTKA card	60	Brooklyn	No Discipline
Substantiated (Command Discipline A)	LT Timothy Brovakos	A	Failure to provide RTKA card	60	Brooklyn	No Discipline
Substantiated (Command Discipline A)	LT Timothy Brovakos	A	Failure to provide RTKA card	60	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Tosares Korchitmet	D	Word	61	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Tosares Korchitmet	D	Action	61	Brooklyn	No Discipline
Substantiated (Command Discipline A)	PO Navdeep Singh	A	Refusal to provide name	62	Brooklyn	Resigned
Substantiated (Command Discipline A)	POM Harry Cruz	D	Word	63	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	SGT Gary Leite	D	Word	63	Brooklyn	No Discipline
Substantiated (Command Discipline A)	PO Anthony Caravana	A	Stop	63	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	PO Matthew Kelly	D	Word	67	Brooklyn	No Discipline
Substantiated (Command Discipline A)	PO Matthew Kelly	A	Refusal to provide name	67	Brooklyn	No Discipline
Substantiated (Command Discipline A)	POM Eric Sandoval	D	Word	68	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	SGT Miguel Vivas	A	Forcible Removal to Hospital	69	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	POM Raine Pease	A	Failure to provide RTKA card	70	Brooklyn	No Discipline
Substantiated (Command Discipline B)	SGT Terrence Howard	A	Entry of Premises	73	Brooklyn	Command Discipline - B
Substantiated (Command Discipline B)	SGT Samuel Hui	A	Threat of force (verbal or physical)	73	Brooklyn	No Discipline
Substantiated (Command Discipline A)	POM Matthew Bottcher	D	Word	73	Brooklyn	Command Discipline - A (Vacation: 0.50 days)
Substantiated (Command Discipline A)	SGT Arthur Mccarthy	A	Search (of person)	73	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Arthur Mccarthy	A	Search (of person)	73	Brooklyn	No Discipline

Board Disposition	Officer	FADO Type	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline A)	SGT Jonathan Grajales	D	Word	75	Brooklyn	No Discipline
Substantiated (Command Discipline A)	POM Joseph Sorrentino	D	Word	75	Brooklyn	No Discipline
Substantiated (Command Discipline B)	POM Joseph Sorrentino	E	Gender	75	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Daniel Berardi	A	Failure to provide RTKA card	75	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Daniel Berardi	A	Failure to provide RTKA card	75	Brooklyn	No Discipline
Substantiated (Command Discipline A)	SGT Daniel Berardi	A	Failure to provide RTKA card	75	Brooklyn	No Discipline
Substantiated (Command Discipline A)	POM Joshua Zucker	A	Entry of Premises	77	Brooklyn	Command Discipline - A (Vacation: 1 day)
Substantiated (Command Discipline A)	PO Yehuda Topper	A	Entry of Premises	77	Brooklyn	Resigned
Substantiated (Command Discipline A)	PO John Polacsek	D	Word	77	Brooklyn	No Discipline
Substantiated (Command Discipline B)	DI Andrew Hillery	F	Physical force	84	Brooklyn	Retired
Substantiated (Command Discipline B)	PO Austin Munro	A	Refusal to process civilian complaint	102	Queens	No Discipline
Substantiated (Command Discipline A)	POM Jenrryis Fiallo	A	Stop	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Jenrryis Fiallo	A	Stop	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Edwin Duran	A	Stop	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Edwin Duran	A	Stop	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Edwin Duran	A	Failure to provide RTKA card	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Edwin Duran	A	Failure to provide RTKA card	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Jenrryis Fiallo	A	Failure to provide RTKA card	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	POM Jenrryis Fiallo	A	Failure to provide RTKA card	110	Queens	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	SGT Raymond Persaud	A	Threat of force (verbal or physical)	113	Queens	Command Discipline - A
Substantiated (Command Discipline A)	SGT Daniel Smyth	A	Entry of Premises	114	Queens	No Discipline
Substantiated (Formalized Training)	LT Matthew Harrison	A	Entry of Premises	120	Staten Island	Formalized Training
Substantiated (Formalized Training)	SGT Thomas Garguilo	A	Entry of Premises	120	Staten Island	Formalized Training
Substantiated (Command Discipline B)	LT Matthew Harrison	A	Threat to damage/seize property	120	Staten Island	Formalized Training
Substantiated (Command Discipline B)	SGT Thomas Garguilo	A	Threat to damage/seize property	120	Staten Island	Formalized Training

Figure 56: NYPD Discipline Imposed for Allegations - APU Adjudicated Cases (October 2022)

Board Disposition	Officer	FADO Type	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Charges)	POM Lorvin Fernandez	F	Physical force	40	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	POM Lorvin Fernandez	F	Physical force	40	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	LT Eric Dym	A	Retaliatory summons	40	Bronx	Forfeit vacation 18 day(s)
Substantiated (Charges)	LT Eric Dym	A	Frisk	40	Bronx	Forfeit vacation 18 day(s)
Substantiated (Charges)	LT Eric Dym	A	Stop	40	Bronx	Forfeit vacation 18 day(s)
Substantiated (Charges)	POM Justin Hoff	A	Gun Drawn	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	LT Kurtis Rose	A	Other	48	Bronx	Forfeit vacation 20 day(s)
Substantiated (Charges)	LT Kurtis Rose	A	Other	48	Bronx	Forfeit vacation 20 day(s)
Substantiated (Charges)	POM Justin Hoff	A	Frisk	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	POM Justin Hoff	A	Stop	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	POM Justin Hoff	A	Stop	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	POM Justin Hoff	A	Stop	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	POM Justin Hoff	A	Stop	48	Bronx	No Discipline (Not guilty after trial)
Substantiated (Charges)	SGT Nicholas Guzman	U	False official statement	102	Queens	Dismissed