

# Discipline in the NYPD 2023

---



New York City Police Department

---

## Table of Contents

<b>Executive Summary .....</b>	<b>2</b>
<b>The Disciplinary Process .....</b>	<b>4</b>
<b>Disciplinary Case Origins .....</b>	<b>6</b>
Calendar Year Intake .....	6
Recidivism .....	8
<b>Timely Prosecutions.....</b>	<b>9</b>
Trial Dispositions.....	11
<b>Penalties .....</b>	<b>13</b>
2023 Closed Cases .....	13
Penalty Days In Disciplinary Cases .....	13
Separations .....	14
<b>Personnel Demographics .....</b>	<b>15</b>
<b>Appendix.....</b>	<b>19</b>
Glossary of Terms.....	19
Deviation Letters.....	21

### Executive Summary

The New York City Police Department (the Department) continues to be committed to a fair, effective, timely, and transparent disciplinary process. This report contains information regarding employee discipline in calendar year 2023, including the timeliness of the discipline process, the demographic information of subject employees, and the types of discipline imposed.

The Department is bound by the many laws, policies, procedures, and rules governing the policing profession. Police work and police decision making in the field relies on an officer's discretionary judgment and accumulated experience, as well as an adherence to guiding principles, to solve a variety of problems. Public trust is eroded each time the conduct of a Department employee does not conform to the values and standards of the Department and the policing profession.

When an allegation of misconduct is substantiated, disciplinary action is imposed to: correct and prevent employee misconduct; maintain the orderly functioning of the Department; ensure compliance to high standards of conduct and establish appropriate consequences for the failure to comply; and assure the public that the Department will hold employees accountable for misconduct. The disciplinary process reaffirms the Department's commitment to public service above all else.

Discipline must be imposed fairly and equitably. **Fairness** within a discipline system means taking the time and effort to objectively review the circumstances surrounding the alleged misconduct - including the reliability, intention, and motivation of all witnesses; impact of the misconduct on the Department and members of the public; the absence, presence and extent of damages; the level of training of the employee in question; the history of the employee with the Department; as well as other mitigating and aggravating factors. **Equity** within a discipline system means holding all employees accountable regardless of rank, demographic, assignment, or tenure. Each disciplinary matter is unique, requiring a comprehensive analysis, and must consider the totality of the circumstances.

The Department's robust disciplinary process is able to accomplish these goals while minimizing excessive case buildup. In 2023, there were 1,720 disciplinary cases referred to the Department for investigation. As of December 31, 2023, 967 (2.9%)<sup>1</sup> members of the service (MOS)<sup>2</sup> had active investigations of serious misconduct. In 2023, MOS forfeited 12,768 penalty days<sup>3</sup> due to disciplinary cases. This represents a decrease of 3.7% (12,768 vs. 13,252) from 2022. Additionally, 78 members were subject to forced separation from the Department as a result of disciplinary action.

In furtherance of transparency and accountability, the Department strives for the expeditious adjudication of disciplinary matters. On average, over the last three years (2021, 2022, and 2023), cases the Department Advocate's Office (DAO) prosecuted have concluded in 512 days. Over the same time period, cases prosecuted by the Civilian Complaint Review Board's (CCRB) Administrative Prosecution Unit (CCRB-APU) were concluded in an average of 649 days. While the DAO prosecutes cases for both civilian

---

<sup>1</sup> Staffing calculations are derived from a 12 month average from January 2023 to December 2023. For 2023, the Department's workforce consisted of 33,748 uniformed members of the service and 16,831 civilian members of the service.

<sup>2</sup> The term "members of the service" refers to both uniformed employees and civilian employees, unless otherwise specified.

<sup>3</sup> An aggregate of suspension and vacation days.

## 2023 Discipline Report

members of the service (CMOS) and uniformed members of the service (UMOS), CCRB-APU exclusively focuses on cases involving UMOS.

The Department's disciplinary process underwent significant change in 2021, and as part of that change, the Department publicly released its disciplinary penalty guidelines. The guidelines, commonly referred to as the "Discipline Matrix," were developed from recommendations made by a blue-ribbon panel. The panel, consisting of former prosecutors and judges, convened for the evaluation and improvement of the Department's disciplinary system and recommended penalty guidelines for an array of infractions. The Discipline Matrix was updated in 2022. Some of the changes include specifying new penalties for misuse of Department technology, failure to take police action, and failure to report biased-based enforcement action.

In addition to the Discipline Matrix, the Department and the CCRB entered into a memorandum of understanding in 2021 wherein both parties agreed to use the disciplinary penalty guidelines as a framework for discipline recommendations. However, these guidelines are not absolute. Both parties are allowed to deviate from the Matrix but must notify the other party in writing when doing so. The Department posts these written explanations on its Officer Profile Portal<sup>4</sup>. This Portal, created in 2021, is a publicly accessible database where users can search by specific UMOS and view various employment related data points. The disciplinary tab on the officer profile displays the date of any charges, a description of the charges, the disposition, and the penalty, if any. The Department also uploads its trial decisions library to its public website<sup>5</sup>, dating back to 2008. The creation and posting of the Officer Profile Portal, as well as this report, are some of the many proactive steps taken by the Department to assure the public of its commitment to transparency.

### Data Limitations

The Department's data regarding formal discipline is stored in a case management database. This database is intended to manage cases throughout the disciplinary process, not for cataloging and manipulating data. The complexity of individual cases makes lateral comparisons difficult. Mitigating or aggravating factors, the number of charges per case, and the respondent's disciplinary history make every case unique. Accordingly, this report is limited to a consideration of the broad data points found in the case management system (e.g., intake volume, active cases, case length, and separations).

---

<sup>4</sup> <https://nypdonline.org/>

<sup>5</sup> <https://www.nyc.gov/site/nypd/bureaus/administrative/trials.page>

## The Disciplinary Process

When an allegation of misconduct against an MOS is investigated and evidence is found to show that the event did occur, that the member in question engaged in the action, and that the act itself was a violation of Department guidelines, the allegation is deemed by the investigator to be substantiated. Substantiated allegations follow due process and are investigated to determine veracity, culpability, and, when warranted, are subject to discipline.

Discipline in the Department is imposed in a variety of ways, largely measured against the seriousness of the substantiated misconduct. The least serious violations result in training which is either conducted by a commanding officer who instructs a member on proper procedures (informal) or by members assigned to the Training Bureau (formal re-training). Other minor violations of Department policies can also be addressed through discipline imposed at the command level via a written command discipline. Command disciplines allow a commanding officer to impose discipline without resorting to filing formal disciplinary charges. The types of violations subject to command discipline are outlined in Administrative Guide 318-01: "Command Disciplines and Authorized Penalties"<sup>6</sup> and include infractions/violations such as improper uniform and loss of Department property. Depending on the severity of the violation, commanding officers may impose penalties that range from "warn and admonish" to revoking up to 10 days of vacation or accrued time.

Substantiated allegations of serious misconduct are referred to the DAO. Staffed by civilian attorneys, and augmented by a complement of uniformed and civilian personnel, the DAO evaluates substantiated allegations of serious misconduct and files administrative charges known as "charges and specifications" when necessary. The DAO also recommends appropriate disciplinary penalties for each charge and pursues legal action for disciplinary matters. In situations in which there are no significant aggravating factors or additional misconduct, the DAO may adjudicate a command discipline in lieu of charges and specifications for a maximum penalty of 20 days.

Case resolution for uniformed and civilian members differs slightly. Faced with disciplinary charges and specifications for substantiated allegations of misconduct or violations of Department rules, UMOS may acknowledge the charged misconduct and accept a penalty by entering into a negotiated settlement. If the offer is refused, the case will proceed to trial where a guilty or not-guilty disposition is decided. For cases involving CMOS, resolution is achieved in a similar but expanded process. CMOS may process discipline through an informal conference, an administrative adjudication by the Office of Labor Relations, or trial. Because of the different paths, case lead time to closure is significantly different between uniformed and civilian members. All settlement terms are based on prior case precedent and the Discipline Matrix. Also taken into account is the member's disciplinary history as past discipline may affect final penalty outcomes. Settlements benefit all parties involved by resolving and imposing penalties quickly and efficiently.

If members do contest the charges or do not agree to the proposed penalty, they have the legal right to a full *de novo* administrative hearing known as a Department trial, a process overseen by the Office of the Deputy Commissioner of Trials (DCT). When a Department employee is charged criminally with a violation of federal or state law, the Department also files internal disciplinary charges. Criminal conduct always includes a corresponding violation of the Department's internal rules. All employees are entitled to be represented by counsel, and the trial proceedings are open to the public. At trial, the DAO or, where

---

<sup>6</sup> [https://www.nyc.gov/assets/nypd/downloads/pdf/public\\_information/public-adminguide1.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-adminguide1.pdf)

## 2023 Discipline Report

applicable, the CCRB-APU has the burden of proving the charges by a preponderance of the evidence and is required to present evidence against the MOS. The member is entitled to cross-examine prosecution witnesses, present a defense to the charges, and/or present evidence in mitigation of the proposed penalty.

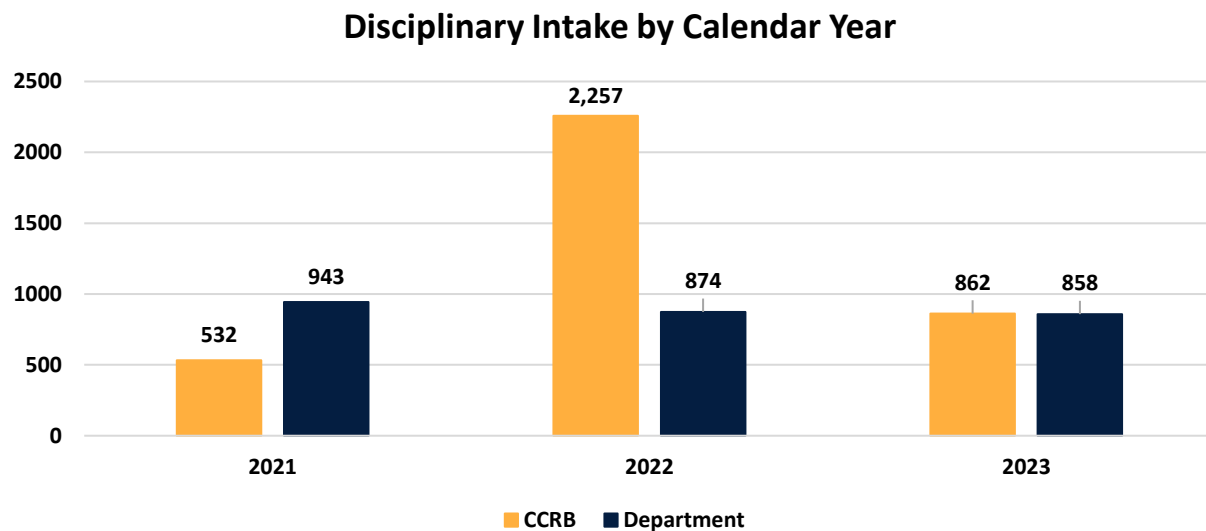
The DCT conducts Department trials in a fair and impartial manner, consistent with the rules and regulations governing administrative hearings, as well as the due process rights of the Department's members. At the conclusion of a trial, the trial commissioner (a civilian administrative attorney) issues a report that includes an analysis of the evidence presented, a determination on witness credibility, and a recommendation as to findings on each charge. Where there is a finding of guilt, the DCT recommends an appropriate penalty. All parties review the trial commissioner's report and are given an opportunity to submit written comments. The trial commissioner's report and the written comments of the parties, are then submitted to the Police Commissioner for review.

Ultimately, cases reach their conclusion when the Police Commissioner grants final approval and discipline is imposed. Regardless of the manner in which a Department disciplinary case is resolved, be it by settlement agreement or Department trial, the Police Commissioner, by law, makes the final disciplinary determination and penalty finding.

## Disciplinary Case Origins

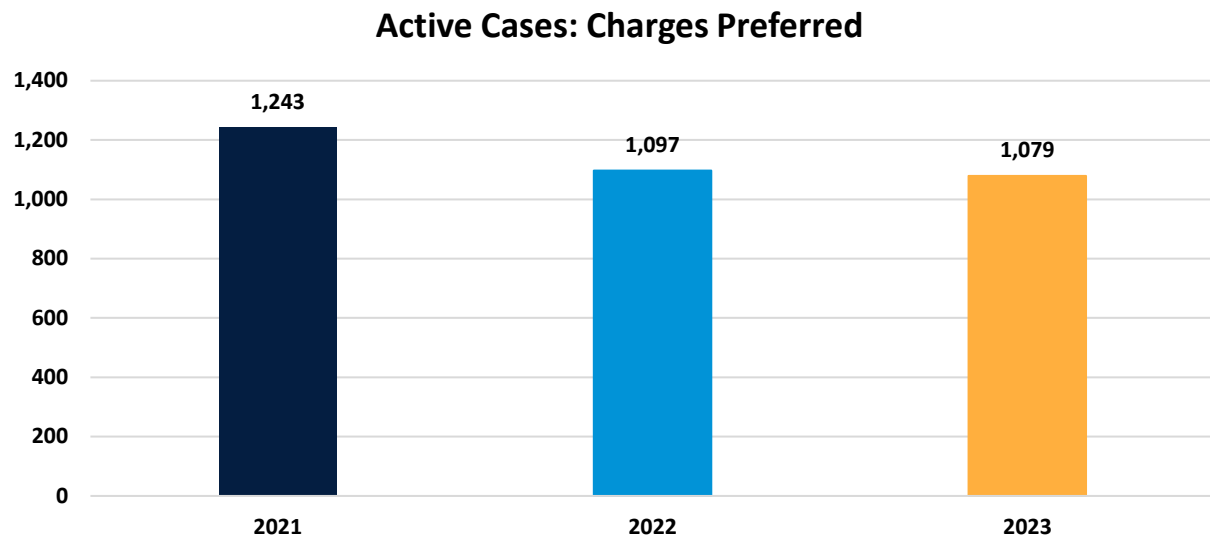
### Calendar Year Intake

Only the Department and the CCRB can generate disciplinary cases against members of the service. An entry is created in the disciplinary case management system when the DAO receives a disciplinary matter for review from another Department unit or the CCRB. Some of these cases will result in charges and specifications and some will result in less than charges and specifications. The final penalties for these charges and specifications may range from recommendations for officer re-training on a specific law enforcement subject to termination. Following an executive order extending the statute of limitations in 2022, the CCRB initiated nearly three times as many cases than the Department. In 2023, however, cases initiated by the CCRB dropped to more historical numbers. Combined, the CCRB and the Department initiated 1,720 total cases for investigation, with each contributing near 50% (862 for the CCRB and 858 for the Department). The following chart illustrates the intake of individual entries into the Department's disciplinary case management system.



In 2023, the CCRB forwarded 862 cases to the DAO for review, including violations noted in their investigation that lie outside of their chartered purview<sup>7</sup>. However, not every case reviewed necessitated charges and specifications. In 23.0% (198) of these cases, charges and specifications were preferred by the DAO. The remaining 77.0% (664) of CCRB referrals did not have charges preferred.

<sup>7</sup> See Appendix: CCRB



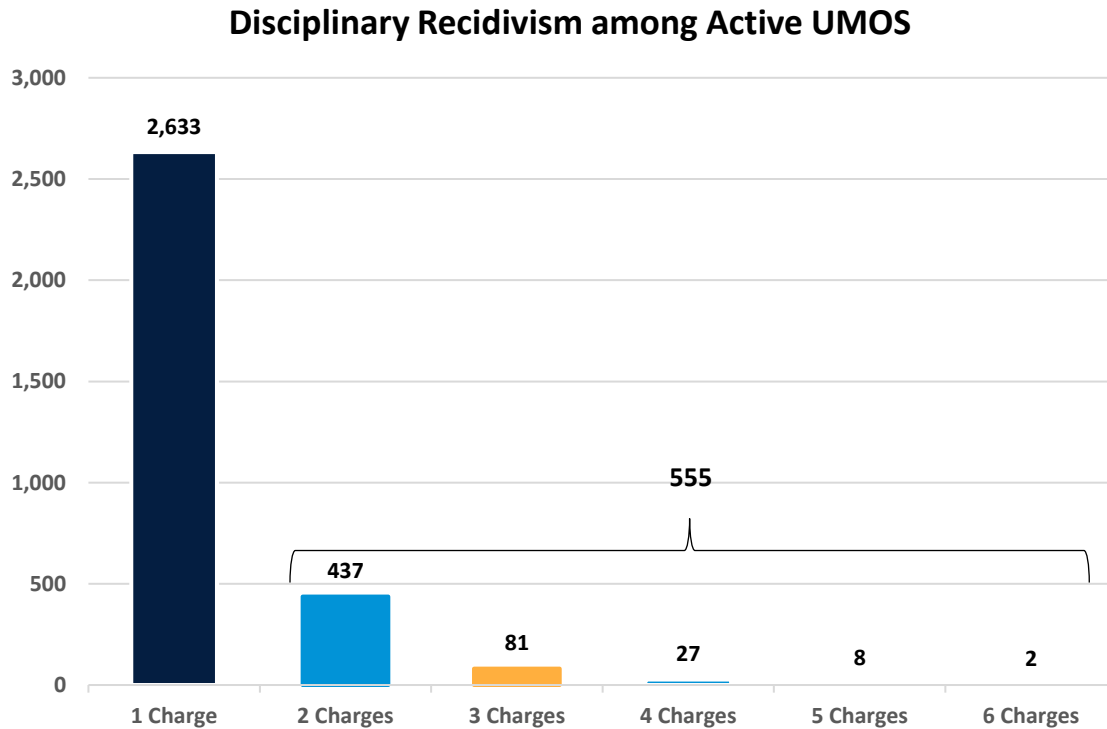
The above chart illustrates the inventory of cases with charges preferred from the disciplinary case management system that were still active on December 31<sup>st</sup> of that year. The investigation of cases may transcend calendar years. A case opened in one year may be counted as active in successive end-of-year counts until it is closed.



## 2023 Discipline Report

### Recidivism

Out of the 33,748 active UMOs, 3,188 have received charges at some point in their career. Of these, 555 (1.6% of all active UMOs) have received charges more than once. The following chart illustrates active UMOs who have had charges preferred at any point in their career and how many distinct times these active uniformed members have been served with charges.



The number of active uniformed members who have received charges during their career represents less than 10% of the Department's active uniformed headcount. Of all active UMOs, less than 2% (555) received charges more than once in their career. The following table depicts UMOs with charges, the number of times the member received charges, and percentage this group makes up of the overall Department.

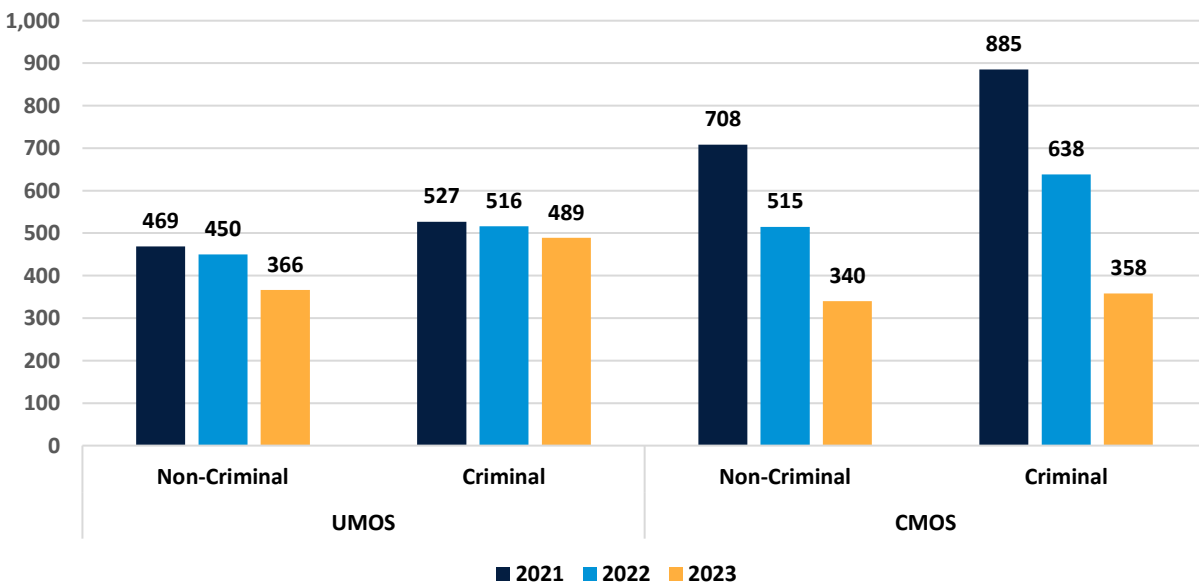
Disciplinary Recidivism among Active UMOs		
Frequency of Charges	Active UMOs Who Have Received Charges	% of Total UMOs
1	2,633	7.8%
2	437	1.3%
3	81	0.2%
4	27	0.1%
5	8	0.02%
6	2	<0.01%
Total	3,188	9.4%

## Timely Prosecutions

Historically, disciplinary cases involving a parallel criminal prosecution take longer to resolve because the Department, at times, holds the administrative cases in abeyance until the conclusion of the criminal prosecution. When a member of the service is charged with a crime, the Department also files internal disciplinary charges against the member because criminal conduct always constitutes a violation of Department policy. Under the appropriate circumstances, the Department's internal disciplinary case may proceed on a parallel track to the criminal case. The determination to move ahead with a disciplinary proceeding is fact-specific and will be undertaken if the disciplinary proceeding can be accomplished without compromising the criminal prosecution. In making the decision, the Department will always consult with, but not necessarily defer to, the appropriate prosecutorial authority and will consider any issues or concerns presented.

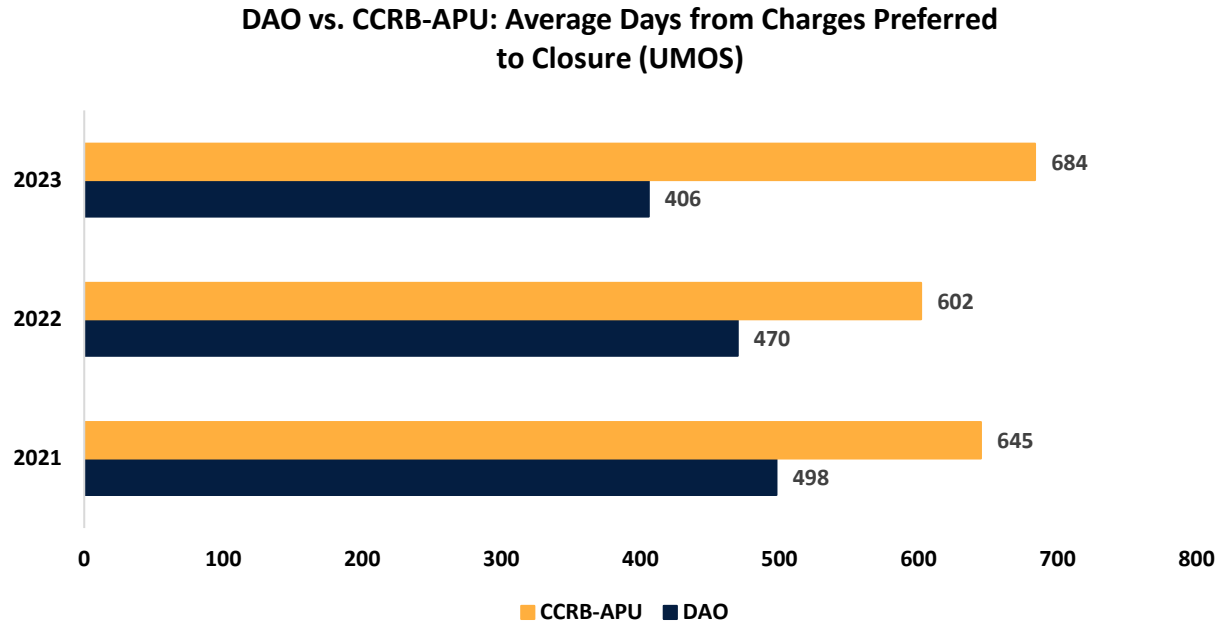
From 2021 to 2023, on average, cases prosecuted by the DAO involving UMOs were resolved in 428 days for disciplinary matters that did not have a parallel criminal investigation against the subject. For cases that did have parallel criminal investigations against the subject, resolution was achieved in 511 days, on average. Over the same period, cases involving CMOS were resolved in an average of 521 days for disciplinary matters that did not have parallel criminal investigations and 627 days for disciplinary matters that did involve a parallel criminal investigation. Case resolution times have decreased each year since 2021. The following chart disaggregates the average number of days from when charges were preferred to when they were submitted for the Police Commissioner's endorsement, for UMOs and CMOS in criminal and non-criminal cases in 2021, 2022, and 2023.

**DAO: Average Days from Charges Preferred to Closure**



## 2023 Discipline Report

Case resolution times for UMOS can be further disaggregated by prosecuting agency. The following chart shows the average number of days from the date charges were served on a UMOS to the date the case was closed. Again, CCRB-APU can only prosecute UMOS.

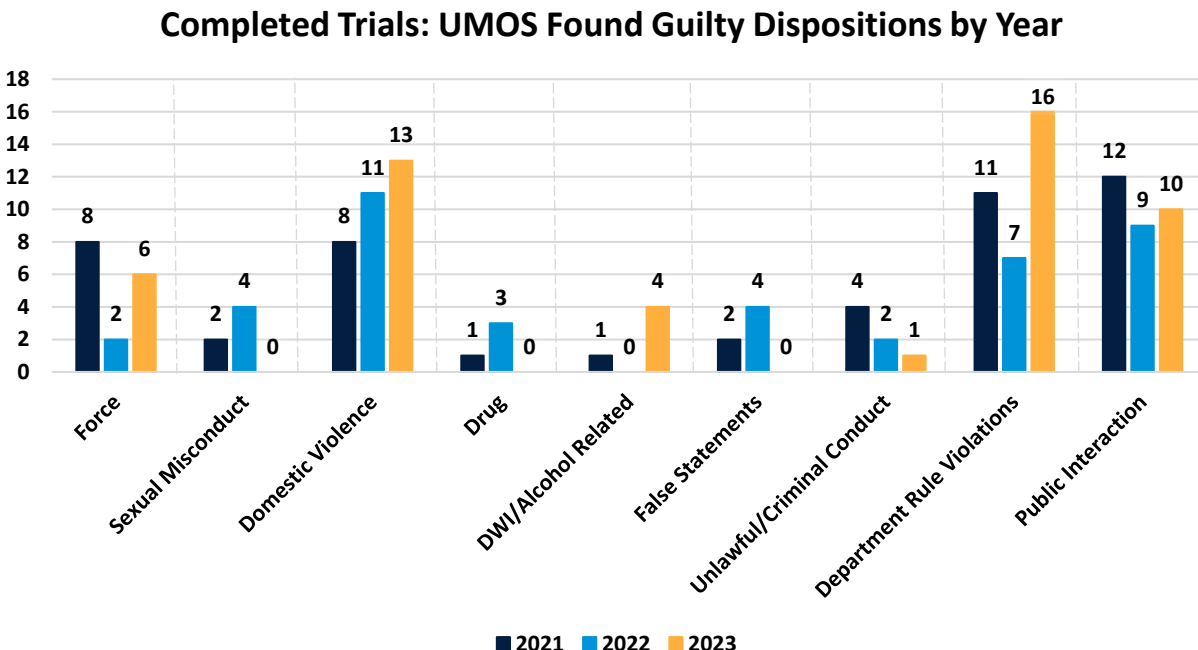
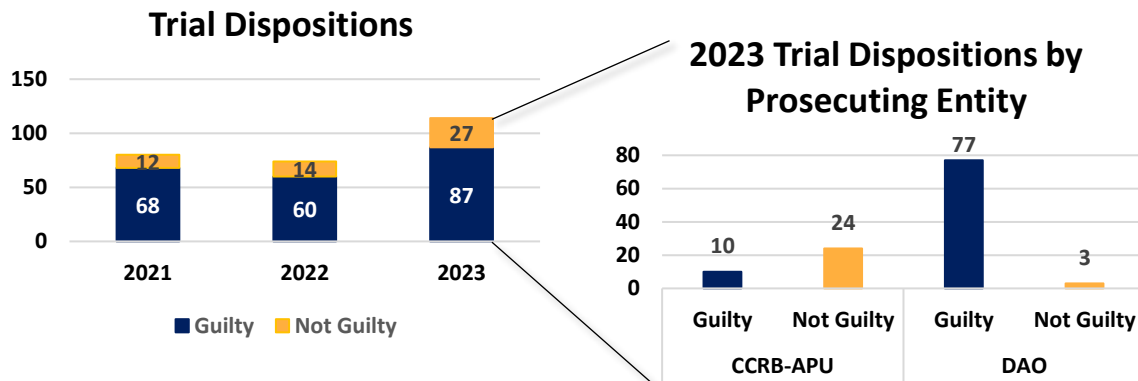


## 2023 Discipline Report

### Trial Dispositions

If an MOS elects to have a Department trial, the DCT is responsible for administering the Department trial in accordance with applicable laws, regulations, and policies. The prosecuting entity is either the CCRB-APU or the DAO. While the majority of cases reached settlements outside of the trial room (537 of 665 or 80.8% in 2023), there was still a significant amount of cases that proceeded through the trial process.

In 2023, the number of disciplinary cases resolved at trial notably increased by 54.1% from 2022 (114 vs. 74). There was an overall conviction rate of 75.0%, which includes findings and mitigated pleas, for cases that went to trial in 2023. The DAO achieved convictions in 95.9% of cases tried, inclusive of UMOS and CMOS; the CCRB-APU achieved convictions in 25.8% of cases against solely UMOS.



Notable increases include force misconduct trials at 200% (6 vs. 2) and Department rule violations at 129% (16 vs. 7).

## 2023 Discipline Report

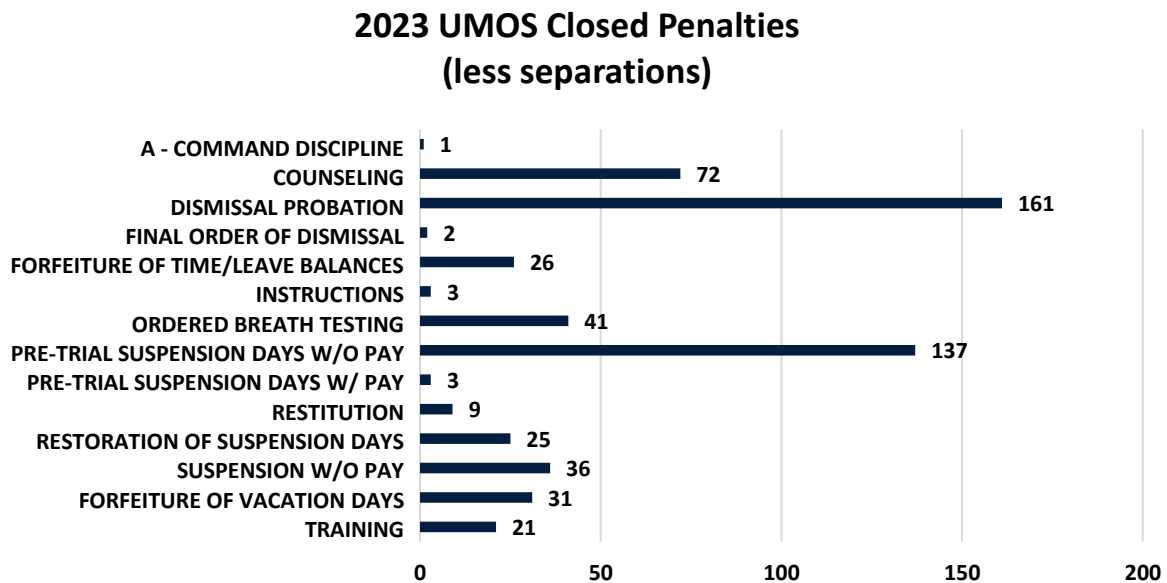
UMOS Trials Completed by Misconduct Category 2023								
Misconduct Category	Total	Not Guilty	Found Guilty	Pled Guilty	Termination / Forced Separation	Dismissal Probation & Penalty Days	Penalty Days	Instruction
Force	24	15	6	3	1	2	6	0
Sexual Misconduct	0	0	0	0	0	0	0	0
Domestic Violence	17	1	13	3	11	4	1	0
Drug	0	0	0	0	0	0	0	0
DWI/Alcohol Related	6	0	4	2	2	2	2	0
False Statements	5	0	0	5	2	0	3	0
Unlawful/ Criminal Conduct	6	0	1	5	5	0	1	0
Department Rule Violations	28	2	16	10	0	4	22	0
Firearms	1	0	0	1	0	0	1	0
Public Interaction	27	9	10	8	1	1	16	0
<b>Totals</b>	<b>114</b>	<b>27</b>	<b>50</b>	<b>37</b>	<b>22</b>	<b>13</b>	<b>52</b>	<b>0</b>

*Note: the majority of cases in which charges and specifications were preferred against a UMOS were adjudicated through a negotiated settlement (approximately 277 cases). The remaining cases either went to trial, were dismissed, or the respondents separated from the Department (either voluntarily or forced). The above table only illustrates misconduct categories in regard to completed trials in 2023.*

## Penalties

### 2023 Closed Cases

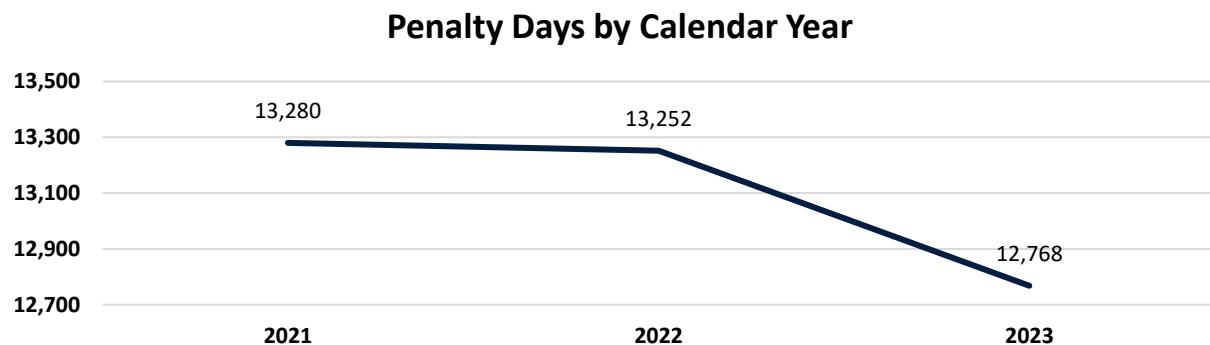
In 2023, 487 cases in which charges were preferred against UMOS were adjudicated. Each of these cases potentially had more than one set of charges. It should be noted that although the cases were closed in 2023, it does not necessarily mean the cases originated in 2023. The following chart illustrates categories of penalties associated with these closed cases (not including separations).



The above chart represents a count of how many times each type of penalty was imposed. It should be noted that often more than one type of penalty is imposed for a single case (e.g., a suspension followed by counseling and ordered breath testing). As such, the penalties count is higher than the cases count.

### Penalty Days In Disciplinary Cases

In 2023, suspension days<sup>8</sup> decreased by 20.7% from 2022 while vacation days taken increased by 6.4%. The significant reduction in suspension days led to an overall penalty days taken decrease of 3.7% from 2022. The following graph is an aggregate of all penalty days (i.e., suspension, pre-trial suspension, and vacation days) that were taken by year.

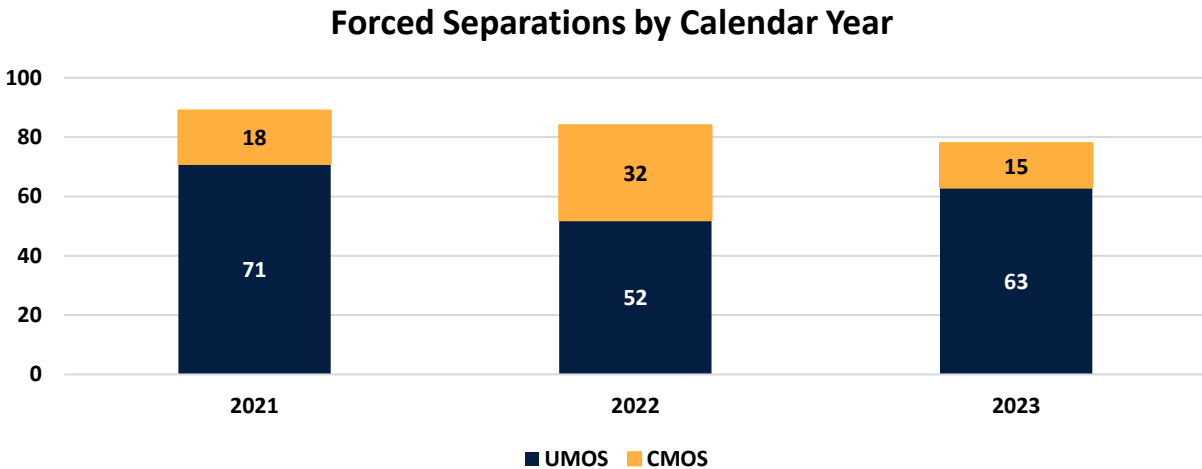


<sup>8</sup> This includes days on suspension without pay and pre-trial suspension days for all MOS.

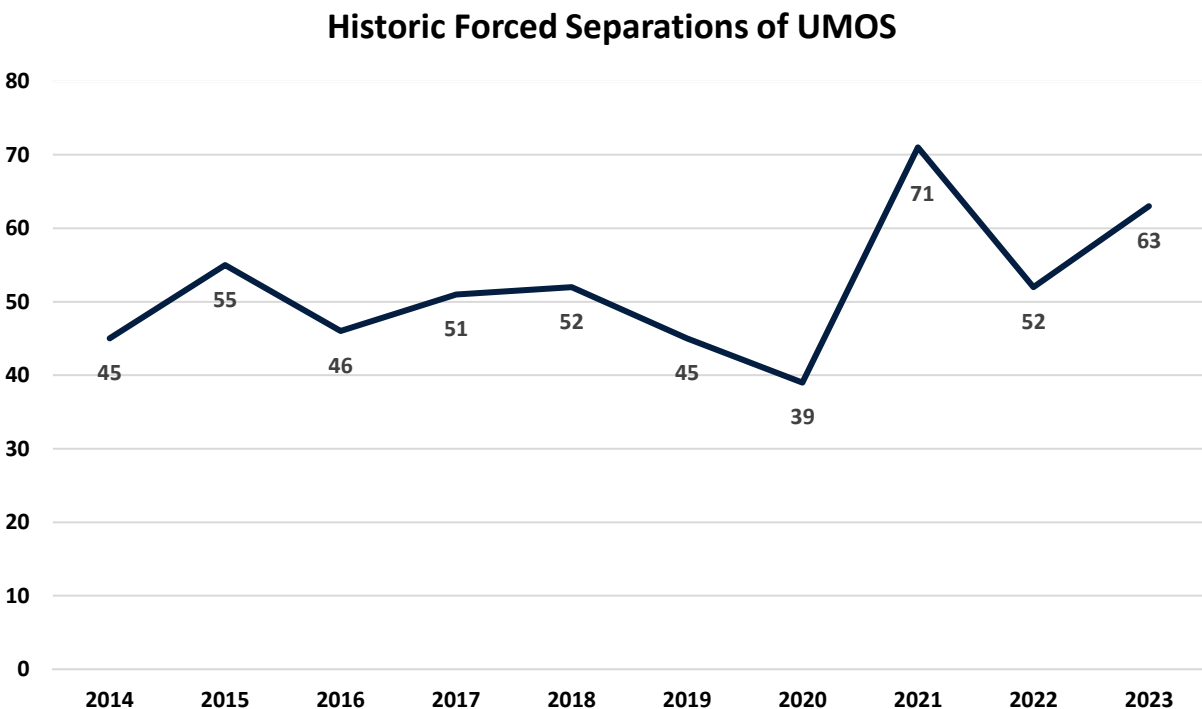
## 2023 Discipline Report

### Separations

The Department saw 78 forced separations of MOS in 2023, a decrease of 7.1% compared to the 84 separated in 2022. While there were fewer separations for civilian members, there was an increase of 21.2% in uniform member separations.

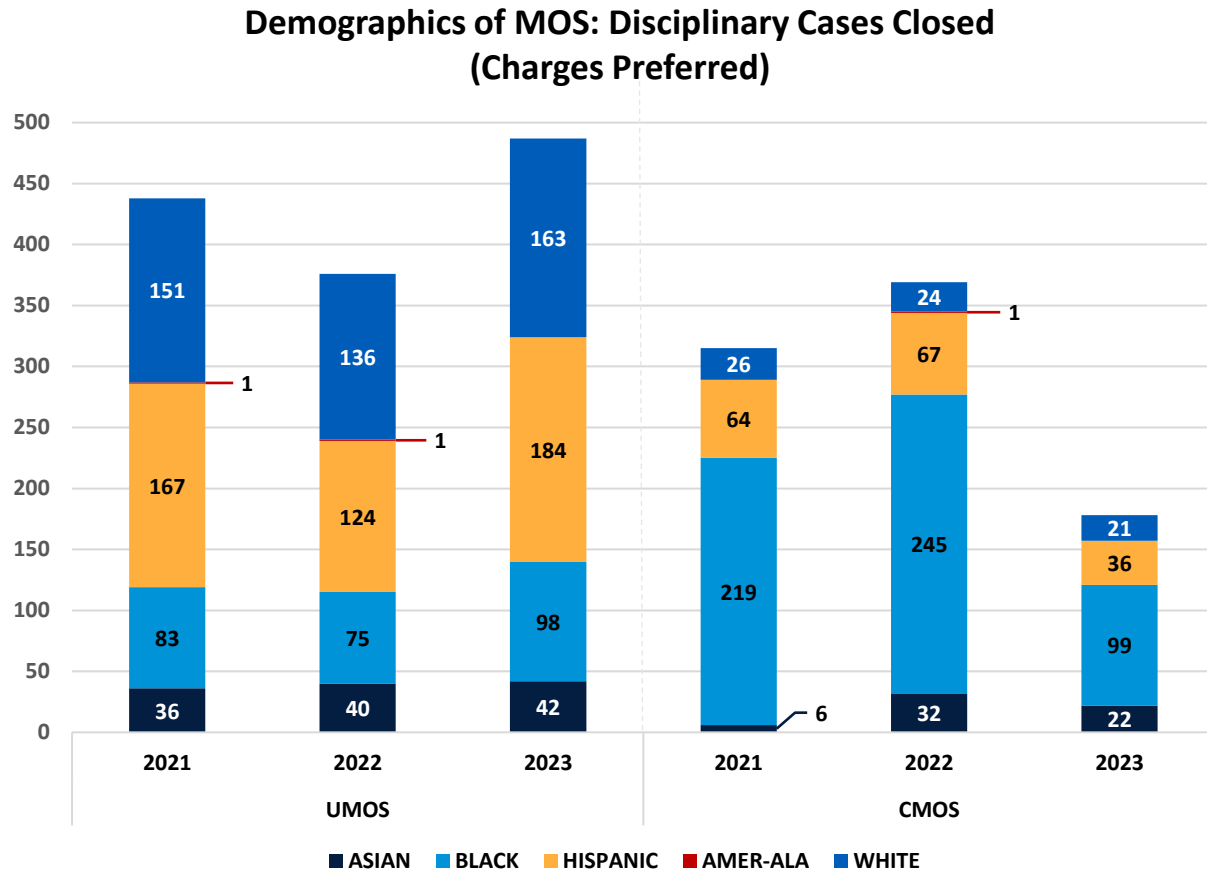


On average (from 2014-2023), there were approximately 52 forced separations of UMOs per year.



## Personnel Demographics

The following data illustrates disciplinary cases in which charges were preferred, separated by personnel demographics. A case may have more than one charge associated with it and is counted in the year in which the case is closed, as cases may span more than one calendar year. A respondent may have more than one case.



The following table depicts the total number of UMOs in the Department by race, the percentage of UMOs that race represents within the Department, the number and percent of individual closed cases with charges preferred associated with a member of that race, and the percentage that group makes up of total closed cases.

UMOS 2023 Disciplinary Cases Closed by Race				
Race	# of UMOs	% of UMOs	# of Closed Cases	% of Closed Cases
White	14,132	41.9%	163	33.5%
Black	5,363	15.9%	98	20.1%
Hispanic	10,627	31.5%	184	37.8%
Asian-Amer/Pac-Isl	3,601	10.7%	42	8.6%
Amer-Ind/Alaskan	25	0.1%	0	0.0%
<b>Total</b>	<b>33,748</b>	<b>100.0%</b>	<b>487</b>	<b>100.0%</b>

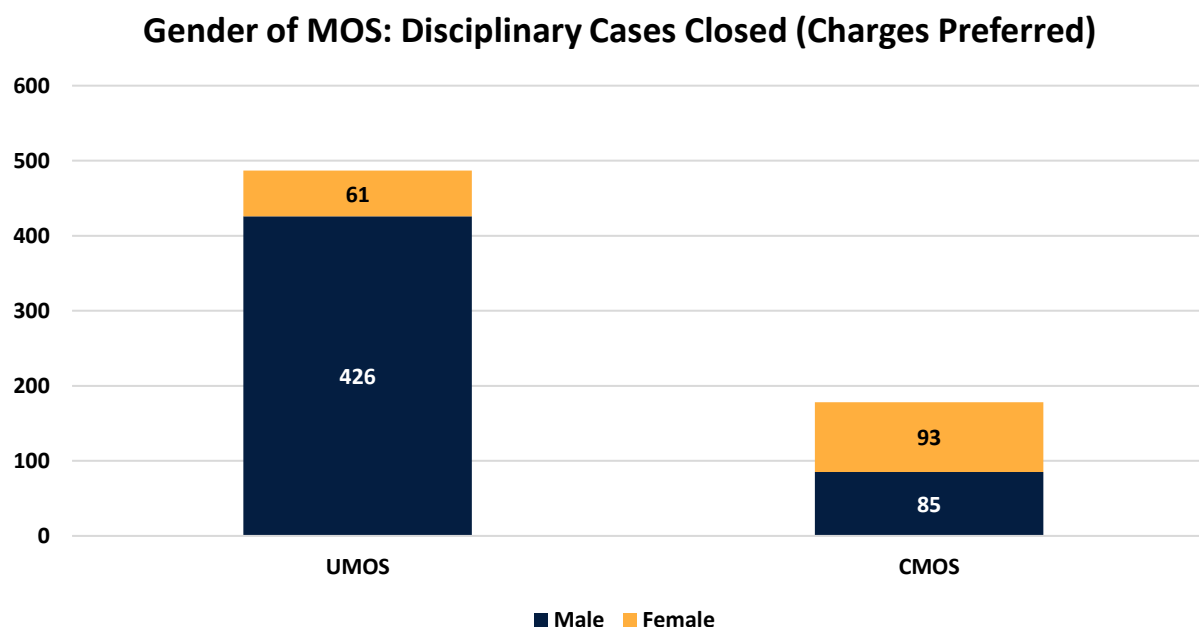


## 2023 Discipline Report

The following table depicts the total number of CMOS in the Department by race, the percentage of CMOS that race represents within the Department, the number and percent of individual closed cases with charges preferred associated with a member of that race, and the percentage that group makes up of total closed cases.

CMOS 2023 Disciplinary Cases Closed by Race				
Race	# of CMOS	% of CMOS	# of Closed Cases	% of Closed Cases
White	2,515	14.9%	21	11.8%
Black	7,826	46.5%	99	55.6%
Hispanic	3,798	22.6%	36	20.2%
Asian-Amer/Pac-Isl	2,648	15.7%	22	12.4%
Amer-Ind/Alaskan	44	0.3%	0	0.0%
<b>Total</b>	<b>16,831</b>	<b>100.0%</b>	<b>178</b>	<b>100.0%</b>

In 2023, male UMOS constituted 87.5% of the closed disciplinary cases with charges preferred. Males comprise 80.1% of all UMOS. In juxtaposition to UMOS, females made up the slight majority, 52.2%, of closed disciplinary cases involving CMOS cases with charges preferred. Females comprise 66.1% of all CMOS.



The following table depicts the total number of UMOS in the Department by gender, the percentage of UMOS represented by that gender, the number and percent of individual closed cases with charges preferred associated with a member of that gender, and the percentage each gender makes up of total closed cases.

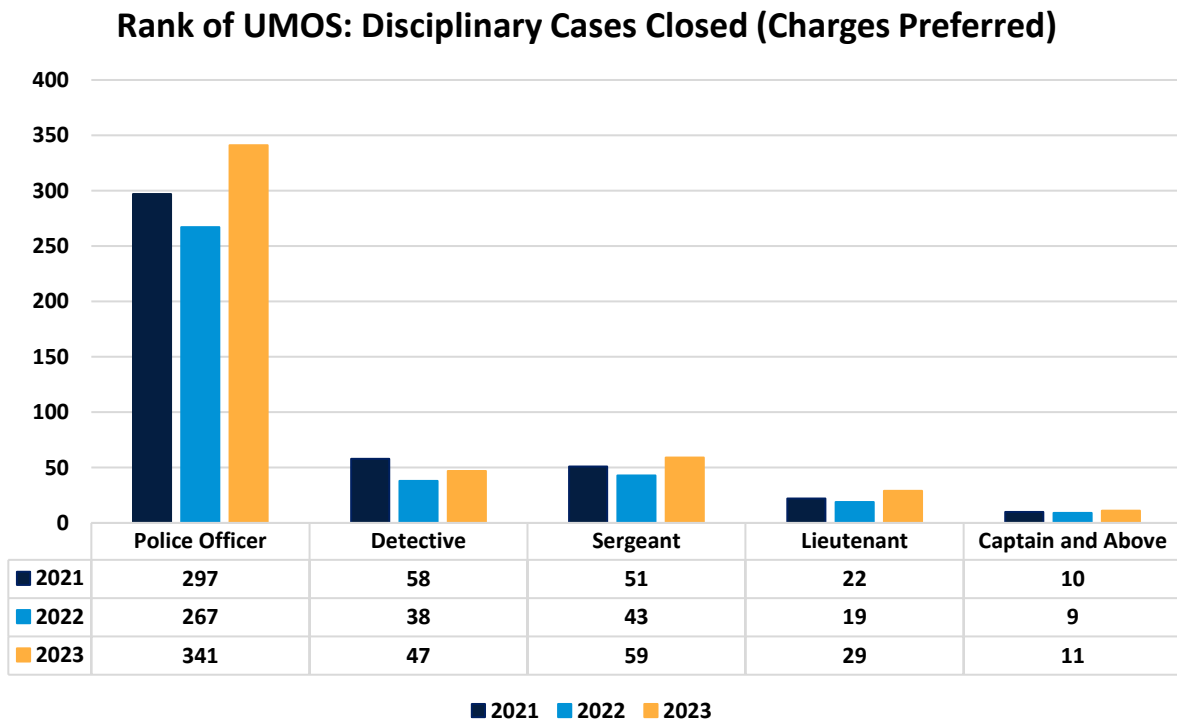
## 2023 Discipline Report

UMOS 2023 Disciplinary Cases Closed by Gender				
Gender	# of UMOS	% of UMOS	# of Closed Cases	% of Closed Cases
Male	26,891	79.7%	426	87.5%
Female	6,831	20.2%	61	12.5%
<b>Total</b>	<b>33,722</b>	<b>100.0%</b>	<b>487</b>	<b>100.0%</b>

The following table depicts the total number of CMOS in the Department by gender, the percentage of CMOS represented by that gender within the Department, the number and percent of individual closed cases with charges preferred associated with a member of that gender, and the percentage each gender makes up of total closed cases.

CMOS 2023 Disciplinary Cases Closed by Gender				
Gender	# of CMOS	% of CMOS	# of Closed Cases	% of Closed Cases
Male	5,698	33.9%	85	47.8%
Female	11,133	66.1%	93	52.2%
<b>Total</b>	<b>16,831</b>	<b>100.0%</b>	<b>178</b>	<b>100.0%</b>

In 2023, UMOS in the rank of police officers comprised 70.0% of the UMOS who had disciplinary cases with charges preferred. This is consistent with 2021 and 2022 (67.8% and 71.0%, respectively).



## 2023 Discipline Report

The following table depicts the number of uniformed members by rank, the number and percent of individual closed cases with charges preferred associated with a member of that rank, and percentage that group makes up of total closed cases.

2023 UMOS Disciplinary Cases Closed by Rank				
Rank	# of UMOS	% of Total UMOS	# of Closed Cases	% of Closed Cases
Captain and Above	766	2.3%	11	2.2%
Lieutenant	1,669	4.9%	29	6.0%
Sergeant	4,306	12.8%	59	12.1%
Detective	5,177	15.3%	47	9.7%
Police Officer	21,830	64.7%	341	70.0%
<b>Total</b>	<b>33,748</b>	<b>100.0%</b>	<b>487</b>	<b>100.0%</b>

## Appendix

### Glossary of Terms

**Charges and Specifications:** Formal discipline. Penalties range from additional training to termination. “Charges preferred” refers to a member of the service being served with charges and specifications in a disciplinary matter.

**CCRB:** The New York City Civilian Complaint Review Board (CCRB) is an independent oversight agency. It is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City UMOS alleging the use of excessive or unnecessary force, abuse of authority (which includes bias-based policing and racial profiling), discourtesy, the use of offensive language, or untruthful statements. The Board’s investigative staff, composed entirely of civilian employees, conducts investigations in an impartial fashion. The Board forwards its findings to the Police Commissioner.

**CCRB-APU:** On April 2, 2012, the Department and the CCRB signed a memorandum of understanding (MOU) which conferred on the CCRB the power to prosecute substantiated cases where the board recommended charges and specifications. As a result, the CCRB’s Administrative Prosecution Unit (APU) now prosecutes nearly all these cases, with limited exceptions.

**Department Advocate’s Office:** The Department’s bureau composed of attorneys and UMOS responsible for analyzing and prosecuting disciplinary matters involving members of the service.

**Disciplinary System Penalty Guidelines/Discipline Matrix:** An array of disciplinary charges correlated with defined penalties utilized by the Department and the CCRB.

**Dismissal:** A penalty (ordered by the Police Commissioner) of forced separation without a trial (i.e., a member is convicted of a felony, commits certain infractions or is arrested while on probation/dismissal probation).

**Forced Separation:** The Police Commissioner, upon a finding or admission of wrongdoing in a disciplinary matter, may require that a member of the service separate (resignation, service retirement, or vested interest retirement) from the Department, in lieu of termination, as part of a negotiated settlement agreement. Forced separation may also include the forfeiture of penalty days, all time and leave balances, and any terminal leave to which the member of the service may be entitled. A member of the service who retires may be entitled to all or part of their accrued pension benefits in accordance with local law and New York State pension laws.

**Penalty Days:** The term penalty days refers to the forfeiture of vacation days and/or the imposition of suspension without pay for a specified time period. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. For some of the most serious categories of misconduct in these guidelines, suspension has been identified, in whole or in part, as the presumptive penalty. A member of the service who is found guilty after an administrative hearing may be suspended without pay for a period

## 2023 Discipline Report

not exceeding 30 days for any offense. A member of the service may agree to a longer term of suspension as part of a negotiated settlement agreement. If a member of the service was immediately suspended from duty during the pendency of an investigation, the forfeiture of suspension days, imposed prior to the disposition of the case, may be applied as part of the final disciplinary penalty. When the deduction of vacation days is the imposed penalty, a member of the service may elect suspension in lieu of vacation days if consistent with the needs of the Department.

**Termination:** The Police Commissioner, upon a finding or admission of wrongdoing in a disciplinary matter, has the authority to dismiss a member of the service from their employment with the Department. Additionally, upon criminal conviction of a felony, or a misdemeanor that constitutes a violation of a member's oath of office, the member vacates their civil service title and is terminated as a matter of law. A member of the service may be entitled to all or part of their accrued pension benefits in accordance with local law and New York State pension laws.



**THE POLICE COMMISSIONER**  
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM  
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

**Re:** CCRB Case No. 202003715 regarding Detective Kyle Calenda

**Date:** June 16, 2023

---

This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated a single allegation against Detective Calenda for wrongfully using force during a protest in May of 2020. The complainant in this matter was involved in a physical altercation with another protestor. When officers intervened and tried to place him under arrest, the complainant jumped, punched, kicked and attempted to evade the officers. Amongst the chaos, Detective Calenda used his baton and delivered multiple strikes to the complainant, in an effort to stop the physical resistance and achieve compliance.

After its investigation, the CCRB recommended the forfeiture of ten (10) penalty days. While CCRB's recommended penalty is a downward deviation from the NYPD's Disciplinary System Penalty Guidelines for wrongfully using less lethal force/device (baton) against an individual resulting in an injury, CCRB believed that the "penalty is appropriate given the circumstances surrounding the chaotic situation," as well as the officer's employment history, minimal disciplinary history, and excellent evaluations. It should be further noted that the alleged injury remains uncorroborated and the complainant was uncooperative with the CCRB investigation.

The CCRB's recommended downward deviation is altogether appropriate in this case. As such, the Department is adopting the reasoning outlined by the CCRB in their recommendation. Therefore, the forfeiture of ten (10) penalty days, as recommended by the CCRB, will be imposed in this matter.

  
Keechant L. Sewell  
Police Commissioner



**THE POLICE COMMISSIONER**  
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM  
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

**Re:** Disciplinary Case No. 2021-23921 regarding Sergeant Sindy Sanchez

**Date:** May 5, 2023

---

This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"), and involved a single allegation against Sergeant Sindy Sanchez of wrongfully using pepper spray against individuals during a protest in May of 2020. CCRB has determined that a deviation downward from the Disciplinary System Penalty Guidelines is warranted.

I adopt the reasoning propounded by CCRB and concur with the downward deviation for the reasons articulated by CCRB in the attached correspondence.

Therefore, though outside of the Disciplinary System Penalty Guidelines, a penalty consisting of a Schedule "A" Command Discipline, with the forfeiture of five (5) vacation days, as recommended by CCRB, will be imposed in this matter.

  
Keechant L. Sewell  
Police Commissioner