



**NYPD**  
New York City Police Department

# 2021 Discipline Report



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# **Discipline in the NYPD 2021**

Data preliminary and subject to change

# Executive Summary

The New York City Police Department is committed to a fair, effective, timely, and transparent disciplinary process. This report includes information regarding recidivist officers, the speed of the discipline process, and demographic information about subject employees.

The vast majority of the Department's employees abide 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 member of the service does not conform to the values and standards of the New York City Police 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.

Discipline must be imposed fairly and with equity. **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 for unacceptable behavior. Unacceptable behavior for one is unacceptable for all, regardless of rank, demographic, assignment, or tenure. Each disciplinary matter is unique, requiring a comprehensive analysis, and must consider the totality of the circumstances.

In 2021, over 13,300 penalty days<sup>1</sup> were forfeited by members of the service in regard to disciplinary cases. This represents an increase of 10.1% (13,310 vs. 12,094) from 2020. Additionally, 72 members were subject to a forced separation from Department employment in 2021 as a result of disciplinary matters. As of

December 31, 2021, there were 984 active cases with charges preferred against members of the service. The Department preferred the overwhelming majority (77.8% or 766) of these cases, while 22.2% (218) were preferred by the CCRB. As of December 31, 2021, only 564 (1.6%) uniformed members of the service (UMOS) had active charges and specifications<sup>2</sup>.

The Department is committed to the expeditious adjudication of disciplinary matters and is currently working to improve its proficiency and shorten timelines. On average, over the last three years (2019, 2020, and 2021), cases the Department Advocate (DAO) has prosecuted have concluded in 515 days. Over the same time period, cases prosecuted by the CCRB's Administrative Prosecution Unit (CCRB-APU) have concluded in 666 days, on average.

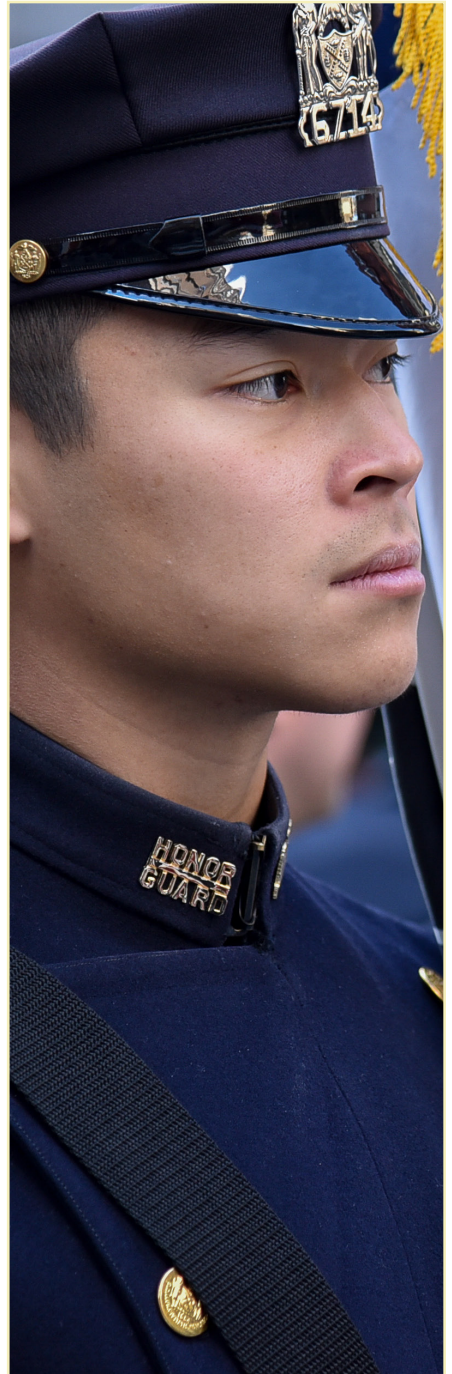
In 2021, the Department made transformative changes to the disciplinary process with regard to transparency and accountability. Effective January 15, 2021, the Department publicly released its disciplinary penalty guidelines. The guidelines emanated from recommendations made by a blue-ribbon panel of former prosecutors and judges convened for the evaluation and improvement of the Department's disciplinary system, and publicly established penalty guidelines for an array of infractions and offenses. In February of 2021, the Department and the CCRB entered into a memorandum of understanding wherein both parties agreed to use the disciplinary penalty guidelines as a framework for discipline recommendations, and to notify each other in writing when deviating from the guidelines. The Department posts these written explanations on its public website - NYPD Online. Continuing its efforts towards transparency, the Department created the Officer Profile Portal in March of 2021. This publicly accessible database, located at NYPD Online, allows users to search by specific UMOS and view various employment related data points. The discipline history on the officer profile displays the date of any charges, a description of the charges, the disposition, and the penalty, if any. In addition, the Department has uploaded all trial decisions to the online portal, dating back to 2008. The creation and posting of the Officer Profile Portal, as well as this report, are proactive steps taken by the Department to promote transparency in the discipline process.

1 An aggregate of suspension and vacation days that uniformed and civilian members were penalized in 2021.

2 As of December 31, 2021, the Department's headcount consisted of 34,690 uniformed members of the service and 17,820 civilian members of the service.

## DATA LIMITATIONS

The New York City Police Department's data regarding formal discipline is stored in a case management style database. The purpose of this database is to manage cases throughout the disciplinary process, not for the cataloging and presentation of 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. Therefore, attempting to correlate one case to another for analytical purposes is difficult. Accordingly, this report analyzes broad data points that are consistent in the case management system (e.g., intake volume, active cases, case length, separations, etc.).

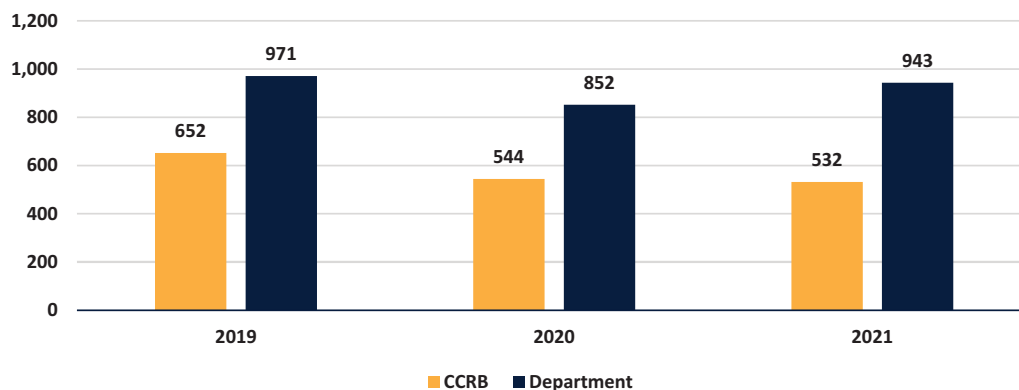


# Disciplinary Case Origins

## CALENDAR YEAR INTAKE

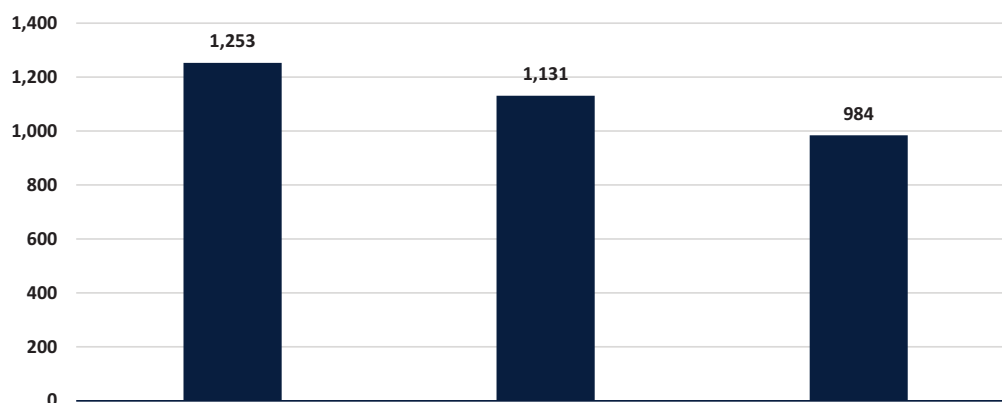
Cases are generated in the disciplinary system by either the Department or CCRB. Historically, the majority of disciplinary matters are generated by the Department. This trend continued during 2021. Of all the cases received in 2021, 63.9% (943) were cases initiated by the Department and 36.1% (532) were cases from the CCRB. The following chart illustrates the intake of individual entries into the Department's disciplinary case management system. An entry is created in the disciplinary case management system when the Department Advocate receives a disciplinary matter for review. Some of these cases will result in charges and specifications and some will result in less than charges and specifications. Such outcomes may include recommendations for officer re-training on a specific law enforcement subject or a command discipline.

Disciplinary Intake by Calendar Year



In 2021, the Civilian Complaint Review Board (CCRB) forwarded 532 cases to the Department Advocate for review. The CCRB recommended charges and specifications in 27.6% (147) of these cases. The remaining 72.4% (385) of disciplinary matters were recommended to be less than charges by the CCRB.

Active Cases: Charges Preferred

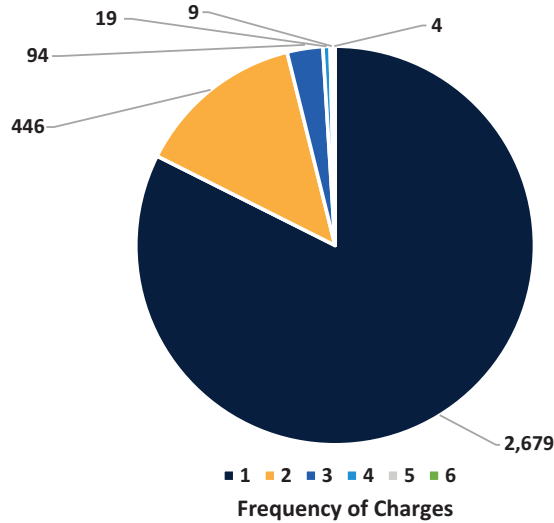


The above chart illustrates the inventory of cases (with charges preferred) from the disciplinary case management system that were active on December 31<sup>st</sup> of the respective year. Cases frequently transcend calendar years. The above chart captures the year in which a case was active (as of December 31<sup>st</sup>) and not necessarily the year in which the case originated or was closed.

## RECIDIVISM

Out of the 34,690 active uniformed members of the service (as of December 31, 2021), 3,251 have received charges at some point in their entire career. Of these, 572 have received charges more than once. The following chart illustrates active uniformed members of the service 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.

### Disciplinary Recidivism Among Active Uniformed Members of the Service



The number of active uniformed members who have ever received charges during their career represents 9.4% of the Department's active headcount. Of the active uniformed members who have had charges preferred against them, 82.4% (2,679) received charges only once in their career. The following table depicts active members of the service with charges, the number of times the member received charges, and percentage this group makes up of the overall Department.

Disciplinary Recidivism Among Active Uniformed Members of the Service		
Frequency of Charges	Active Uniformed Members with Charges	% of Department
1	2,679	7.7%
2	446	1.3%
3	94	0.3%
4	19	0.1%
5	9	0.0%
6	4	0.0%
<b>Total</b>	<b>3,251</b>	<b>9.4%</b>

# Timeliness of Prosecutions

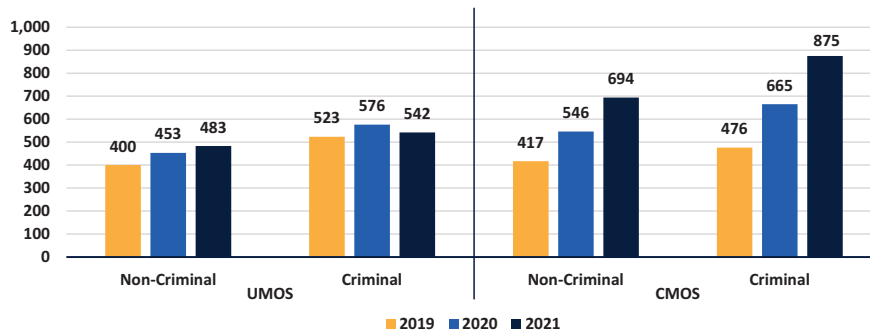
Over the last three years, on average, cases prosecuted by the Department Advocate’s Office have been resolved in 515 days (an aggregate of UMOs/CMOS). Cases involving uniformed members of the service were resolved in 445 days (on average) for disciplinary matters that did not have a parallel criminal investigation against the subject officer, and in 547 days (on average) for cases that did have parallel criminal investigations against the subject officer. Over the same time frame, cases involving civilian members of the service (CMOS) were resolved in an average of 552 days for disciplinary matters that did not have parallel criminal investigations and 672 days for disciplinary matters that did involve a parallel criminal investigation.

Historically, disciplinary cases involving a parallel criminal prosecution take longer to resolve because the Department, at times and at its discretion, holds the administrative case 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. However, in some cases, the disciplinary case may be delayed until after the criminal prosecution has been fully resolved. 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.

Cases reach their ultimate conclusion when the Police Commissioner grants final approval, and discipline is imposed.

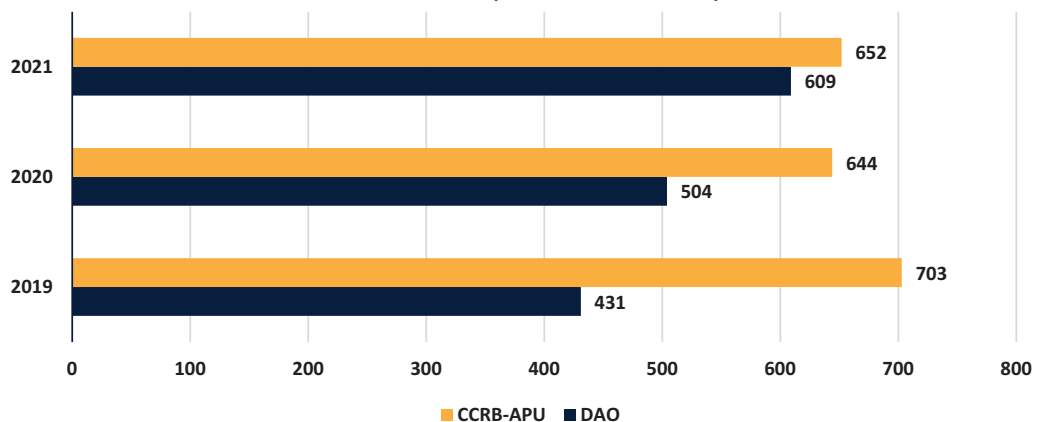
Average Days From Charges Preferred to Police Commissioner's Endorsement



The following chart shows the average number of days from the date charges were served on a Department employee (“preferred”) to the date the Police Commissioner granted final approval, disaggregated by prosecuting entity.

In 2021, almost one-third of the cases closed were three years or older, compared to 2020, when almost 13% of the cases closed were three years or older. This is the result of an effort by the Department to resolve older cases. It should be noted, that the Department’s focus to close older cases has skewed the average days from charges preferred to the Police Commissioner’s endorsement in 2021.

Average Days From Charges Preferred to Police Commissioner's Endorsement (DAO vs. CCRB-APU)

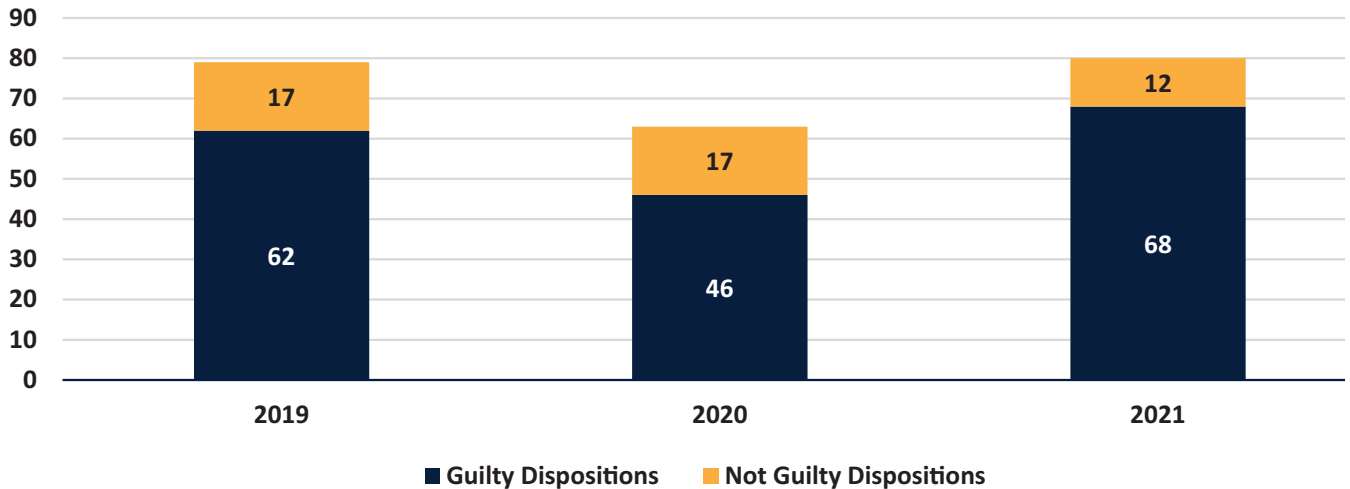




## TRIAL DISPOSITIONS

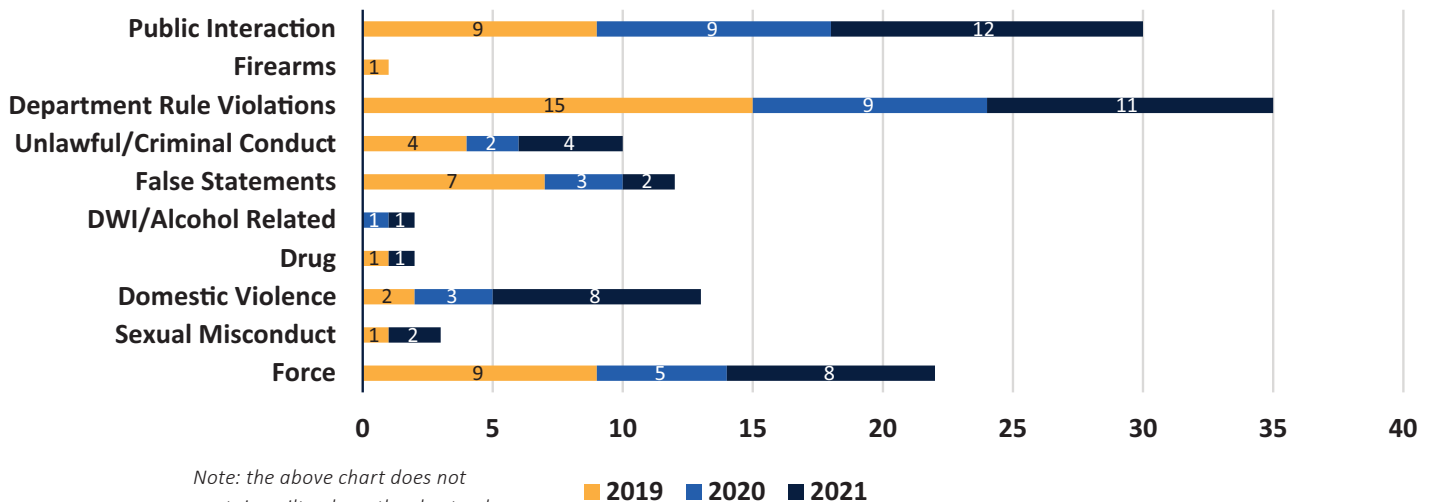
When uniformed members of the service receive charges, they may enter into a settlement agreement or elect to have a Department trial. The Office of the Deputy Commissioner of Trials is responsible for administering Department trials in accordance with applicable laws, regulations, and policies. These trials are open to the public and the trial calendar is published on the Department’s public website. Trial decisions are also published on the NYPD Online website.

### Trial Dispositions



In 2021, the number of disciplinary cases resolved at trial increased 27.0% (80 vs. 63). The conviction rate for cases that went to trial in 2021 was 85.0%.

### Completed Trials: Guilty Dispositions by Year



*Note: the above chart does not contain guilty pleas; the chart only reflects cases in which UMOS were found guilty after trial.*

Force misconduct trials increased 60.0% (8 vs. 5) compared to 2020, while public interaction misconduct trials increased 33.3% (12 vs. 9) compared to 2020.

The percent of guilty dispositions in force misconduct trials was 61.5%, (8 of 13), compared to 55.6% (5 of 9) in 2020. The conviction rate in public interaction trials was 50.0% (12 of 24) in 2021, compared to a conviction rate of 45.0% (9 of 20) in 2020.

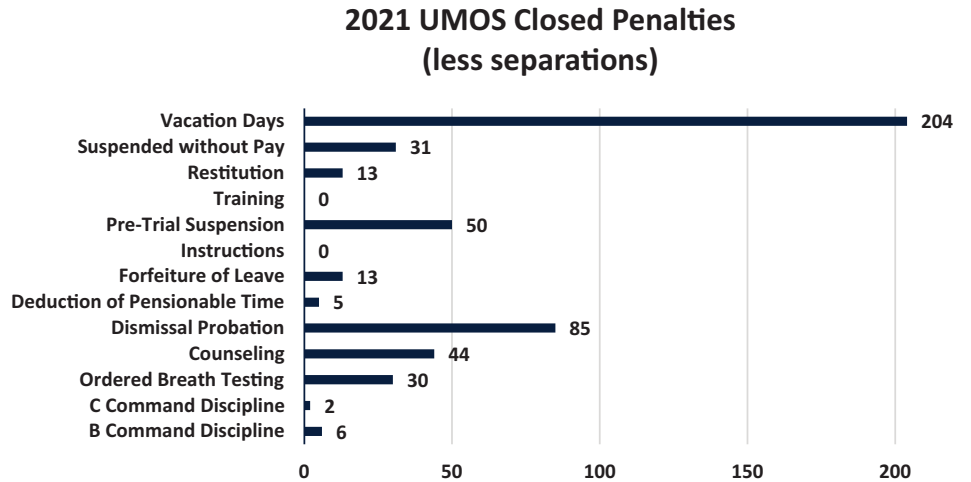
UMOS Trials Completed by Misconduct Category 2021							
Misconduct Category	Total	Not Guilty	Found Guilty	Pled Guilty	Termination/ Forced Separation	Dismissal Probation & Penalty Days	Penalty Days
Force	13	5	8	0	2	0	6
Sexual Misconduct	2	0	2	0	2	0	0
Domestic Violence	12	0	8	4	8	3	1
Drug	1	0	1	0	1	0	0
DWI/Alcohol Related	1	0	1	0	0	1	0
False Statements	2	0	2	0	2	0	0
Unlawful/Criminal Conduct	4	0	4	0	4	0	0
Department Rule Violations	19	1	11	7	2	2	14
Firearms	2	0	0	2	1	0	1
Public Interaction	24	6	12	6	3	1	14
<b>Totals</b>	<b>80</b>	<b>12</b>	<b>49</b>	<b>19</b>	<b>25</b>	<b>7</b>	<b>36</b>



# Penalties

## 2021 CLOSED CASES

In 2021, 753 cases (in which charges were preferred) were disposed of with a penalty. Uniformed members of the service comprised 438 (58.2%) of these cases, while civilian members of the service constituted the remaining 315 cases (41.8%). Each of these cases potentially had more than one set of charges. It should be noted that although the cases were closed in 2021, it does not necessarily mean the cases originated in 2021. The following chart illustrates categories of penalties associated with these closed cases (not including separations).

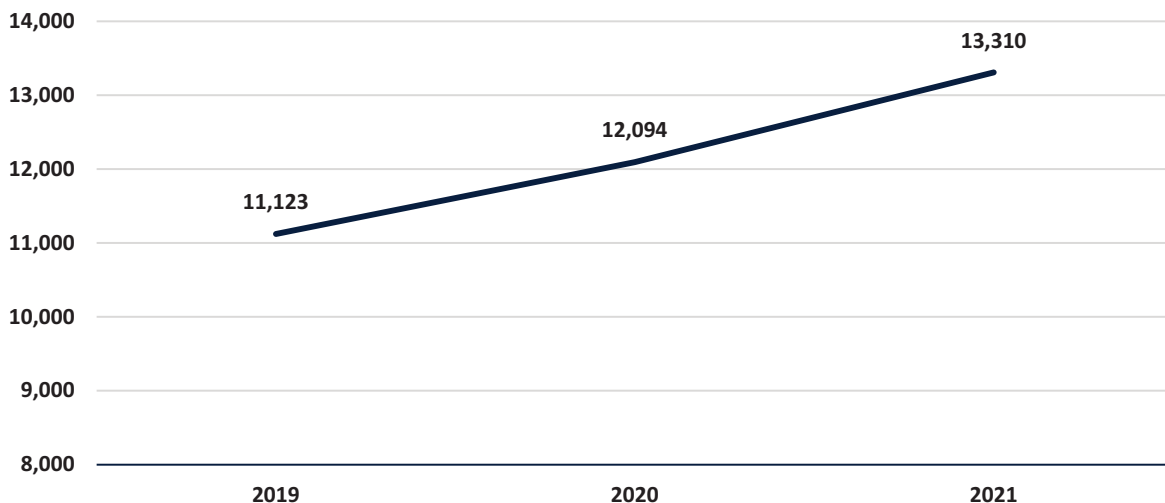


The above chart represents a count of how many times each type of penalty was imposed. It should be noted that often, more than one type of penalty is imposed for a single case (e.g., a suspension followed by counseling and ordered breath testing).

## PENALTY DAYS TAKEN IN DISCIPLINARY CASES

The difference in suspension days<sup>3</sup> (for all members of the service) in 2021, compared to 2020 (an increase of 10.1%) and 2019 (an increase of 19.7%), represents a significant increase. In 2021, the Department recorded an increase of 11.0% (8,803 vs. 7,928) in vacation days taken, compared to 2020, and an increase of 27.7% (8,803 vs. 6,894), compared to 2019.

### Penalty Days by Calendar Year

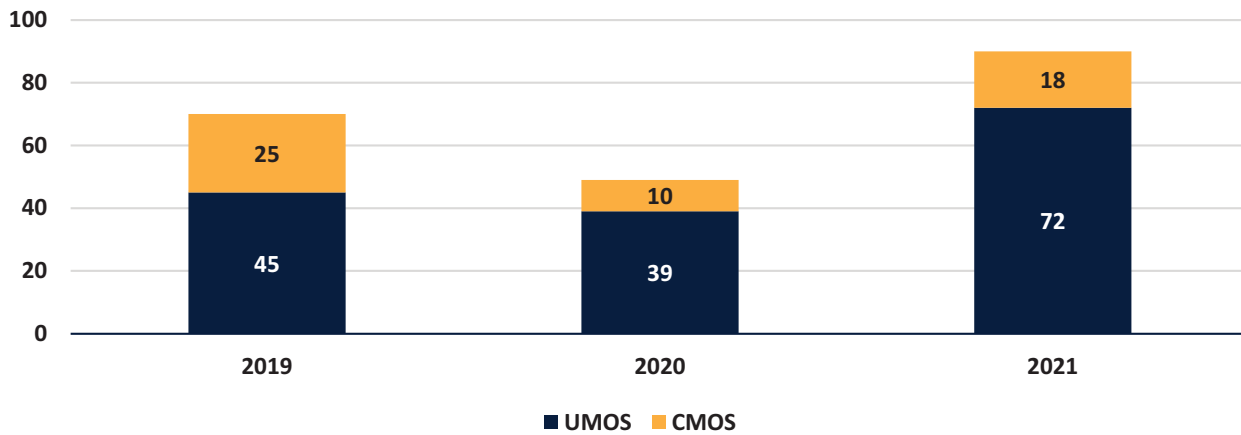


<sup>3</sup> This includes days on suspension without pay, days on suspension with pay, and pre-trial suspension days.

## SEPARATIONS

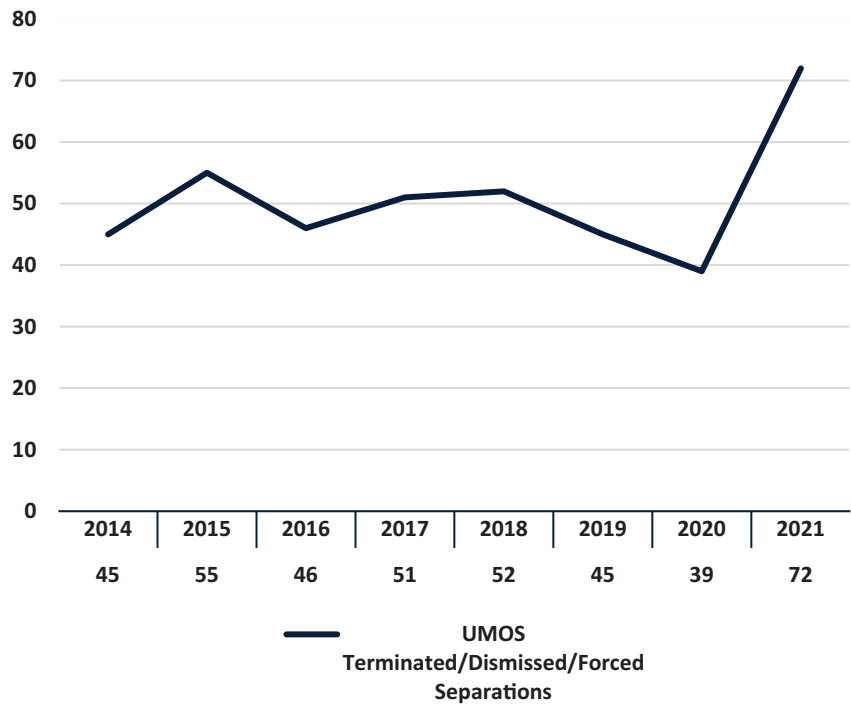
In 2020, COVID-19 impacted the Department's ability to conduct disciplinary proceedings, resulting in fewer trials and thus a lower absolute number of separations, the outcome of a case was a forced separation in 49 cases. The Office of the Deputy Commissioner of Trials prioritized cases involving separations in 2021.

### Total Forced Separations by Calendar Year



### Historic Separations of UAMOS

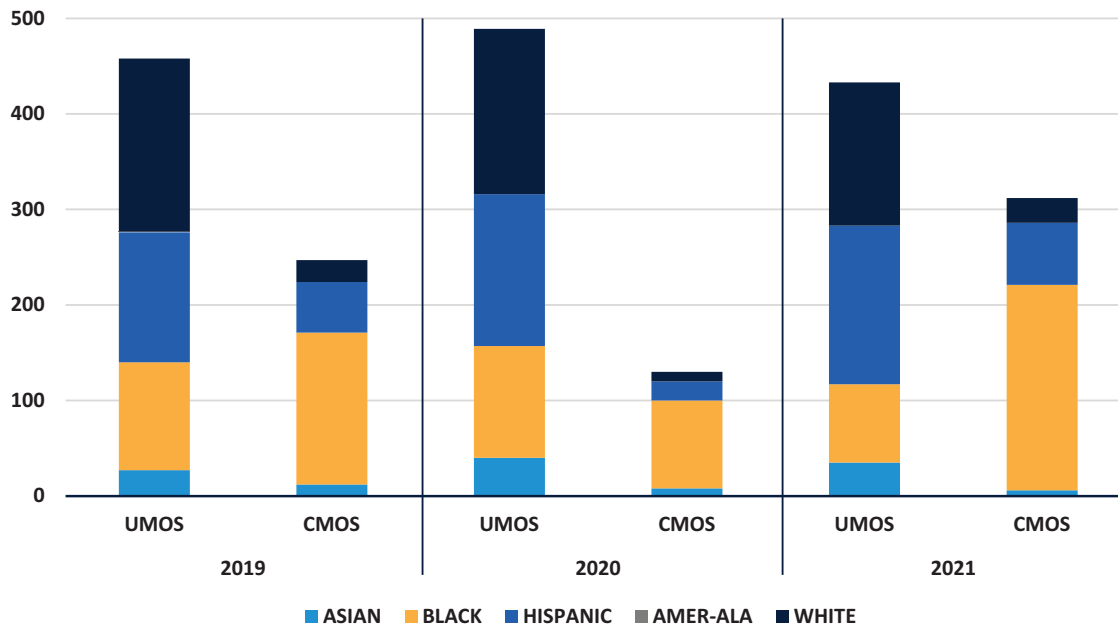
On average (from 2014-2021), there were approximately 51 terminations, dismissals, or forced separations of uniformed members of the service per year.



# Personnel Demographics

The following data illustrates disciplinary cases in which charges were preferred. 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.

## Demographics of Members of the Service: Disciplinary Cases (Charges Preferred)



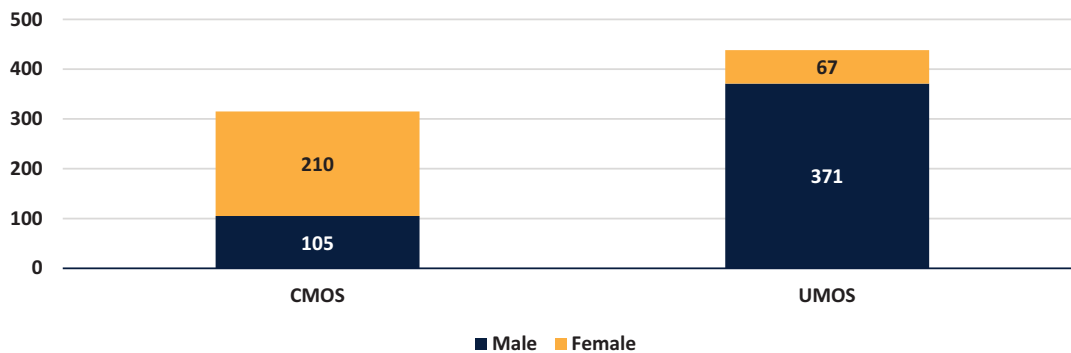
The following table depicts the total number of UMOs in the Department (by race), the percentage of UMOs that race represents within the Department, the number and percent of individual closed cases (charges preferred) associated with a member of that race, and the percentage that group makes up of their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

UMOS 2021 Disciplinary Case Demographics					
Race	# of UMOs	% of UMOs	# of Closed Cases	% of Race	% of Cases
White	15,541	44.8%	151	1.0%	34.5%
Black	5,273	15.2%	83	1.6%	18.9%
Hispanic	10,441	30.1%	167	1.6%	38.1%
Asian-Amer/Pac-Isl	3,400	9.8%	36	1.1%	8.2%
Amer-Ind/Alaskan	35	0.1%	1	2.9%	0.2%
<b>Total</b>	<b>34,690</b>	<b>100.0%</b>	<b>438</b>	<b>N/A</b>	<b>100.0%</b>

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 (charges preferred) associated with a member of that race, and the percentage that group makes up of their unique race.

CMOS 2021 Disciplinary Case Demographics					
Race	# of CMOS	% of CMOS	# of Closed Cases	% of Race	% of Cases
White	2,861	15.5%	10	0.3%	7.7%
Black	9,027	48.8%	92	1.0%	70.8%
Hispanic	4,206	22.7%	20	0.5%	15.4%
Asian-Amer-Pac-Isl	2,362	12.8%	8	0.3%	6.1%
Amer-Ind-Alaskan	41	0.2%	0	0.0%	0.0%
<b>Total</b>	<b>18,497</b>	<b>100.0%</b>	<b>130</b>	<b>0.4%</b>	<b>100.0%</b>

### Gender of Members of the Service: Disciplinary Cases (Charges Preferred)



In 2021, male uniformed members of the service constituted 84.7% of the closed disciplinary cases (when charges were preferred). Males comprise 80.8% of all uniformed Department employees. In juxtaposition to uniformed members, females made up the majority (66.7%) of closed disciplinary cases (when charges were preferred) involving civilian members. Females comprised 67.9% of all civilian Department employees.

The following table depicts the total number of UMOs in the Department (by gender), the percentage of UMOs represented by that gender within the Department, the number and percent of individual closed cases (charges preferred) associated with a member of that gender, and the percentage this group makes up of their unique gender.

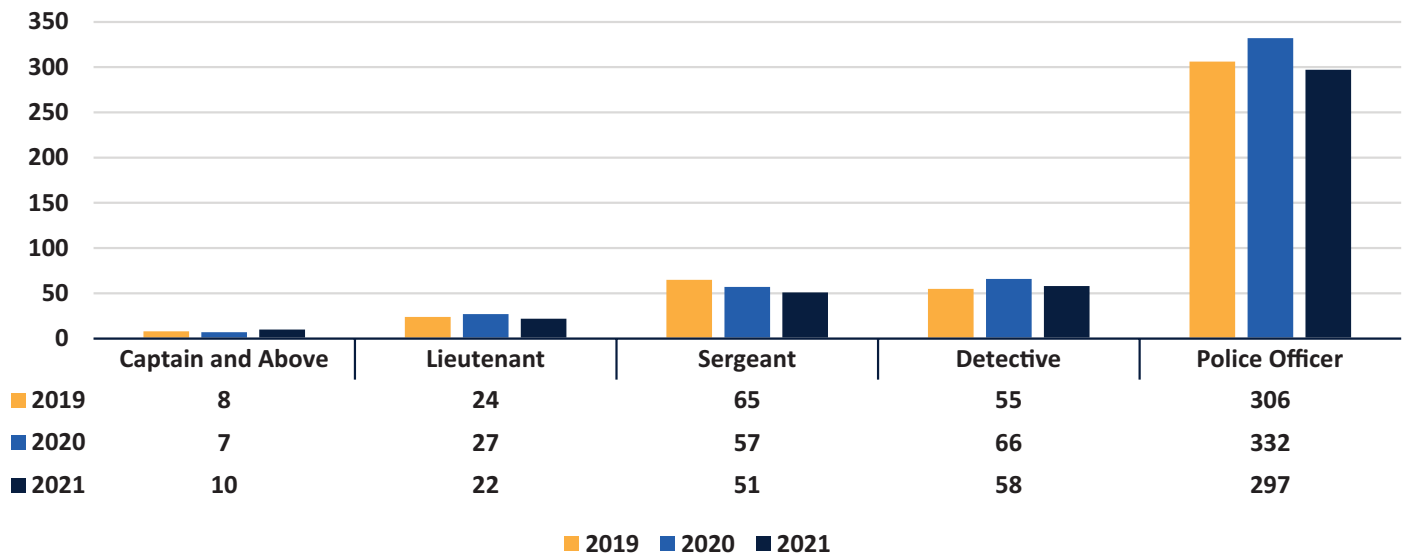
UMOS 2021 Disciplinary Cases by Gender					
Gender	# of UMOs	% of Dept	# of Closed Cases	% of Closed Cases	% of Gender
Male	28,013	80.8%	371	84.7%	1.3%
Female	6,672	19.2%	67	15.3%	1.0%
Non-Binary	2	0.0%	0	0.0%	0.0%
Unspecified	3	0.0%	0	0.0%	0.0%
<b>Total</b>	<b>34,690</b>	<b>100.0%</b>	<b>438</b>	<b>100.0%</b>	<b>1.3%</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 (charges preferred) associated with a member of that gender, and the percentage this group makes up of their unique gender.

CMOS 2021 Disciplinary Cases by Gender					
Gender	# of CMOS	% of Dept	# of Closed Cases	% of Closed Cases	% of Gender
Male	5,725	32.1%	105	33.3%	1.8%
Female	12,095	67.9%	210	66.7%	1.7%
Total	17,820	100.0%	315	100.0%	1.8%

In 2021, police officers comprised 67.8% of the UMOS who had charges preferred. This is consistent with 2019 and 2020 (66.8% and 67.9%, respectively).

### Rank of Uniformed Members of the Service: Disciplinary Cases (Charges Preferred)



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

2021 UMOS Disciplinary Cases Per Rank					
Rank	# of UMOS	% of UMOS	Closed Cases	% of Closed Cases	% of Rank
Captain and Above	770	2.2%	10	2.3%	1.3%
Lieutenant	1,646	4.7%	22	5.0%	1.3%
Sergeant	4,279	12.3%	51	11.6%	1.2%
Detective	5,091	14.7%	58	13.2%	1.1%
Police Officer	22,904	66.0%	297	67.8%	1.3%
Total	34,690	100.0%	438	100.0%	1.3%

# Appendix A: 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 civilian agency. It is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, the use of offensive language, bias policing, or false statements during the course of an interview. The Board forwards its findings to the Police Commissioner.

**CCRB-APU:** On April 2, 2012, the NYPD 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:** The Department’s bureau composed of attorneys and uniformed members responsible for analyzing and prosecuting disciplinary matters involving uniformed and civilian members of the service.

**Disciplinary System Penalty Guidelines:** 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 (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 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.



# Appendix B: THE DISCIPLINARY PROCESS

When an allegation of misconduct against a member of the service 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 of misconduct may result in disciplinary action.

Discipline in the NYPD is imposed in a variety of ways, largely determined by the seriousness of the substantiated misconduct allegation. 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). A “**reprimand**,” is where members are admonished for low level violations. Other less serious violations of Department policies can also be addressed through discipline imposed at the command level, called “**command discipline**.” Command disciplines allow a commanding officer to impose discipline without resorting to filing formal disciplinary charges.

The types of violations subject to punishment by command discipline are outlined in “Administrative Guide 318-02.” Depending on the severity of the violation, commanding officers may impose penalties that range from ‘warn and admonish’ to revoking up to twenty days of vacation time.

Most substantiated allegations of serious misconduct are managed by the **Department Advocate’s Office (DAO)**. Staffed by civilian attorneys, and augmented by a complement of uniformed and civilian personnel, the Department Advocate’s Office evaluates substantiated allegations of serious misconduct, files administrative charges known as “**Charges and Specifications**,” recommends appropriate disciplinary penalties, and prosecutes disciplinary matters. Members who face disciplinary charges and specifications may elect to resolve the matter by entering into a **settlement agreement**. They also have the right to decline a settlement agreement and have the case heard at a **Department Trial**. Both settlement agreements and trial decisions are subject to the Police Commissioner’s approval.

When an NYPD employee is charged criminally with a violating the law, the Department also files internal disciplinary charges. Criminal conduct always includes a corresponding violation of the Department’s internal rules.

Faced with disciplinary charges and specifications for substantiated allegations of misconduct or violations of Department rules, members of service may agree to take responsibility for the charged misconduct, and accept a penalty by entering into a **settlement agreement** negotiated between the attorney for the member of service and the Department. Cases falling under the jurisdiction of the CCRB go through a similar settlement process. The agreed-upon penalty is subject to the Police Commissioner’s approval. Settlement terms are based on prior case precedent and the Department

Disciplinary Penalty Guidelines. Also taken into account is the employee’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 a member contests the charges, or does not agree to the proposed penalty, he or she has 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**. All employees are entitled to be represented by counsel, and the trial proceedings are open to the public. At trial, the Department Advocate’s Office, or where applicable the CCRB Administrative Prosecution Unit, has the burden of proving the charges 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 Office of the Deputy Commissioner of Trials 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 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 Office of the Deputy Commissioner of Trials 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.

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.

# Appendix C: DEVIATION LETTERS

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

**Re:** CCRB Case No. 201902705 regarding Detective Austin Denio

**Date:** June 7, 2021

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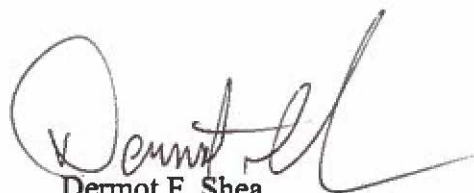
This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated a single allegation of discourtesy against Detective Austin Denio who, on March 28, 2019, used an expletive while dispersing a large group away from the scene of a fight.

During its investigation, the CCRB reviewed the facts and circumstances of the misconduct committed by Detective Denio and recommended the issuance of Command Level Instructions. Although CCRB's recommendation is below both the mitigated and the presumptive penalties prescribed in the NYPD's Disciplinary System Penalty Guidelines ("Disciplinary Matrix"), I find such penalty to be altogether appropriate in this case.

Particularly, the presumptive penalty under the Disciplinary Matrix calls for the forfeiture of five (5) penalty days for discourtesy while the mitigated penalty for such misconduct is the forfeiture of one (1) penalty day. In its penalty recommendation, CCRB utilized, as a mitigating factor, the isolated nature of the misconduct as well as the limited nature of harm caused by Detective Denio's discourtesy. Additionally, in reviewing the exceptional facts and circumstances of this case, the discourtesy occurred during an emergency response to a hostile crowd engaged in a group fight.

Furthermore, it should be noted that Detective Denio's positive employment history, including numerous Department medals, as well as his lack of prior substantiated CCRB complaints, is an additional mitigating factor in this case.

Therefore, though outside of the prescribed Disciplinary Matrix penalty, the issuance of Command Level Instructions, as recommended by the CCRB, is appropriate in this matter.

  
Dermot F. Shea  
Police Commissioner



**THE POLICE COMMISSIONER**  
CITY OF NEW YORK

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

**Re:** CCRB Case No. 201903484 regarding Police Officer Daniel Calixte

**Date:** July 12, 2021

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated a single allegation against Police Officer Daniel Calixte of wrongfully using a chokehold against an uncooperative individual suspected of being armed with a firearm. As its penalty, the CCRB recommended that Police Officer Calixte forfeit ten (10) Vacation Days. I agree that this proposed penalty is wholly appropriate for the reasons enumerated below.

During its investigation, the CCRB reviewed the facts and circumstances of the misconduct committed by Police Officer Calixte who responded to a priority 911 call that alleged that one or more individuals seated in a parked vehicle was armed with a firearm. Individuals on the scene seated inside a vehicle matched the suspects' description. While one of the individuals cooperated with police officers on the scene, the other individual remained seated inside the vehicle and refused to comply with Police Officer Calixte's instructions to exit the vehicle.

Body-Worn Camera footage shows that in attempting to gain compliance, and in order to extricate the uncooperative individual from within the vehicle, Police Officer Calixte's hand briefly contacted the individual's neck. Police Officer Calixte's limited contact applied *no pressure* to the individual's neck or restricted the individual's airflow, and caused *no injuries*. Furthermore, the Body-Worn Camera footage shows that the incidental contact was brief in duration and that Police Officer Calixte lacked any intent to obstruct the breathing of the uncooperative individual.

The presumptive penalty under the NYPD's Disciplinary System Penalty Guidelines ("Disciplinary Matrix"), calls for termination of a member of service who wrongfully applies a chokehold while the mitigated penalty for such misconduct is forced separation.

However, although CCRB's recommendation is below the one prescribed in the Disciplinary Matrix, I find such penalty to be altogether appropriate given the exceptional facts and the circumstances in this case.

Therefore, though the proposed penalty deviates from the Disciplinary Matrix, the forfeiture of ten (10) Vacation Days, as recommended by the CCRB, is appropriate in this matter and I find no reason to disturb it.

A handwritten signature in black ink, appearing to read "Dermot Shea". The signature is fluid and cursive, with a large initial "D".

Dermot Shea  
Police Commissioner



THE POLICE COMMISSIONER  
CITY OF NEW YORK

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

**Re:** CCRB Case No. 201706354 regarding Police Officer Jose Cordero

**Date:** July 30, 2021

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated two allegations against Police Officer Jose Cordero of an improper search of a vehicle and improper issuance of two summonses. As its penalty, the CCRB recommended that Police Officer Cordero forfeit two (2) Vacation Days. I agree that this proposed penalty is wholly appropriate for the reasons enumerated below.

During its investigation, the CCRB reviewed the facts and circumstances of the misconduct committed by Police Officer Cordero who, together with his partners, one of whom was a Sergeant, conducted a vehicle stop during which a front passenger in the vehicle became irate. After the male passenger was removed from the vehicle, Police Officer Cordero momentarily entered the vehicle in order to retrieve an envelope that contained the individual's identification and miscellaneous papers.

Police Officer Cordero failed to obtain permission from the vehicle's operator to search the vehicle. Nonetheless, the intrusion by Police Officer Cordero into the vehicle's passenger compartment was *minimal* and was only conducted in order to enable the officers to identify the male passenger who was ultimately issued two (2) Disorderly Conduct summonses.

The NYPD's Disciplinary System Penalty Guidelines ("Disciplinary Matrix") serves as a guide for the level of penalties to be imposed in certain acts of misconduct. According to the Disciplinary Matrix, the mitigated penalty for an enforcement action involving abuse of discretion or authority is forfeiture of ten (10) penalty days while the mitigated penalty for an improper search of a vehicle is Training.

Although the CCRB's recommendation for forfeiture of two (2) vacation days is below the one prescribed in the Disciplinary Matrix, I find such penalty to be altogether appropriate given the extraordinary facts and circumstances in this case, including the fact that the search of the vehicle was conducted and the summonses were issued in the presence and with approval of a supervisor.

Therefore, though the penalty originally sought by the CCRB deviates from the Disciplinary Matrix, it is overall commensurate with the level of misconduct committed in this case and I find no reason to depart from that original penalty.



Dermot Shea  
Police Commissioner



THE POLICE COMMISSIONER  
CITY OF NEW YORK

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

**Re:** CCRB Case No. 202001260 regarding Police Officer Louilly Taveras

**Date:** August 19, 2021

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated a single allegation of failing to process a civilian complaint report against Police Officer Louilly Taveras who, on January 31, 2020, did not accept and process a civilian complaint report made by a walk-in complainant at the 79<sup>th</sup> Precinct.

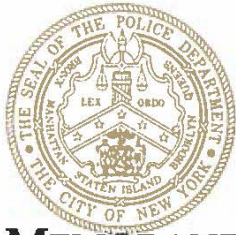
During its investigation, the CCRB reviewed the facts and circumstances of the misconduct committed by Police Officer Taveras and recommended the imposition of Formalized Training as an appropriate disciplinary penalty. Although the CCRB's recommendation is below both the mitigated and the presumptive penalties prescribed in the NYPD's Disciplinary System Penalty Guidelines ("Disciplinary Matrix"), I find such penalty to be altogether appropriate in this case.

Particularly, the presumptive penalty under the Disciplinary Matrix calls for the forfeiture of ten (10) penalty days for failing to process a civilian complaint, while the mitigated penalty for such misconduct is the forfeiture of five (5) penalty days. In its penalty recommendation, CCRB utilized, as a mitigating factor, the relative inexperience of Police Officer Taveras given his brief duration of employment with the Department. Thus, the CCRB Board concluded that Police Officer Taveras' misconduct would be best addressed with Formalized Training rather than forfeiture of penalty days.

It should also be noted that Police Officer Taveras' positive, albeit brief, employment history, as well as his lack of prior substantiated CCRB complaints, is an additional mitigating factor in this case.

Therefore, though outside of the prescribed Disciplinary Matrix penalty, imposition of Formalized Training, as recommended by the CCRB, is an appropriate penalty in this matter and I see no reason to disturb it.

  
Dermot Shea  
Police Commissioner



**THE POLICE COMMISSIONER**  
CITY OF NEW YORK

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

**Re:** CCRB Case No. 201906434 regarding Sergeant Carlin and Police Officer  
Connors

**Date:** September 22, 2021

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated allegations of physical force and discourtesy against Sergeant Christian Carlin and a single allegation of discourtesy against Police Officer Jonathan Connors.

On July 21, 2019, Sergeant Carlin, Police Officer Connors, and additional Members of the Service were called to the scene by a third-party who complained of his vehicle being damaged as a result of being doused with water. Additional callers had earlier notified Members of the Service of the same unruly crowd at the location dousing other pedestrians and cars with water.

Sergeant Carlin used physical force to remove a water gun from an individual who doused the Sergeant with a then-unknown liquid. During the extraordinarily chaotic and at times violent situation both Sergeant Carlin and Police Officer Connors also used an expletive while interacting with members of the public.

The interaction between Sergeant Carlin and a member of the unruly crowd was captured by multiple Body-Worn Cameras as well as a nearby surveillance camera. All of the available video footage shows an unruly individual spray Sergeant Carlin multiple times with an unknown liquid from a water gun. When Sergeant Carlin attempted to remove the same water gun from this individual, he was assaulted.

Sergeant Carlin's actions to remove the water gun are not improper given the extraordinary circumstances with which he was faced, including, at the time, not knowing what the liquid was with which he was sprayed. I thus find that Sergeant Carlin's use of physical force to attempt to remove a potentially hazardous object from and to arrest an individual who sprayed him with a then-unknown liquid is altogether appropriate.

Subsequently, Sergeant Carlin and Police Officer Connors used discourteous language toward certain individuals in the crowd. This language was used in the immediate aftermath of a chaotic and at times violent confrontation between Members of the Service and the public.



While inappropriate, in the interest of progressive discipline, and taking into account the minimal and isolated nature of the expletives used, as well as the excellent employment histories of Sergeant Carlin and Police Officer Connors, each would respectively benefit more from receiving Training from their Commanding Officer.

Therefore, though outside of the penalty prescribed in the Disciplinary Matrix, the issuance of formalized Training is appropriate in this matter.

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Dermot F. Shea  
Police Commissioner