



ERIC L. ADAMS
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



ARVA RICE
INTERIM CHAIR

MAY 18, 2023

**The Honorable Keechant L. Sewell
Police Commissioner of the City of New York
New York City Police Department
One Police Plaza
New York, NY 10038**

Re: Report on the Administrative Prosecution Unit First Quarter of 2023

Dear Commissioner Sewell:

This report will address the following matters: (i) trial verdicts issued by an Assistant Deputy Commissioner of Trials (“ADCT”); (ii) the treatment of Administrative Prosecution Unit (“APU”) pleas by the Police Commissioner (“PC”); (iii) the retention of cases under Provision Two of the April 2, 2012, Memorandum of Understanding (“MOU”); (iv) cases administratively closed by the Police Commissioner; (v) cases closed due to the statute of limitations (“SOL”); (vi) the size of the APU’s docket; (vii) the time to serve Charges and Specifications on Respondents; and (viii) the discipline concurrence rate.

The report contains information concerning the following case closures in the first quarter of 2023: two (2) trial verdicts, nine (9) pleas, three (3) retained cases, seven (7) PC administratively closed cases, twenty-nine (29) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 57% and 50% respectively.

We hope that the Police Commissioner will continue to uphold negotiated plea agreements without modification and reduce the amount of retained cases so that they have a full opportunity to be put before the tribunal.

Thank you for your consideration.

Sincerely,

Jonathan Darche
Executive Director

Cc: CCRB Acting Chair Arva Rice
Deputy Commissioner Rosemarie Maldonado
Department Advocate Chief Amy Litwin

I. TRIALS

At the conclusion of an administrative trial, the presiding ADCT renders a finding of guilty or not guilty on each of the Charges and Specifications against the member(s) of service (“MOS”).¹ For guilty verdicts, the ADCT recommends a penalty for each member of service involved in the case and the Police Commissioner either approves, modifies, or reverses the verdict and recommended penalty.² There is no penalty recommendation for not guilty verdicts. In the first quarter of 2023, the verdicts for two (2) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
202003695 Read Closing Report Here	PO Michael Kovalik	<ol style="list-style-type: none"> 1. Abuse of Authority – threatened individuals with the use of force. 2. Abuse of Authority - threatened the Victim with the use of force. 	Forty (40) days’ vacation forfeiture	ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202008256 Read Closing Report Here	PO Jason Garcia	<ol style="list-style-type: none"> 1. Force – used a chokehold against the Victim. 	Termination	ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here

¹ The APU treats each officer against whom an allegation is substantiated as a separate “case.” As such, all APU data discussed in this report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word “case” should be interpreted as “case against a single officer.”

² As the final arbiter of discipline, the Police Commissioner can modify the ADCT penalty and/or reverse a verdict.

I. PLEAS

In lieu of a trial, the officer can reach a plea agreement with the APU. This agreement must be approved by both an ADCT and the Police Commissioner. The APU uses several factors to determine plea recommendations, including, but not limited to, MOS length of service, MOS rank, MOS disciplinary history, the facts of the case, the strength of the case, vulnerability of the victim, the extent of any injury, the number of complainants, precedent from cases involving analogous charges, and the delineated penalty categories from the New York City Police Department’s (“NYPD”) Disciplinary Matrix. In the first quarter of 2023, the APU finalized nine (9) plea agreements.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201804434 Read Closing Report Here	SGT Ricardo Montilia	<ol style="list-style-type: none"> 1. Abuse of Authority – authorized the strip-search of Victim 1. 2. Abuse of Authority – authorized the strip-search of Victim 2. 	<p>Officer accepted twenty (20) days’ vacation forfeiture. The Police Commissioner approved the plea without modification.</p> <p>Read Final Documents Here</p>
201809746 Read Closing Report Here	PO Nicolas Morris	<ol style="list-style-type: none"> 1. Abuse of Authority – on social media propositioned Victim. 2. Abuse of Authority – on social media propositioned an individual. 	<p>Officer accepted formalized training. The Police Commissioner approved the plea without modification.</p> <p>Read Final Documents Here</p>
201810315 Read Closing Report Here	SGT Michelle Figueroa	<ol style="list-style-type: none"> 1. Abuse of Authority – entered Victim’s home. 2. Abuse of Authority – searched Victim’s home. 	<p>Officer accepted a reprimand. The Police Commissioner disapproved the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>

<p>201909948</p> <p>Read Closing Report Here</p>	<p>PO Florin Coste</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – threatened Victim 1 with the use of force. 2. Abuse of Authority – threatened Victim 2 with the use of force. 3. Abuse of Authority – frisked Victim 2 4. Abuse of Authority – threatened an individual with the use of force. 5. Abuse of Authority – threatened a second individual with the use of force. 6. Abuse of Authority – threatened Victim 1 with the use of force. 	<p>Officer accepted six (6) days’ vacation forfeiture. The Police Commissioner disapproved the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>
<p>201903851</p> <p>Read Closing Report Here</p>	<p>DT3 Jonathan Arias</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim’s home. 2. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
<p>201903851</p> <p>Read Closing Report Here</p>	<p>DT3 Carlos Zambrano</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim’s home. 2. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
<p>201903851</p> <p>Read Closing Report Here</p>	<p>SGT Frederick Manney</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim’s home. 2. Abuse of Authority – searched the Victim’s home. 3. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training.</p> <p>Read Final Documents Here</p>

<p>202100507 Read Closing Report Here</p>	<p>DT3 Ruben Alvarez</p>	<p>1. Abuse of Authority – strip-searched the Victim.</p>	<p>Officer accepted ten (10) days’ vacation forfeiture. The Police Commissioner approved the plea without modification.</p> <p>Read Final Documents Here</p>
<p>201906887 Read Closing Report Here</p>	<p>DT1 Kaz Daughtry</p>	<p>1. Untruthful Statement – provided a misleading official statement to the CCRB. 2. Untruthful Statement – provided an inaccurate official statement to the CCRB.</p>	<p>Officer accepted twenty (20) days’ vacation forfeiture. The Police Commissioner approved the plea without modification.</p> <p>Read Final Documents Here</p>

II. RETAINED CASES

The Police Commissioner can retain a case, which means that the case is removed from the APU, in accordance with Provision Two of the MOU³, which states that:

in those limited circumstances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served.

After a case is retained, the Police Commissioner can decide whether or not to impose discipline on an officer. In the first quarter of 2023, the Police Commissioner retained three (3) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202005664 Read Closing Report Here	PO Hansel Rocha	<ol style="list-style-type: none"> 1. Force – used physical force against an individual. 2. Force – used physical force against an individual. 	<p>The Police Commissioner retained case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
201909547 Closing Report Will be Available Upon Closure of all related APU Cases	PO Christopher Brower	<ol style="list-style-type: none"> 1. Force – struck Victim 1 with a vehicle. 2. Abuse of Authority – damaged Victim 2's property. 	<p>The Police Commissioner retained case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
202105041 Read Closing Report Here	PO Amanda Marrero	<ol style="list-style-type: none"> 1. Abuse of Authority – stopped the Victim. 2. Abuse of Authority – threatened to arrest the Victim. 3. Abuse of Authority – failed to provide Victim with a business card. 	<p>The Police Commissioner retained case and issued discipline to the officer – ten (10) days' vacation forfeiture (Command Discipline B) and formalized training.</p> <p>Read Final Documents Here</p>

³ https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

III. POLICE COMMISSIONER ADMINISTRATIVELY CLOSED CASES

The Police Commissioner will administratively close a case when an officer resigns, retires, or is disciplined by an internal NYPD process. Such cases require no further action from the APU. In the first quarter of 2023, the Police Commissioner administratively closed seven (7) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202102243 Closing Report Will be Available Upon Closure of all related APU Cases	PO Rico Iantorno	<ol style="list-style-type: none"> 1. Abuse of Authority – threatened Victim with the use of force. 2. Discourtesy – spoke discourteously to the Victim. 3. Discourtesy – at the precinct stationhouse, spoke discourteously to the Victim. 4. Untruthful Statement – provided a misleading official statement to the CCRB. 	Officer resigned.
202104956 Read Closing Report Here	DT2 Felix Garcia	<ol style="list-style-type: none"> 1. Abuse of Authority – entered Victim 1’s home. 2. Abuse of Authority – searched Victim 1’s home. 3. Abuse of Authority – entered Victim 2’s home. 4. Abuse of Authority – searched Victim 2’s home. 5. Abuse of Authority – entered Victim 1’s home on a second day. 6. Abuse of Authority – searched Victim 1’s home on a second day. 7. Abuse of Authority – entered Victim 2’s home on a second day. 8. Abuse of Authority – searched Victim 2’s home on a second day. 9. Abuse of Authority – entered Victim 2’s home on a third day. 10. Abuse of Authority – searched Victim 2’s home on a third day. 	Officer retired.
202102156 Read Closing Report Here	PO Rocco Martocci	<ol style="list-style-type: none"> 1. Abuse of Authority – entered Victim’s home. 2. Abuse of Authority – searched Victim’s home. 	NYPD took internal disciplinary action – issued instructions by borough level command.

<p>202103268 Read Closing Report Here</p>	<p>PO Debbie Jimenez</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – stopped the Victim. 2. Abuse of Authority – frisked the Victim. 3. Abuse of Authority – refused to provide her name to the Victim. 4. Abuse of Authority – failed to provide the Victim with a business card. 	<p>Officer resigned.</p>
<p>202103616 Read Closing Report Here</p>	<p>DT3 Michael McNelis</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – inappropriately touched the Victim. 	<p>Officer retired.</p>
<p>201905717 Read Closing Report Here</p>	<p>PO James Foy</p>	<ol style="list-style-type: none"> 1. Abuse of Authority – entered the Victim’s home. 2. Force – used physical force against the Victim. 	<p>Officer resigned.</p>
<p>202105915 Read Closing Report Here</p>	<p>PO Thomas Sheehy</p>	<ol style="list-style-type: none"> 1. Offensive Language – made remarks to the Victim based upon the perceived mental disability of the Victim. 2. Discourtesy – spoke discourteously to the Victim. 	<p>Officer retired.</p>

IV. APU ADMINISTRATIVELY CLOSED CASES

The SOL is the 18-month timeframe within which a disciplinary proceeding must be commenced against an officer.⁴ Unless the case falls under the crime exception, once the SOL period elapses, a case may not proceed and will be closed without further action. In the first quarter of 2023, the APU administratively closed twenty (29) cases for SOL reasons.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202002725 Read Closing Report Here	SGT Frederick Manney	<ol style="list-style-type: none"> 1. Abuse of Authority - refused to provide his name to the Victim. 2. Abuse of Authority - refused to provide his shield number to the Victim. 3. Abuse of Authority - failed to provide the Victim with a business card. 4. Abuse of Authority - failed to provide the Victim with a business card. 	Charges not served
202002726 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Frederick Manney	<ol style="list-style-type: none"> 1. Discourtesy - At the 79th Precinct stationhouse, spoke discourteously to the Victim. 2. Offensive Language - At the 79th Precinct stationhouse, made remarks to the Victim based upon the gender of the Victim. 	Charges not served
202002825 Read Closing Report Here	DT3 Nicki Canady	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped an individual. 2. Abuse of Authority - stopped the Victim. 3. Abuse of Authority - failed to provide an individual with a business card. 4. Abuse of Authority - frisked the Victim. 5. Abuse of Authority - searched the Victim. 6. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served
202002825 Read Closing Report Here	DT3 Brian Doyle	<ol style="list-style-type: none"> 1. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served

⁴ Under New York Civil Service Law § 75(4), a disciplinary proceeding cannot be commenced more than 18 months after the incident, but that time limitation does not apply where the alleged misconduct, as described in the Charges and Specifications, would constitute a crime.

The service of Charges and Specifications on a MOS is considered a commencement of a disciplinary proceeding.

202002825 Read Closing Report Here	LT Gabriel Cuevas	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the Victim. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served
202002825 Read Closing Report Here	DT3 Reginald Smith	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the Victim. 2. Force - used physical force against the Victim. 3. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served
202003273 Read Closing Report Here	PO Eric Borbee	<ol style="list-style-type: none"> 1. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served
202003273 Read Closing Report Here	PO Matthew Dunne	<ol style="list-style-type: none"> 1. Abuse of Authority - did not obtain medical treatment for the Victim. 	Charges not served
202003620 Read Closing Report Here	PO Edin Bacovic	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which was an occupant. 2. Discourtesy - spoke discourteously to Victim 1. 3. Abuse of Authority - threatened Victim 1 with the use of force. 4. Abuse of Authority - interfered with Victim 1's use of a recording device. 5. Abuse of Authority - threatened to arrest Victim 1. 6. Abuse of Authority - threatened to arrest Victim 2 7. Abuse of Authority - threatened to damage/seize Victim 1's property. 	Charges not served
202003642 Read Closing Report Here	PO Steven Dulcey	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - threatened to remove the Victim to the hospital. 	Charges not served
202003688 Read Closing Report Here	PO Thomas Accomando	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to Victim 1. 2. Offensive Language - made a comment based upon the perceived mental health of Victim 1. 	Charges not served

202003688 Read Closing Report Here	DT3 Ramon Garcia	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to seize Victim 1's property. 2. Discourtesy - At the 46th Precinct Stationhouse spoke discourteously to Victim 2. 3. Abuse of Authority - At the 46th Precinct Stationhouse threatened to notify Administration for Children's Services. 	Charges not served
202003791 Closing Report Will be Available Upon Closure of all related APU Cases	PO Damian Weber	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Abuse of Authority - made sexually suggestive remarks to the Victim. 3. Abuse of Authority - threatened the Victim with the use of force. 	Charges not served
202003930 Read Closing Report Here	PO Nenad Savic	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	Charges not served
202004010 Read Closing Report Here	DT3 Ibrahim Adam	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked Victim 1. 2. Abuse of Authority - searched the vehicle in which Victim 2 was an occupant. 3. Abuse of Authority - failed to provide Victim 2 with a business card. 4. Abuse of Authority - failed to provide Victim 1 with a business card. 	Charges not served
202004012 Read Closing Report Here	LT Martin Cunningham	<ol style="list-style-type: none"> 1. Offensive Language - made remarks to the Victim based upon race. 2. Discourtesy - spoke discourteously to the Victim. 	Charges not served

<p>202004155 Read Closing Report Here</p>	<p>SGT Damany Ferril</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - entered Victim 1's home. 2. Abuse of Authority - searched Victim 1's home. 3. Abuse of Authority - failed to provide Victim 1 with a business card. 4. Abuse of Authority - failed to provide Victim 2 with a business card. 5. Abuse of Authority - entered Victim 1's home. 6. Abuse of Authority - searched Victim 1's home. 	<p>Charges not served</p>
<p>202004214 Read Closing Report Here</p>	<p>CPT Andrew Johnson</p>	<ol style="list-style-type: none"> 1. Discourtesy - Outside of the 40th Precinct stationhouse, spoke discourteously to the Victim. 2. Offensive Language - Outside of the 40th Precinct stationhouse, made offensive remarks to the Victim. 3. Discourtesy - Outside of the 40th Precinct stationhouse, spoke discourteously to the Victim. 	<p>Charges not served</p>
<p>202004551 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>PO Jarrett Dill</p>	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to an individual. 2. Offensive Language - made offensive remarks to an individual. 3. Abuse of Authority - made sexually suggestive remarks to an individual. 4. Discourtesy - spoke discourteously to an individual. 5. Discourtesy - spoke discourteously to an individual. 	<p>Charges not served</p>

<p>202004652 Read Closing Report Here</p>	<p>LT Daniel Guida</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - entered Victim 1's home. 2. Abuse of Authority - threatened to arrest Victim 2. 3. Abuse of Authority - threatened to notify Administration for Children's Services. 4. Discourtesy - spoke discourteously to Individuals. 5. Abuse of Authority - frisked Individuals. 6. Abuse of Authority - frisked Victim 1. 7. Abuse of Authority - threatened to notify Administration for Children's Services. 8. Offensive Language - made remarks to Victim 3 based upon race. 9. Discourtesy - spoke discourteously to Victim 3. 10. Abuse of Authority - failed to provide Individuals with a business card. 11. Abuse of Authority - failed to provide Victim 1 with a business card. 	<p>Charges not served</p>
<p>202002393 Read Closing Report Here</p>	<p>PO Bryan Scheblein</p>	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Discourtesy - spoke discourteously to the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	<p>SOL expired prior to APU receiving case</p>
<p>202003813 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DT3 Alfred Davidson</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - used physical force against Victim 2. 	<p>SOL expired prior to APU receiving case</p>
<p>202007629 Read Closing Report Here</p>	<p>SGT Michael Thomas</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to arrest Individuals. 2. Abuse of Authority - threatened to arrest the Victim. 3. Abuse of Authority - threatened to notify Administration for Children's Services. 	<p>SOL expired prior to APU receiving case</p>

<p>202104710 Read Closing Report Here</p>	<p>PO Matthew Fox</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to obtain language interpretation services for Victim 1. 2. Abuse of Authority - entered Victim 1's home. 3. Abuse of Authority - searched Victim 1's home. 4. Abuse of Authority - failed to provide Victim1 with a business card. 	<p>SOL expired prior to APU receiving case</p>
<p>202104710 Read Closing Report Here</p>	<p>PO Daniella Berge</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to obtain language interpretation services for Victim 1. 2. Abuse of Authority - entered Victim 1's home. 3. Abuse of Authority - searched Victim 1's home. 4. Abuse of Authority - entered Victim 2's home. 5. Abuse of Authority - searched Victim 2's home. 6. Abuse of Authority - failed to provide Victim 1 with a business card. 	<p>SOL expired prior to APU receiving case</p>
<p>202104710 Read Closing Report Here</p>	<p>PO Gabriel Abreu</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to obtain language interpretation services for Victim 1. 2. Abuse of Authority - entered Victim 1's home. 3. Abuse of Authority - searched Victim 1's home. 4. Abuse of Authority - entered Victim 2's home. 5. Abuse of Authority - searched Victim 2's home. 6. Abuse of Authority - failed to provide Victim 1 with a business card. 	<p>SOL expired prior to APU receiving case</p>
<p>202106291 Read Closing Report Here</p>	<p>LT SA Timothy Brovakos</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - arrested the Victim unlawfully. 	<p>SOL expired prior to APU receiving case</p>
<p>202106373 Read Closing Report Here</p>	<p>PO James Weck</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - interfered with the Victim's use of a recording device. 2. Abuse of Authority failed to provide the Victim with a business card. 	<p>SOL expired prior to APU receiving case</p>

202206072 Read Closing Report Here	PO Georin Duran	1. Abuse of Authority - threatened Victim 1 with the use of force. 2. Force - hit Victim 2 against an object.	SOL expired prior to APU receiving case
---	--------------------	--	---

V. THE APU DOCKET

The APU's docket grew slightly in the first quarter of 2023 compared to the fourth quarter of 2022. This is attributable to the increased number of Charges and Specifications recommended by the CCRB's Board pursuant to the Disciplinary Matrix and APU staffing shortages.

Cases in Open Docket					
Period	Start of Quarter	Received During Quarter	Closed During Quarter	End of Quarter	Growth
2 nd Quarter 2022	348	215	22	541	55.5%
3 rd Quarter 2022	540	102	15	628	16.8%
4 th Quarter 2022	623	87	29	681	9.3%
1st Quarter 2023	685	76	53	708	3.4%

VI. SERVICE OF RESPONDENTS

As of March 31, 2023, there were one hundred fifty-five (155) Respondents⁵ who had not been served with Charges. The average wait time for Respondents to be served reduced slightly between the fourth quarter of 2022 and the first quarter of 2023.

Time to Serve Respondents			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
2 nd Quarter 2022	134	38	27
3 rd Quarter 2022	67	24	17
4 th Quarter 2022	68	24	17
1 st Quarter 2023	72	18	13

⁵ An officer who has a substantiated complaint against them.

VII. CONCURRENCE AND DISCIPLINE

The concurrence rate measures how often the Police Commissioner imposes the same (or more severe) discipline as recommended by the Board. The discipline rate measures how often the Police Commissioner imposes discipline of any kind. Certain “Not Adjudicated” case outcomes, such as when the officer left the force prior to discipline being imposed, do not factor into the concurrence or discipline rate.

Q1 2023 APU Concurrence and Discipline			
Discipline	8	Concurrence	7
No Discipline	6	Non-Concurrence	7
Not Adjudicated	36	Not Adjudicated	36
Discipline %	57%	Concurrence %	50%