



NEW YORK CITY COMPTROLLER
BRAD LANDER

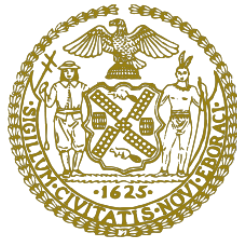
Annual Claims Report

Fiscal Year 2022

APRIL 2023







THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

BRAD LANDER
COMPTROLLER

April 14, 2023

Dear New Yorkers:

I am pleased to share the Office of the Comptroller's Annual Claims Report for Fiscal Year (FY) 2022, covering July 1, 2021 through June 30, 2022. Under the New York City Charter Section 93(i), the Comptroller is responsible for resolving claims on behalf of the City. This report examines claims filed against and on behalf of the City of New York and outlines trends by claim type across City agencies.

In FY 2022, 12,188 claims and lawsuits against New York City were resolved for \$1.5 billion, the highest amount in the City's history. For the last 10 fiscal years, the City has paid on average approximately \$1 billion per fiscal year to settle all claim types. The spike in FY 2022 was due in large part to the \$366.8 million paid in judgments on the decades-long *Gulino* class action lawsuit filed against DOE in 1996, in which the court found that state-mandated teacher certification exams discriminated against Black and Latino teachers. Based on a schedule agreed upon with plaintiffs, *Gulino* payouts will continue over the next five years.

Personal injury and property damage claims (collectively, "tort claims") payouts cost the City \$688.4 million, up from the \$583.0 million spent in FY 2021, an 18 percent increase. The five costliest types of claim settlements in FY 2022 were civil rights, motor vehicle crashes, police action, accidents in schools, and medical malpractice claims. Together, these five claim types cost \$482.7 million and accounted for 71 percent of all personal injury claim settlements in FY 2022.

The eleven largest individual tort claim settlements were seven wrongful convictions, two medical malpractice claims, an assault at Rikers Island, and an accident involving a science experiment at a public school. During FY 2022, the City settled 16 wrongful convictions, the most of any single year, for a total of \$86.8M. In FY 2022, the City also paid out \$818.5 million in settlements and judgments on non-tort claims, including contract claims, equitable claims, refund claims, salary claims, and special education claims (collectively, "law claims"),

representing a 117 percent increase from the \$377.0 million paid out in FY 2021. Of these law claim payouts, 53 percent were salary claims. Payouts on salary claims increased \$419.5 million, or 2,326 percent, including the *Gulino* judgments. Excluding *Gulino* judgments, salary claim payouts increased \$52.7 million, or 293 percent. This increase is largely attributable to claims alleging violations of the Fair Labor Standards Act, which account for 97 percent of the non-*Gulino* salary claim payments.

This Claims Report also highlights my office's ongoing efforts to settle viable claims filed against the City prior to litigation, which saves the City and the claimants the cost of litigation. For example, the Bureau of Law & Adjustment settled pre-litigation six wrongful conviction claims involving a cumulative 86 years of wrongful incarceration for \$25 million. In FY 2022, the Bureau was responsible for the resolution of 43 percent of all tort claim settlements. However, these pre-litigation settlements represented only 9 percent of all tort settlement payouts in FY 2022. Early resolution of claims—avoiding the litigation process—provides prompt relief for claimants and protects the City's legal resources by reducing the number of cases in litigation and allowing the Law Department to allocate resources to more complex lawsuits. In addition, the judicial system benefits from having to adjudicate fewer City related lawsuits.

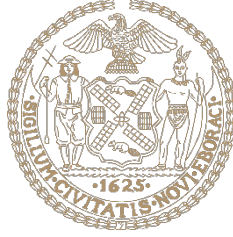
We encourage City agencies to use this report as a risk management tool to reduce the number of claims filed each year to limit both future harm caused and the City's financial exposure. Earlier this year, our office released *Wreckless Spending*, a [report](#) on the settlement of claims against the City for traffic crashes which cost the City over \$653.0 million over the past decade, with recommendations for how City agencies can reduce crashes going forward.

We invite the media, civic technologists, attorneys, creative risk managers, and New Yorkers to review this report to get a snapshot of the City's financial liabilities. We welcome your feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Lander", with a stylized, cursive script.

Brad Lander
New York City Comptroller



Brad Lander

Comptroller

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Acknowledgments: We recognize the important contributions to this report made by Johnny Thomas, BLA Claims Support Division Chief; Naomi Dann, Director of Communications; Lauren B. Jacobson, First Deputy General Counsel; Stephen Giannotti, Deputy Chief Information Officer – Applications & Development; Edward Sokolowski, Executive Director – Systems Development & Program Management; Troy Chen, Executive Director – FMS; and Archer Hutchinson, Creative Director.

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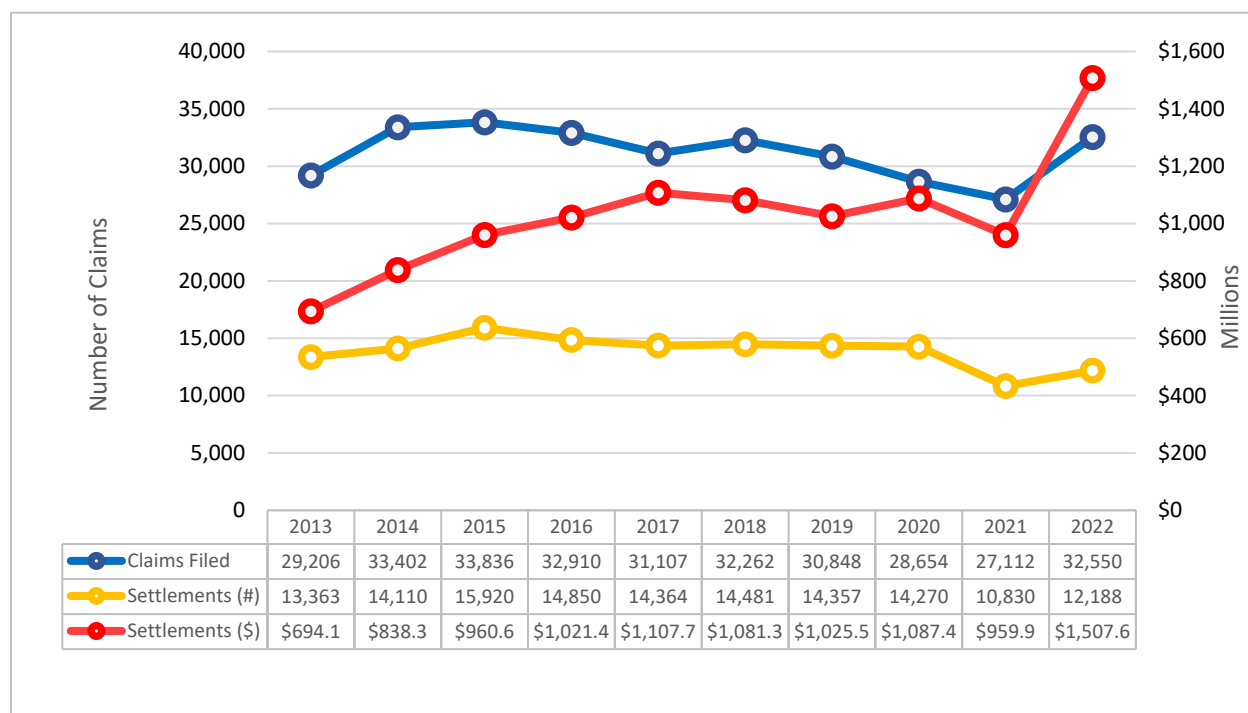
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I. Executive Summary

Under the New York City Charter, the Comptroller has the power to settle or adjust all claims in favor of or against the City.¹ This work is performed by the Comptroller's Office Bureau of Law and Adjustment (BLA), which, under the direction of the Comptroller, the General Counsel, and the Assistant Comptroller for BLA, is composed of attorneys, claims professionals, engineers, and administrative staff.

In FY 2022, 12,188 claims and lawsuits against New York City were resolved for \$1.5 billion², the highest amount in the City's history. For the last 10 fiscal years, the City has paid on average approximately \$1 billion per fiscal year to settle tort and law claims. The half a billion dollar increase in FY 2022 is attributable, in large part, to salary claim settlements related to class and collective actions. The *Gulino v. Board of Education* class action lawsuit was filed in 1996 alleging that DOE's use of two New York State mandated teacher certification examinations had a disparate impact on Black and Latino teachers. After protracted litigation, the City was found liable and must pay backpay and other damages to class members. It is projected that the City will be required to pay judgments to class members of up to approximately \$1.35 billion, plus post judgment interest, pension contributions, and employer tax contributions. The City negotiated a schedule of judgment payments that resulted in a \$366.8 million in payments in FY 2022. In addition, the City settled separate salary claims alleging violations of the Fair Labor Standards Act for \$69.0 million.

Claims Filed and Settled FYs 2013–2022



Tort Claims

In FY 2022, for the first time since FY 2017, City payouts on personal injury and property damage claims (collectively tort claims) which include allegations of slip and falls, medical malpractice, motor vehicle crashes, police action, and property damage claims increased. The number of tort claims filed in FY 2022 increased by 28 percent, and the amount paid out in settlements and judgments in FY 2022 increased by 20 percent. Moreover, New York taxpayers continue to pay for claims that were filed more than a decade ago.

- In FY 2022, the City paid out \$688.4 million in tort claims, \$105.5 million more than the \$583.0 million paid out in FY 2021.³
- In FY 2022, the City paid out \$82.5 million for personal injury claims that were filed prior to FY 2013 (“legacy claims”).
- Excluding legacy claim payments, personal injury claim payouts increased to \$598.5 million in FY 2022 from \$520.2 million in FY 2021.

Medical Malpractice Claims

- Since FY 2013—when 605 claims were filed—the number of medical malpractice claims filed has steadily declined. Still, the City continues to pay out costly settlements and judgments because of the large number of medical malpractice claims filed in years past, and because of the large amounts for individual claims. In FY 2022, there were 441 medical malpractice claims filed, up 29 percent from the 342 medical malpractice claims filed in FY 2021, but still down 30 percent from the 629 claims filed back in FY 2015.
- Medical malpractice claim settlements and judgments in FY 2022 decreased to \$60.3 million from \$75.5 million in FY 2021.

Civil Rights Claims

- Civil rights claims increased 17 percent to 1,464 claims filed in FY 2022, up from 1,248 filed in FY 2021, but still down 50 percent from the 2,936 claims filed in FY 2014. The cost of civil rights claim payouts increased to \$143.2 million in FY 2022 up from \$95.2 million in FY 2021, a 50 percent increase.
- In FY 2022, the Comptroller’s Office resolved six reversed conviction claims pre-litigation, for a total of \$25.0 million.

New York City Police Department Claims

- The number of tort claims filed against the New York City Police Department (NYPD) dropped to 4,580 in FY 2022 from 5,170 in FY 2021, an 11 percent decline.

- NYPD tort claim settlement and judgment payouts increased by 14 percent, to \$237.2 million in FY 2022 from \$208.1 million in FY 2021.
- The number of NYPD tort claim settlements and judgments increased by 13 percent, to 2,832 in FY 2022 from 2,505 in FY 2021.
- Payouts on NYPD tort claims accounted for 34 percent of the total overall cost of the City's resolved tort claims in FY 2022.

Department of Education Claims

- The number of tort claims filed against the Department of Education (DOE) increased to 1,150 in FY 2022 up from 516 in FY 2021, a 123 percent increase. This increase coincides with the return to in-person attendance in New York City public schools, after remote operations during the COVID-19 health emergency.
- In FY 2022, DOE tort claim settlement payouts totaled \$78.2 million, \$47.0 million more than the \$31.2 million paid out in FY 2021. A single post-verdict, post-appeal settlement of \$36.3 million is responsible for the increase in the overall DOE settlement amount in FY 2022. It was the single most costly settlement in FY 2022. See top claim below.

Top Eleven Tort Claims Adjudicated in FY 2022

1. School accident: Sixteen-year-old plaintiff sustained severe third degree burns over 30 percent of his body, including his head, neck, and chest, when an in-class science experiment at a DOE school started a classroom fire. The case went to trial and a jury determined that the school employee negligently conducted the experiment and caused a fireball to injure plaintiff. The jury returned a \$59.17 million verdict, which was later reduced on appeal to \$29.0 million. Settlement after verdict and appeal, including interest, of \$36.3 million.
2. Wrongful conviction: Plaintiff was convicted in 1995 of murdering a man in Queens. He served 25 years until the key eyewitness recanted his testimony that implicated plaintiff, a new witness identified another man as the shooter, and counsel presented evidence that the prosecutors mishandled the criminal proceedings. Upon review, the Queens County District Attorney determined that plaintiff was actually innocent of the crime and joined plaintiff's motion to vacate the conviction. Settlement of \$13.0 million.
3. Wrongful conviction: Plaintiff was convicted in 1996 of murdering a man in Manhattan. He served 24 years until obtaining federal *habeas corpus* relief in 2019 after multiple eyewitnesses recanted their identifications and plaintiff presented evidence that the investigating officers were incredible because of their extensive involvement in illegal activity (for which they were later prosecuted). The District Attorney was unable to re-try

plaintiff due to a lack of available evidence and thus did not oppose exoneration. Settlement of \$12.0 million.

4. Wrongful conviction: Plaintiff was convicted in 1994 of murdering a man in Brooklyn. He served nearly 25 years before the key eyewitness recanted her testimony and stated that NYPD Detectives Scarcella and Chmil coerced her to select plaintiff as the shooter. The Kings County District Attorney ultimately consented to vacating plaintiff's conviction in 2018 after numerous other conviction misconduct cases involving Detectives Scarcella and Chmil came to light. Settlement of \$10.5 million.
5. Violence at Rikers: Thirty-two-year-old plaintiff inmate sustained major head and brain trauma causing permanent disability after being attacked by another inmate on Rikers Island. The assailant-inmate had severe mental health issues and violent tendencies but was placed in a cell with plaintiff without additional supervision. The assault was captured on video and demonstrated that DOC staff delayed responding to the attack. Settlement of \$9.25 million.
6. Medical malpractice: Twenty-one-year-old plaintiff sustained complete bilateral blindness following labor and delivery at a NYCH+H facility. She alleged that NYCH+H personnel failed to properly treat her complaints of vision issues during the pre-natal process. The case went to trial and a jury determined that NYCH+H deviated from the appropriate standard of care and caused plaintiff's permanent vision loss. The jury returned a \$15.0 million verdict, which was reduced to \$9.8 million. While appeals were pending, the parties reached a settlement of \$9.0 million.
7. Wrongful conviction: Claimant was convicted of rape and robbery in 1985 in Manhattan. He served a full 25-year sentence until 2009 and then registered as a sex offender until 2020, when he was exonerated following analysis of newly obtained DNA evidence. Claimant also presented evidence of police misconduct, including suppression of exculpatory evidence and fabrication of inculpatory information. Settlement (pre-litigation) of \$8.99 million.
8. Medical malpractice: Two-month-old infant plaintiff alleged that NYCH+H failed to properly diagnose and treat an abdominal tumor and then improperly intubated plaintiff while in the pediatric intensive care unit, causing multiple episodes of oxygen deprivation. Plaintiff then experienced severe complications that required eight surgeries and five hospitalizations. Plaintiff is now permanently feeding-tube dependent, along with other related conditions. Settlement of \$8.4 million.
9. Wrongful conviction: Claimant was convicted in 1989 of murdering a man in Brooklyn. He served 26.5 years until his parole in 2016. He obtained exoneration in 2020 after he retained counsel to jointly review his conviction with the Kings County District Attorney, who eventually joined the motion to vacate. The investigation revealed that the prosecution withheld critical credibility information about the key eyewitness who

implicated plaintiff, which was alleged to be part of a pattern and practice by the District Attorney at that time. Settlement (pre-litigation) of \$8.4 million.

10. Wrongful conviction: Plaintiff was convicted in 1999 of murdering a man in Brooklyn. He served over 21 years until his exoneration in 2019. He alleged that NYPD detectives coerced the key eyewitness to identify plaintiff in exchange for lenience in pending criminal matters, and then both NYPD and the Kings County District Attorney failed to disclose this information to the Court or defense counsel. Plaintiff alleged these acts were part of a larger pattern and practice of misconduct. Settlement of \$7.0 million.
11. Wrongful conviction: Claimant was convicted in 1997 of murdering a man in Staten Island. He served 23 years until his parole in 2019. He obtained exoneration in 2021 after the Richmond County District Attorney interviewed numerous witnesses who confirmed plaintiff's alibi and determined that the handling NYPD detectives suppressed exonerative information while also coercing witnesses to inculcate plaintiff. The Richmond County District Attorney joined the motion to vacate and determined plaintiff was actually innocent. Settlement (pre-litigation) of \$7.0 million.

Law Claims

Law claims include disputes arising from City contracts, equitable claims, refund claims, City employee salary disputes, special education claims against DOE in which families sue for resources for failure to meet their child's educational needs, sidewalk assessments, cleanup costs levied on property owners who are in violation of the Mental Hygiene Law, as well as affirmative claims that are brought by the City against individuals, companies, corporations, and other entities for torts, breaches of contract, and as remedies for violations of civil codes.

- In FY 2022, the City paid out \$819.2 million in law claims, a 117 percent increase from the \$377.0 million paid out in FY 2021, primarily due to the *Gulino* judgment.
- Fifty-three percent of all law claim settlements and judgments in FY 2022 were salary claims.
- Claims for special education tuition and services reimbursement and attorneys' fees accounted for 37 percent of all law claims settlements.

Salary Claims

In FY 2022, salary claim settlement and judgment payouts totaled of \$437.5 million. This includes the \$366.8 million in judgments resolving the *Gulino* class action, filed in 1996, alleging that DOE's use of two New York State mandated teacher certification examinations had a disparate impact on Black and Latino teachers (discussed in detail on page 41). Excluding judgments on that single class action, payouts on salary claims increased by \$52.7 million or 293 percent in FY 2022. This increase is attributable to several other multimillion-dollar payments, including two eight-figure settlements of collective actions alleging violations of the Fair Labor Standards Act.

Special Education Claims

The total settlement amount paid out for special education claims in FY 2022 increased 34 percent to \$301.4 million from \$224.8 million paid out in FY 2021. As discussed in more detail on page 42 of this report, this increase can be attributed, in part, to an adjustment following a shift in the settlement reporting period in the prior fiscal year.

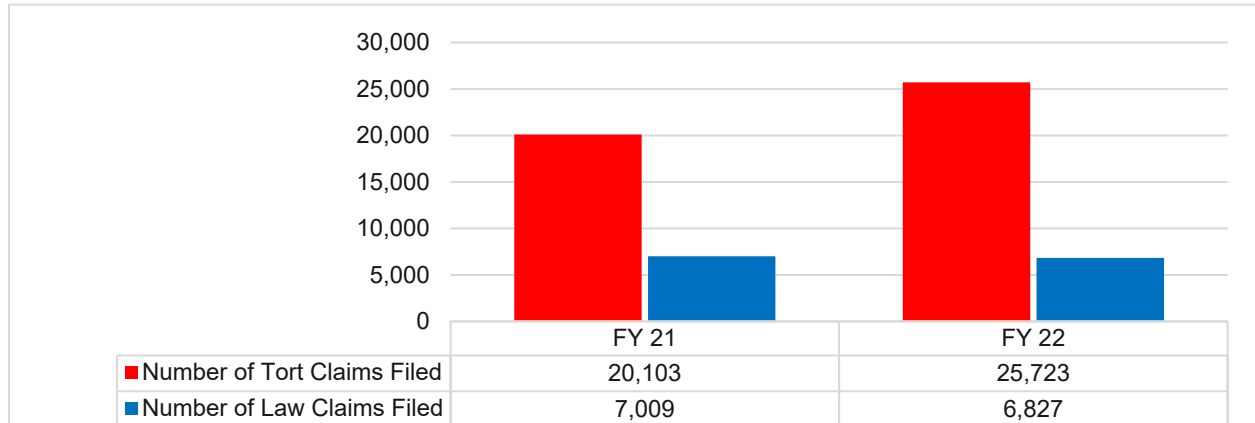
Contract Claims

In FY 2022, the settlement of 11 delay claims, a subcategory of contract claims in which contractors sue the City for delays on construction projects for which they allege the City bears responsibility, accounted for 79 percent of all contract claims settled. The \$49.4 million paid out on these 11 delay claim settlements made up 89 percent of the \$55.5 million in settlements paid out for all contract claims in FY 2022. Delay claim settlements increased the overall cost to the City on the subject projects by eight percent over the total original contract prices on these 11 projects.

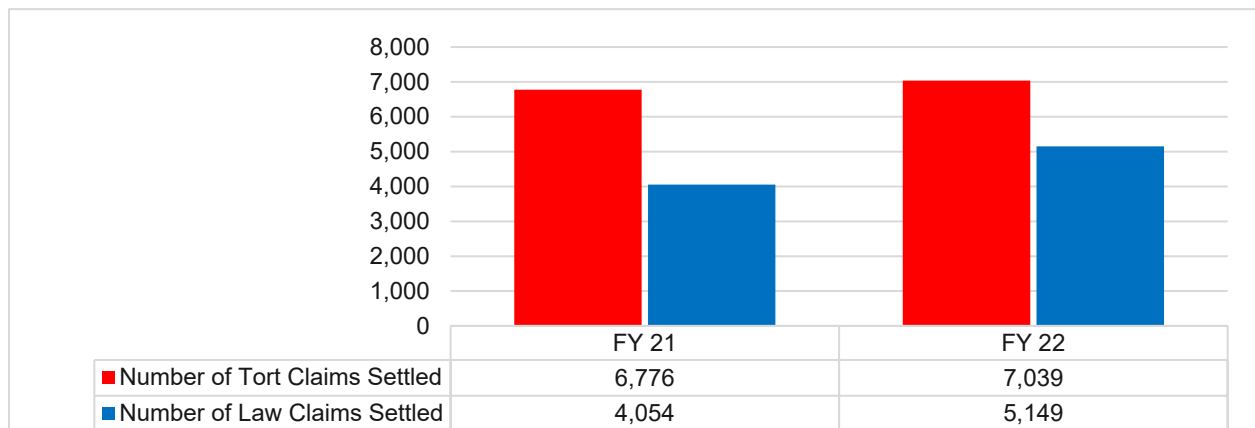
Affirmative Claims

In FY 2022, the Comptroller's Office approved settlement of 406 affirmative claims for a benefit to the City totaling \$20.4 million, as compared to FY 2021, when 260 affirmative claims were settled for payment to the City of \$33.1 million, a 38 percent decrease. Affirmative claims include housing or building code violations, actions arising from the sale of unlicensed cigarettes and other public nuisances, contract overpayments, and recoupment of Medicaid assistance payments.

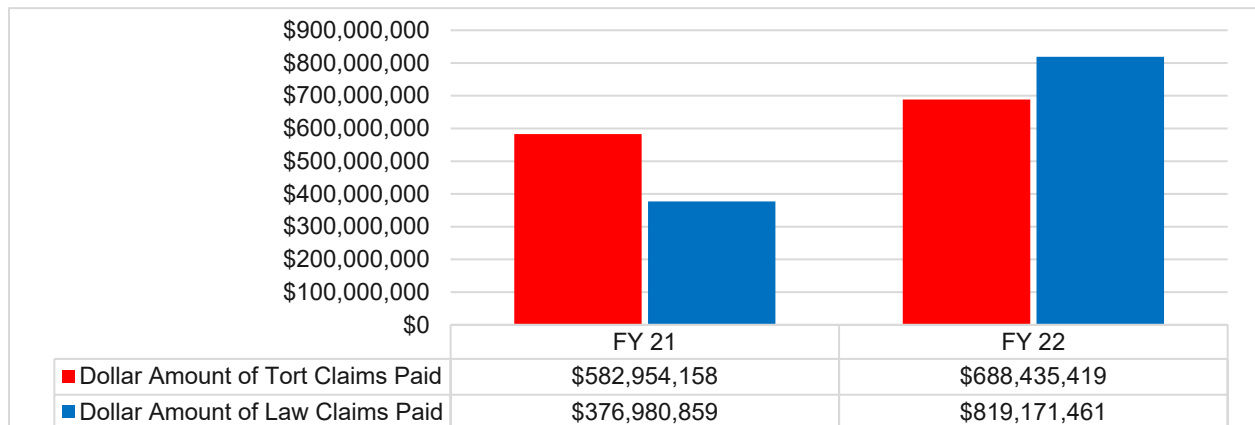
Total Number of Claims Filed, FY 2021 vs. FY 2022



Total Number of Claim Settlements & Judgments, FY 2021 vs. FY 2022



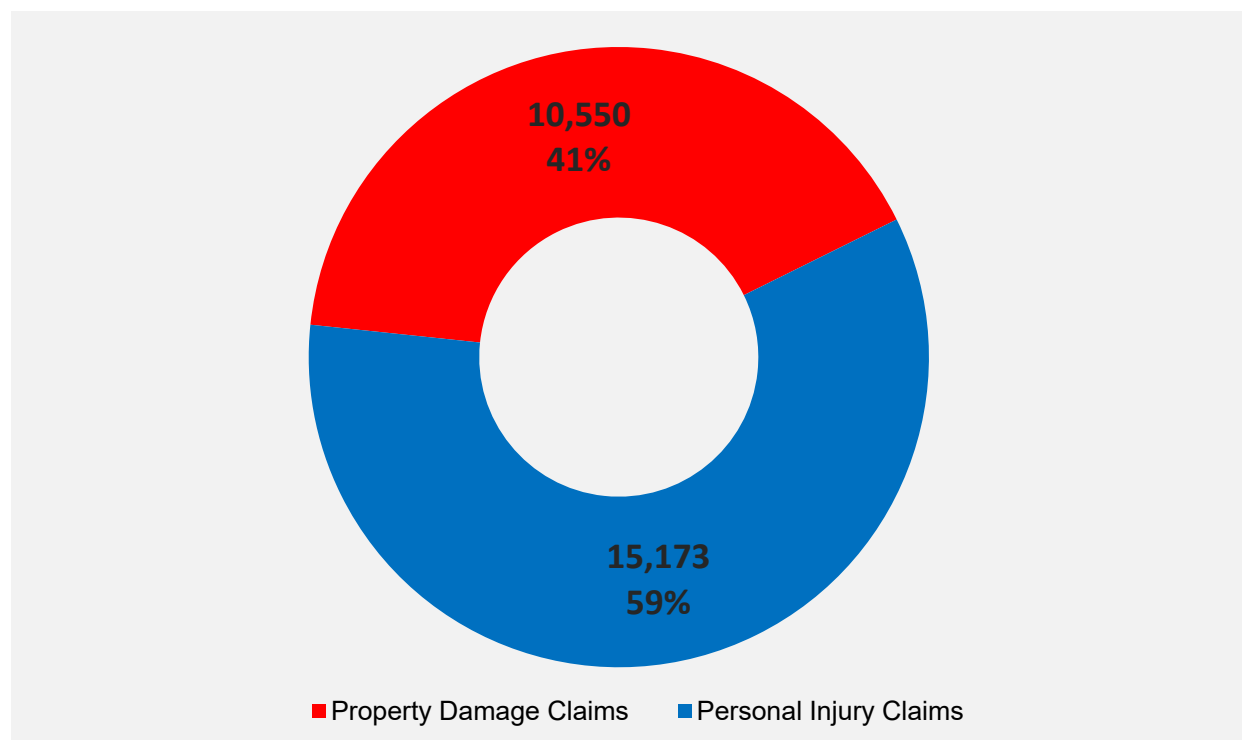
Total Amount of Claim Settlements & Judgments Paid, FY 2021 vs. FY 2022



II. Tort Claims

Tort claims consist of personal injury (PI) and property damage (PD) claims.⁴ In FY 2022, 25,723 tort claims were filed, a 28 percent increase from 20,103 tort claims filed in FY 2021.

**Chart 1: Comparison of Tort Claims Filed:
Property Damage Claims vs. Personal Injury Claims, FY 2022**



In FY 2022, settled tort claims cost the City \$688.4 million, a 20 percent increase from the \$583.0 million paid out in FY 2021. Settlements and judgments for tort claims cost each City resident approximately \$82.59 in FY 2022.

A. Property Damage Claims

Property damage claims consist of damage or loss to personal property as a result of the City's alleged negligence, including, but not limited to, motor vehicle crashes, roadway conditions, water main breaks, and sewer overflows. The number of property damage claims filed in FY 2022 increased by 67 percent to 10,550, from the 6,308 claims filed in FY 2021. In FY 2022, there were 1,586 property damage claim settlements, representing 23 percent of all tort claim settlements. Property damage claim settlement payouts increased by 10 percent in FY 2022 to \$7.4 million from \$6.7 million in FY 2021. However, the \$7.4 million paid out on property damage claims

represented one percent of the total tort claim payouts. Property damage claim settlement payouts increased by 10 percent in FY 2022 to \$7.4 million from \$6.7 million in FY 2021.

Chart 2: Percentage of Property Damage Claim Settlements & Judgments, Recorded by Claim Type, FY 2022

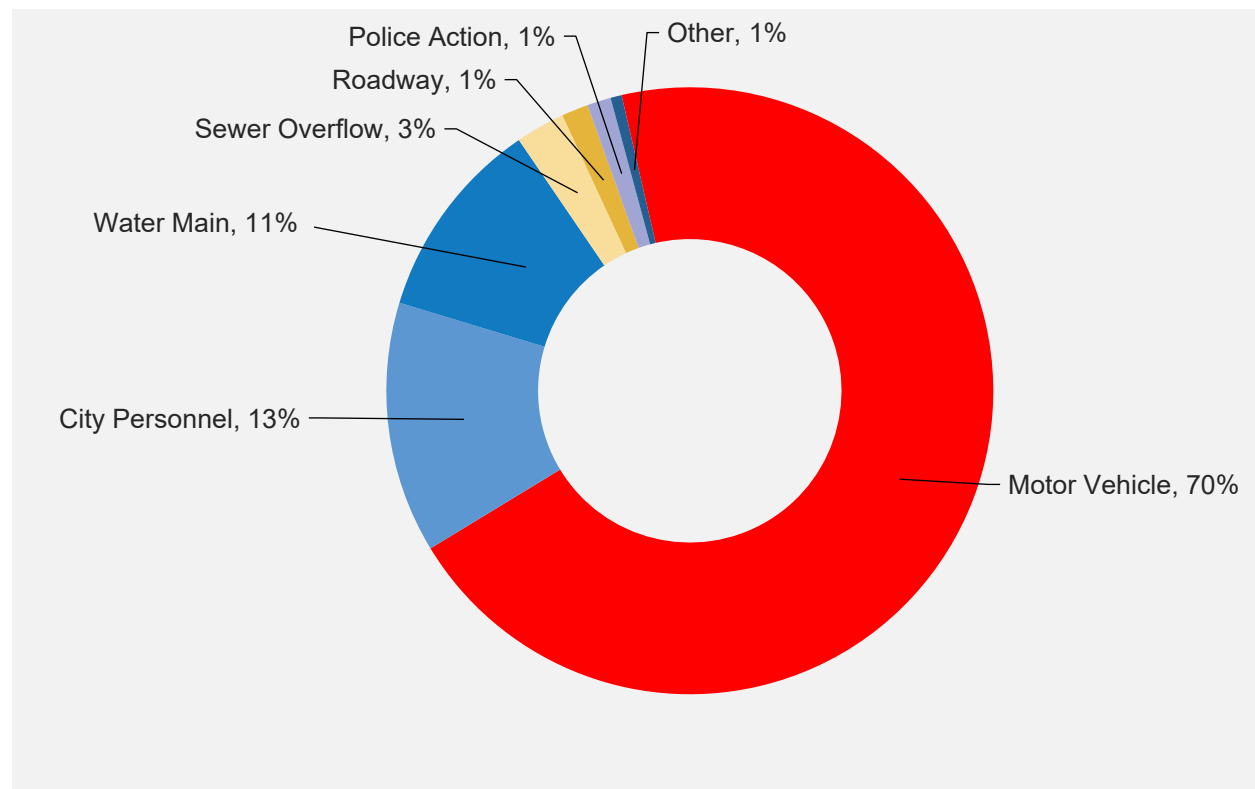
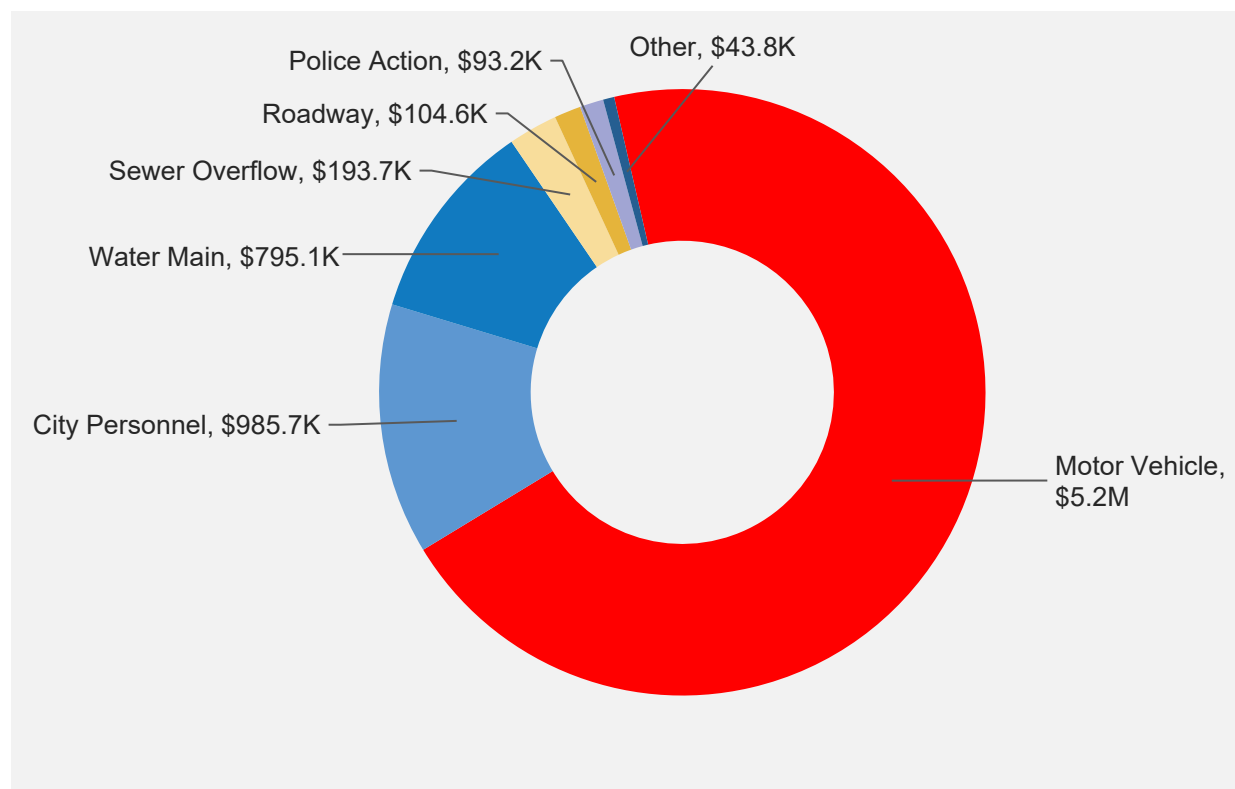


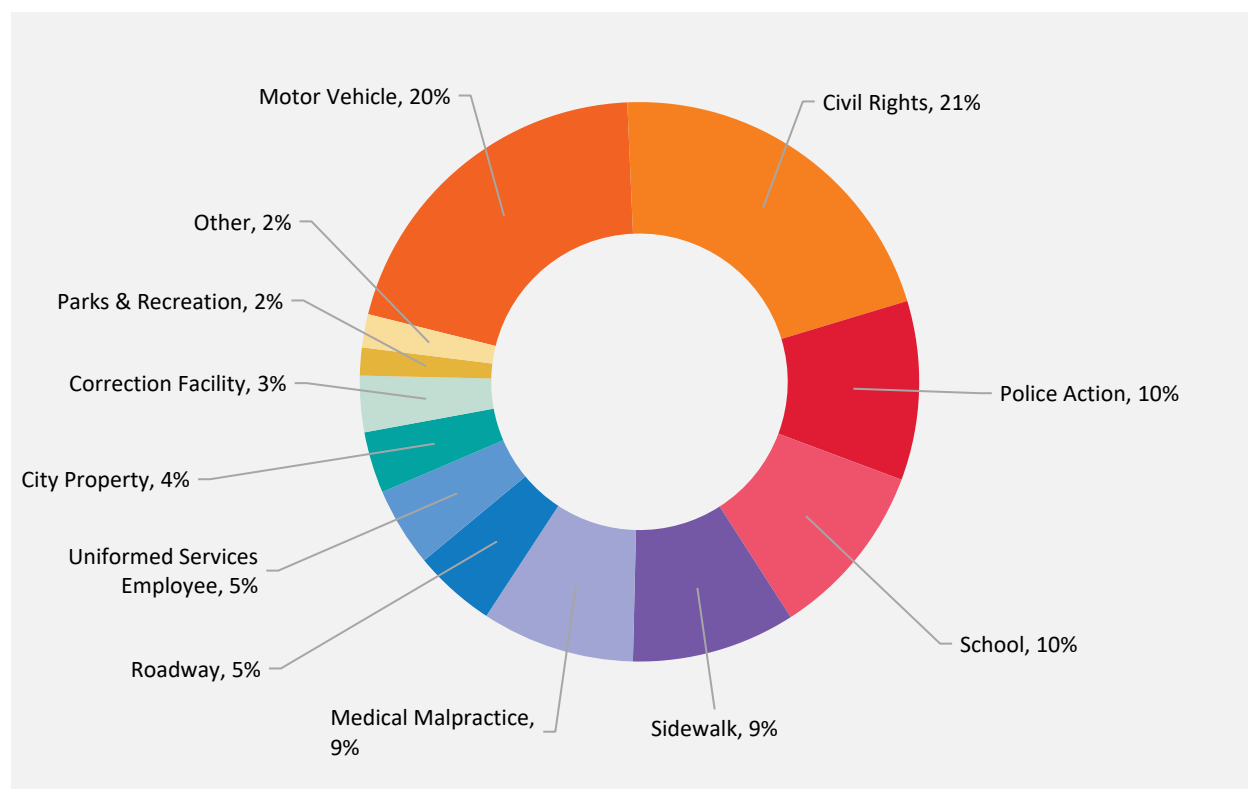
Chart 3: Total Amount Paid Out for Property Damage Claim Settlements & Judgments, Recorded by Claim Type, FY 2022



B. Personal Injury Claims

Personal injury claims are the most frequently filed and the costliest claims for the City to resolve. These claims include, but are not limited to, allegations of medical malpractice, civil rights violations, injuries occurring on the premises of DOE schools, motor vehicle crashes involving City-owned vehicles, defective sidewalks, or unlawful actions of the police or uniformed services employees. In FY 2022, there were 15,173 personal injury claims filed, a 10 percent increase from the 13,795 personal injury claims filed in FY 2021. In FY 2022, personal injury claims accounted for \$681.1 million, or 99 percent, of the \$688.4 million paid out on settled tort claims. The average settlement and judgment cost of a personal injury claim in FY 2022 was \$124,898, 15 percent higher than the FY 2021 average of \$109,868. However, the median settlement for all personal injury claim settlements was \$18,000 in FY 2022 compared to \$20,000 in FY 2021, or a 10 percent decrease.

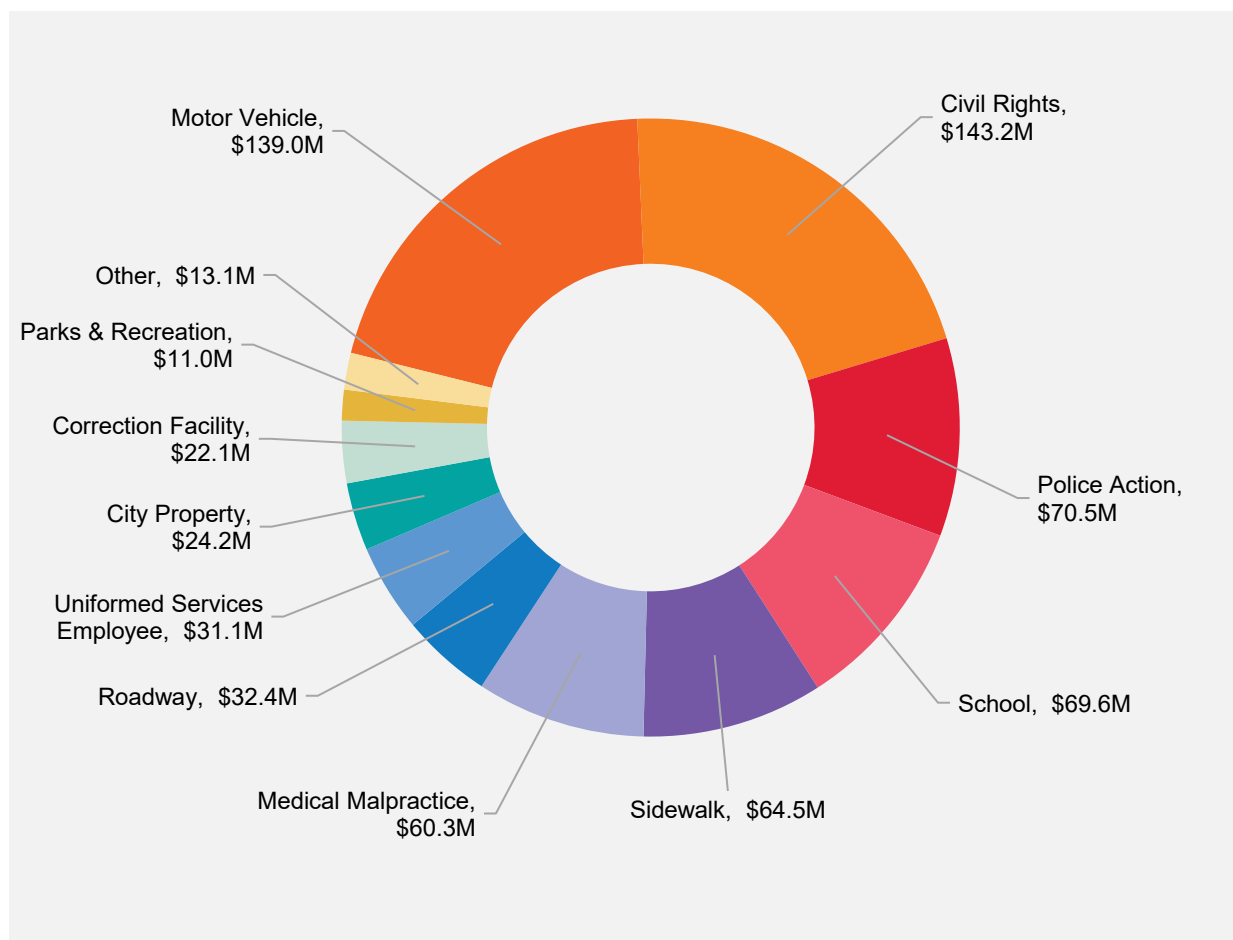
Chart 4: Percentage of Personal Injury Claim Settlements & Judgments, Recorded by Claim Type, FY 2022



C. Personal Injury Claim Trends by Claim Type

In FY 2022, the five most frequently filed personal injury claim types were correction facility claims (3,012), police action claims (2,903), sidewalk claims (2,141), motor vehicle claims (1,476), and civil rights claims (1,464). The five costliest personal injury claim settlements in FY 2022 by claim type were civil rights claims (\$143.2 million), motor vehicle claims (\$139.0 million), police action claims (\$70.5 million), school accident claims (\$69.6 million), and medical malpractice claims (\$60.3 million). Together, in FY 2022, these five claim types cost \$482.7 million and accounted for 71 percent of all personal injury claim settlements.

Chart 5: Total Amount Paid Out for Personal Injury Claim Settlements & Judgments Recorded by Claim Type, FY 2022



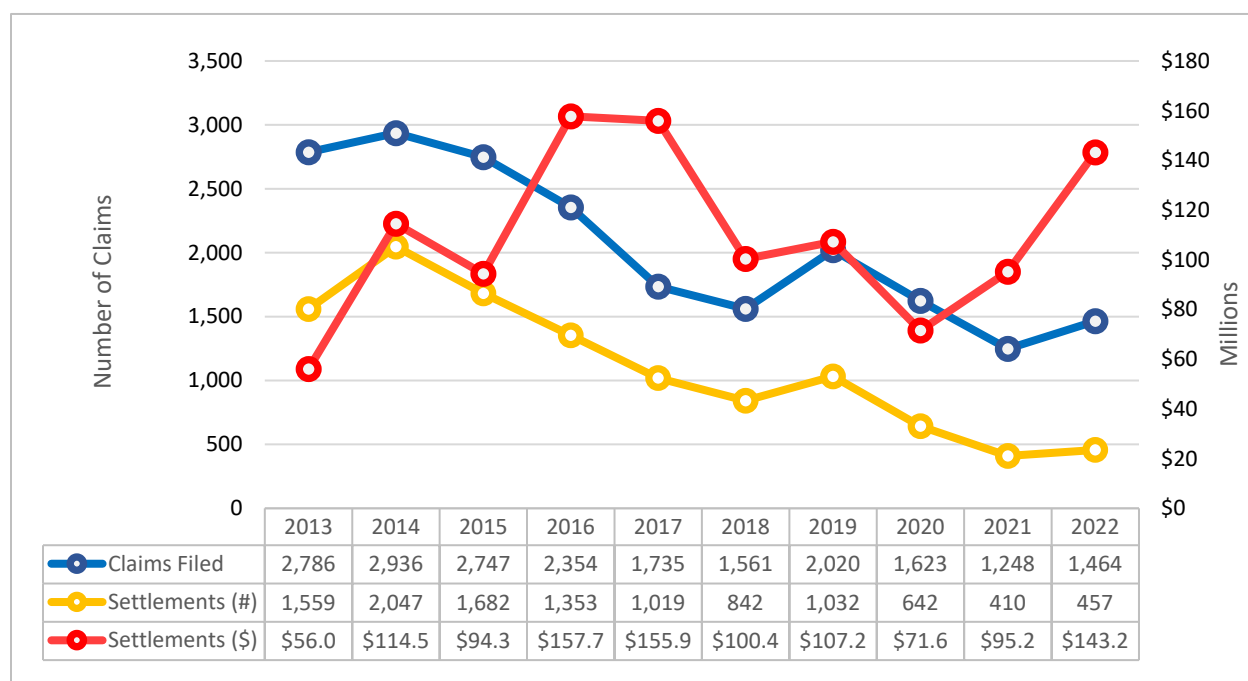
Out of the 5,453 personal injury claim settlements, there were 126 personal injury claim payouts for one million dollars or more, accounting for \$348.4 million paid out in FY 2022. These 126 claims with payouts for one million dollars or more represent 46 percent of the total personal injury claim settlements paid out in FY 2022. The top five claim payouts of one million dollars or more by claim type are civil rights claims (\$108.8 million), motor vehicle claims (\$72.7 million), school accident claims (\$46.0 million), medical malpractice claims (\$33.8 million), and sidewalk claims (\$18.3 million). These top five payouts by claim type of one million dollars or more represents 80 percent of the total \$348.4 million paid out.

1. Civil Rights Claims

Civil rights claims typically arise from alleged statutory or constitutional violations such as discrimination based on sex/gender, race, religion, disability, or age. Claims in this category also include alleged constitutional civil rights violations by law enforcement personnel such as false arrest, malicious prosecution, excessive force, or reversed conviction claims litigated under 42 U.S.C. § 1983 in federal court.⁵

The number of civil rights claims filed increased to 1,464 in FY 2022, up 17 percent from FY 2021 when 1,248 civil rights claims were filed. However, the number of civil rights claims filed in FY 2022 still represents a 50 percent drop from FY 2014, when 2,936 civil rights claims were filed. In FY 2022, the cost of civil rights claim payouts increased to \$143.2 million from \$95.2 million in FY 2021, a 50 percent increase.

Chart 6: Civil Rights Claims Filed and Settled, FYs 2013–2022⁶



In FY 2022, 18 of the 126 personal injury claims that resolved for one million dollars or more were civil rights claims, totaling \$108.8 million, or 76 percent of the total civil rights claim payouts. Fourteen of these 18 civil rights claims resolved for one million dollars or more involved the NYPD.

In FY 2022, the City resolved sixteen reversed conviction matters, the most in a single fiscal year since such data began to be tracked. These 16 matters cost the City \$86.8 million, or 61% of the total civil rights claim payouts, while representing only 3.5 percent of the total number of civil rights matters resolved. In FY 2021, the City resolved nine reversed conviction claims at a total cost of \$59.0 million, which represented 2.2 percent of all claims resolved and 62 percent of the total civil rights claim payouts. These figures demonstrate the high exposure the City faces from reverse conviction claims and lawsuits that will continue to arise as District Attorneys complete additional reviews of past cases.

Of the sixteen reversed conviction matters resolved in FY 2022, the Comptroller’s Office resolved six such claims pre-litigation. These claims involved more than 86 cumulative years of alleged wrongful incarceration and totaled \$25.0 million. As demonstrated by the cost of reversed conviction litigation mentioned earlier, these pre-litigation settlements eliminated lengthy legal proceedings that are costly for the City and claimants alike. BLA strives to resolve claims that

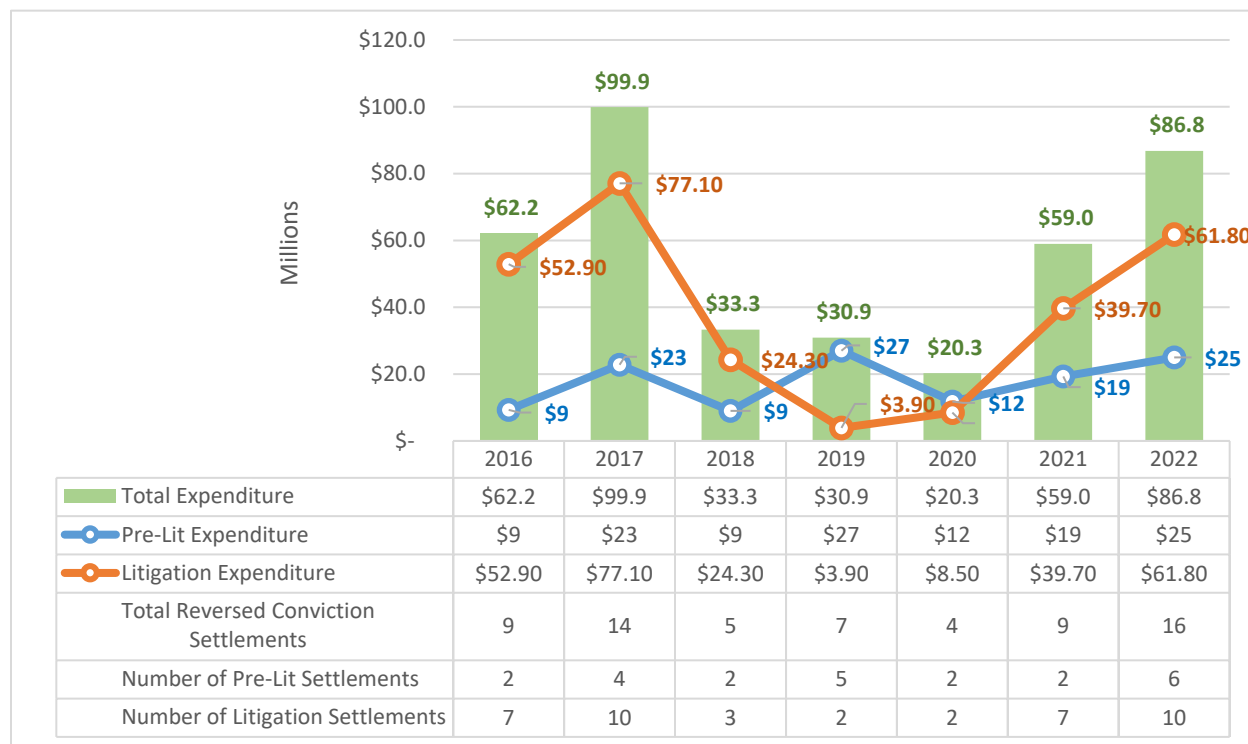
have clear and substantial supporting evidence from the criminal trial and subsequent judicial review, so that claimants do not endure yet another judicial proceeding to find some measure of justice. In addition, pre-litigation settlements save the City's legal resources as well as reduces the judiciary's case burden. Finally, as demonstrated in the charts below, reversed conviction claims settled pre-litigation generally resolve for less than reversed conviction claims that resolve during litigation.

Table 1: Reversed Conviction Settlements, FY 2022

(*indicates pre-litigation settlements; resolutions from prior years can be found in Appendix D)

FY 2022		
Name	Years Incarcerated	Settlement
Samuel Brownridge	25 years (1994-2019)	\$13.0 million
Pablo Fernandez	24 years (1995 – 2019)	\$12.0 million
Shawn Williams	24 years (1993 – 2018)	\$10.5 million
Rafael Ruiz*	25 years (1984 – 2009)	\$8.99 million
Gerard Domond*	28 years (1998-2016)	\$8.4 million
Eric William Rodriguez	21.17 years (1999 -2021)	\$7.0 million
Grant Williams*	23 years (1996-2019)	\$7.0 million
Julio Negron	9.75 years (2006-2015)	\$6.25 million
Bladimil Arroyo	17.5 years (2001-2019)	\$5.35 million
Calvin Buari	22 years (1995-2017)	\$4.0 million
Rhian Taylor	8.75 years (2008-2017)	\$3.0 million
Triston Pinheiro	2.83 years (2005-2008)	\$500,000
Phillip Boykin*	3 years (2016-2019)	\$390,000
Alfred Edwards	1 year (2011-2012)	\$175,000
Danny Ponder*	2.5 years (2018-2021)	\$150,000
O'Neal Watts*	5 years (2013-2018)	\$100,000
TOTAL	242.5 years	\$86.8 million

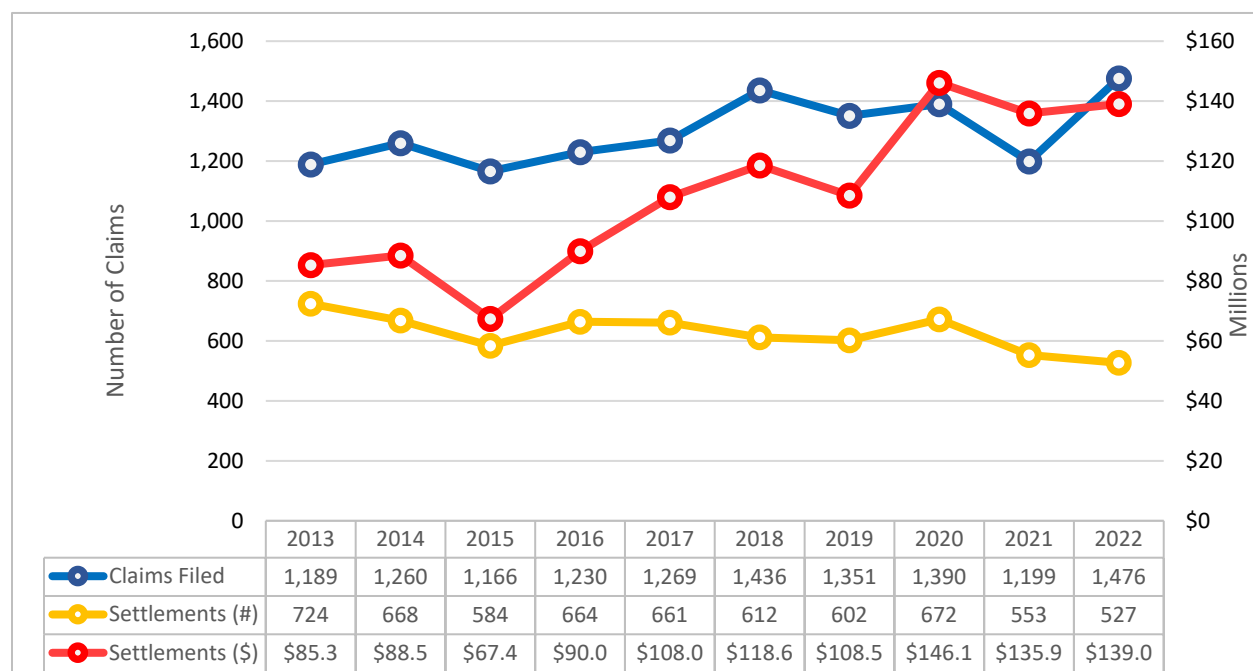
Chart 7: Reversed Conviction Payouts, FYs 2016–2022



2. Motor Vehicle Claims

Personal injury motor vehicle claims involve alleged motor vehicle crashes with City-owned fleet vehicles. There were 1,476 personal injury motor vehicle claims filed in FY 2022, up 23 percent from FY 2021 when 1,199 personal injury motor vehicle claims were filed. In FY 2022, personal injury motor vehicle claim settlements cost \$139.0 million, a two percent increase, compared to \$135.9 million paid out to resolve motor vehicle claims in FY 2021. The number of personal injury motor vehicle claim settlements decreased by five percent to 527 in FY 2022 from 553 in FY 2021.

Chart 8: Personal Injury Motor Vehicle Claims Filed and Settled, FYs 2013–2022



In FY 2022, 41 of the 126 personal injury claims resolved for one million dollars or more were motor vehicle claim payouts, totaling \$72.7 million—52 percent of all FY 2022 personal injury motor vehicle claim settlement payments.

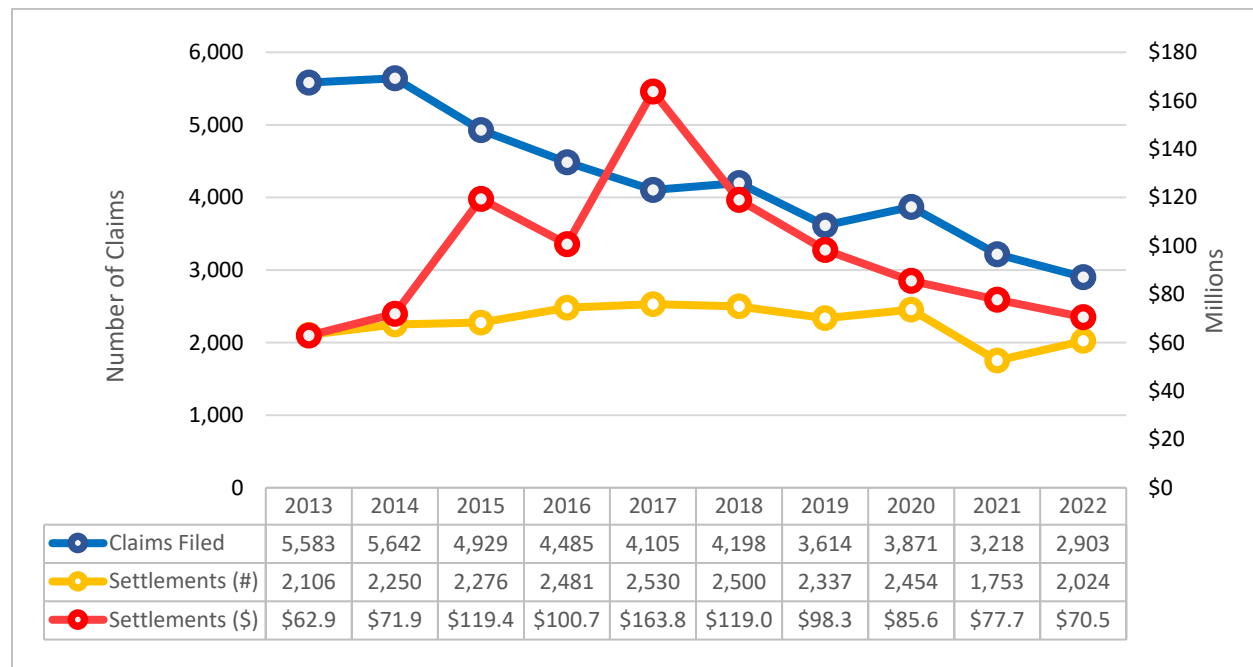
FY 2022 payouts on motor vehicle claims were the second highest on record (after FY 2020) and show a continued trend of increasing personal injury motor vehicle payouts since FY 2015. There has been a 106 percent increase in total personal injury motor vehicle claim payouts since FY 2015 when \$67.4 million was paid out. FY 2022 is the sixth consecutive fiscal year in which personal injury motor vehicle claim settlements topped \$100 million. Furthermore, the average payout per settlement increased from \$115,326 in FY 2015 to \$263,840 in FY 2022, a 129 percent increase. In FY 2022, the median settlement for all settlements of personal injury motor vehicle claims was \$64,500.

Additional analysis of motor vehicle claims against the City over the past decade, along with recommendations to reduce them, are available in a February 2023 report by the Comptroller’s Office Bureau of Policy and Organizing, [“Wreckless Spending: The Accelerating Cost of City Car Crash Settlements.”](#) The report identifies a series of recommendations to reduce claims resulting from severe crashes by implementing emerging fleet safety initiatives, reducing the number and size of vehicles in the City fleet, improving street design, and enhancing accountability for both City drivers and agencies.

3. Police Action Claims

Personal injury police action claims include allegations of improper police conduct, such as false arrest or imprisonment, or excessive force. In FY 2022, personal injury police action claims were the second most frequently filed personal injury claim type (after motor vehicle claims) and accounted for the third highest claim type payout. Personal injury police action claim filings declined in FY 2022 to 2,903 claims from 3,218 claims filed in FY 2021, a 10 percent decrease. The 2,903 claims filed in FY 2022 represents a 49 percent decline from FY 2014 when the number of personal injury police action claims filed peaked at 5,642. Personal injury police action claim settlements in FY 2022 decreased by nine percent, to \$70.5 million from \$77.7 million paid out in FY 2021. Since their peak in FY 2017, when payouts totaled \$163.8 million, in FY 2022 personal injury police action claim settlements have decreased 57 percent.

Chart 9: Personal Injury Police Action Claims Filed and Settled, FYs 2013–2022



The Comptroller's Office dedicates significant resources to investigating, evaluating, and, if appropriate, resolving certain personal injury police action claims prior to litigation. The following chart illustrates the results of the Office of the Comptroller's substantial effort to resolve personal injury police action claims pre-litigation.

Table 2: Personal Injury Police Action Claim Pre-litigation and Litigation Settlements, FYs 2018-2022

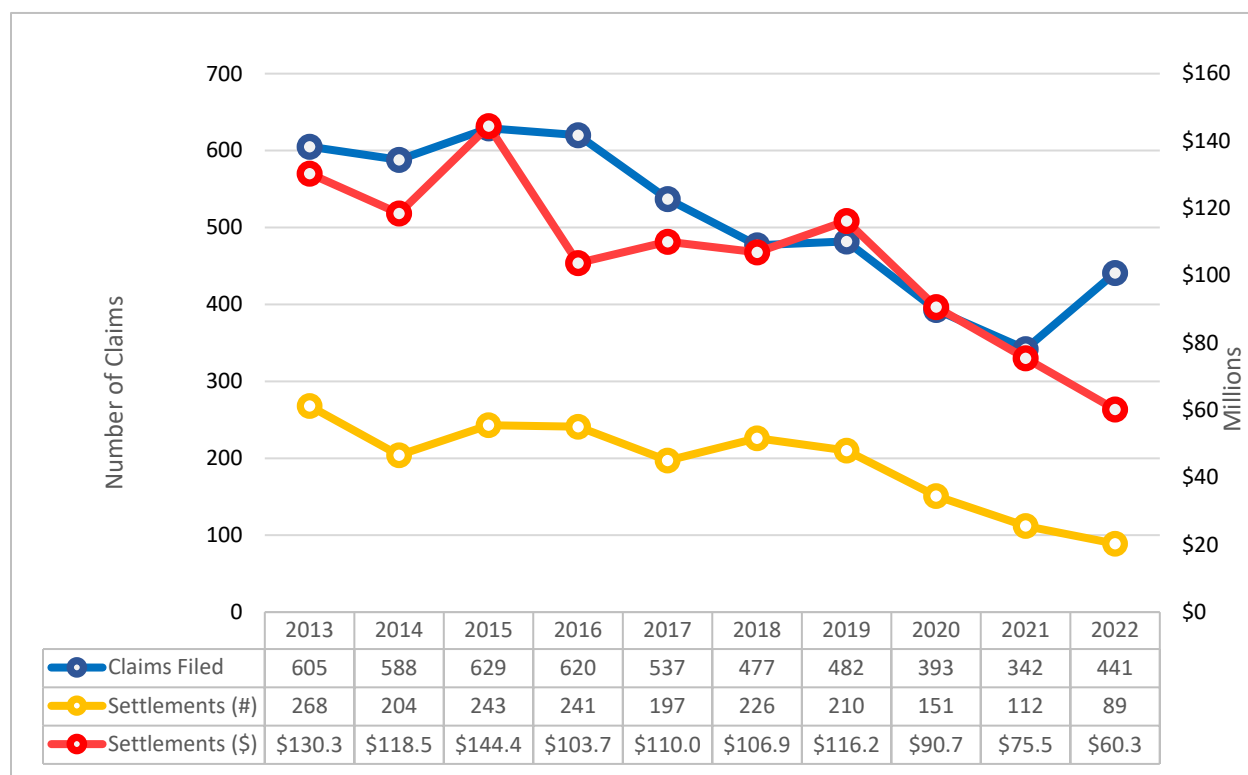
Fiscal Year	Police Action Claims (PI) Resolved (total, including Litigation)	Police Action Claims (PI) Resolved (Pre-litigation)	Resolved Pre-litigation (Percent)	Total Police Action (PI) Claim Payout (in millions)	Total Police Action (PI) Claim Payout (Pre-litigation) (in millions)	Total Police Action (PI) Payout Pre-Litigation (Percent)
2018	2,500	1,348	54%	\$119.0	\$29.5	25%
2019	2,337	1,320	56%	\$198.3	\$21.7	22%
2020	2,454	1,219	50%	\$85.6	\$20.2	24%
2021	1,753	958	55%	\$77.7	\$18.2	23%
2022	2,024	1,234	61%	\$70.5	\$22.1	31%
TOTAL	11,068	6,079	55%	\$451.2	\$111.7	25%

The Comptroller’s Office pre-litigation settlements resulted in the resolution of 55 percent of all resolved personal injury police action claims over the last five fiscal years. That significant percentage of claims resolved before litigation, however, represents only 235 percent of the total cost of personal injury police action claim payouts over the same time period. The average cost of personal injury police action claims settled pre-litigation was \$18,375, while the average cost of all personal injury police action claims over the last five fiscal years was \$40,766.

4. Medical Malpractice Claims

Medical malpractice claims result from alleged improper diagnosis, treatment, or care and are typically filed against NYC Health + Hospital (H+H) facilities. Since medical malpractice claims are complex, the cases often take five to ten years to resolve. The number of claims filed is, therefore, a better indicator of medical malpractice claims activity than the dollar amount paid out in any single year. In FY 2022, there were 441 medical malpractice claims filed, up 29 percent from the 342 medical malpractice claims filed in FY 2021, and down 30 percent from the 629 claims filed in FY 2015. The 89 medical malpractice claims resolved in FY 2022 cost the City \$60.3 million, compared to \$75.5 million paid out on 112 medical malpractice claims settled in FY 2021.

Chart 10: Medical Malpractice Claims Filed and Settled, FYs 2013–2022

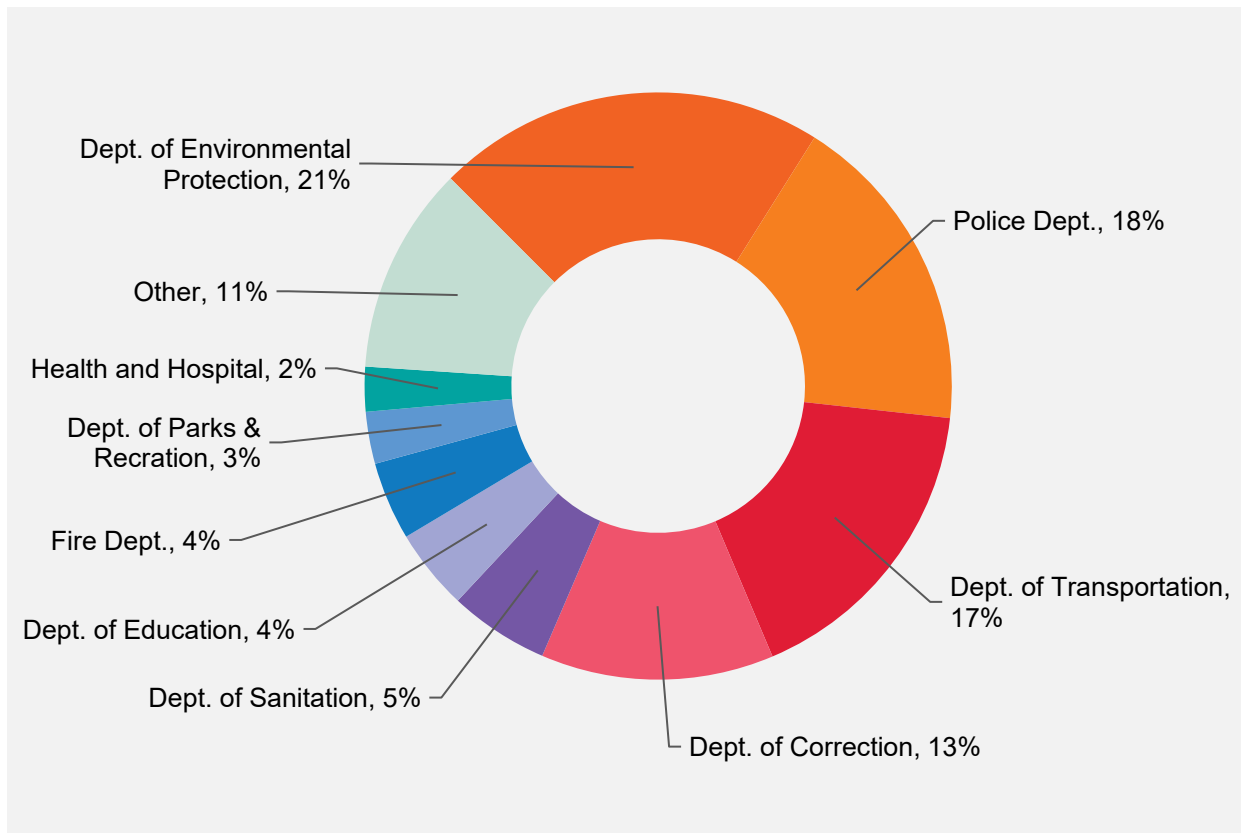


Settlements of medical malpractice claims accounted for nine percent of the total \$681.1 million paid out for all personal injury claims resolved in FY 2022. Of the 126 personal injury claims resolved for one million dollars or more in FY 2022, 10 were medical malpractice claim payouts, totaling \$33.8 million.

D. Tort Claim Trends by Agency

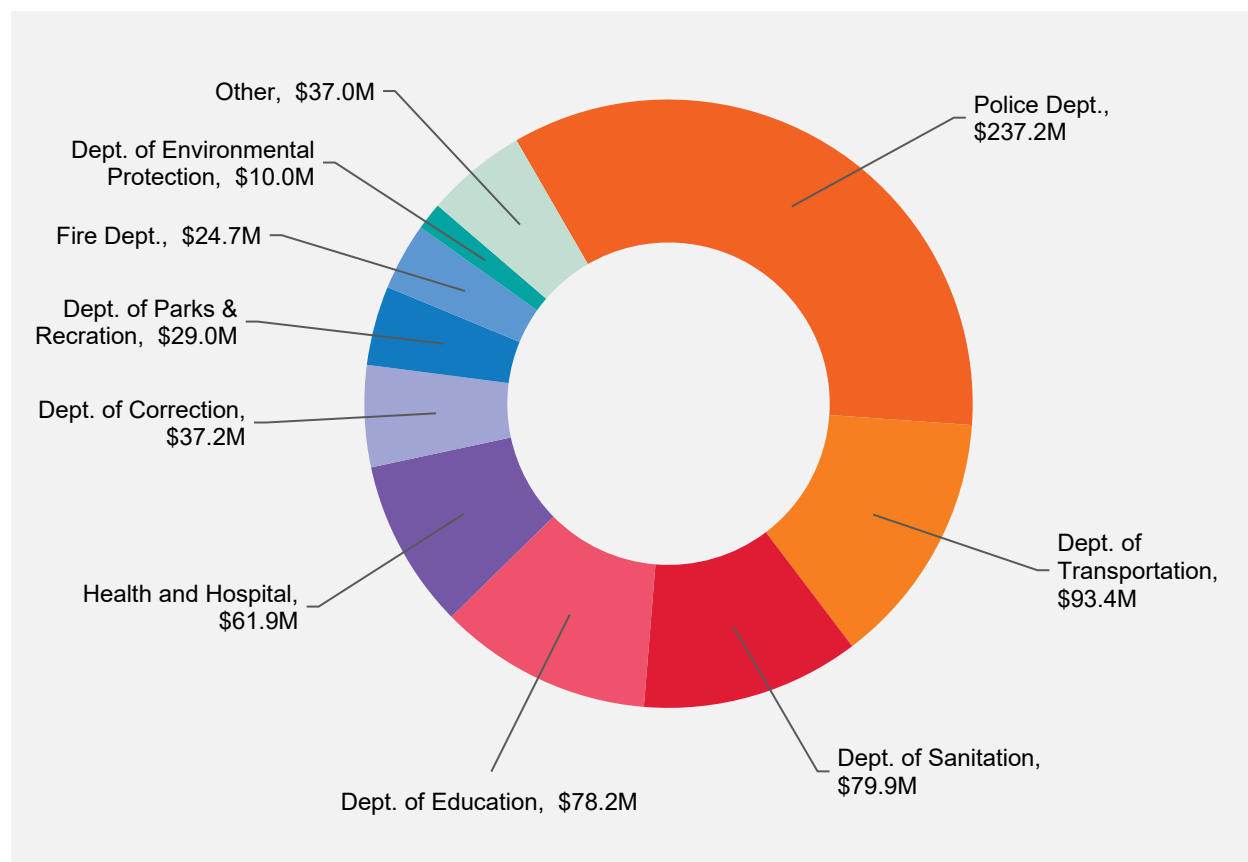
In FY 2022, the five agencies that accounted for the highest number of tort claims filed were Department of Environmental Protection (DEP) (5,515 claims), NYPD (4,580), Department of Transportation (4,344), Department of Correction (3,300), and DSNY (1,413). The large number of claims filed against the DEP in FY 2022 is attributed to the more than 5,000 claims filed due to Hurricane Ida.

**Chart 11: Percentage of Tort Claims Filed by Agency,⁷
FY 2022**



The five agencies with the highest tort claim settlement and judgment costs in FY 2022 were the NYPD (\$237.2 million), DOT (\$93.4 million), DSNY (\$79.9 million), DOE (\$78.2 million), and H+H (\$61.9 million).

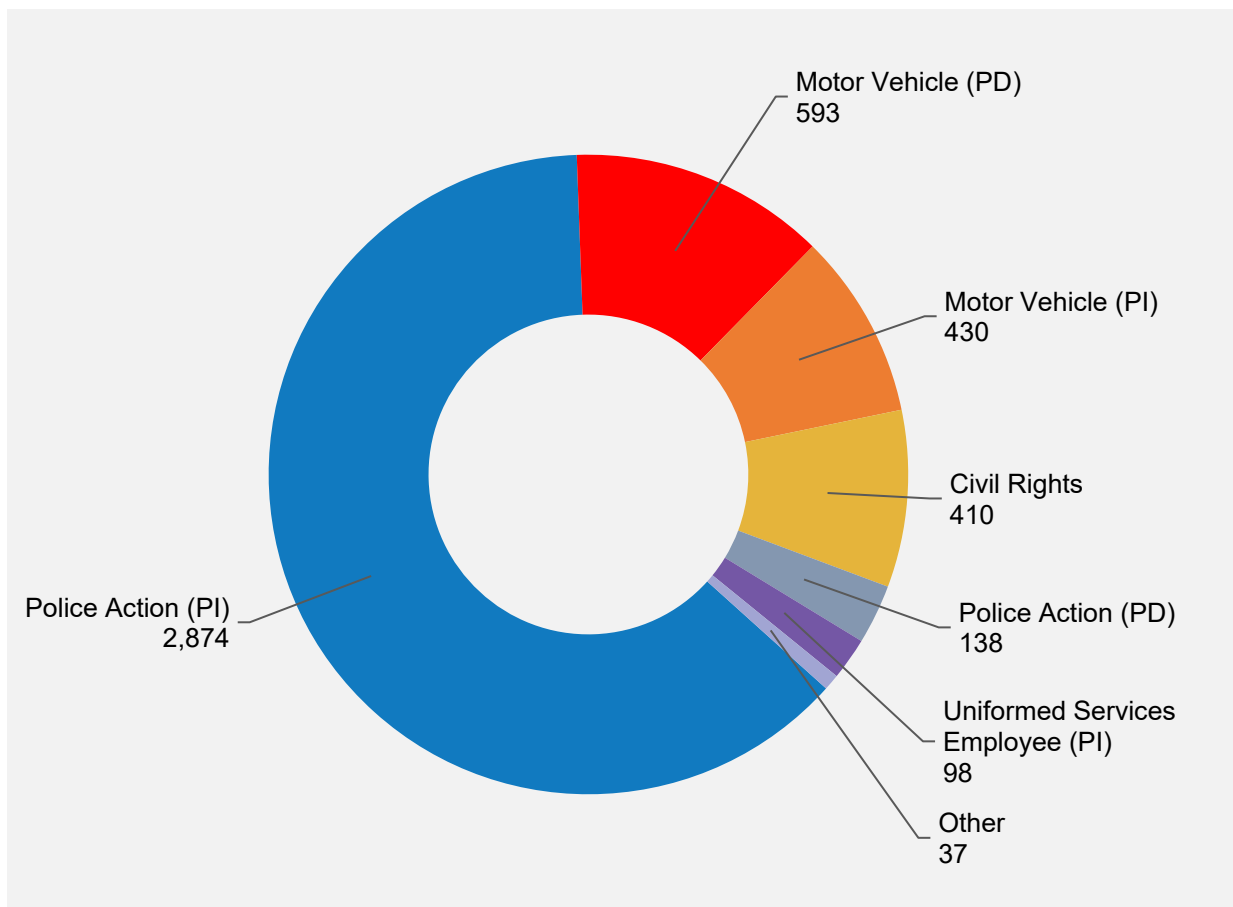
Chart 12: Tort Claim Settlement Costs by Agency, FY 2022



1. New York City Police Department

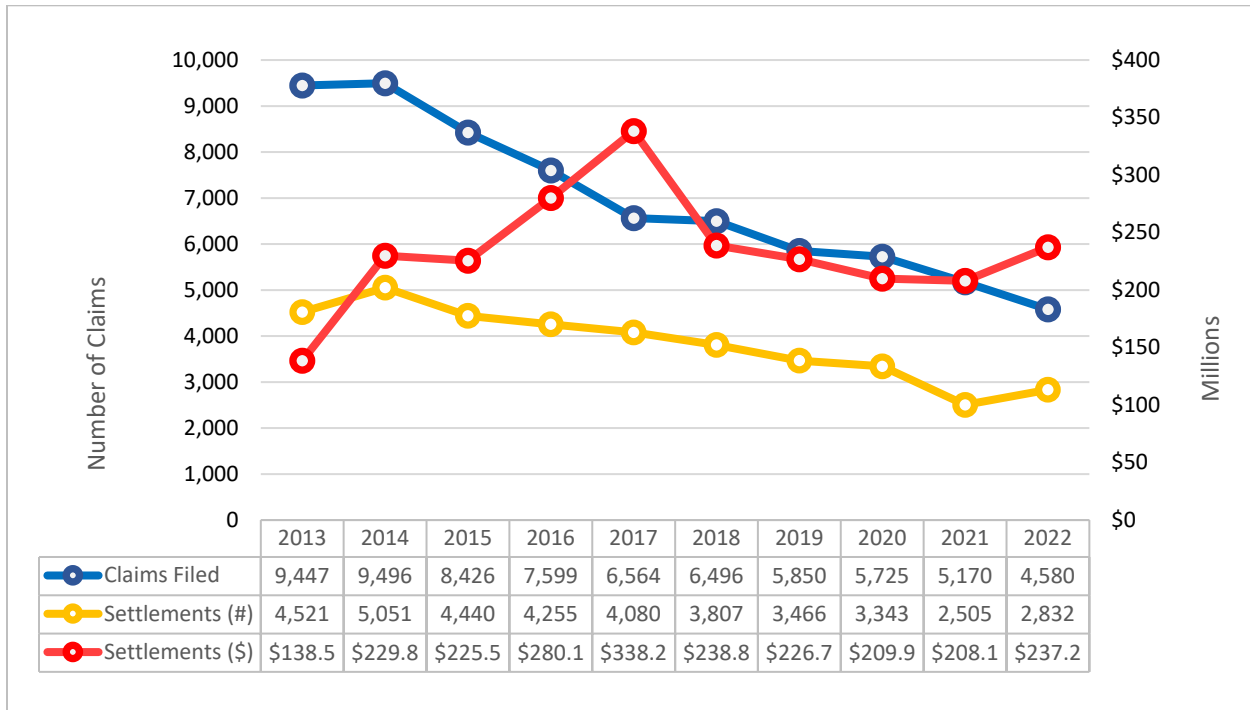
Tort claims against the NYPD include, but are not limited to, allegations of excessive force, civil rights violations, and personal injury or property damage arising out of motor vehicle crashes involving police vehicles. In FY 2022, the number of tort claims filed against the NYPD dropped to 4,580 from 5,170 filed in FY 2021, representing an 11 percent decline. Overall, claims filed against the NYPD have steadily decreased, down by 52 percent in FY 2022, since FY 2014, when 9,496 claims were filed.

Chart 13: Number and Percentage of NYPD Tort Claims Filed by Claim Type, FY 2022



Claims against the NYPD that settled in FY 2022 cost the City \$237.2 million, compared to \$208.1 million in FY 2021, a 14 percent increase. However, this is a 30 percent decrease from the FY 2017 high when \$338.2 million was paid out on NYPD claims.

Chart 14: NYPD Tort Claims Filed and Settled, FYs 2013–2022



The 14 percent increase in payments compared to FY 2021 is attributable, in large part, to the resolution of claims that arose during the 2020 protests throughout New York City in response to George Floyd’s death and an increase in reversed conviction actions compared to prior years (see Table 6).⁸

NYPD claims accounted for 34 percent of the total overall cost of resolved FY 2022 tort claim payouts. NYPD settlement costs were the highest among all City agencies in FY 2022. The NYPD should take additional steps to reduce misconduct claims, including by incorporating information on claims against officers into its accountability framework and adopting additional policies and trainings designed to reduce misconduct.

We anticipate that reversed conviction claim filings will continue as District Attorney’s offices review past convictions. While the sixteen reversed conviction claims resolved in FY 2022 represent less than one percent of all NYPD claims resolved, the total settlements of \$86.8 million amount to 37 percent of the total NYPD payouts in FY 2022. This continues the trend of a small number of reversed conviction settlements constituting a large percentage of NYPD claim payout, as illustrated in the table below.

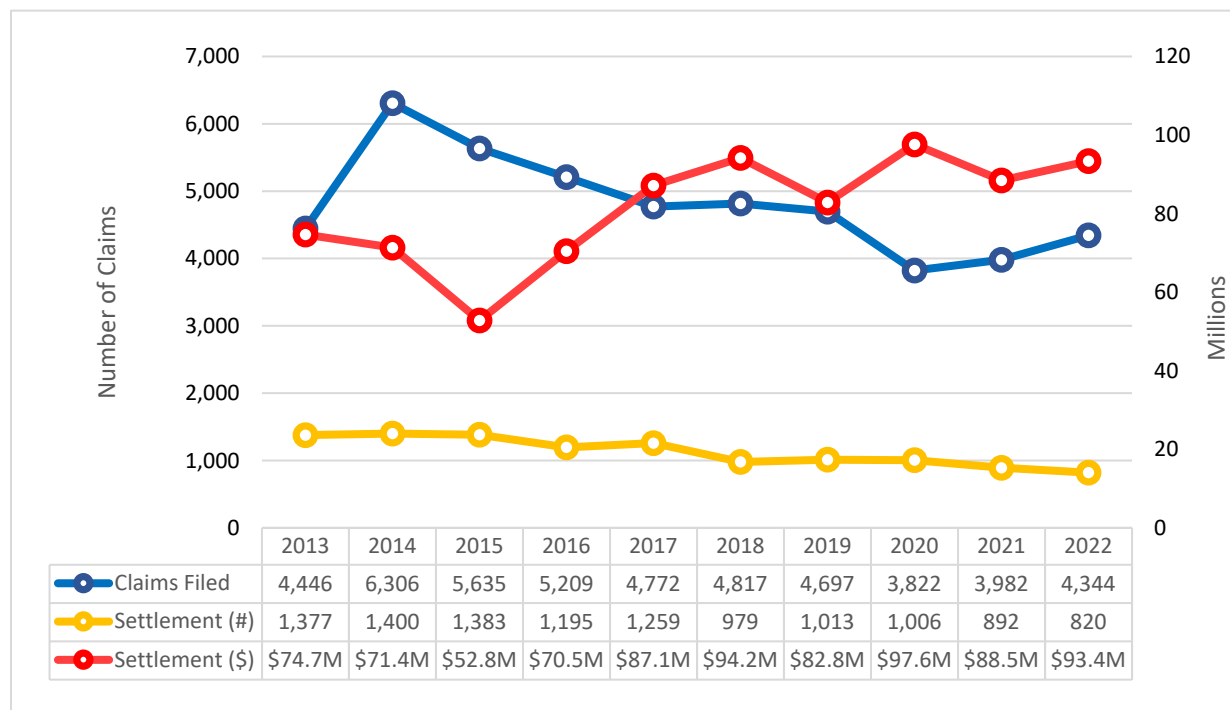
Table 3: Reversed Conviction Claims, FYs 2016–2022

Fiscal Year	Major Reversed Conviction Claims Resolved (Pre-litigation and Litigation)	Total Cost	NYPD Claims Total Settled (Tort)	NYPD Claims Total Payout (Tort)	Reversed Conviction Percent of Total NYPD Tort Claims Settled	Reversed Conviction Percent of Total NYPD Tort Claim Payouts
2016	9	\$62.2M	4,255	\$280.1M	0.21%	22.20%
2017	14	\$99.93M	4,080	\$338.2M	0.34%	29.60%
2018	5	\$33.25M	3,807	\$238.8M	0.13%	14.00%
2019	7	\$30.93M	3,466	\$226.7M	0.20%	13.70%
2020	4	\$20.3M	3,343	\$210.0M	0.12%	9.70%
2021	9	\$59.02M	2,505	\$208.1M	0.36%	28.40%
2022	16	\$86.8M	2,832	\$237.2M	0.56%	36.60%
TOTAL	64	\$392.43M	24,288	\$1,739.1M	0.26%	22.60%

2. Department of Transportation

Claims against the Department of Transportation (DOT) generally involve, but are not limited to, allegations of improper sidewalk or roadway maintenance, roadway design claims, and motor vehicle crashes involving DOT vehicles. In FY 2022, 4,344 claims were filed against DOT, compared to 3,982 in FY 2021, a nine percent increase. The settlement amount for DOT claims in FY 2022 increased to \$93.4 million, up from \$88.5 million in FY 2021, a six percent increase.

Chart 15: DOT Tort Claims Filed and Settled, FYs 2013–2022

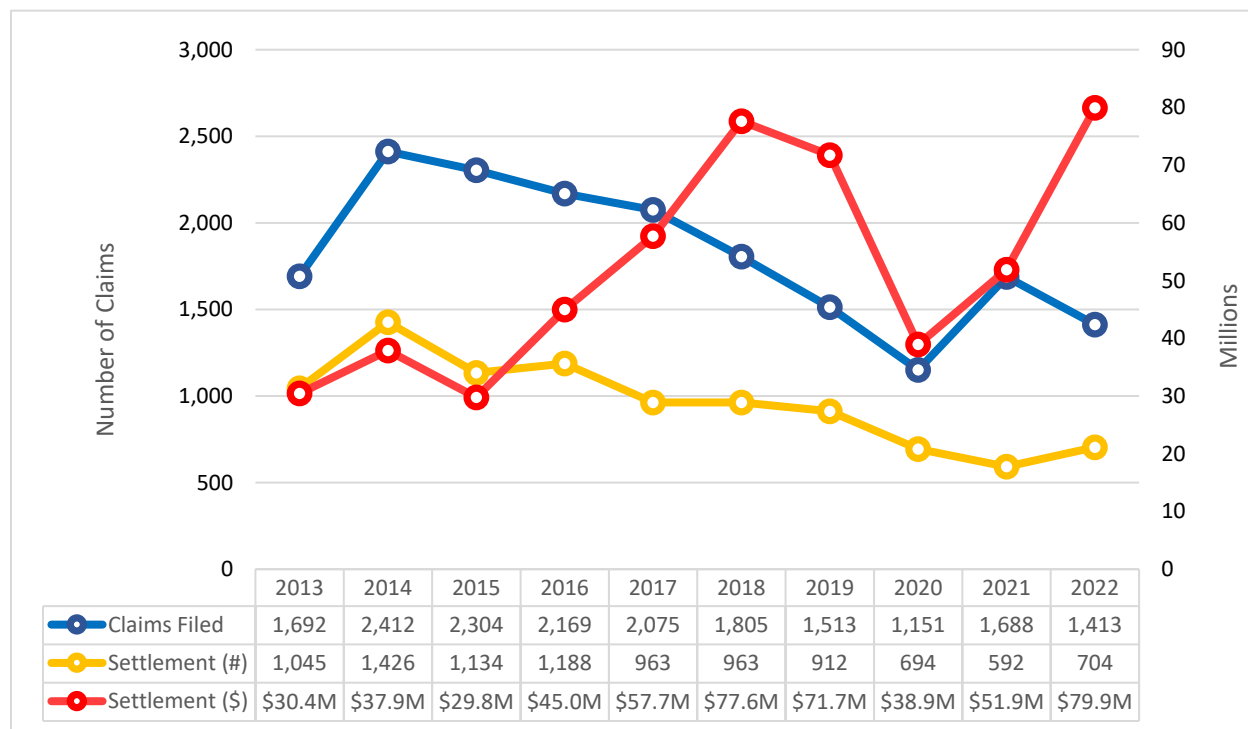


The number of DOT claim settlements decreased to 820 in FY 2022, compared to 892 DOT claims resolved in FY 2021, an eight percent decrease. However, the data indicates that the average cost per DOT claim settlement has increased since FY 2016, when the average cost per DOT claim settlement was \$58,959. In FY 2022, the average cost to settle a DOT claim increased from FY 2016 by 93 percent to \$113,856. In FY 2022, the median settlement for all DOT settlements was \$30,000.

3. Department of Sanitation

Claims against the Department of Sanitation (DSNY) include, but are not limited to, motor vehicle crashes involving DSNY vehicles (for both personal injury and property damage) and employee workplace accident claims. In FY 2022, there were 1,413 claims filed compared to 1,688 in FY 2021, a 16 percent decrease, and down 41 percent from a high of 2,412 in FY 2014. DSNY claim settlement payouts increased to \$79.9 million in FY 2022, up from \$51.9 million in FY 2021, a 54 percent increase.

Chart 16: DSNY Tort Claims Filed and Settled, FYs 2013–2022



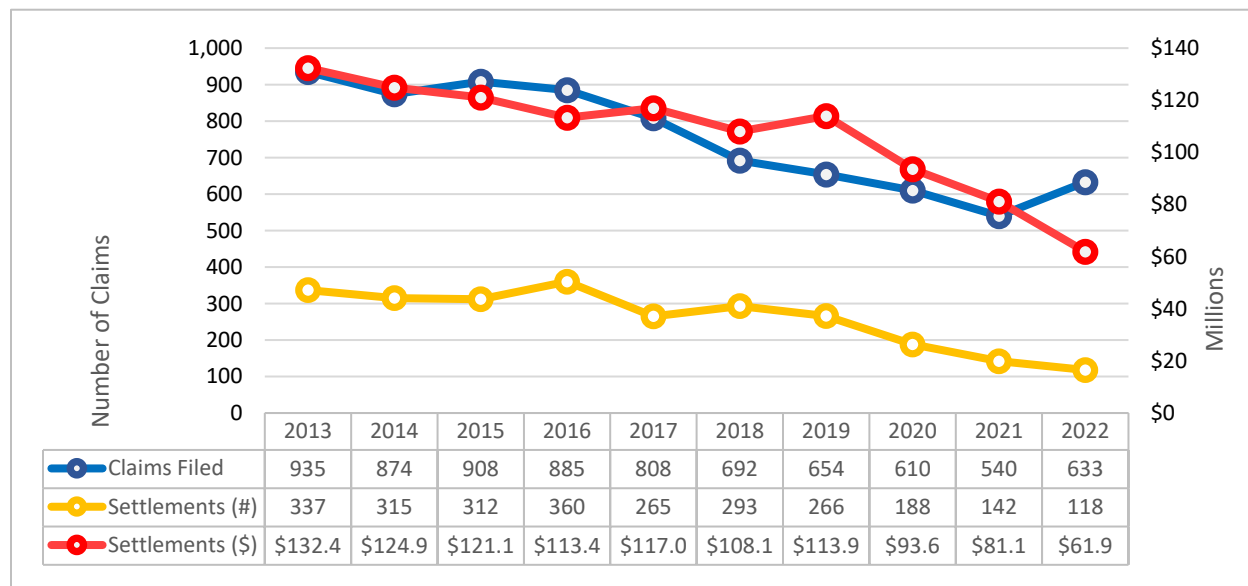
The number of settlements involving DSNY increased by 112 claims, or 19 percent, from FY 2021 to FY 2022. Still, the number of claim settlements against DSNY in FY 2022 is down 51 percent from FY 2014, when 1,426 claims against DSNY were settled. The number of new claims filed in FY 2022 decreased from 1,688 in FY 2021 to 1,413 in FY 2022, or 16 percent. However, there has been an increase in average cost in DSNY claim settlements that can be attributed to severe injuries associated with crashes involving DSNY heavy equipment and trucks, as well as the economic damages associated with loss of income and pension for DSNY employees injured on the job (known as uniformed services employee claims⁹), resulting in higher settlement payouts in FY 2022. The average DSNY claim settlement cost in FY 2022 was \$113,528, up 332 percent from FY 2015, when the average DSNY claim settlement cost \$26,254. In FY 2022, the median settlement for all DSNY settlements was \$4,059.

4. NYC Health + Hospitals

Claims against NYC Health + Hospitals (H+H) encompass claims for personal injuries including alleged medical malpractice, “slip and falls” on hospital property, and property damage sustained on hospital property. Many medical malpractice claims typically resolve in five to ten years from the date of filing, so the number of claims filed against H+H in a given year is a better indicator of current H+H claim trends than the amount paid out in any one year.

In FY 2022, 633 claims were filed against H+H, up from 540 claims filed in FY 2021, a 17 percent increase. The amount paid out on H+H claims decreased to \$61.9 million in FY 2022, down from \$81.1 million in FY 2021, a 24 percent decline.

Chart 17: H+H Tort Claims Filed and Settled, FYs 2013–2022



Of the 633 claims filed against H+H in FY 2022, there were 441 medical malpractice claims filed, accounting for 70 percent of all H+H claims. H+H claims constituted two percent of the total number of tort claims resolved in FY 2022, but accounted for the fifth highest tort expenditure at \$61.9 million, or nine percent of the total amount paid for settled tort claims in FY 2022.

Notably, the number of medical malpractice claims filed against H+H’s acute care hospitals¹⁰ increased by 95 claims to 400 in FY 2022 from 305 claims filed in FY 2021, an increase of 31 percent.

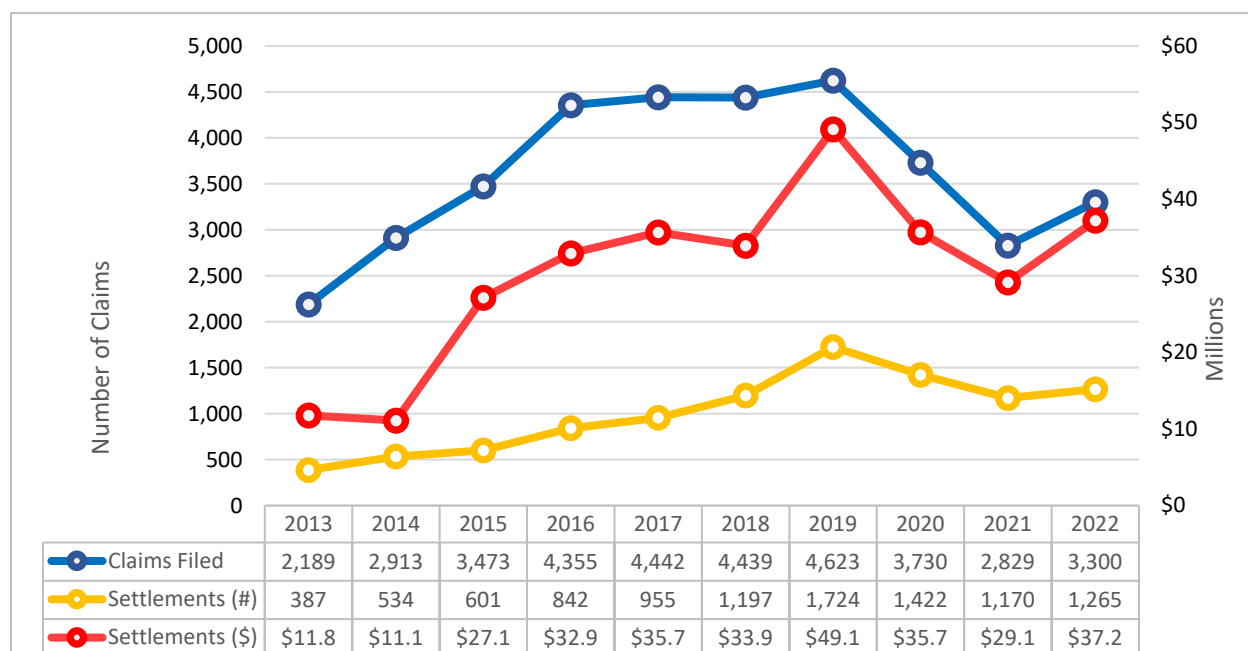
Table 4: H+H Medical Malpractice Claims Filed and Settled by H+H Acute Care Hospital, FYs 2021–2022

HH Acute Care Hospital	Claims Resolved FY 2022	Amount Paid (In Millions)	Number of Claims Filed FY 2022	Number of Claims Filed FY 2021	Increase/ (Decrease)
Bellevue	10	\$5.4	62	31	31
Coney Island	11	\$4.5	31	19	12
Elmhurst	9	\$5.7	45	30	15
Harlem	10	\$4.9	25	35	(10)
Jacobi / Bronx Municipal	7	\$2.5	51	43	8
Kings County	12	\$14.1	51	47	4
Lincoln	8	\$2.3	49	29	20
Metropolitan	2	\$3.1	22	16	6
North Central Bronx	2	\$0.8	18	10	8
Queens Hospital Center	7	\$2.0	23	23	0
Woodhull	8	\$13.9	23	22	1
Total	86	\$59.2	400	305	95

5. Department of Correction

Claims against the Department of Correction (“DOC”) include, but are not limited to, allegations of violence between detainees, use of force against detainees by correction officers, inappropriate conditions of confinement, motor vehicle crashes, and slip and fall incidents. In FY 2022, there were 3,300 DOC claims filed, compared to 2,829 DOC claims filed in FY 2021, a 17 percent increase. The 3,300 DOC claims filed in FY 2022 still represents a 29 percent decline from FY 2019 when DOC peaked with 4,623 claims filed. DOC claim payouts increased to \$37.2 million, a 28 percent increase from FY 2021 when DOC claim payouts totaled \$29.1 million. The increase was largely driven by a single \$9.25 million settlement for alleged violence between detainees. There is a potential for the continuation of higher payouts in the coming years due to an influx of class action filings against DOC that involve excessive detention after posting bail, prolonged incarceration due to improper federal Immigration and Customs Enforcement detention requests, and multiple actions alleging inappropriate conditions of confinement in various DOC facilities during the pandemic.

Chart 18: DOC Tort Claims Filed and Settled, FYs 2013–2022



The Comptroller’s Office dedicates significant resources to investigating, evaluating, and, if appropriate, resolving certain claims filed against DOC prior to litigation. The following chart illustrates the results of the Office of the Comptroller’s substantial effort to resolve, when appropriate, claims filed against DOC pre-litigation for a small proportion of the total overall DOC payout.

Table 5: DOC Claim Pre-litigation and Litigation Claim Settlements, FYs 2018-2022

Fiscal Year	DOC Claims Resolved (all claim types, including Litigation)	DOC Claims Resolved Pre-Litigation) (all claim types)	Percent Resolved Pre-litigation	DOC Claims Payout (all claim types, including Litigation) (in millions)	DOC Claims Payout (Pre-litigation) (in millions)	Percent Paid Pre-Litigation
2018	1,197	657	55%	\$33.9	\$5.4	16%
2019	1,724	966	56%	\$49.1	\$8.5	17%
2020	1,422	1,003	71%	\$35.7	\$8.8	25%
2021	1,170	857	73%	\$29.1	\$8.4	29%
2022	1,265	979	77%	\$37.2	\$8.9	24%
TOTAL	6,778	4,462	66%	\$185.1	\$39.9	22%

E. Tort Claim Trends by Borough¹¹

The Bronx had the most overall tort claims filed, with 7,125 claims, followed by Queens (6,347 claims), Brooklyn (5,510 claims), Manhattan (3,307 claims), and Staten Island (1,547 claims). Consistent with the prior five fiscal years, the Bronx had the most personal injury claims filed (5,834 claims).

Table 6: Number of Tort Claims Filed by Borough, FY 2022

Borough	Personal Injury (PI) Claims	Property Damage (PD) Claims	Total Tort Claims
Bronx	5,834	1,291	7,125
Brooklyn	3,372	2,138	5,510
Manhattan	2,397	910	3,307
Queens	1,936	4,411	6,347
Staten Island	437	1,110	1,547

The Bronx also had the highest per capita filing of personal injury claims at 516 claims per 100,000 residents mostly due to the fact that Rikers Island facilities are located in the County of Bronx¹². Queens had the fewest personal injury claims with 85 claims per 100,000 residents. Staten Island had the greatest number of property damage claims filed per capita, with 226 claims per 100,000 residents, while Manhattan had the fewest property damage claims with 57 claims per 100,000 residents.¹³

Table 7: Tort Claims Filed by Borough Per 100,000 Residents¹⁴, FY 2022

Borough	Total Tort Claims Per 100,000 Residents	Total PI Claims Per 100,000 Residents	Total PD Claims Per 100,000 Residents
Bronx	516	423	94
Brooklyn	213	130	83
Manhattan	207	150	57
Queens	279	85	194
Staten Island	315	89	226

Table 8: Tort Claims Resolved and Amounts Paid by Borough, FY 2022

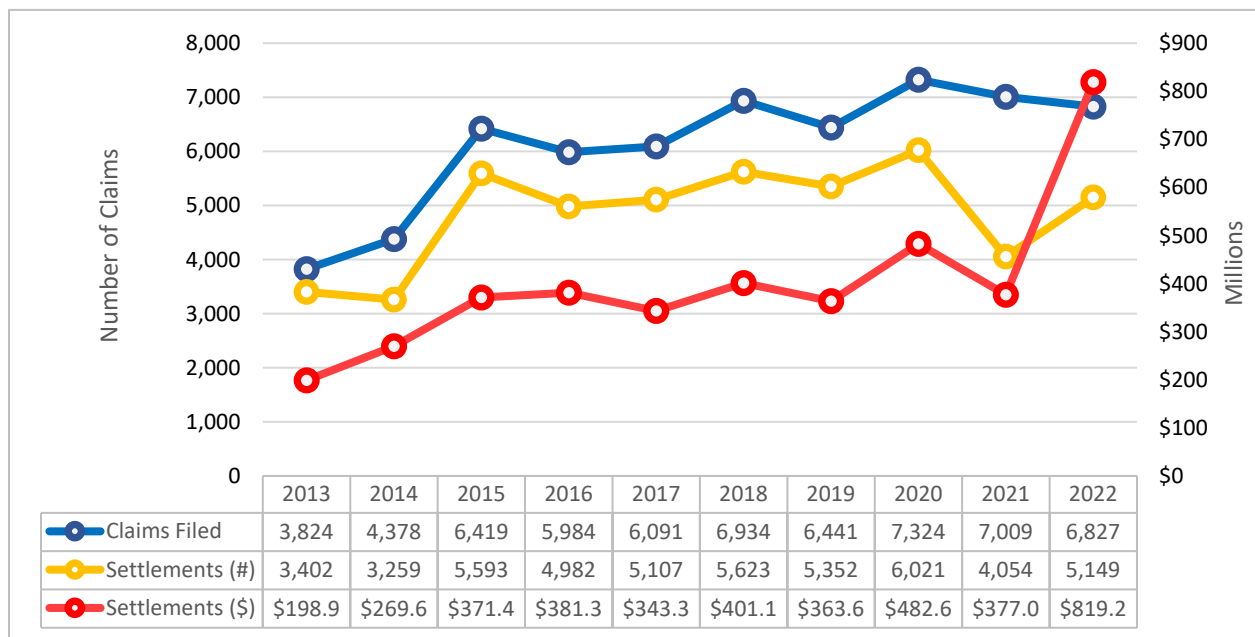
Borough	Number of PI Claims Resolved	Amount Paid for PI Claims (In Millions)	Number of PD Claims Resolved	Amount Paid for PD Claims (In Millions)	Total PI and PD Claims Resolved	Total PI and PD Claim Payouts (In Millions)
Bronx	2,236	\$140.9	226	\$1.1	2,462	\$141.9
Brooklyn	1,197	\$184.5	476	\$1.7	1,673	\$186.1
Manhattan	906	\$164.1	243	\$1.2	1,149	\$165.3
Queens	672	\$93.1	380	\$1.6	1,052	\$94.7
Staten Island	231	\$50.0	108	\$1.1	339	\$51.2

III. Law (Non-Tort) Claims

Law (non-tort) claims include claims arising from City contracts, equitable claims, refund claims, City employee salary disputes, claims involving Department of Education (DOE) special education matters, sidewalk assessments, and cleanup costs levied on property owners who are in violation of the Mental Hygiene Law, as well as affirmative claims brought by the City against other parties.

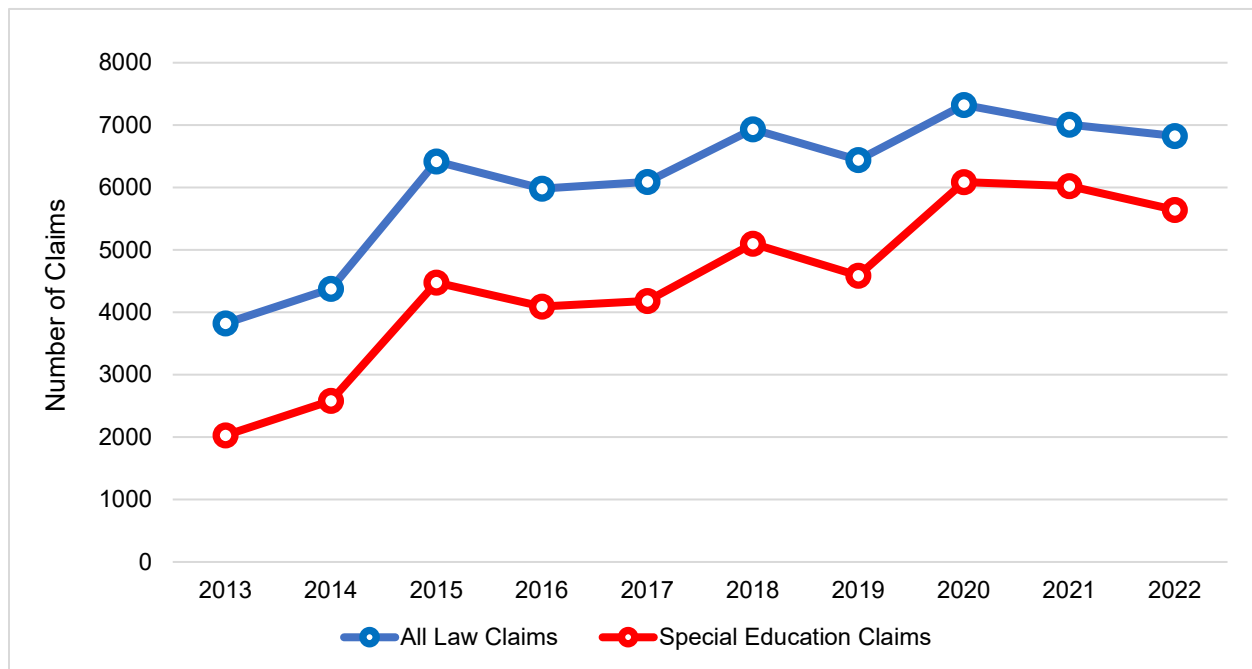
A. Overall Law Claim Trends

Chart 19: Law Claims Filed and Settled, FYs 2013–2022



The number of law claims filed decreased by 182 claims, or three percent, to 6,827 claims in FY 2022 from the 7,009 law claims filed in FY 2021. There was a notable increase in the number of contract claims filed, up by 59 claims from the 67 claims filed in FY 2021 to 126 claims filed in FY 2022, an 88 percent increase. Special education claims continue to account for the largest proportion—83 percent—of law claims filed in FY 2022.

Chart 20: Comparison of Special Education Claims Filed to All Law Claims Filed, FYs 2013–2022



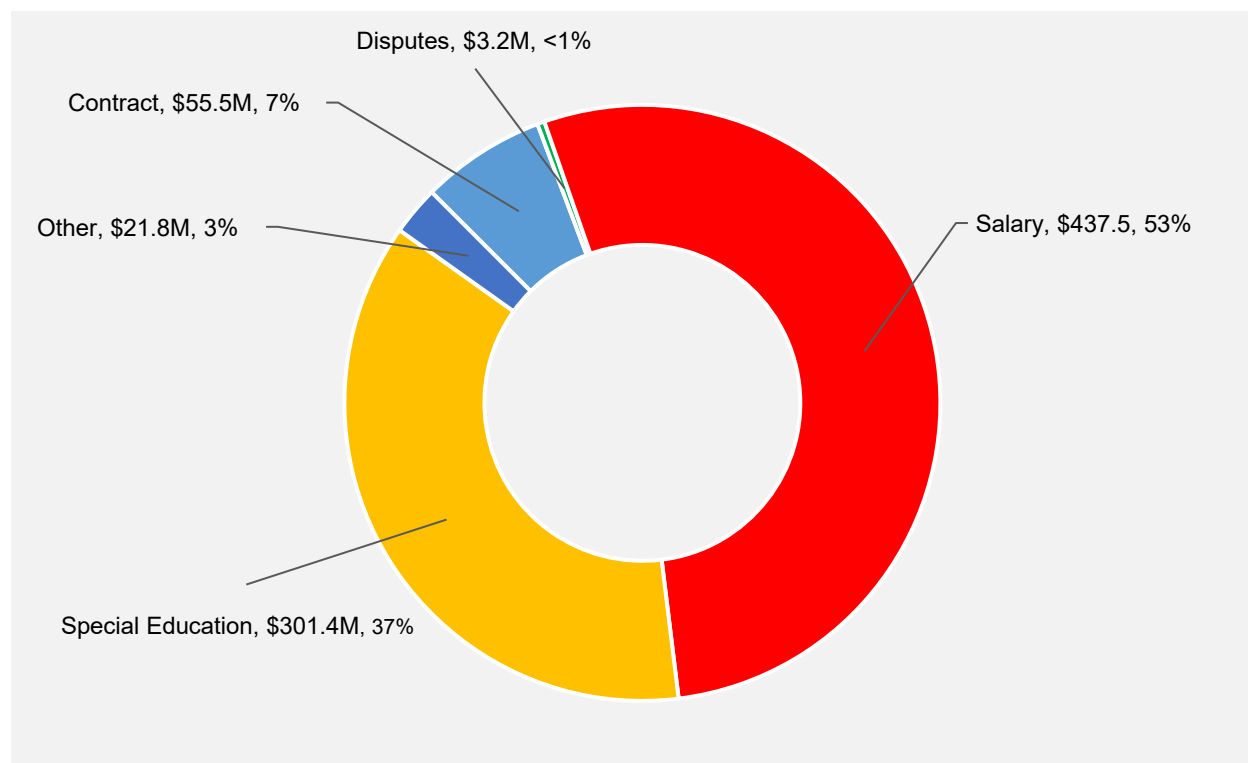
The total number of law claims settled in FY 2022 increased 27 percent to 5,149 claims from 4,054 claims settled in FY 2021. The total cost of settlements and judgments paid out for law claims increased 117 percent to \$819.5 million in FY 2022 from \$377.0 million in FY 2021.¹⁵

The \$442.5 million increase in law claim payouts in FY 2022 was driven by \$437.5 million in salary claim payments, primarily the \$366.8 million in payments for the *Gulino* class action lawsuit.

The number of special education claims settled in FY 2022 represents 90 percent of all law claims settled. The \$301.4 million in special education claim settlements constitutes 37 percent of all law claim payouts in FY 2022.

In FY 2022, contract claims accounted for the third largest law claim payouts at \$55.5 million, representing seven percent of all law claim payouts. The total number of contract claim settlements make up less than one percent of the total number of all law claim settlements.

Chart 21: Law Claims by Claim Type Amount Paid in Settlements & Judgments (in millions) and Percentage of Law Claim Settlements & Judgments Paid, FY 2022



B. Law Claim Trend by Claim Type

1. Salary Claims

Salary claims are those claims for back pay, liquidated damages, and/or attorneys' fees by prospective, current, or former City employees. These include claims for discrimination, out-of-title work, pay differential, annual leave, and suspension; excluded from this claim type are those claims that seek damages for personal injury.

All claims related to the terms and conditions of City employment began to be classified as labor and employment claims in FY 2019. However, if filed before FY 2019, these claims were categorized as and continue to be recorded under either personal injury civil rights or law salary claim types. Settlement of pre-FY 2019 personal injury civil rights and law salary claims continues. In this report, data for labor and employment claims filed since FY 2019 is reported under both personal injury civil rights and law salary claim type, depending on the nature of the claims. This allows for continuity in the analysis of these types of claims while pre-existing labor and employment related personal injury civil rights claims and law salary claims continue to be

resolved. The data reported below is for both pre-FY 2019 law salary claims and post-FY 2019 labor and employment salary claims.

In FY 2022, 53 salary claims were filed, up from the 49 claims filed in FY 2021, an increase of eight percent. In FY 2022, there were settlement and judgement payouts on 26 salary claims, an increase of 18 percent from the 22 payouts in FY 2021.

The 26 salary claim settlements and judgments in FY 2022 resulted in payouts of \$437.5 million, a \$419.5 million increase over \$18.0 million paid out in FY 2021. This massive increase is driven by judgment payments totaling \$366.8 million for a single class action, *Gulino, et al. v. Board of Education*, an employment discrimination suit against DOE.

The *Gulino* class action lawsuit was filed in 1996, alleging that DOE's use of two New York State mandated teacher certification examinations had a disparate impact on Black and Latino teachers. The case was litigated through multiple trials and appeals. Ultimately, the courts decided DOE's use of the examinations as part of its teacher selection process violated Title VII of the Civil Rights Act of 1991 because the examinations had a disparate impact on Black and Hispanic test takers, and there was a lack of proof that the examinations were a valid device for selecting teachers. While DOE was required to utilize these examinations by New York State, it was nonetheless found liable for the violation and required to pay backpay and other damages to class members. The case has progressed to individualized damages hearings for each of the more than 4,800 plaintiff class members. Based on a damage calculation methodology that was approved by the court, by the end of FY 2021, nearly \$650 million in judgments and awards were issued to 2,470 claimants, but payments were temporarily stayed. The special master overseeing the individualized hearings projected that damages payable to class members between \$525 million and \$700 million, plus post-judgment interest, pension contributions, and employer tax contributions, would be awarded to the remaining class members based on the approved damages calculation methodology. The City and plaintiffs' counsel agreed to a schedule of judgment payments over seven years, across FYs 2022 to 2028, for payment of up to approximately \$1.35 billion in judgments to the class members. In FY 2022, the City paid *Gulino* class members a total of \$366.8 million under this judgment payment schedule, as employer tax contributions, and in attorneys' and experts' fees and costs.

Excluding judgments in *Gulino*, salary claim payouts in FY 2022 totaled \$70.8 million, an increase of \$52.7 million, or a 293 percent increase, over the \$18.0 million paid out in FY 2021. This increase is attributable to five multimillion-dollar payments, including two eight-figure settlements, totaling \$67.9 million for alleged violations of Fair Labor Standards Act (FLSA). In FY 2022, there were nine FLSA settlements and judgments totaling \$69.0 million or 97 percent of the non-*Gulino* salary claim payments. In recent years, the number of FLSA related settlements and judgments has increased from two claims with payouts totaling \$27.9 million in FY 2020 and four claims with payouts totaling \$10.3 million in FY 2021.

2. Special Education Claims

Special education claims include claims on behalf of parents for the reimbursement of special education services costs and tuition and claims for statutory attorneys' fees where an underlying claim for special education reimbursement has been successful.

In FY 2022, 5,643 special education claims were filed, a six percent decrease in special education claims filed in FY 2021, when 6,025 special education claims were filed. In FY 2022, 4,614 special education claims were settled, a 26 percent increase from the 3,659 special education claim settlements in FY 2021. The amount paid out on special education claims increased by 34 percent to \$301.4 million during FY 2022, as compared to \$224.8 million paid out in FY 2021.

Beginning in April 2020, the Comptroller's Office and DOE modified the approval process for settlement of special education claims. As a result, the timing of when a special education settlement is recorded has changed. This may have impacted the settlements recorded in FY 2021, which reflected a marked decrease in the number of settlements. The increase in special education settlements in FY 2022 may reflect that the shift in settlement data recording has been absorbed.

3. Dispute Claims

Contracts between the City and vendors solicited after September 1990 have an alternative dispute resolution provision designed to provide a speedy alternative to litigation. When a dispute under a City contract arises, a contractor attempts to resolve it directly with the City agency involved. If no resolution is reached between the contractor and City agency, the contractor can file a claim with the Comptroller's Office; these claims are characterized as dispute claims. If the dispute is not resolved by the Comptroller's Office, the contractor may appeal to the Contract Dispute Resolution Board.

In FY 2022, 129 dispute claims were filed, a decrease of 13 percent from the 149 claims filed in FY 2021. In FY 2022, 23 dispute claims were negotiated and settled for a total of \$3.2 million. This represents a 67 percent decrease from the \$9.7 million paid out on the same number of dispute claims settled in FY 2021.¹⁶

4. Contract Claims

Contract claims arise when there is a disagreement between the City and private contractors (construction or non-construction) that is not subject to a dispute resolution process. The number of contract claims filed in FY 2022 increased by 88 percent to 126 claims from 67 claims filed in FY 2021. The number of contract claim settlements decreased to 14 contract claims settled in FY 2022 from 21 contract claims settled in FY 2021, a 33 percent decline. There was a 51 percent decrease in the cost of contract claim settlements in FY 2022 to \$55.5 million paid out for contract claim settlements from \$113.8 million in FY 2021.

Contract claims include a subcategory of claims called delay claims, meaning a contractor alleges that it was damaged by delays caused by the actions or inactions of the City on a construction project. Delay claims typically arise from large construction projects such as those involving construction or renovation of public buildings and infrastructure like bridges, sewers, and wastewater treatment plants.

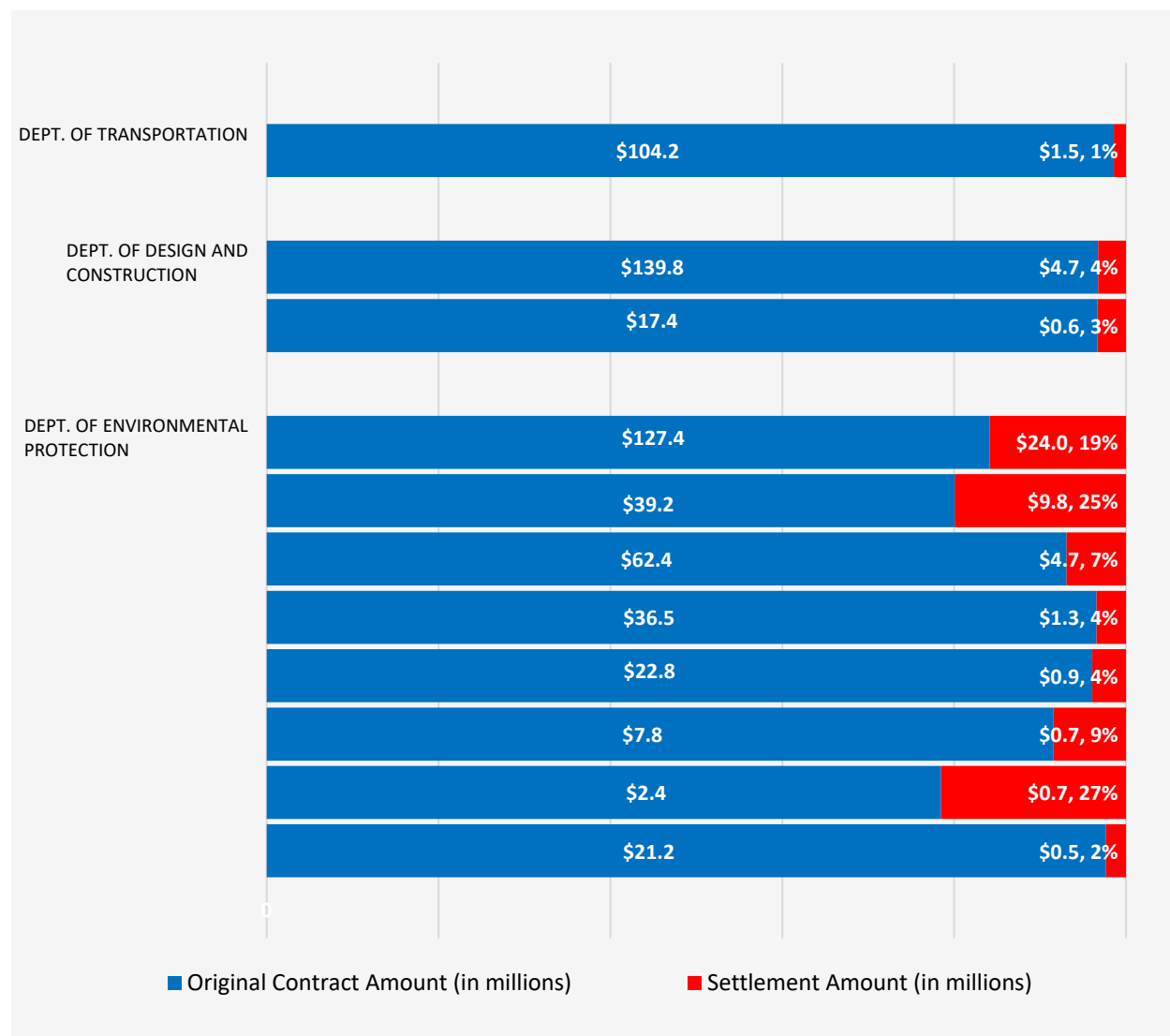
In FY 2022, there were 11 delay claims settlements, accounting for 79 percent of the 14 contract claims settled. The \$49.4 million paid out on these 11 delay claim settlements make up 89 percent of the \$55.5 million in settlements paid out for all contract claims in FY 2022. The negotiated cost of these settlements represents an adjustment of \$90.4 million, or 65 percent, from the amount of damages initially claimed by contractors. In FY 2022, delay claim settlements increased the overall cost of the subject projects by eight percent over the total original contract prices.

Of the 11 delay claims settled in FY 2022, eight delay claims arose out of contracts with the Department of Environmental Protection (DEP). The claims against DEP alleged damages totaling \$115.2 million, which the City was able to negotiate and settle for \$42.4 million, an adjustment of 37 percent of the claimed damages. The subject DEP contracts had original contract costs totaling \$319.8 million. The eight DEP settlements totaling \$42.5 million increased the original contract costs by 13 percent.

Another two delay claims arose out of contracts with the Department of Design and Construction (DDC). The claims against DDC alleged damages totaling \$18.7 million, which the City was able to negotiate and settle for \$5.3 million, an adjustment of 29 percent of the claimed damages. The subject DDC contracts had original contract costs totaling \$157.2 million. The two DDC settlements totaling \$5.3 million increased the original contract costs by three percent.

Another delay claim arose out of a contract with the Department of Transportation (DOT). The DOT claim alleged damages of \$5.8 million, which the City was able to negotiate and settle for a total of \$1.5 million, an adjustment of 26 percent of the initial claimed damages. The subject DOT contract had original contract costs totaling \$104.2 million. This \$1.5 million settlement increased the original contract costs by one percent.

Chart 22: Delay Claim Settlements: Percentage Cost Increase Above Original Contract Bid Price, FY 2022



5. Affirmative Claims

Affirmative claims are those claims brought by the City of New York against individuals, companies, corporations, and other entities for torts, breaches of contract, and as remedies for violations of civil codes. These claims include funds due to the City for housing or building code violations, actions arising from the sale of unlicensed cigarettes and other public nuisances, contract overpayments, and recoupment of Medicaid assistance payments.

In FY 2022 there were 528 requests for settlement authority to resolve affirmative claims, up from 317 requests in FY 2021, a 67 percent increase.

In FY 2022, the Comptroller's Office approved 406 affirmative claim settlements for a benefit to the City totaling \$20.4 million, as compared to FY 2021, when 260 affirmative claims were settled for payment to the City of \$33.1 million. The FY 2021 affirmative claims recovery was \$12.7 million more than the amount recovered in FY 2022, despite 146 fewer settlements than in FY 2022, due in large part to a \$25.9 million affirmative settlement of a False Claims Act matter reported in FY 2021.¹⁹

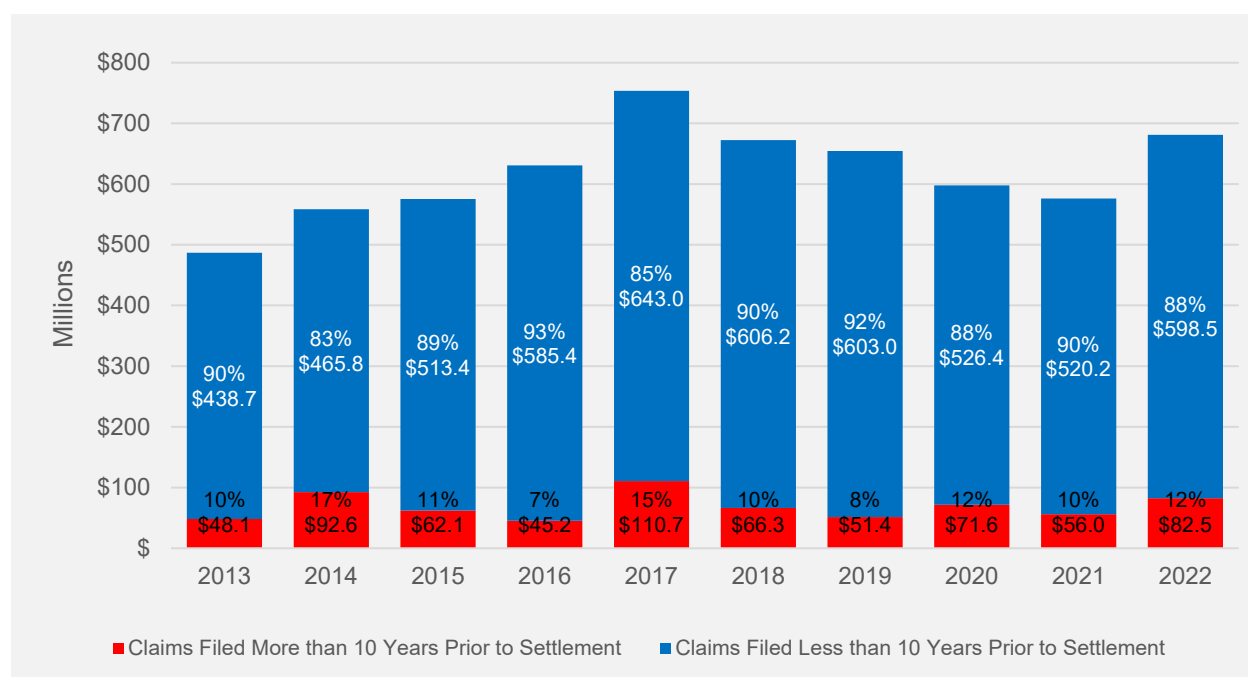
Civil penalty claims are a subcategory of affirmative claims wherein the City seeks monetary penalties for violations of civil codes such as housing or building code violations, the sale of untaxed cigarettes, and the creation of other public nuisances. In FY 2022, the City recovered civil penalties in the amount of \$0.6 million on 82 claims, down from \$0.9 million in civil penalties recovered on 111 claims in FY 2021, a 36 percent decrease in the amount of civil penalties recovered.

IV. Legacy Claims

Settlements of Personal Injury Claims Filed Before FY 2013

New York City taxpayers continue to pay for claims filed more than a decade ago. In FY 2022, the City paid out \$82.5 million to settle personal injury claims filed before FY 2013.¹⁷

Chart 23: Personal Injury Claim Settlements for Legacy Claims, FYs 2013–2022



In FY 2022, the City continued to reduce the backlog of claims filed more than ten years ago. The key driver of this year's legacy payout increase was the resolution of over 30 claims that commenced in the early 1990s out of alleged toxic exposure from a Staten Island landfill.

V. Overview of the Comptroller's Initiatives to Manage Risk and Implement Best Practices

Pre-litigation Settlement of Claims

The City Charter authorizes the Comptroller to settle claims prior to litigation; once cases enter litigation, the Law Department takes primary responsibility, though the Comptroller still must approve proposed settlements. BLA dedicates significant resources to investigating, evaluating, and, if appropriate, resolving claims prior to litigation. Resolving meritorious claims pre-litigation results in substantial financial savings to the City while allowing the Law Department to allocate resources to defend cases involving core City policies or important precedent. Early resolution of meritorious claims provides prompt relief to New Yorkers harmed by actions or inactions of the City, since the Comptroller's Office is empowered to offer pre-litigation settlements up to 15 months from the date of the incident, while litigation may take years.

1. Personal Injury Claims

BLA settled 2,349 personal injury claims pre-litigation in FY 2022. This represents 43 percent of the total 5,456 personal injury claim settlements recorded in FY 2022. While these pre-litigation settlements account for 43 percent of the total number of personal injury claim settlements recorded, they account for nine percent of all personal injury claim payouts in FY 2022, since more complex cases are generally more likely to go to litigation.

Table 9: Personal Injury Claims, Pre-litigation and Litigation Settlements, FYs 2018-2022

Fiscal Year	Total Personal Injury Claims Resolved (Pre-litigation and Litigation)	Personal Injury Claims Resolved Pre-litigation	Personal Injury Claims Resolved Pre-litigation (Percent)	Total Personal Injury Claim Expenditures (Pre-litigation and Litigation) (in millions)	Total Personal Injury Claim Expenditures (Pre-litigation) (in millions)	Pre-litigation Personal Injury Claims (Percent of Total Personal Injury Claim Expenditure)
2018	6,763	2,350	35%	\$672.5	\$51.3	8%
2019	6,866	2,639	38%	\$654.4	\$64.1	10%
2020	6,553	2,486	38%	\$598.0	\$44.9	8%
2021	5,245	2,004	38%	\$576.3	\$48.7	8%
2022	5,453	2,349	43%	\$681.1	\$58.7	9%
TOTAL	30,880	11,828	38%	\$3,182.2	\$267.6	8%

2. Property Damage Claims

BLA settled 887 property damage claims pre-litigation in FY 2022. Pre-litigation property damage claim settlements represent 56 percent of the total 1,586 property damage settlements and account for 38 percent of the total property damage payouts in FY 2022.

Table 10: Property Damage Claims Pre-litigation and Litigation Settlements, FYs 2018-2022

Fiscal Year	Total Property Damage Claims Resolved (Pre-litigation and Litigation)	Property Damage Claims Resolved Pre-litigation	Property Damage Claims Resolved Pre-litigation (Percent)	Total Property Damage Claim Expenditure (Pre-litigation and Litigation) (in millions)	Total Property Damage Claim Expenditure (Pre-litigation) (in millions)	Pre-litigation Property Damage Claims (Percent of Total Property Damage Claim Expenditure)
2018	2,095	1,250	60%	\$7.7	\$3.3	43%
2019	2,139	1,446	68%	\$7.5	\$3.7	50%
2020	1,696	1,147	68%	\$6.9	\$3.5	51%
2021	1,531	928	61%	\$6.7	\$3.7	55%
2022	1,586	887	56%	\$7.4	\$2.8	38%
TOTAL	9,047	5,658	63%	\$36.0	\$17.0	47%

3. Law Claims

In FY 2022, BLA resolved 4,820 claims pre-litigation, or 94 percent, of all law claim settlements against the City. Over the past five fiscal years, BLA has settled an increasing number of law claims pre-litigation. Pre-litigation law claim settlements account for 36 percent of all law claim payouts. The percent of all law claims payouts resolved in pre-litigation decreased 24 percent from FY 2021 to FY 2022 due, in large part, to \$366.8 million paid out in judgments on a single litigated class action claim. The total amount of pre-litigation law claim payouts increased \$69.6 million or 31 percent from FY 2021 to FY 2022.

Table 11: Law Claims Pre-litigation and Litigation Settlements, FYs 2018-2022

Fiscal Year	Total Law Claims Resolved (Pre-litigation and Litigation)	Law Claims Resolved Pre-litigation	Law Claims Resolved Pre-litigation (Percent)	Total Law Claim Expenditure (Pre-litigation and Litigation) (in millions)	Total Law Claim Expenditure (Pre-litigation) (in millions)	Pre-litigation Law Claims (Percent of Total Law Claim Expenditure)
2018	5,623	3,565	63%	\$401.1	\$278.8	70%
2019	5,352	4,197	78%	\$363.6	\$285.6	79%
2020	6,021	5,589	93%	\$482.6	\$362.4	75%
2021	4,054	3,763	93%	\$377.0	\$227.9	60%
2022	5,149	4,820	94%	\$819.2	\$297.5	36%
TOTAL	26,199	21,934	84%	\$2,443.4	\$1,452.2	59%

Inter-Agency Partnerships

The Comptroller's Office BLA participates in regularly scheduled conference calls with several City agencies—the NYPD, Department of Sanitation, and the Department of Correction—to discuss claims, help find ways to better manage risk, and recommend best practices. BLA discusses claim-filing trends with high-level agency risk managers and suggests policies that may prevent the filing of similar claims in the future.

Review of Traffic Crash Claims

In February, 2023, the Comptroller's Office Bureau of Policy and Organizing published "[Wreckless Spending: The Accelerating Cost of City Car Crash Settlements](#)," which reviews a decade's worth of claims against the City for crashes involving City motor vehicles. The City settled 4,656 claims between FY 2012 and FY 2021 for crashes occurring within that same period, paying out a total

of over \$653.0 million. The report identifies a series of recommendations to reduce claims resulting from severe crashes by implementing emerging fleet safety initiatives, reducing the number and size of vehicles in the City fleet, improving street design, and enhancing accountability for both City drivers and agencies.

Recovery Program Update

The Comptroller's Office partners with the Human Resources Administration—particularly with the Office of Child Support Enforcement (OCSE)—to collect reimbursements for public assistance and Medicaid benefits, as well as child support obligations, from claimants who receive settlement payouts from the City. The Comptroller's Office also works with the New York City Department of Finance to collect offsets, including unpaid parking tickets, against claimants who reach a settlement with the City. In FY 2022, the Comptroller's Office collected \$8.6 million from claimants with outstanding obligations to the City, including \$4.5 million in Medicare/Medicaid liens, \$1.8 million in child support arrears, and \$436,647 in parking violation bureau judgments.

Son of Sam Law (New York State Executive Law § 632-a)

The New York State Son of Sam Law allows a crime victim to commence a civil action to recover money damages for “profits from a crime” or the “funds of a convicted person.”¹⁸ Under the law, the Comptroller's Office must report to the New York State Office of Victim Services (Victim Services) any City settlement obligation to a convicted person that exceeds \$10,000. In FY 2022, the City collected \$94,408 from convicted claimants or plaintiffs who recovered settlement monies from the City. In compliance with the Son of Sam Law, these funds were distributed to victims of the crimes committed by these claimants or plaintiffs. Since FY 2011, the City has dispersed \$1.9 million to crime victims under the Son of Sam Law.

Appendices

Appendix A: Description of Claim Types

Claims that are filed against the City are classified into categories to facilitate analysis by the Comptroller's Office and other interested parties.

Under the present classification structure, claims are designated as personal injury, property damage, law, or labor and employment (starting in FY 2019). Additionally, claims are categorized by the City agency involved and by the claim type based on the allegations in the notice of claim, as defined below:

I. Personal Injury Claims

A. Admiralty

Admiralty claims include claims by passengers or other persons injured on the water, either on City vessels or ferries, gangplanks, or piers.

B. Roadway

Roadway claims include pedestrians, motorists, or others claiming injury as a result of alleged defects in a street or roadway, such as potholes; cracked, wet, or snow-covered roadways; sewer gratings; raised, missing, or exploding manhole covers; or roadways under repair.

C. Sidewalk

Sidewalk claims include pedestrians or others claiming injury because of an allegedly defective sidewalk such as, broken or uneven sidewalks; broken curbstones; protruding bolts, grates, parking meter or traffic sign stubs; defective boardwalks; and snow and ice claims.

D. Traffic Control Device

Traffic control device claims are filed by pedestrians or motorists injured in accidents caused by allegedly malfunctioning traffic signals, defective or missing traffic devices, or downed or missing traffic signs.

E. Police Action

Police action claims result from alleged improper police action, such as false arrest or imprisonment, excessive force or assault, or failure to provide police protection.

F. School

School claims are filed against the DOE by students, teachers, other staff, parents, or visitors alleging injury at DOE facilities.

G. Medical Malpractice

Medical malpractice claims derive from alleged medical malpractice in the diagnosis, treatment, or care at a City or H+H facility or from EMS treatment.

H. Health Facility/Non-Medical Incidents

Health facility claims stem from non-medical acts involving a City or H+H facility or employee, such as allegations of injury sustained by visitors due to wet floors, assaults of patients or visitors, loss of sepulcher, or abuse or assault of a senior citizen by a home care worker.

I. Motor Vehicle

Motor vehicle claims involve alleged accidents with City-owned vehicles including claims by pedestrians, motorists, or passengers of other vehicles allegedly struck by a City-owned vehicle and operators or passengers of a City-owned vehicle involved in a collision.

J. Uniformed Services Employee

Uniformed services employee claims are filed by City uniformed services employees, such as NYPD, FDNY, or DSNY employees and DOE teachers who are not subject to Workers' Compensation laws and may assert claims against the City for on-the-job personal injury.

K. Parks and Recreation

Parks and recreation claims are asserted by persons injured because of allegedly defective equipment or negligent maintenance of property under the jurisdiction of the Department of Parks and Recreation. This includes incidents that occur in Parks Department buildings or on playground equipment and grounds, and incidents involving falling trees or limbs on a street, sidewalk, or in a park.

L. City Property

City property claims by tenants or others asserting injury by an alleged defect in or the negligent maintenance of City-owned land, or a City-owned or City-administered building or facility.

M. Catastrophe

Catastrophe claims are filed as a result of natural disasters, such as floods or earthquakes; environmental accidents, such as leaking gas tanks; power failures, such as blackouts; and civil disturbances, such as riots.

N. Civil Rights

Civil rights claims involve alleged statutory or constitutional violations, such as discrimination based on sex/gender, race, religion, disability, or age. Claims in this category also include alleged constitutional civil rights violations by law enforcement personnel such as false arrest, malicious prosecution, excessive force, or reversed conviction claims litigated under 42 U.S.C. § 1983 in federal court.

O. Correction Facility

Correction facility claims are filed by inmates, detainees, employees of and visitors to City correction facilities or institutions alleging injury by the actions of City employees or inmates.

P. Affirmative Claims

Affirmative claims brought by the City against individuals, companies, and corporations for damage to City property.

II. Property Damage Claims

A. Admiralty

Admiralty claims are for alleged property damage on the water, either on City vessels, ferries, gangplanks, or piers.

B. Sewer Overflow

Sewer overflow claims include alleged flooding or water damage to real or personal property caused by inadequate sewer repairs or clogged or obstructed City sewers.

C. Water Main Break

Water main break claims include alleged water damage to real or personal property as a result of leaking or broken water mains, potable water line claims such as 3-day and 10-day notices, leaking hydrants, and leaking water meter claims.

D. Roadway

Roadway claims include vehicles that are damaged by allegedly defective roadways, or from objects that have fallen from bridges or overpasses. Also included in this claim type are claims by pedestrians who sustained damage to personal property as a result of falling on an allegedly defective roadway.

E. Sidewalk

Sidewalk claims are filed by individuals who sustain damage to personal property as a result of an allegedly defective sidewalk.

F. Traffic Control Device

Traffic control device claims include vehicles or other personal property damaged in accidents allegedly caused by defective, obstructed, or missing traffic lights or stop signs.

G. Police Action

Police action claims relate to vehicles or other personal property allegedly stolen, damaged, sold, or destroyed while in police custody.

H. School

School claims include allegations for lost, stolen, or damaged personal property that belongs to students, teachers, or DOE staff while on DOE property.

I. Health Facility

Health facility claims include the personal property of patients or others that has allegedly been lost, stolen, or damaged while on H+H or City hospital property.

J. Motor Vehicle

Motor vehicle claims include vehicles or other personal property allegedly damaged in accidents with City-owned vehicles. Included in this claim type are parked cars allegedly hit by City-owned vehicles and vehicles damaged while being towed.

K. Uniformed Services/City Employees

Uniformed services/city employee claims include personal property allegedly lost, damaged, or stolen from City employees while at work.

L. Parks and Recreation

Parks and recreation claims include personal property lost, stolen, or damaged in the City's parks allegedly due to vandalism, poor maintenance, unmarked fresh paint, or accidents involving grounds and equipment.

M. Public Buildings and Property

Public buildings and property claims include personal property damaged or stolen as a result of an alleged defect or negligence in maintaining City-owned land, buildings, or facilities.

N. Catastrophe

Catastrophe claims include property damage allegedly caused by the City's response to a natural disaster, such as floods or earthquakes; an environmental accident, such as leaking gas tanks; power failures, such as blackouts; or civil disturbances, such as riots.

O. Damage City Action/Personnel

These claims include property damage allegedly caused by City-owned vehicles or equipment, such as a City-owned vehicle that damages a homeowner's fence or other property, or damage caused by a traffic light falling onto a vehicle.

P. Correction Facility

Correction facility claims are filed by inmates, detainees, employees of and visitors to City correction facilities or institutions whose personal property is allegedly lost, stolen, or damaged.

III. Law Claims

A. Contract

Claims in this category arise from disputes between the City and private contractors (construction or non-construction) and where the City is a lessee or lessor of property.

B. Dispute

Contracts between the City and vendors solicited after September 1990 include an alternative dispute resolution provision designed to provide a speedy alternative to litigation. This process is also embodied in Section 4-09 of the City's Procurement Policy Board rules. When disputes arise, contractors may attempt to resolve them directly with the City agency involved. If no agreement is reached with the City agency, a claim can be filed with the Comptroller's Office. If the claim is denied, the contractor may appeal to the Contract Dispute Resolution Board.

C. Illegal but Equitable

Illegal but equitable claims typically allege that work was performed at the direction of the City and/or the City accepted services, without a registered contract that would allow the City to pay for the goods or services received. These claims, though invalid at law, may be recognized as equitable and proper if it can be determined that the City received a benefit and that the public interest would be served by payment or compromise.

D. Salary

Salary claims are those claims for back pay and/or attorneys' fees by prospective, current, or former City employees alleging employment related disputes. These disputes include claims for discrimination, out-of-title work, pay differential, annual leave, and suspension; excluded from this claim type are those claims that seek damages for personal injury. Beginning in FY 2019, all claims filed related to the terms and conditions of City employment are classified as labor and employment claims. Therefore, such claims are no longer recorded as salary claims.

E. Refund

Refund claims include claims by private individuals seeking refunds for alleged overpayments and unjust fines.

F. Change of Grade

Change of grade claims are made by commercial or residential property owners or lessees. The claims arise from changes in grade to a sidewalk that impair access to property and drainage. Claims typically are made for loss of business due to walkway or driveway repairs.

G. Special Education

Special education claims are on behalf of parents for the reimbursement of special education services costs and tuition and claims for statutory attorneys' fees where an underlying claim for special education reimbursement has been successful.

H. Affirmative Claims

Affirmative claims brought by the City against individuals, companies, and corporations for torts, breaches of contract, and remedy for violations of civil code.

Appendix B: Legal Background

I. Municipal Liability

The decision of the New York Court of Appeals in *Bernadine v. New York City*, issued in 1945, exposed the City for the first time to liability for torts committed by the City's officers, agents, and employees.¹⁹

In *Bernadine*, the Court held that "the civil divisions of the State are answerable equally with individuals and private corporations for wrongs of officers and employees—even if no separate statute sanctions that enlarged liability in a given instance."²⁰ The Court, in effect, abolished the doctrine of sovereign immunity for municipalities and did not provide municipalities any of the protections accorded to the State by the Court of Claims Act.²¹ In particular, claimants seeking to recover from municipalities for an agent's alleged negligent and wrongful acts are entitled to a jury trial.

Municipal liability is also governed by local law. Under home rule authority, municipalities can limit liability to some extent through limitations on the right to sue. An example is New York City's "prior written notice" law, enacted in 1979 in an effort to limit the City's liability in slip and fall claims on City sidewalks and streets.

II. Claims Process

To commence an action against the City, a claimant typically must first notify the City by filing a Notice of Claim with the Comptroller's Office.²² However, claims against H+H, must be filed directly with H+H. In most instances, the notice of claim for personal injury or property damage claims must be filed within 90 days of the occurrence of an alleged injury or wrong.²³

The City Charter grants the Comptroller the power to settle and adjust all claims in favor of or against the City.²⁴ The Comptroller has the power to investigate claims, evaluate liability and damages, and reach a settlement prior to litigation.²⁵ If the Comptroller denies liability or is unable to arrive at a settlement with a claimant, the claimant may commence a lawsuit. Actions regarding tort claims must generally be filed within one year and 90 days from the date of loss.²⁶ The New York City Law Department defends the City in most actions (H+H defends its medical malpractice actions). No litigation can be settled without the approval of the Comptroller.²⁷

Appendix C: Reversed Conviction Claim Settlements FYs 2016–2022

(* indicates pre-litigation settlements)

FY 2022		
Name	Years Incarcerated	Settlement
Samuel Brownridge	25 years (1994-2019)	\$13 million
Pablo Fernandez	24 years (1995-2019)	\$12 million
Shawn Williams	24 years (1993-2018)	\$10.5 million
Rafel Ruiz*	25 years (1984-2009)	\$8.99 million
Gerard Domond*	28 years (1998-2016)	\$8.4 million
Eric William Rodriguez	21.17 years (1999-2021)	\$7 million
Grant Williams*	23 years (1996-2019)	\$7 million
Julio Negron	9.75 years (2006-2015)	\$6.25 million
Bladimil Arroyo	17.5 years (2001-2019)	\$5.35 million
Calvin Buari	22 years (1995-2017)	\$4 million
Rhian Taylor	8.75 years (2008-2017)	\$3 million
Triston Pinheiro	2.83 years (2005-2008)	\$500,000
Phillip Boykin*	3 years (2016-2019)	\$390,000
Alfred Edwards	1 year (2011-2012)	\$175,000
Danny Ponder*	2.5 years (2018-2021)	\$150,000
O'Neal Watts	5 years (2013-2018)	\$100,000

FY 2021		
Name	Years Incarcerated	Settlement
Huwe Burton	20 years (1989-2009)	\$11 million
David Bryant*	43 years (1975-2013; 2014-2019)	\$11 million
Carlos Weeks*	26.17 years (1993-2019)	\$8.3 million
Kareem Bellamy	14.25 years (1994-2008)	\$8 million
Edward Garry	22 years (1995-2017)	\$7.7 million
John Bunn	16 years (1991-2007)	\$5.9 million
Larry McKee	22 years (1996-2018)	\$4.89 million
Shuaib O'Neil	3.5 years (2010-2013)	\$1.7 million
Trevor Lucas	4.17 years (2014-2018)	\$525,000
FY 2020		
Name	Years Incarcerated	Settlement
Gregory Counts*	26.5 years (1991-2017)	\$8.246 million
Derrick Hamilton	20.7 years (1991-2011)	\$6.625 million
VanDyke Perry*	10.75 years (1991-2001)	\$3.5 million
Ricardo Benitez	5.75 years (2009-2015)	\$1.75 million
FY 2019		
Name	Years Incarcerated	Settlement
Mark Denny*	30 years (1988-2018)	\$9.75 million
Rosean Hargrave*	24 years (1991-2015)	\$6.7 million
Jabbar Washington*	21.5 years (1996-2017)	\$5.75 million
Sundhe Moses*	18.25 years (1995-2018)	\$3.7 million
Tyrone Hicks	7 years (2000-2007)	\$3.25 million
Steven Odiase*	6 years (2011-2017)	\$1.1 million
Dejuan Battle	4.5 years (2010-2014)	\$675,000
FY 2018		
Name	Years Incarcerated	Settlement
Andre Hatchett	25 years (1991-2016)	\$12.25 million
Ruddy Quezada	24 years (1991-2015)	\$9.5 million
Clifford Jones*	29 years (1981-2010)	\$7.5 million
Joel Fowler	7.5 years (2008-2015)	\$2.5 million
Paul Gatling*	10 years (1964-1974)	\$1.5 million

FY 2017		
Name	Years Incarcerated	Settlement
Antonio Yarbough	22 years (1992-2015)	\$13 million
Abdul Sharrif Wilson	22 years (1992-2015)	\$13 million
Everton Wagstaffe	23 years (1992-2014)	\$11.43 million
Amaury Villalobos*	32 years (1980-2012)	\$9.7 million
William Vasquez*	32 years (1980-2012)	\$9.7 million
William Lopez	23 years (1990-2013)	\$8.25 million
Reginald Connor	16 years (1992-2008)	\$7.95 million
Fernando Bermudez	18 years (1991-2009)	\$7 million
Derrick Deacon	23 years (1990-2013)	\$6 million
David McCallum	29 years (1986-2015)	\$5.5 million
William Stuckey	16 years (1986-2001)	\$3 million
Vanessa Gathers*	10 years (1997-2007)	\$2.4 million
Martin Nnodimele	3.75 years (2007-2011)	\$2 million
Raymond Mora*	8 years (1981-1989)	\$1 million
FY 2016		
Name	Years Incarcerated	Settlement
Alan Newton	22 years (1984-2006)	\$12 million
Devon Ayers	18 years (1995-2013)	\$8 million
Michael Cosme	18 years (1995-2013)	\$8 million
Eric Field	18 years (1995-2013)	\$8 million
Carlos Perez	18 years (1995-2013)	\$8 million
Cathy Watkins	18 years (1995-2013)	\$8 million
Shabaka Shakur*	27 years (1988-2015)	\$5.5 million
Roger Logan*	16.5 years (1997-2013)	\$3.8 million
Marcus Poventud	9 years (1997-2006)	\$3 million

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Appendix E: Detailed Tables

Table I – Number of All Claims Filed by Tort and Law Claims, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Tort	25,382	29,024	27,417	26,926	25,016	25,328	24,407	21,330	20,103	25,723
Law	3,824	4,378	6,419	5,984	6,091	6,934	6,441	7,324	7,009	6,827
Total	31,219	35,416	35,851	34,926	33,124	34,280	32,867	30,674	29,133	34,572

Table II – Dollar Amount of All Claim Settlements & Judgments by Tort and Law Claims, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Tort	\$495,171,123	\$568,788,233	\$589,244,701	\$640,108,328	\$764,378,553	\$680,198,373	\$661,867,617	\$604,829,739	\$582,954,158	\$688,435,419
Law	\$198,921,372	\$269,552,023	\$371,352,717	\$381,253,416	\$343,319,265	\$401,063,421	\$363,616,181	\$482,560,098	\$376,980,859	\$819,171,461
Total	\$694,094,508	\$838,342,270	\$960,599,433	\$1,021,363,760	\$1,107,699,835	\$1,081,263,812	\$1,025,485,817	\$1,087,391,857	\$959,937,038	\$1,507,608,902

Table III – Number of All Claim Settlements & Judgments by Tort and Law Claims, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Tort	9,961	10,851	10,327	9,868	9,257	8,858	9,005	8,249	6,776	7,039
Law	3,402	3,259	5,593	4,982	5,107	5,623	5,352	6,021	4,054	5,149
Total	15,376	16,124	17,935	16,866	16,381	16,499	16,376	16,290	12,851	14,210

Table IV – Number of Tort Claims Filed by Claim Type, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Personal Injury										
Sidewalk	2,041	2,530	2,560	2,390	2,346	2,300	2,274	2,005	2,134	2,141
Police Action	5,583	5,642	4,929	4,485	4,105	4,198	3,614	3,871	3,218	2,903
School	927	966	926	963	859	783	692	652	323	606
Motor Vehicle	1,189	1,260	1,166	1,230	1,269	1,436	1,351	1,390	1,199	1,476
Roadway	882	1,003	964	1,049	945	929	1,040	912	813	1,008
City Property	534	683	652	708	567	747	624	514	555	789
Correction Facility	1,657	2,242	2,799	3,665	3,836	3,891	3,746	3,330	2,554	3,012
Civil Rights	2,786	2,936	2,747	2,354	1,735	1,561	2,020	1,234	1,248	1,464
Medical Malpractice	605	588	629	620	537	477	482	393	342	441
Traffic Control Device	126	78	79	62	41	64	77	41	60	43
Parks & Recreation	269	278	300	306	259	233	205	200	256	223
Uniformed Services Employee	151	162	159	169	164	187	176	159	209	166
Other	783	884	845	776	783	898	973	910	884	901
Total	17,533	19,252	18,755	18,777	17,446	17,704	17,274	15,611	13,795	15,173
Property Damage										
Motor Vehicle	3,322	3,682	3,433	3,895	3,582	3,617	3,388	2,680	2,928	2,604
City Property	310	260	201	162	138	133	178	114	108	140
Correction Facility	264	318	354	286	301	245	213	167	131	124
City Personnel	1,346	962	1,045	1,264	1,151	1,171	1,030	966	1,204	806
Roadway	1,036	2,844	2,239	1,585	1,333	1,397	1,217	704	998	1,060
Health Facility	120	140	122	108	150	85	78	93	101	63
Police Action	362	341	302	226	230	203	186	157	223	142
School	107	128	89	100	119	93	110	60	5	60
Sewer Overflow	602	613	452	110	140	153	153	249	125	5,119
Water Main	108	240	155	111	140	194	194	231	206	96
Other	272	244	270	302	286	333	386	298	279	336
Total	7,849	9,772	8,662	8,149	7,570	7,624	7,133	5,719	6,308	10,550
Grand Total	25,382	29,024	27,417	26,926	25,016	25,328	24,407	21,330	20,103	25,723

Table V – Number of Tort Claims Filed by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	4,446	6,306	5,635	5,209	4,772	4,817	4,697	3,822	3,982	4,344
Police Department	9,447	9,496	8,426	7,599	6,564	6,496	5,850	5,725	5,170	4,580
Department of Sanitation	1,692	2,412	2,304	2,169	2,075	1,805	1,513	1,151	1,688	1,413
Department of Education	1,416	1,420	1,415	1,439	1,361	1,236	1,190	1,141	516	1,150
NYC Health + Hospitals	935	874	908	885	808	692	654	610	540	633
Department of Environmental Protection	996	1,123	884	511	539	598	637	690	540	5,515
Department of Correction	2,189	2,913	3,473	4,355	4,442	4,439	4,623	3,730	2,829	3,300
Department of Parks & Recreation	1,048	873	887	1,057	949	1,058	947	903	1,123	737
Fire Department	932	944	951	1,010	1,004	1,195	1,090	924	928	1,108
Department of Housing Preservation and Development	74	66	51	64	60	56	93	81	63	118
NYC Human Resources Administration	99	83	81	81	67	88	72	54	30	35
Department of Buildings	61	52	77	57	55	78	48	45	34	73
Other	2,047	2,462	2,325	2,490	2,320	2,770	2,993	2,454	2,660	2,717
Total	25,382	29,024	27,417	26,926	25,016	25,328	24,407	21,330	20,103	25,723

Table VI – Dollar Amount of Tort Claim Settlements & Judgments by Claim Type, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Personal Injury										
Sidewalk	36,752,110	34,463,430	39,562,496	32,142,833	52,349,480	47,339,216	41,619,130	54,453,250	64,047,305	64,451,245
Police Action	62,913,191	71,948,087	119,433,941	100,669,673	163,760,447	119,006,840	98,327,389	85,581,961	77,727,107	70,538,610
School	23,983,498	24,568,187	33,124,057	28,611,195	32,340,936	29,561,611	36,977,631	33,281,500	28,517,047	69,603,537
Motor Vehicle	85,306,916	88,515,029	67,350,614	89,966,694	107,980,905	118,574,484	108,539,100	146,117,565	135,922,418	139,043,928
Roadway	33,204,170	13,708,374	15,369,410	31,499,503	40,202,115	41,077,101	37,890,046	32,133,826	27,167,300	32,432,450
City Property	5,465,500	21,797,000	4,931,000	21,504,554	10,405,949	9,495,007	6,756,475	10,681,045	10,422,238	24,178,500
Correction Facility	7,312,301	7,323,835	13,185,550	15,696,433	16,917,929	25,905,851	24,840,110	30,045,550	16,822,379	22,143,750
Civil Rights	56,030,608	114,503,798	94,339,034	157,730,142	155,898,649	100,359,647	107,249,758	71,597,374	95,176,228	143,221,390
Medical Malpractice	130,298,906	118,479,990	144,414,243	103,731,575	110,047,282	106,945,963	116,244,355	90,670,124	75,466,754	60,255,750
Traffic Control Device	1,292,315	7,594,500	604,000	2,459,000	296,500	4,694,250	1,617,000	12,293,500	1,015,500	1,596,000
Parks & Recreation	20,328,830	14,032,709	6,130,024	8,379,633	5,822,720	14,126,952	11,304,944	11,505,200	9,804,750	10,961,500
Uniformed Services Employee	17,452,882	27,998,500	33,439,000	26,117,500	50,820,225	40,097,500	58,520,000	15,111,000	29,288,000	31,139,000
Other	6,460,359	13,522,259	3,569,893	12,165,985	6,870,507	15,362,543	4,515,696	4,492,229	4,881,576	11,502,734
Total	486,801,585	558,455,696	575,453,263	630,674,720	753,713,642	672,546,964	654,401,633	597,964,124	576,258,602	681,068,393
Property Damage										
Motor Vehicle	5,586,990	7,403,408	5,162,942	5,207,672	5,742,582	4,829,069	5,611,057	4,614,785	4,779,891	5,150,902
City Property	375,969	67,962	16,554	90,069	55,125	157,356	18,364	4,478	3,177	38,956
Correction Facility	13,061	2,220	665	8,475	4,426	7,757	4,419	4,726	0	0
City Personnel	972,132	1,494,155	731,826	404,378	398,011	361,961	434,539	433,747	352,158	985,685
Roadway	140,124	192,379	215,029	537,552	137,114	101,307	53,461	286,129	31,849	104,625
Health Facility	18,376	27,144	6,299	13,370	12,303	12,247	10,608	1,023	1,835	4,560
Police Action	388,101	102,697	71,487	56,155	34,639	38,643	18,639	46,158	112,263	93,170
School	4,581	10,110	9,014	4,083	4,758	3,319	1,268	1,264	190	0
Sewer Overflow	546,357	712,861	7,224,105	1,650,663	1,562,963	1,505,856	474,017	307,207	976,509	193,740
Water Main	314,365	294,175	344,127	1,437,349	553,610	304,180	712,118	1,162,137	433,984	795,148
Other	9,483	25,425	9,390	23,843	2,159,380	329,713	127,494	3,962	3,700	240
Total	8,369,538	10,332,536	13,791,438	9,433,608	10,664,911	7,651,409	7,465,984	6,865,615	6,695,557	7,367,026
Grand Total	495,171,123	568,788,233	589,244,701	640,108,328	764,378,553	680,198,373	661,867,617	604,829,739	582,954,158	688,435,419

Table VII – Dollar Amount of Tort Claim Settlements & Judgments by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	\$74,661,194	\$71,356,361	\$52,785,342	\$70,456,071	\$87,149,468	\$94,175,147	\$82,829,700	\$97,623,153	\$88,453,622	\$93,361,606
Police Department	\$138,537,141	\$229,846,207	\$225,479,487	\$280,063,079	\$338,183,819	\$238,796,402	\$226,734,615	\$209,915,144	\$208,074,997	\$237,178,059
Department of Sanitation	\$30,446,682	\$37,886,076	\$29,772,440	\$44,974,303	\$57,692,961	\$77,621,708	\$71,746,022	\$38,937,036	\$51,881,956	\$79,923,741
Department of Education	\$34,292,977	\$27,237,049	\$36,369,785	\$34,133,781	\$35,526,093	\$32,155,732	\$40,711,441	\$38,562,283	\$31,199,653	\$78,198,731
NYC Health + Hospitals	\$132,352,195	\$124,887,221	\$121,063,960	\$113,355,458	\$116,968,544	\$108,076,361	\$113,940,262	\$93,587,084	\$81,135,637	\$61,895,401
Department of Environmental Protection	\$3,372,170	\$13,182,950	\$18,795,525	\$7,281,361	\$8,509,589	\$10,685,943	\$13,148,455	\$4,761,183	\$15,783,233	\$9,986,086
Department of Correction	\$11,767,521	\$11,103,116	\$27,144,858	\$32,919,412	\$35,658,041	\$33,931,156	\$49,103,527	\$35,683,783	\$29,130,125	\$37,206,811
Department of Parks & Recreation	\$29,564,344	\$18,365,734	\$13,834,777	\$11,610,274	\$16,666,893	\$21,206,214	\$18,644,919	\$24,317,572	\$21,743,744	\$29,009,151
Fire Department	\$19,665,971	\$20,426,695	\$46,662,403	\$16,393,652	\$45,277,732	\$25,495,727	\$20,455,845	\$30,329,149	\$27,849,520	\$24,674,451
Department of Housing Preservation and Development	\$555,452	\$2,705,221	\$1,964,125	\$10,855,842	\$776,106	\$5,101,331	\$3,281,041	\$770,691	\$2,115,851	\$842,188
NYC Human Resources Administration	\$1,050,063	\$1,008,192	\$970,799	\$1,756,131	\$620,453	\$1,046,699	\$788,477	\$501,802	\$2,578,449	\$459,192
Department of Buildings	\$377,908	\$157,901	\$268,913	\$2,966,514	\$1,386,120	\$77,225	\$1,312,894	\$1,371,015	\$1,421,057	\$1,050,167
Other	\$18,527,507	\$10,625,510	\$14,132,287	\$13,342,448	\$19,962,735	\$31,828,728	\$19,170,417	\$28,469,844	\$21,586,314	\$34,649,835
Total	\$495,171,123	\$568,788,233	\$589,244,701	\$640,108,328	\$764,378,553	\$680,198,373	\$661,867,617	\$604,829,739	\$582,954,158	\$688,435,419

Table VIII – Number of Tort Claim Settlements & Judgments by Claim Type, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Personal Injury										
Sidewalk	685	658	662	666	761	558	560	625	569	478
Police Action	2,106	2,250	2,276	2,481	2,530	2,500	2,337	2,454	1,753	2,024
School	656	522	481	544	304	317	301	269	238	175
Motor Vehicle	724	668	584	664	661	612	602	672	553	527
Roadway	418	366	333	371	322	292	312	271	246	235
City Property	61	70	38	88	65	50	48	65	49	49
Correction Facility	255	378	451	638	803	1,048	1,221	1,293	1,056	1,202
Civil Rights	1,559	2,047	1,682	1,353	1,019	842	1,032	523	410	457
Medical Malpractice	268	204	243	241	197	226	210	151	112	89
Traffic Control Device	22	30	20	14	11	15	15	17	17	7
Parks & Recreation	164	151	136	169	83	104	99	94	82	70
Uniformed Services Employee	76	95	121	111	116	113	90	83	135	91
Other	62	69	51	65	51	86	39	36	25	49
Total	7,056	7,508	7,078	7,405	6,923	6,763	6,866	6,553	5,245	5,453
Property Damage										
Motor Vehicle	2,135	2,379	1,897	1,917	1,761	1,679	1,784	1,393	1,272	1,321
City Property	19	39	6	62	17	9	7	2	2	5
Correction Facility	12	5	3	5	5	8	5	3	0	0
City Personnel	354	408	284	163	147	169	181	182	113	146
Roadway	117	197	287	88	112	72	49	24	11	26
Health Facility	22	40	17	16	14	22	12	5	3	3
Police Action	48	35	26	18	15	11	11	13	10	12
School	26	35	35	15	16	13	9	3	2	0
Sewer Overflow	115	144	650	104	47	47	20	35	74	22
Water Main	51	51	38	68	42	46	55	33	43	50
Other	6	10	6	7	158	19	6	3	1	1
Total	2,905	3,343	3,249	2,463	2,334	2,095	2,139	1,696	1,531	1,586
Grand Total	9,961	10,851	10,327	9,868	9,257	8,858	9,005	8,249	6,776	7,039

Table IX – Number of Tort Claim Settlements & Judgments by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	1,377	1,400	1,383	1,195	1,259	979	1,013	1,006	892	820
Police Department	4,521	5,051	4,440	4,255	4,080	3,807	3,466	3,343	2,505	2,832
Department of Sanitation	1,045	1,426	1,134	1,188	963	963	912	694	592	704
Department of Education	730	606	561	598	365	365	361	342	275	220
NYC Health + Hospitals	337	315	312	360	265	293	266	188	142	118
Department of Environmental Protection	300	292	794	284	327	227	165	141	194	155
Department of Correction	387	534	601	842	955	1,197	1,724	1,422	1,170	1,265
Department of Parks & Recreation	428	392	354	352	287	276	272	309	244	225
Fire Department	586	585	507	489	504	492	501	495	440	426
Department of Housing Preservation and Development	17	14	11	22	12	14	13	7	15	7
NYC Human Resources Administration	21	18	20	28	20	21	19	14	20	7
Department of Buildings	17	17	12	11	21	8	13	17	17	13
Other	195	201	198	244	199	216	280	271	270	247
Total	9,961	10,851	10,327	9,868	9,257	8,858	9,005	8,249	6,776	7,039

Table X – Number of Motor Vehicle Claims Filed by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	293	255	211	233	261	300	216	225	261	260
Police Department	1,418	1,409	1,295	1,385	1,299	1,324	1,457	1,280	1,159	1,023
Department of Sanitation	1,216	1,636	1,494	1,755	1,514	1,450	1,206	909	1,168	1,068
Department of Education	186	168	144	124	195	213	188	185	72	213
NYC Health + Hospitals	25	16	26	22	21	14	17	14	6	18
Department of Environmental Protection	122	136	130	91	121	89	118	84	72	76
Department of Correction	44	52	51	94	58	73	67	88	32	28
Department of Parks & Recreation	163	189	193	210	178	159	130	121	133	119
Fire Department	735	733	681	806	827	925	879	762	767	869
Department of Housing Preservation and Development	14	11	3	13	12	13	12	11	11	5
NYC Human Resources Administration	18	14	15	13	14	6	16	7		3
Department of Buildings	13	14	11	11	16	21	15	15	17	19
Other	264	309	345	368	335	466	418	369	429	379
Total	4,511	4,942	4,599	5,125	4,851	5,053	4,739	4,070	4,127	4,080

Table XI – Dollar Amount of Motor Vehicle Claim Settlements & Judgments by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	4,022,802	9,488,082	1,221,489	2,502,780	4,016,421	7,404,733	4,019,376	5,342,867	6,614,461	8,116,864
Police Department	24,906,865	44,535,637	15,441,899	36,858,793	42,741,440	36,228,521	46,882,196	73,683,170	49,254,440	41,743,660
Department of Sanitation	24,815,178	23,584,031	14,670,334	30,479,392	36,702,397	45,685,004	26,263,588	26,367,918	34,452,170	43,951,344
Department of Education	8,605,951	271,562	263,028	40,074	747,796	36,252	797,152	608,985	906,633	224,690
NYC Health + Hospitals	240,756	1,566,616	134,663	2,854	38,896	90,400	9,496	468,000	213,430	103,675
Department of Environmental Protection	523,277	2,471,430	8,498,159	2,784,557	2,122,340	4,784,588	8,218,452	2,035,004	8,623,359	7,654,277
Department of Correction	317,209	679,009	1,013,607	213,028	1,075,576	1,733,699	205,360	283,234	3,013,991	1,388,958
Department of Parks & Recreation	7,814,313	2,183,353	6,930,975	3,023,997	3,812,578	5,206,149	4,844,826	8,196,021	4,782,707	7,656,139
Fire Department	14,368,427	9,045,658	18,092,282	11,848,759	11,443,942	16,189,581	14,192,966	25,180,011	24,879,412	18,797,766
Department of Housing Preservation and Development	43,552	138,721	1,547,625	149,842	376,711	40,249	2,206,041	161,791	48,114	3,688
NYC Human Resources Administration	665,063	89,074	665,695	79,445	116,453	189,699	31,777	75,302	1,377,449	202,692
Department of Buildings	259,908	41,351	30,954	143,000	812,873	72,025	1,156,394	997,302	898,052	825,167
Other	4,310,605	1,823,912	4,002,848	7,047,846	9,716,064	5,742,654	5,322,533	7,332,746	5,638,090	13,525,909
Total	90,893,906	95,918,437	72,513,557	95,174,366	113,723,487	123,403,554	114,150,157	150,732,349	140,702,309	144,194,830

Table XII – Number of Motor Vehicle Claim Settlements & Judgments by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	153	140	106	96	115	112	142	132	96	122
Police Department	942	827	653	616	697	622	670	567	479	468
Department of Sanitation	869	1,154	942	1,040	797	754	750	573	506	560
Department of Education	13	16	16	9	10	6	11	9	9	5
NYC Health + Hospitals	17	14	13	2	8	2	3	5	6	4
Department of Environmental Protection	97	103	83	80	65	63	59	52	55	60
Department of Correction	35	44	23	42	28	44	21	29	21	15
Department of Parks & Recreation	98	120	107	99	116	109	84	89	81	80
Fire Department	512	500	417	461	458	455	468	462	414	377
Department of Housing Preservation and Development	4	8	4	8	6	5	9	3	8	2
NYC Human Resources Administration	11	8	11	7	10	8	8	4	5	2
Department of Buildings	13	11	8	5	16	7	10	8	12	11
Other	95	102	98	116	96	104	151	132	133	142
Total	2,859	3,047	2,481	2,581	2,422	2,291	2,386	2,065	1,825	1,848

**Table XIII – Number of Law Claims Filed by Claim Type
FYs 2013–2022**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Affirmative	876	914	1,128	1,048	1,131	1,054	1,098	578	317	528
Contract	217	132	150	152	151	88	97	97	67	126
Disputes	157	177	117	172	120	88	95	76	149	129
Equitable	10	6	4	11	13	14	16	2	4	2
Refund	168	223	182	157	132	132	128	108	68	69
Salary	86	93	95	97	73	81	89	76	49	53
Special Education	2,029	2,582	4,479	4,094	4,183	5,102	4,588	6,087	6,025	5,643
Other	281	251	264	253	288	375	330	300	330	277
Total	3,824	4,378	6,419	5,984	6,091	6,934	6,441	7,324	7,009	6,827

Table XIV – Number of Law Claim Settlements & Judgments by Claim Type, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Affirmative	861	899	1,111	1,015	986	874	938	492	260	406
Contract	27	26	22	34	31	25	26	20	21	14
Disputes	30	44	45	62	37	38	43	32	23	23
Equitable	3	2	6	2	5	5	4	5	1	0
Refund	580	14	18	20	9	12	7	2	10	4
Salary	19	23	286	30	26	20	28	25	22	26
Special Education	1,841	2,223	4,067	3,773	3,969	4,592	4,254	5,410	3,659	4,614
Other	41	28	38	46	44	57	52	35	58	62
Total	3,402	3,259	5,593	4,982	5,107	5,623	5,352	6,021	4,054	5,149

Table XV – Dollar Amount of Law Claim Settlements & Judgments by Claim Type*, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Contract	\$50,992,338	\$19,573,476	\$44,846,785	\$49,626,492	\$45,886,058	\$61,104,852	\$54,028,810	\$49,804,421	\$113,758,674	\$55,526,038
Disputes	\$3,105,639	\$7,325,629	\$3,001,135	\$6,116,577	\$5,261,545	\$7,530,717	\$3,858,078	\$2,909,349	\$9,743,639	\$3,229,234
Equitable	\$446,904	\$76,576	\$616,256	\$25,143	\$1,142,203	\$416,018	\$645,160	\$637,016	\$260,000	\$0
Refund	\$293,817	\$116,834	\$697,973	\$14,207,059	\$59,594	\$1,089,853	\$17,639	\$1,294	\$73,093	\$5,784
Salary	\$33,332,876	\$104,468,018	\$65,511,792	\$16,548,145	\$7,591,767	\$10,086,357	\$7,819,929	\$61,428,338	\$18,036,708	\$437,529,687
Special Education	\$106,243,225	\$130,450,454	\$249,944,721	\$256,466,671	\$279,617,259	\$304,139,428	\$285,875,216	\$360,501,025	\$224,764,947	\$301,375,374
Other	\$4,506,573	\$7,541,036	\$6,734,055	\$38,263,330	\$3,760,839	\$16,696,196	\$11,371,349	\$7,278,655	\$10,343,799	\$21,505,345
Total	\$198,921,372	\$269,552,023	\$371,352,717	\$381,253,416	\$343,319,265	\$401,063,421	\$363,616,181	\$482,560,098	\$376,980,859	\$819,171,461

*Figures on law claim settlements and judgments dollar amount do not include claims wherein the City is to receive payment.

Table XVI – Number of Law Claim Settlements & Judgments by Agency, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	11	15	13	11	5	14	5	8	9	10
Police Department	78	162	272	179	127	107	108	41	23	23
Department of Sanitation	1	5	11	8	6	8	7	7	2	0
Department of Education	1,904	2,294	4,139	3,806	4,013	4,603	4,260	5,399	3,595	4,572
NYC Health + Hospitals	8	7	11	4	3	9	8	5	2	3
Department of Environmental Protection	592	19	22	19	18	18	22	18	30	23
Department of Correction	2	2	5	5	4	3	11	10	10	10
Department of Parks & Recreation	13	11	12	14	18	9	18	13	10	7
Fire Department	2	8	269	9	2	7	10	16	16	36
Department of Housing Preservation and Development	397	352	441	536	505	459	532	260	124	164
NYC Human Resources Administration	226	215	237	196	236	196	191	123	39	104
Department of Buildings	9	7	13	8	9	7	5	18	17	19
Other	159	162	148	187	161	183	175	103	177	178
Total	3,402	3,259	5,593	4,982	5,107	5,623	5,352	6,021	4,054	5,149

Table XVII – Dollar Amount of Law Claim Settlements & Judgments by Agency*, FYs 2013–2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Department of Transportation	9,375,261	6,543,036	1,197,424	5,242,328	2,255,804	3,987,337	232,825	622,000	5,424,589	1,577,084
Police Department	27,556,513	11,265,683	51,691,859	16,308,910	118,500	244,656	536,320	28,630,820	509,025	2,279,862
Department of Sanitation	0	2,972,596	6,373,802	20,492,609	303,735	6,541,368	1,475,864	23,188,000	5,905,000	0
Department of Education	108,012,275	134,737,413	251,205,609	269,883,342	287,077,018	310,439,218	291,223,940	370,007,181	226,380,428	666,185,827
NYC Health + Hospitals	5,701,177	753,019	185,070	857,166	0	759,152	879,330	20,810,771	57,129	73,331
Department of Environmental Protection	32,160,265	12,245,172	33,515,275	20,235,809	33,921,698	10,563,893	24,622,786	11,107,963	95,794,716	48,989,609
Department of Correction	3,305	676,313	98,916	3,484,240	636,894	995,888	667,549	583,319	569,863	1,848,387
Department of Parks & Recreation	3,651,855	72,442	1,999,321	720,037	2,273,827	6,111,972	613,728	15,117,300	268,009	1,034,713
Fire Department	1,845,000	91,615,078	13,235,289	15,559,945	963,060	663,007	1,918,543	626,874	462,538	1,615,558
Department of Housing Preservation and Development	29,364	197,143	35,852	1,165,433	686,941	1,440,464	158,172	84,684	13,750	375,608
NYC Human Resources Administration	1,431,669	175,000	2,019,969	571,182	1,839,499	36,090,772	372,659	36,000	69,500	19,751,120
Department of Buildings	0	75,585	46,000	127,300	0	7,000	0	78,250	5,750	0
Other	9,154,688	8,223,545	9,748,332	26,605,116	13,242,290	23,218,694	40,914,467	12,366,236	41,532,561	75,742,962
Total	198,921,372	269,552,023	371,352,717	381,253,416	343,319,265	401,063,421	363,616,181	483,259,398	376,992,859	819,474,061

*Figures on law claim settlements and judgments dollar amount do not include claims wherein the City is to receive payment.

Endnote

- ¹ City Charter Chapter 5, § 93(i).
- ² The Comptroller's Office records claims data in its Omnibus Automated Image Storage and Information System (OAISIS). This report is based on data available in OAISIS as of January 4, 2023. Since OAISIS is a dynamic system that is updated constantly, data in this report does not reflect values for matters that have settled but have not yet been recorded in OAISIS.
- ³ New York City's tort claim costs are paid from the Judgments and Claims account established annually in the City's General Fund, except H+H assumes financial responsibility for its settlements.
- ⁴ See Appendix A for a description of claim types.
- ⁵ False arrest, malicious prosecution, excessive force, and related claims are categorized as police action claims if filed in state court and as civil rights claims if filed in federal court. The claim types are separately tracked so they are not double counted.
- ⁶ In FY 2019, the City resolved the *Parker* Class Action against DOC. For administrative purposes, the 395 eligible claimants were given separate claim numbers for efficiency in tracking, lien searches, and payment. For purposes of claim tracking in this report, these 395 claims are treated as one claim filed and one settlement. This year's claim report corrects any minor tabulation errors regarding the *Parker* Class Action from past reports.
- ⁷ Percentages are rounded and, therefore, do not total 100 percent.
- ⁸ The City continues to resolve additional protest-related matters through FY 2023, including the Mott Haven Class Action settlement, which will affect future NYPD payouts at yet-to-be determined figures. These settlements will be addressed in the FYs 2023 and 2024 reports.
- ⁹ Certain New York City employees, including sanitation workers, firefighters, police officers, and public school teachers, are not eligible for Workers' Compensation and may file a claim with the City of New York.
- ¹⁰ H+H operates 11 acute care hospitals.
- ¹¹ Personal injury and property damage claims are analyzed by borough based on location of incident. Some notices of claim are filed without borough specific information or allege incidents that occurred outside the five boroughs. Law claims are not tracked by borough. Population statistics do not take into account commuters or tourists.
- ¹² 2,871 Personal Injury claims were filed against the Department of Corrections facilities located in Bronx County in FY 2022.

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- ¹³ The United States Census Bureau estimated July 1, 2022 population for New York City was 8,335,897 residents. In order of population the boroughs are: Brooklyn (2,590,516 or 31.1 percent of the total population); Queens (2,278,029 or 27.3 percent of the total population); Manhattan (1,596,273 or 19.1 percent of the total population); Bronx (1,379,946 or 16.6 percent of the total population); and Staten Island (491,133 or 5.9 percent of the total population). Statistics do not take into account commuters and tourists.
- ¹⁴ Rounded to the nearest whole claim.
- ¹⁵ While the total number of law claim settlements and judgments includes all resolved law claims, law claim settlement and judgment payment figures do not include claims wherein the City is to receive payment.
- ¹⁶ Settled dispute claims only reflect those disputes for which the contractor and the Comptroller's Office have agreed to a settlement that involves a monetary payout. These settlements do not include dispute claims where the Comptroller's Office has issued a contract interpretation determination that has been accepted by the contractor.
- ¹⁷ For the purposes of the Claims Report, "filed" describes those claims in which a notice of claim was filed with the Comptroller's Office or the Law Department requested a claim number be assigned for a case in litigation; "settled" means any claim or lawsuit that was resolved, either by settlement or judgment, and resulted in payment of money to claimant, plaintiff, or the City.
- ¹⁸ NY Exec. Law § 632-a(1)(a), (b).
- ¹⁹ *Bernadine v. City of New York*, 294 N.Y. 361, 365 (1945).
- ²⁰ *Id.*
- ²¹ Court of Claims Act of 1920, L. 1920, ch. 922, and L. 1929, ch. 467, § 1.
- ²² General Municipal Law, Article § 50-e. Effective September 2010, claimants can file personal injury and property damage claims electronically through the Comptroller's website (<http://comptroller.nyc.gov/services/for-the-public/claims/file-a-claim/>).
- ²³ General Municipal Law, Article 4, § 50-e. One notable exception is a claim under 42 U.S.C. § 1983, the Federal Civil Rights Act; a § 1983 action can be filed directly in court without filing a notice of claim if no state cause of action is asserted.
- ²⁴ City Charter, Chapter 5, § 93(i).
- ²⁵ BLA investigates claims filed against the City; obtains and evaluates accident reports and other documents provided by City agencies; conducts hearings; evaluates liability and damages; and attempts to settle appropriate claims. The Comptroller's Office Bureau of Engineering assists BLA in investigating construction related claims and negotiating claim settlements.
- ²⁶ General Municipal Law, Article 4, § 50-i. A significant exception to this requirement is in the area of medical malpractice, in particular, claims for injuries to newborn infants.
- ²⁷ City Charter, Chapter 17, § 394(c).



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