



NEW YORK CITY COMPTROLLER
BRAD LANDER

Annual Claims Report

Fiscal Year 2021

JUNE 2022







THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

BRAD LANDER
COMPTROLLER

June 22, 2022

Dear Fellow New Yorkers:

I am pleased to share the City of New York Office of the Comptroller's Claims Report for fiscal year (FY) 2021, covering July 1, 2020 through June 30, 2021. Under the City Charter Section 93(i), the Comptroller is responsible for resolving claims on behalf of the City. This report, the first Claims Report issued in my Administration, examines claims filed against and on behalf of the City of New York and outlines trends by claim type across City agencies.

In FY 2021, personal injury and property damage claim (collectively, "tort claims") payouts cost the City \$557.3 million, down from the \$587.1 million spent in FY 2020, a five percent decrease. The five costliest areas of claim settlements in FY 2021 were motor vehicle, civil rights, police action, medical malpractice, and sidewalk claims. Together, these five claim types cost \$430.9 million and accounted for 78 percent of all personal injury claim settlements. Six of the ten largest tort claim settlements were for wrongful convictions; the others were medical malpractice, police misconduct, a death in custody at Rikers, and a traffic crash in which a DSNY truck hit a cyclist.

In FY 2021, the City settled non-tort claims, such as contract claims, equitable claims, refund claims, and Department of Education (DOE) special education claims (collectively, "law claims"), for a total of \$376.4 million, a 22 percent decrease from the \$483.2 million paid out in FY 2020.

Of these law claims, 60 percent of the settlement payouts were related to claims for reimbursement of special education tuition and services, costing \$224.1 million, down 38 percent from the \$360.4 million paid out in FY 2020. This decline can be attributed in part to the modified approval process for settlement of special education claims that affects how settlements are recorded (see page 41).

The Claims Report also highlights the work done by my agency to settle viable claims filed against the City prior to litigation, which saves both the City and the claimant the costs of litigation. The Bureau of Law & Adjustment settled 43% of all tort claims in FY 2021 without claimants having to file a lawsuit against the City. Early resolution of claims—avoiding the entire litigation process—provides prompt relief for claimants and protects the City’s legal resources by reducing the Law Department’s caseload. In addition, the judicial system benefits from having deal with fewer City related lawsuits.

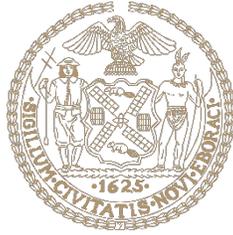
This year’s report has been updated from prior years to include several additional charts including Total Amount of Property Damage Settlements & Judgments Recorded by Claim Type, and the Number of Payouts and Total Dollar Amount of Motor Vehicle Settlements & Judgments by City Agency.

We invite City agencies, the media, civic technologists, and New Yorkers to review this report and use it as a risk management tool to reduce the number of claims filed each year, limiting both potential harm caused and the City’s financial exposure. Our office will look to do the same.

Sincerely,



Brad Lander
New York City Comptroller



Brad Lander

Comptroller

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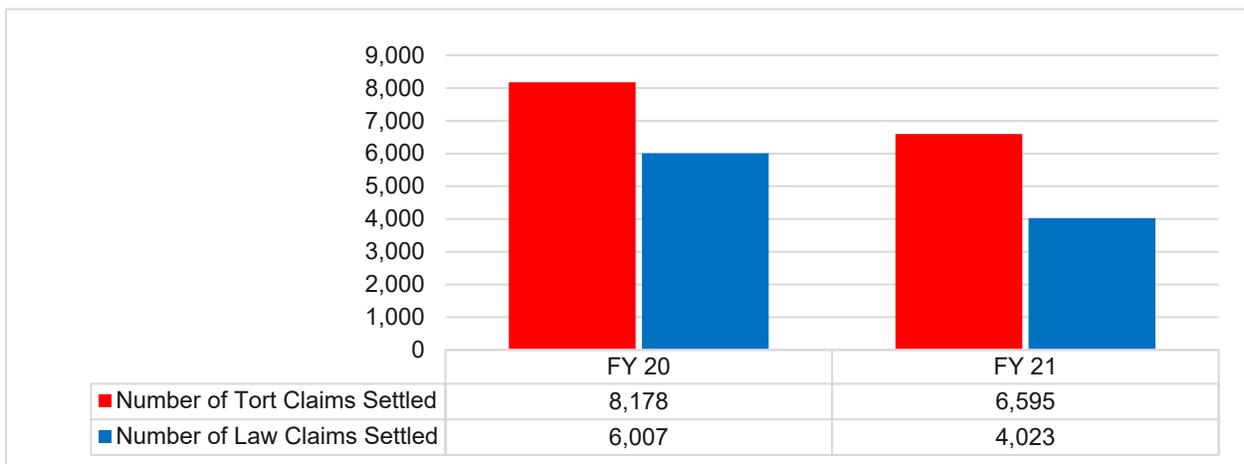
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I. Executive Summary

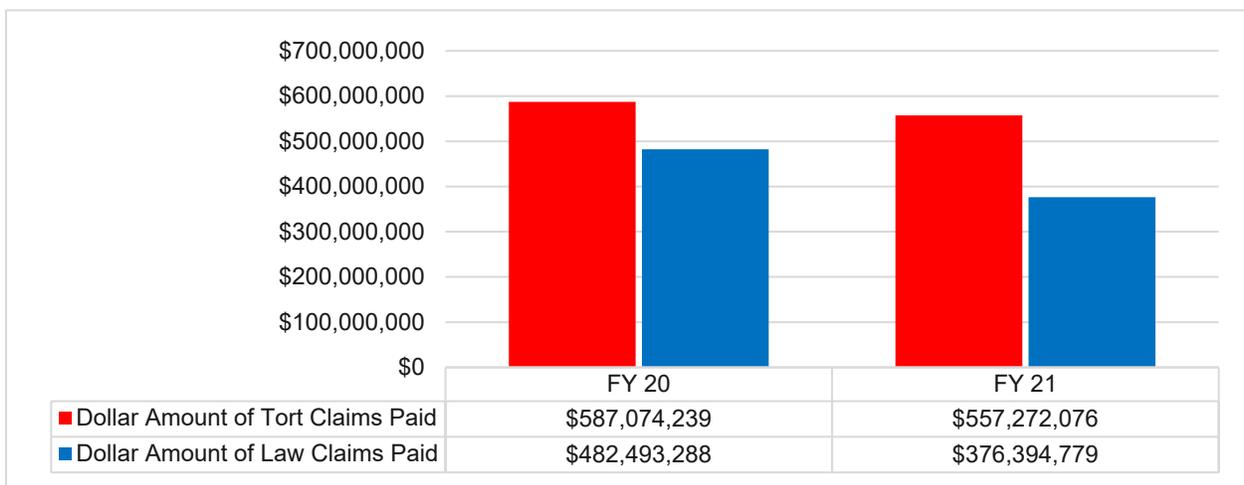
Under the New York City Charter, the Comptroller has the power to settle or adjust all claims in favor of or against the City.¹ This work is performed by the Comptroller’s Office Bureau of Law and Adjustment (BLA), which, under the direction of the Comptroller, the General Counsel, and the Assistant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

In FY 2021, 10,618 claims and lawsuits against New York City were resolved for \$933.7 million.² Claims data is depicted in the composite bar graphs and further explained in the report.

Total Number of Claim Settlements & Judgments, FY 2020 vs. FY 2021



Total Amount of Claim Settlements & Judgments Paid, FY 2020 vs. FY 2021



Tort Claims

In FY 2021, for a fourth consecutive fiscal year, there was a decline in the City’s payouts on personal injury and property damage claims (collectively, tort claims), which include allegations of slip and falls, medical malpractice, motor vehicle accidents, police action, and property damage claims. The number of tort claims filed in FY 2021 decreased by six percent and the amount paid out in settlements and judgments in FY 2021 decreased by five percent. Still, New York taxpayers continue to pay for claims that were filed more than a decade ago.

- In FY 2021, the City paid out \$557.3 million in tort claims, \$29.8 million less than the \$587.1 million paid out in FY 2020.³
- In FY 2021, the City paid out \$53.1 million for personal injury tort claims that were filed prior to FY 2012 (legacy claims).
- Excluding legacy claim payments, personal injury tort claim payouts decreased to \$497.5 million in FY 2021 from \$514.0 million in FY 2020.

Medical Malpractice Claims

Since FY 2012—when 624 claims were filed—the number of medical malpractice claims filed has steadily declined over the past ten fiscal years. Still, we anticipate that the City will continue to pay out costly settlements and judgments as a result of the large number of medical malpractice claims filed in years past.

- In FY 2021, there were 339 medical malpractice claims filed, down 14 percent from the 393 medical malpractice claims filed in FY 2020, and down 46 percent from the 624 claims filed back in FY 2012.
- Medical malpractice claims settlements and judgments in FY 2021 decreased to \$63.0 million from \$81.4 million in FY 2020.

Civil Rights Claims

- Civil rights claims decreased two percent to 1,187 claims filed, down from 1,210 filed in FY 2020, and down 60 percent from the 2,937 claims filed back in 2014. However, the cost of civil rights claim payouts increased to \$95.0 million from \$68.4 million in FY 2020, a 39 percent increase.
- In FY 2021, the Comptroller’s Office resolved two reversed conviction claims pre-litigation, for a total of \$19.3 million. Appendix D includes all reversed conviction claims from FY 2016 through FY 2021 (both those settled pre-litigation by the Comptroller’s office, and those settled through litigation).

New York City Police Department Claims

- The number of tort claims filed against the New York City Police Department (NYPD) dropped to 5,166 in FY 2021 from 5,726 in FY 2020, a 10 percent decline.
- NYPD tort claim settlement and judgment payouts decreased by one percent, to \$206.7 million in FY 2021 from \$209.3 million in FY 2020.
- NYPD tort claims accounted for 37 percent of the total overall cost of resolved tort claims in FY 2021.

Department of Education Claims

- The number of tort claims filed against Department of Education (DOE) dropped to 488 in FY 2021 from 1,139 in FY 2020, a 57 percent decline. New York City public schools operating remotely due to COVID-19 concerns in FY 2021 coincides with this decline in DOE tort claim filings.
- In FY 2021, DOE tort claim settlement payouts totaled \$28.0 million, \$8.7 million less than the \$36.8 million paid out in FY 2020.

Labor and Employment Claims

Historically, claims by City employees relative to the terms and conditions of their employment have been recorded as either personal injury civil rights claims or law salary claims depending on the nature of the claim. Beginning in FY 2019, the Comptroller's Office began recording all claims filed by City employees relative to the terms and conditions of their employment as labor and employment claims. We continue to report labor and employment claims data for FYs 2019-2021 under its historic claim types for analysis continuity.

Law Claims

Law claims include disputes arising from City contracts, equitable claims, refund claims, City employee salary disputes, claims involving Department of Education special education matters, sidewalk assessments, cleanup costs levied on property owners who are in violation of the Mental Hygiene Law, and 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 2021, the City paid out \$376.4 million in law claims, a 22 percent decrease from the \$483.2 million paid out in FY 2020.

- Ninety percent of all law claim settlements and judgments in FY 2021 were related to claims for special education tuition and services reimbursement and attorneys' fees.

Special Education Claims

The total settlement amount paid out for DOE special education claims in FY 2021 decreased 38 percent to \$224.1 million from \$360.4 million paid out in FY 2020. As discussed in more detail on page 41 of this report, this decline can be attributed in part to the shifting of the settlement reporting period that resulted from the streamlining of the approval process between DOE and the Comptroller's Office Bureau of Law and Adjustment for settlement of special education claims.

Contract Claims

- In FY 2021, the settlement of 18 delay claims, a subcategory of contract claims, accounted for 86 percent of all contract claims settled.
- The \$113.6 million paid out on these 18 delay claim settlements made up 99.9 percent of the \$113.8 million in settlements paid out for all contract claims in FY 2021.
- In FY 2021, delay claim settlements increased the overall cost to the City on the subject projects by five percent over the total original contract prices.

Affirmative Claims

- In FY 2021, the Comptroller's Office approved settlement of 256 affirmative claims for a benefit to the City totaling \$32.6 million, as compared to FY 2020, when 490 affirmative claims were settled for payment to the City of \$18.6 million. The FY 2021 affirmative claims recovery was \$14.0 million more than the amount recovered in FY 2020, a 75 percent increase.

Salary Claims

In FY 2021, there were settlement and judgment payouts on 22 salary claims for a total of \$18.0 million. The \$43.4 million difference in salary claim payouts between FYs 2020 and 2021 is attributable to several eight-figure payments in FY 2020.

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

Pre-litigation Settlement of Claims

The Comptroller's Bureau of Law and Adjustment (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 New York City Law Department to allocate resources to more complex or difficult cases, such as class actions and difficult civil rights actions in federal court. Early resolution of claims also provides prompt relief to New Yorkers damaged by actions or inactions of the City.

1. Personal Injury Claims

BLA settled 1,998 personal injury claims pre-litigation in FY 2021. This represents 39 percent of the City's total 5,068 personal injury claim settlements recorded in FY 2021. While these pre-litigation settlements account for 39 percent of the total number of personal injury claim settlements recorded, they account for only nine percent of all personal injury claim payouts in FY 2021.

Table 1: Personal Injury Claims Pre-litigation and Litigation Settlements, FYs 2018-2021

Fiscal Year	Total Personal Injury Claims Resolved (Pre- and In-litigation)	Personal Injury Claims Resolved Pre-litigation	Percent Personal Injury Claims Resolved Pre-litigation	Total Personal Injury Claim Expenditures (Pre- and In-litigation) (in millions)	Total Personal Injury Claim Expenditures (Pre-litigation) (in millions)	Percent Paid Personal Injury Claims (Pre-litigation)
2018	6,749	2,351	35%	\$670.4	\$51.3	8%
2019	6,845	2,641	39%	\$651.8	\$64.1	10%
2020	6,480	2,487	38%	\$580.2	\$44.9	8%
2021	5,068	1,998	39%	\$550.6	\$48.6	9%
TOTAL	25,142	9,477	38%	\$2,453.0	\$208.9	9%

2. Property Damage Claims

BLA settled 858 property damage claims pre-litigation in FY 2021. Pre-litigation property damage settlements represents 56 percent of the total 1,527 property damage settlements and account for 53 percent of the total property damage payouts.

Table 2: Property Damage Claims Pre-litigation and Litigation Settlements, FYs 2018-2021

Fiscal Year	Total Property Damage Claims Resolved (Pre- and In-litigation)	Property Damage Claims Resolved Pre-litigation	Percent Property Damage Claims Resolved Pre-litigation	Total Property Damage Claim Expenditure (Pre- and In-litigation) (in millions)	Total Property Damage Claim Expenditure (Pre-litigation) (in millions)	Percent Paid Property Damage Claims (Pre-litigation)
2018	2,094	1,250	60%	\$7.6	\$3.3	43%
2019	2,139	1,446	68%	\$7.5	\$3.7	50%
2020	1,698	1,149	68%	\$6.9	\$3.5	51%
2021	1,527	858	56%	\$6.7	\$3.5	53%
TOTAL	7,458	4,703	63%	\$28.7	\$14.0	49%

3. Law Claims

In FY 2021, BLA resolved 3,725 claims pre-litigation, or 93 percent, of all law claim settlements against the City. This continues the trend of an increasing proportion of law claims settled pre-litigation during the past four years. While pre-litigation settlements of law claims make up 93 percent of settlements by number, they account for only 60 percent of payouts on law claims.

Table 3: Law Claims Pre-litigation and Litigation Settlements, FYs 2018-2021

Fiscal Year	Total Law Claims Resolved (Pre- and In-litigation)	Law Claims Resolved Pre-litigation	Percent Law Claims Resolved Pre-litigation	Total Law Claim Expenditure (Pre- and In-litigation) (in millions)	Total Law Claim Expenditure (Pre-litigation) (in millions)	Percent Paid Law Claims (Pre-litigation)
2018	5,623	3,565	63%	\$401.2	\$278.8	69%
2019	5,352	4,197	78%	\$363.6	\$285.6	79%
2020	6,007	5,577	93%	\$485.5	\$362.3	75%
2021	4,023	3,725	93%	\$376.2	\$226.8	60%
TOTAL	21,005	17,064	81%	\$1,626.5	\$1,153.5	71%

ClaimStat and Inter-Agency Partnerships

The Comptroller’s Office introduced ClaimStat, a data-driven analysis of claims filed against the City, in 2014. ClaimStat was conceived as a way for City agencies to review claims data in real time, identify claim filing trends that are costly to the City, and implement policies and best practices to mitigate risk. ClaimStat has proven to be a valuable device for City agencies using risk analysis to reduce the number of claims filed against the City and, in turn, limit the City’s financial exposure.

In addition to the real-time data exchange, 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 implement 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.

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 2021, the Comptroller’s Office collected \$7.1 million from

claimants with outstanding obligations to the City, including \$4.8 million in Medicare/Medicaid liens, \$1.6 million in child support arrears, and \$452,378 in parking violation bureau judgments.

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

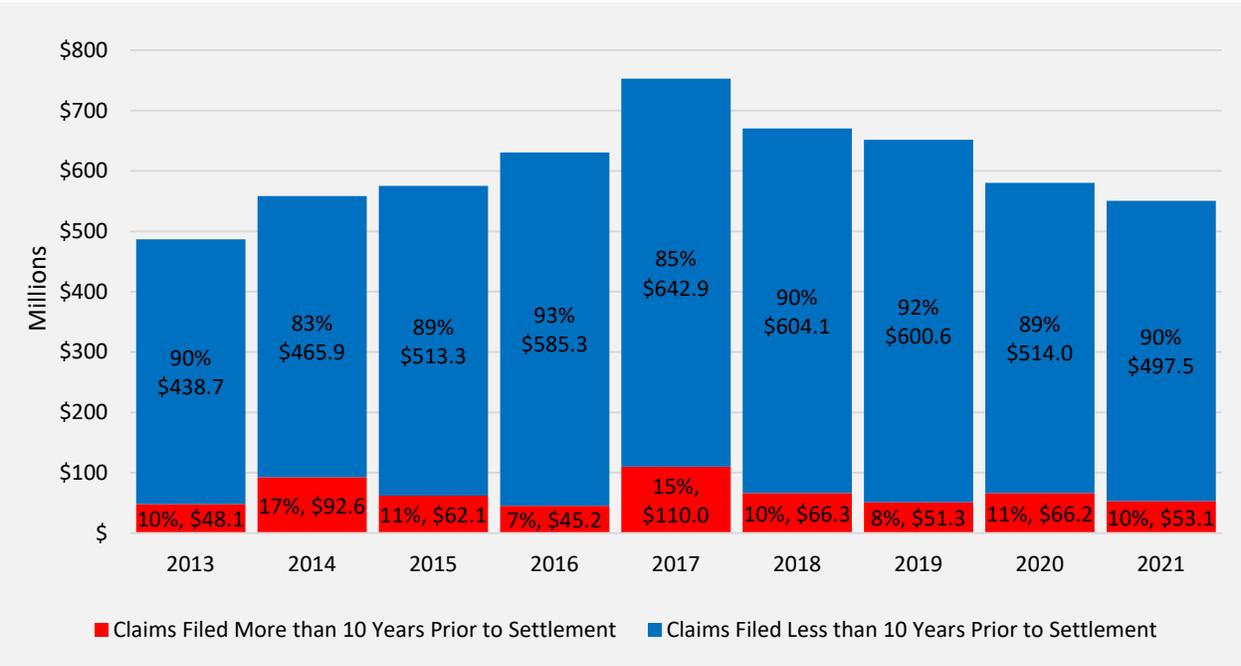
The New York State Son of Sam Law allows a crime victim to commence a civil action to recover money damages for “profits from a crime” or the “funds of a convicted person.”⁴ Under the law, the Comptroller’s Office must report to the New York State Office of Victim Services (Victim Services) any City settlement obligation to a convicted person that exceeds \$10,000. In FY 2021, the City collected \$186,805 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 \$1.8 million to crime victims under the Son of Sam Law.

III. Legacy Claims

Settlements of Personal Injury Tort Claims Filed Before FY 2012

New York City taxpayers continue to pay for claims filed more than a decade ago. In FY 2021, the City paid out \$53.1 million to settle personal injury tort claims filed before FY 2012.⁵

Chart 1: Personal Injury Tort Claim Settlements for Legacy Claims, FYs 2012–2021

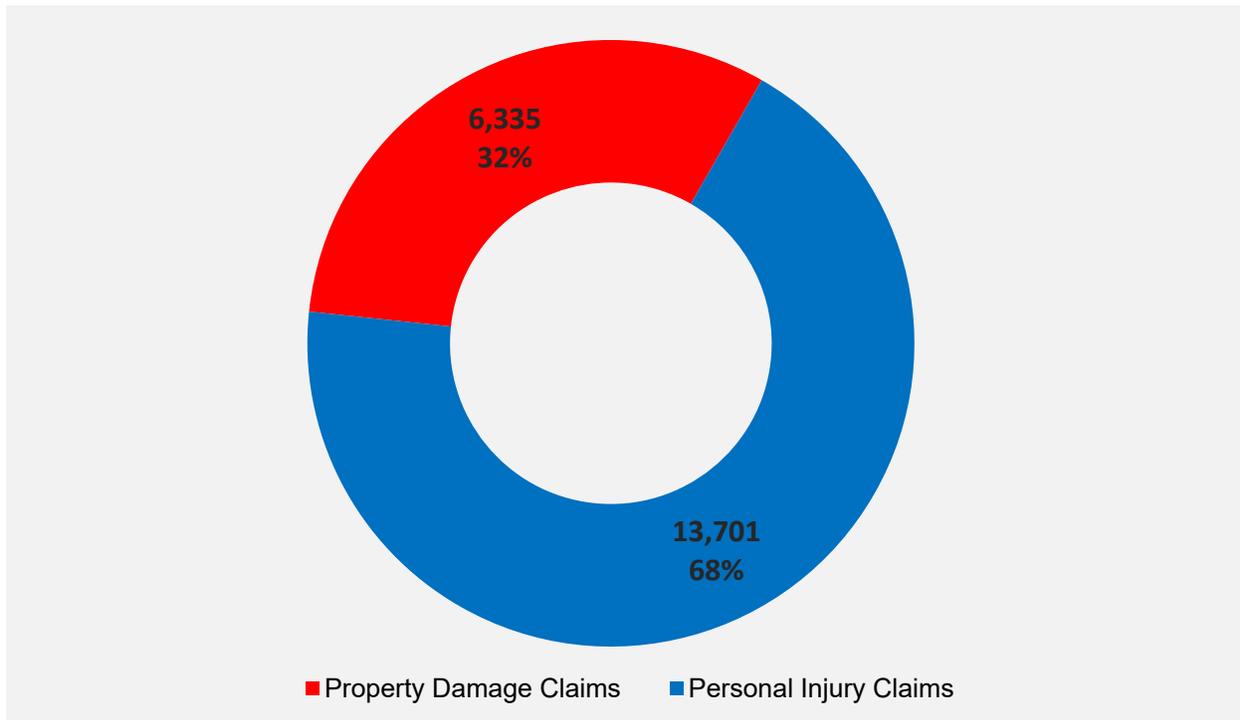


In FY 2021, the City continued to reduce the backlog of claims filed more than ten years ago. While resource-intensive litigation is necessary to defend the City’s core policies and to fight meritless claims, it is generally wise for the City to avoid protracted litigation. A review of so-called “legacy claims” reveals that engaging in decades-long litigation is not the best use of the City’s legal resources and, at times, can increase the City’s exposure to unreasonable verdicts and judgments. The Comptroller’s Office works closely with the New York City Law Department to ensure that lawsuits are resolved in a timely and fiscally prudent manner to ease the future financial burden of New Yorkers.

IV. Tort Claims

Tort claims consist of personal injury (PI) and property damage (PD) claims.⁶ In FY 2021, 20,036 personal injury and property damage claims were filed compared to 21,314 tort claims filed in FY 2020, a six percent decrease.

**Chart 2: Comparison of Tort Claims Filed:
Property Damage Claims vs. Personal Injury Claims, FY 2021**



In FY 2021, settled tort claims cost the City \$557.3 million, a five percent decrease from the \$587.1 million paid out in FY 2020. Settlements and judgments for tort claims cost each City resident approximately \$65.81 in FY 2021.

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 accidents, roadway conditions, water main breaks, and sewer overflows. The number of property damage claims filed in FY 2021 increased by 11 percent to 6,335, from the 5,717 claims filed in FY 2020. In FY 2021, there were 1,527 property damage claim settlements, representing 23 percent of all tort settlements. However, the \$6.7 million paid out on property damage claims represented one percent of the

City's total tort claim payouts. Property damage claim settlement payouts dropped by three percent in FY 2021 to \$6.7 million from \$6.9 million in FY 2020.

Chart 3: Percentage of Property Damage Claim Settlements & Judgments, Recorded by Claim Type, FY 2021

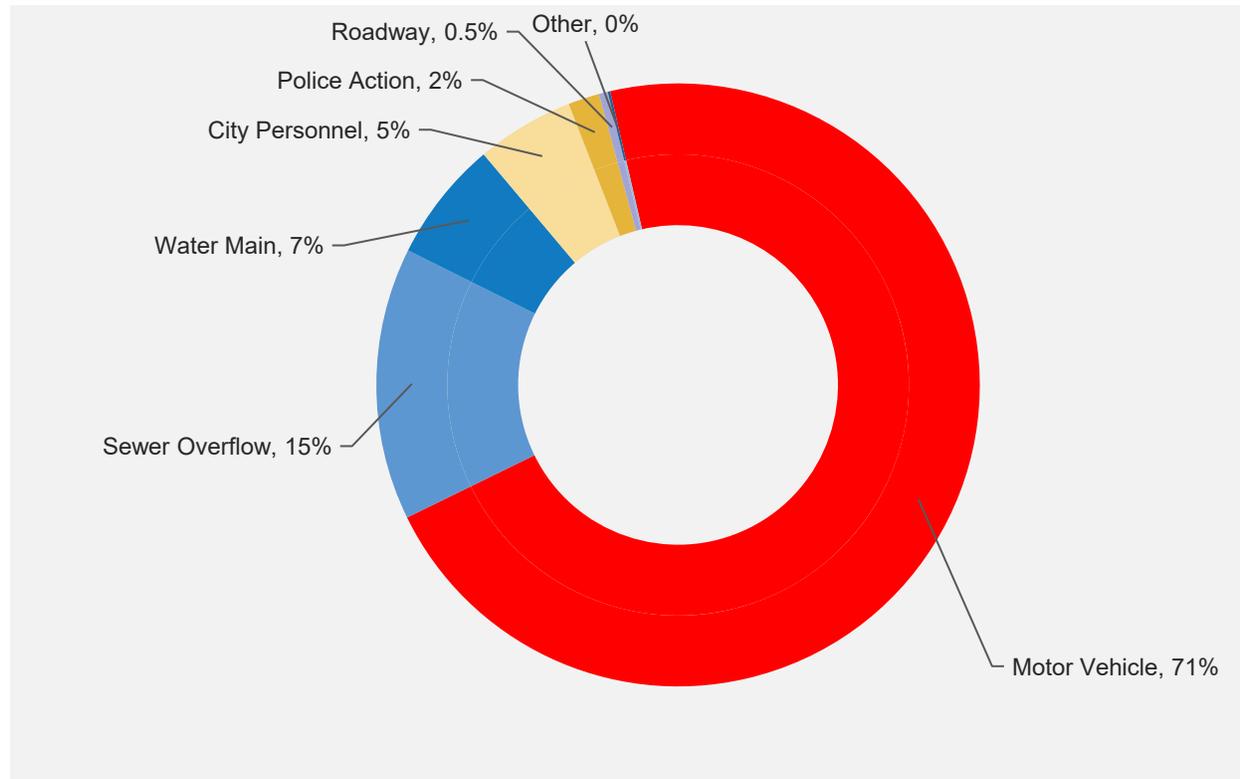
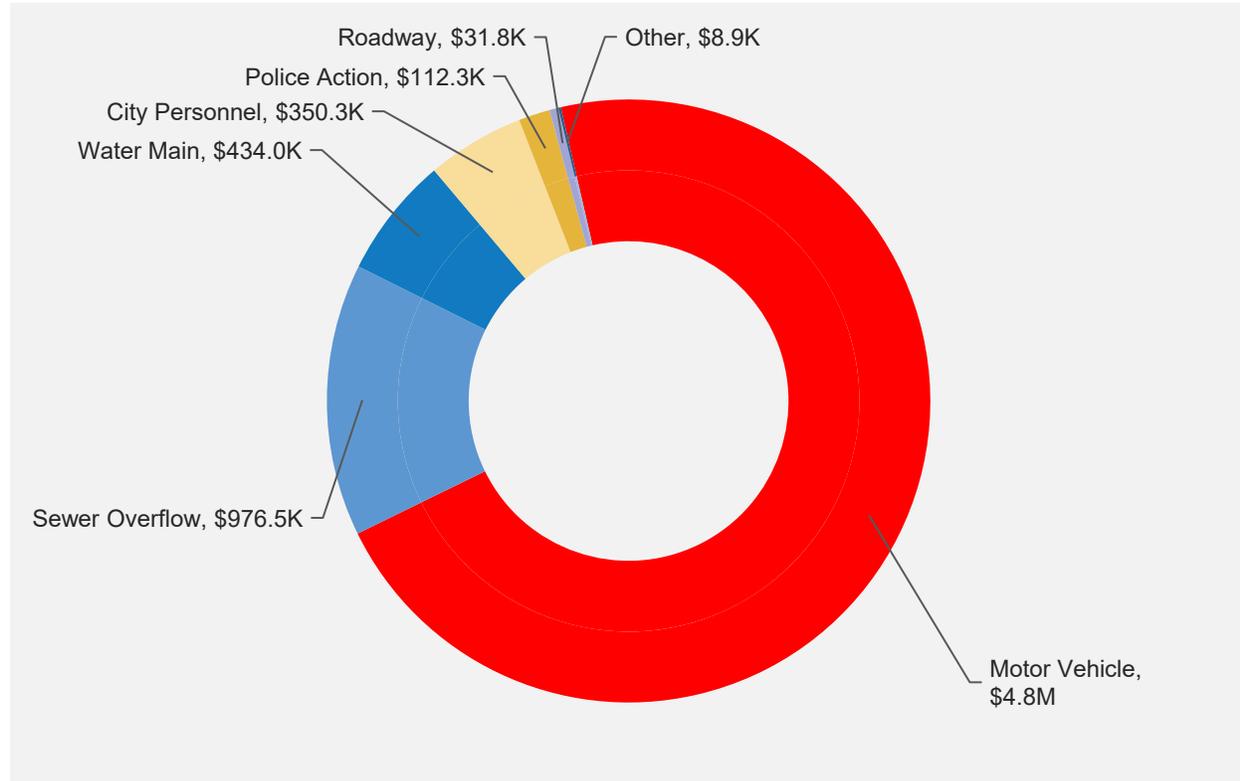


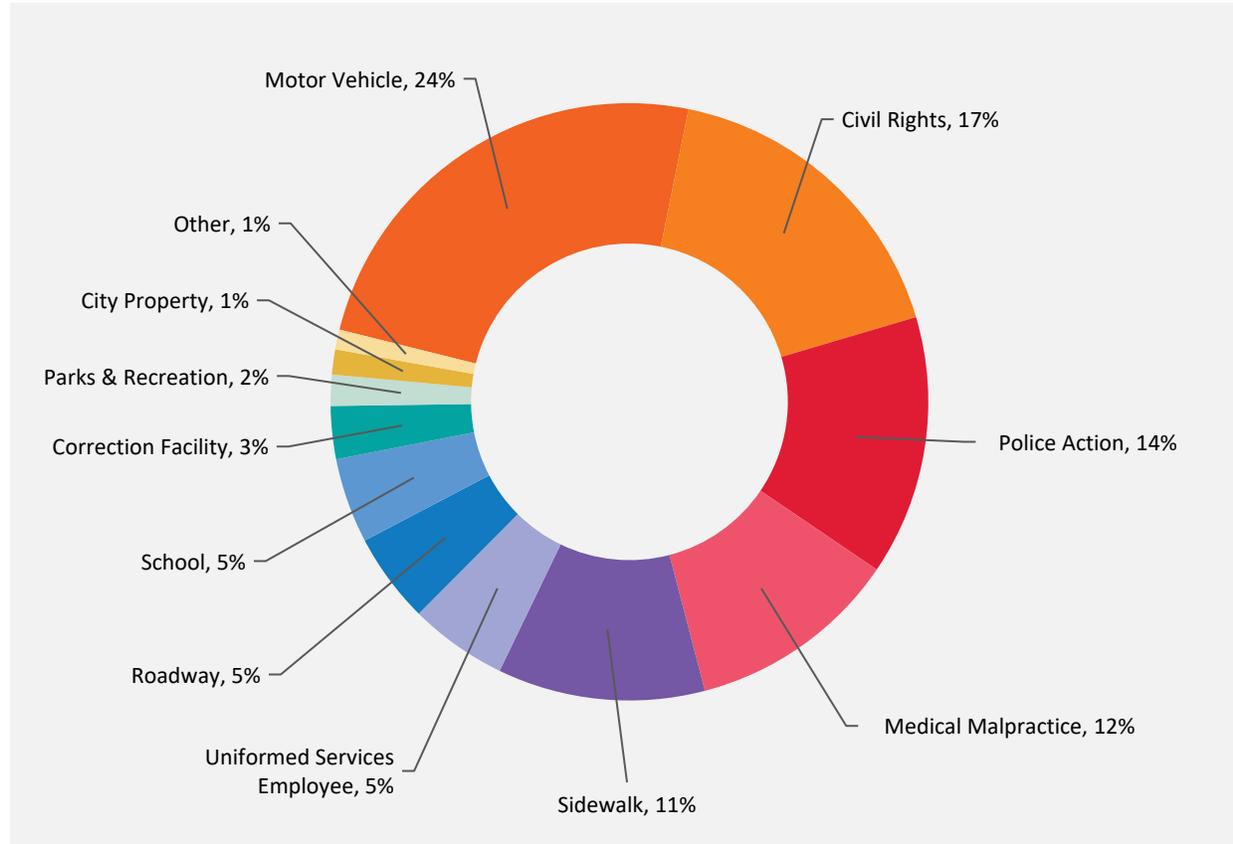
Chart 4: Total Amount Paid Out for Property Damage Claim Settlements & Judgments, Recorded by Claim Type, FY 2021



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 accidents involving City-owned vehicles, defective sidewalks, or unlawful actions of the police or uniformed services employees. In FY 2021, there were 13,701 personal injury claims filed, a 12 percent decrease, from the 15,597 personal injury claims filed in FY 2020. In FY 2021, personal injury claims accounted for \$550.6 million, or 99 percent, of the \$557.3 million paid out on settled tort claims. The average settlement and judgment cost of a personal injury claim in FY 2021 was \$108,640, 21 percent higher than the FY 2020 average of \$89,538.

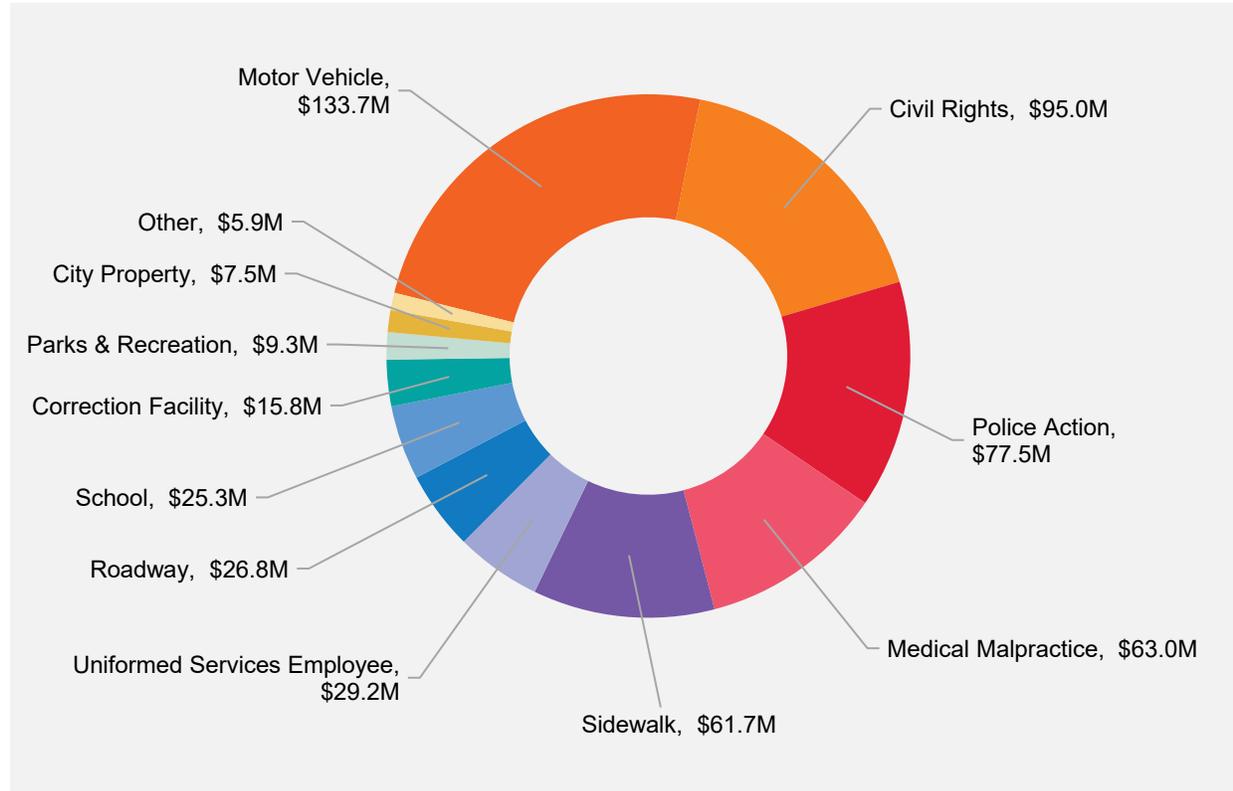
Chart 5: Percentage of Personal Injury Claim Settlements & Judgments, Recorded by Claim Type, FY 2021



C. Personal Injury Claim Trends by Claim Type

In FY 2021, the five most frequently filed personal injury claim types were police action claims (3,219), correction facility claims (2,552), sidewalk claims (2,134), motor vehicle claims (1,193), and civil rights claims (1,187). The five costliest personal injury claim settlements in FY 2021 by claim type were motor vehicle claims (\$133.7 million), civil rights claims (\$95.0 million), police action claims (\$77.5 million), medical malpractice claims (\$63.0 million), and sidewalk claims (\$61.7 million). Together, in FY 2021, these five claim types cost \$430.9 million and accounted for 78 percent of all personal injury claim settlements.

Chart 6: Total Amount Paid Out for Personal Injury Claim Settlements & Judgments Recorded by Claim Type, FY 2021

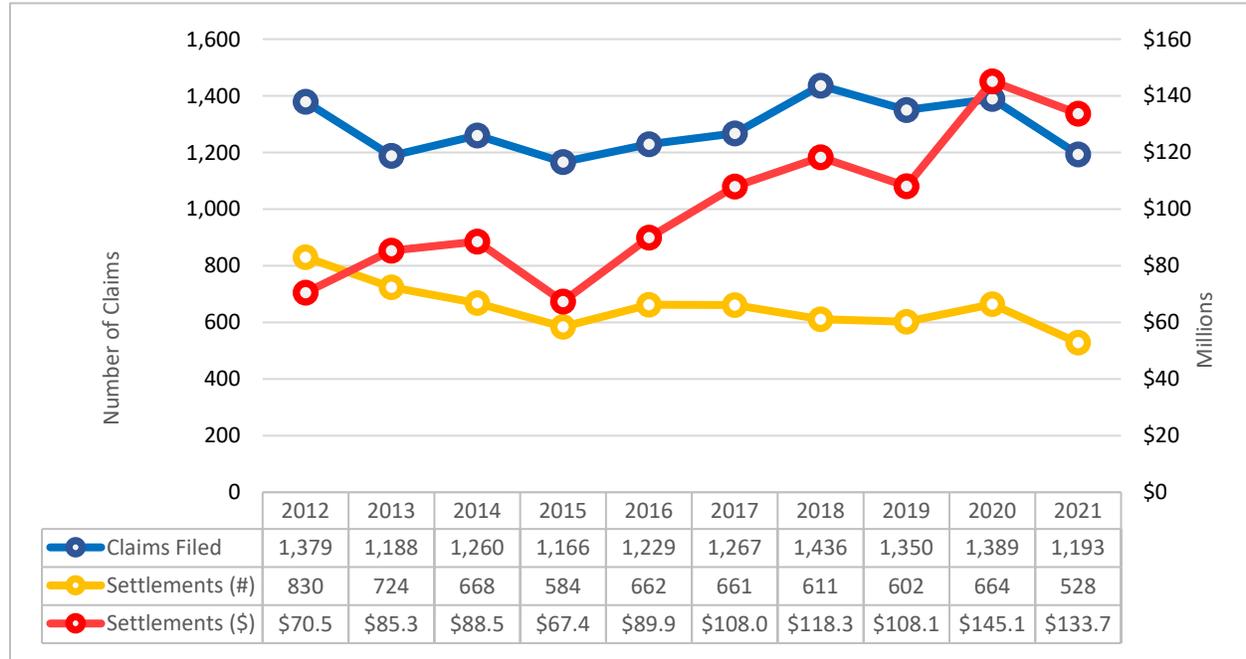


Out of the 5,068 personal injury claim settlements, there were 102 personal injury claim payouts for one million dollars or more, accounting for \$251.2 million paid out in FY 2021. These 102 claims with payouts for one million dollars or more represent 46 percent of the total personal injury claim settlements paid out in FY 2021. The top five claim payouts of one million dollars or more by claim type are civil rights claims (\$69.9 million), motor vehicle claims (\$68.6 million), malpractice claims (\$42.8 million), police action claims (\$24.0 million), and sidewalk claims (\$11.0 million). These top five payouts of one million dollars or more by claim type represents 86 percent of the total \$251.2 million paid out.

1. Motor Vehicle Claims

Personal injury motor vehicle claims involve alleged accidents with City-owned fleet vehicles. There were 1,193 personal injury motor vehicle claims filed in FY 2021, down 14 percent from FY 2020 when 1,389 personal injury motor vehicle claims were filed. In FY 2021, personal injury motor vehicle claim settlements cost \$133.7 million, an eight percent decrease, compared to \$145.1 million paid out to resolve motor vehicle claims in FY 2020. In FY 2021, the number of personal injury motor vehicle claim settlements decreased by 20 percent to 528 in FY 2021 from 664 in FY 2020.

Chart 7: Personal Injury Motor Vehicle Claims Filed and Settled, FYs 2012–2021



In FY 2021, 41 of the 102 personal injury claims resolved for one million dollars or more were motor vehicle claim payouts, totaling \$68.6 million—51 percent of the FY 2021 settlement payments for all personal injury motor vehicle claims.

There was an \$11.4 million, or eight percent, decrease in the costs of personal injury motor vehicle claim payouts between FY 2020 and FY 2021. However, FY 2021 payouts were the second-highest on record (after FY 2020) and show a continued trend of increasing personal injury motor vehicle payouts since 2015. There has been a 99 percent increase in personal injury motor vehicle claim total payouts since FY 2015 when \$67.4 million was paid out. FY 2021 is the fifth consecutive fiscal year in which personal injury motor vehicle claim settlements topped the \$100 million mark. Furthermore, the average payout per settlement increased from \$115,326 in FY 2015 to \$253,213 in FY 2021, a 120 percent increase.

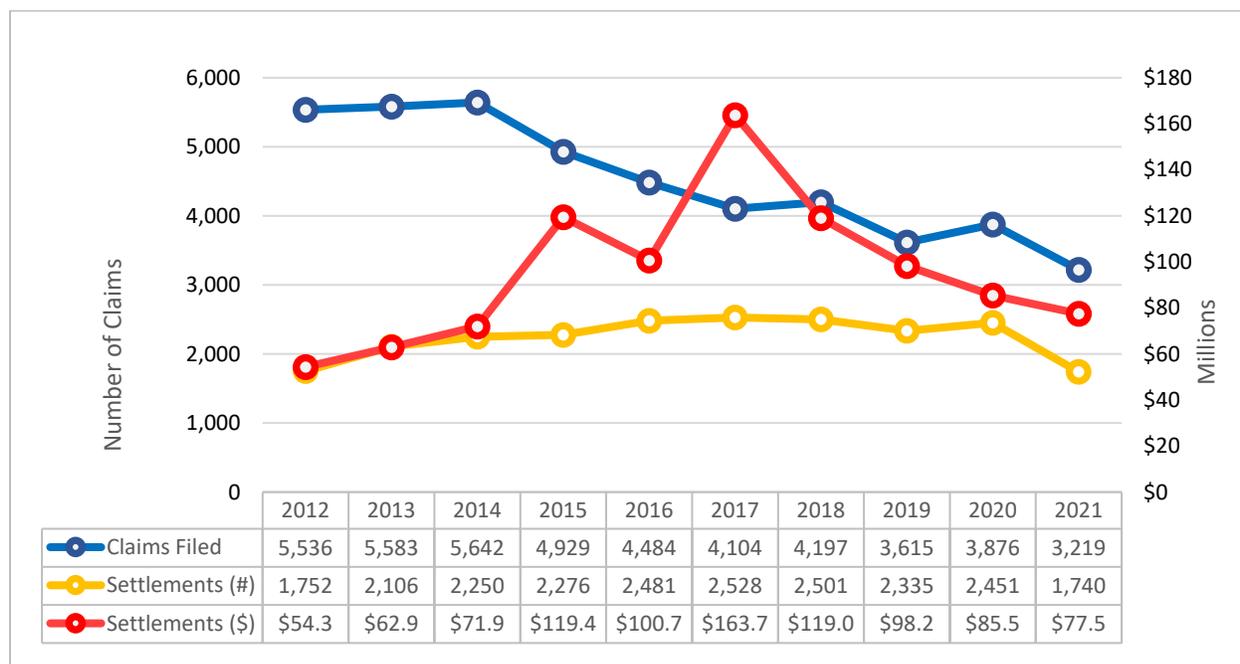
For the first time, we are providing a breakout of motor vehicle claims filed, settlements, and payouts by City agency, for the past decade, in Tables VI, VII, and VIII in the Appendix.

2. Police Action Claims

Personal injury police action claims include allegations of improper police conduct, such as false arrest or imprisonment, or excessive force under New York State law and litigated in New York State courts. Personal injury police action claim filings reduced in FY 2021 to 3,219 claims from 3,876 claims filed in FY 2020, a 17 percent decrease. In FY 2021, personal injury police action

claims were the most frequently filed personal injury claim type and accounted for the third highest claim type payout. Personal injury police action claim settlement costs in FY 2021 decreased by nine percent, to \$77.5 million from \$85.5 million paid out in FY 2020. Since a highpoint in FY 2017, when payouts totaled \$163.7, personal injury police action claim settlements have decreased 53 percent. The number of claims has declined from a peak of 5,642 in FY 2014 to 3,219 in FY 2021.

Chart 8: Personal Injury Police Action Claims Filed and Settled, FYs 2012–2021



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, when appropriate, personal injury police action claims pre-litigation:

Table 4: Personal Injury Police Action Claim Pre-litigation and Litigation Settlements, FYs 2017-2021

Fiscal Year	Police Action Claims (PI) Resolved (total, including Litigation)	Police Action Claims (PI) Resolved (Pre-litigation)	Percent Resolved Pre-litigation	Total Police Action (PI) Claim Payout (in millions)	Total Police Action (PI) Claim Payout (Pre-litigation) (in millions)	Percent Paid Pre-Litigation
2017	2,528	1,218	48%	\$163.6	\$49.5	30%
2018	2,501	1,349	54%	\$119.0	\$29.5	25%
2019	2,335	1,320	57%	\$98.2	\$21.7	22%
2020	2,451	1,221	50%	\$85.5	\$20.2	24%
2021	1,740	953	55%	\$77.5	\$18.2	23%
TOTAL	11,555	6,061	52%	\$543.8	\$139.1	26%

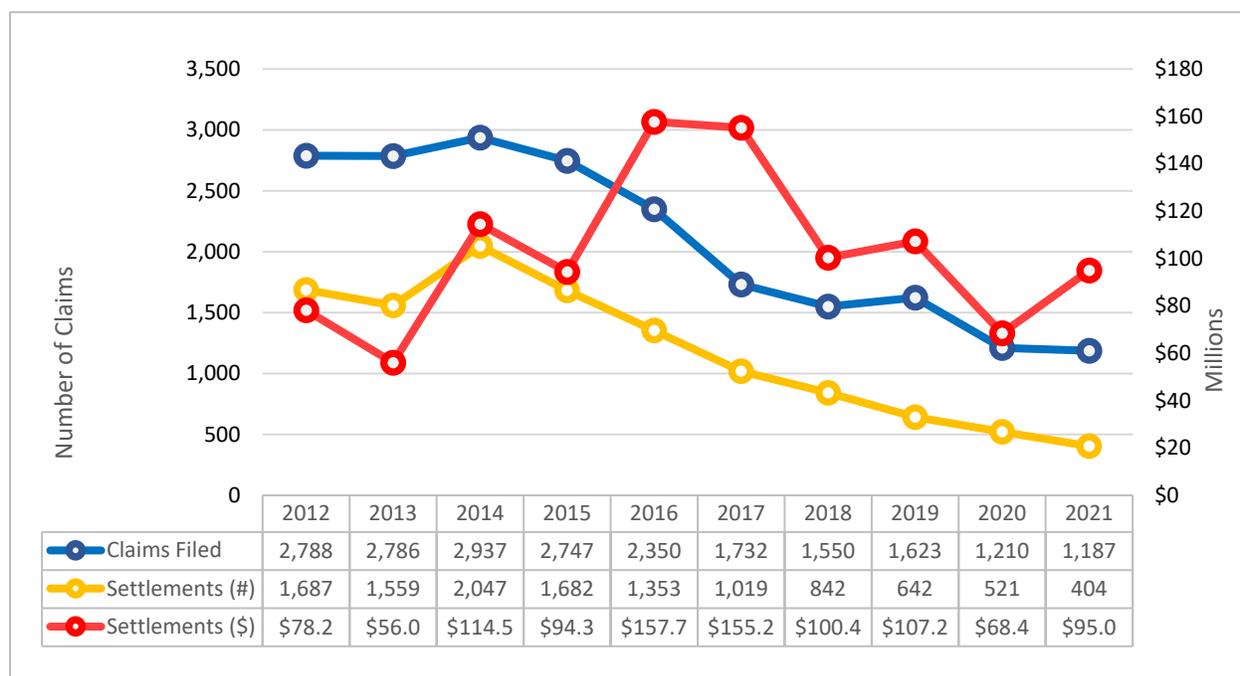
Notably, the Comptroller’s Office pre-litigation settlements resulted in the resolution of 52 percent of all resolved personal injury police action claims over the last five fiscal years. That significant percentage of claims resolved before litigation, however, represents only 26 percent of the total personal injury police action claim payouts over the same time period.

3. 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.

The downward trend of the number of civil rights claims filed continued in FY 2021 with a two percent decrease to 1,187 civil rights claims filed from 1,210 filed in FY 2020. In fact, since FY 2014, when 2,937 civil rights claims were filed, there has been a 60 percent drop in civil rights claims filed. In FY 2021, the cost of civil rights claim payouts increased to \$95.0 million from \$68.4 million in FY 2020, a 39 percent increase.

Chart 9: Civil Rights Claims Filed and Settled, FYs 2012–2021⁷



In FY 2021, 13 of the 102 personal injury claims that resolved for one million dollars or more were civil rights claims, totaling \$69.9 million, or 74 percent of the total civil rights claim payouts, while accounting for only three percent of all civil rights claims settled in FY 2021. Nine of these 13 resolved civil rights claims involved the NYPD.

In FY 2021, the Comptroller’s Office resolved two wrongful conviction claims pre-litigation: David Bryant, who spent 43 years incarcerated and Carlos Weeks, who spent over 26 years incarcerated, for a total of \$19.3 million. These pre-litigation settlements avoided lengthy legal proceedings that are costly for the City and claimants alike. We believe that resolving these claims before litigation results in considerable savings to the City, given that in each case the prosecuting attorneys had previously found that the conviction was wrongful and a judge had reversed the conviction. On average per year incarceration, 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 5: Reversed Conviction Settlements

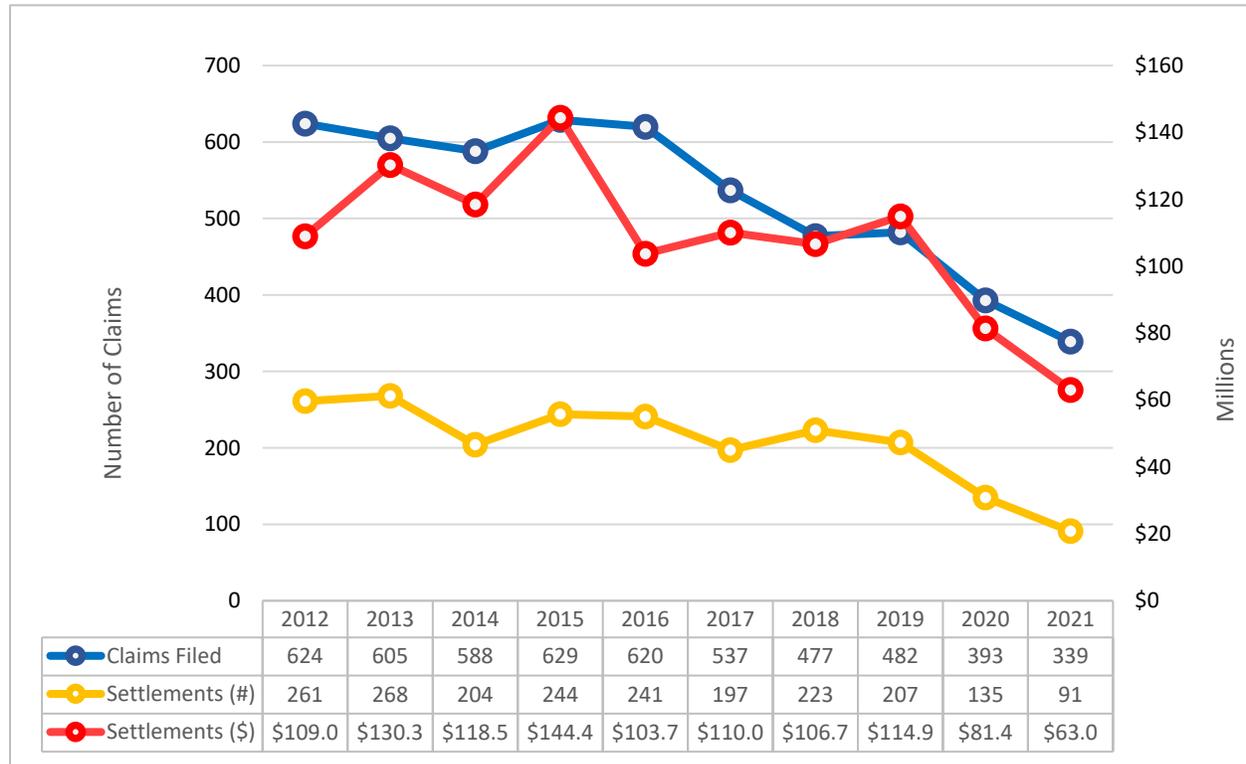
(* indicates pre-litigation settlements; resolutions from prior years can be found in Appendix D)

FY 2021		
Name	Years Incarcerated	Settlement
David Bryant*	43 years (1975 – 2013; 2014-2019)	\$11 million
Carlos Weeks*	26.17 years (1993 – 2019)	\$8.3 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

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 2021, there were 339 medical malpractice claims filed, down 14 percent from the 393 medical malpractice claims filed in FY 2020, and down 46 percent from the 624 claims filed back in FY 2012.. Medical malpractice claims appear to be stabilizing, but we anticipate that the City will continue to pay out costly settlements as a result of the large number of medical malpractice claims filed in years past. The 91 medical malpractice claims resolved in FY 2021 cost the City \$63.0 million, compared to \$81.4 million paid out on 135 medical malpractice claims settled in FY 2020.

Chart 10: Medical Malpractice Claims Filed and Settled, FYs 2012–2021

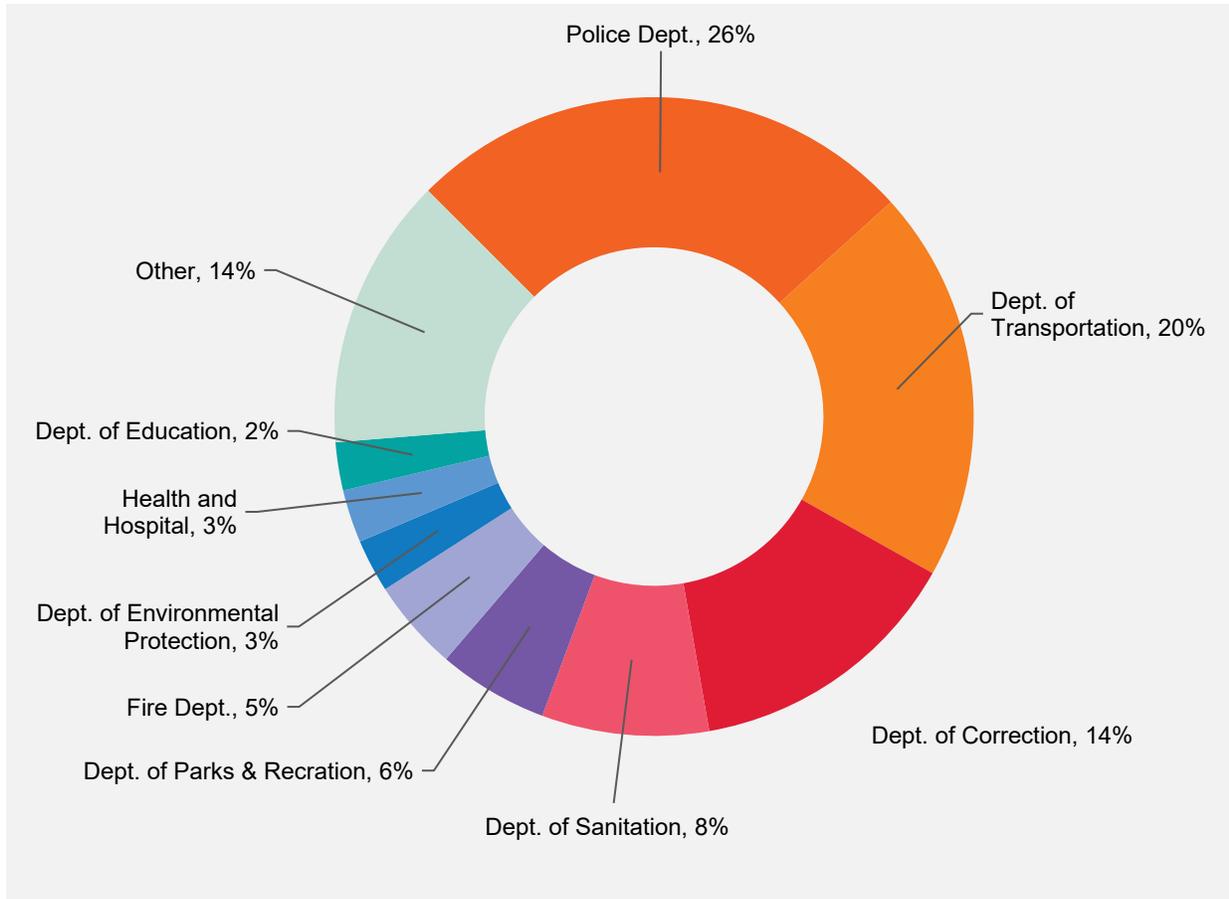


Settlements of medical malpractice claims accounted for 11 percent of the total \$550.6 million paid out for all personal injury claims resolved in FY 2021. Of the 102 personal injury claims resolved for one million dollars or more in FY 2021, 15 were medical malpractice claim payouts, totaling \$42.8 million.

D. Tort Claim Trends by Agency

In FY 2021, the five agencies that experienced the highest number of tort claims filed were the NYPD (5,166 claims), Department of Transportation (3,982 claims), DOC (2,820 claims), DSNY (1,694 claims), and Department of Parks and Recreation (1,120 claims). In FY 2021, tort claims filed against these five agencies dropped to 14,782 claims filed from 15,325 claims filed in FY 2020, a decline of 543 claims filed, or a four percent decrease.

**Chart 11: Percentage of Tort Claims Filed by Agency⁸
FY 2021**

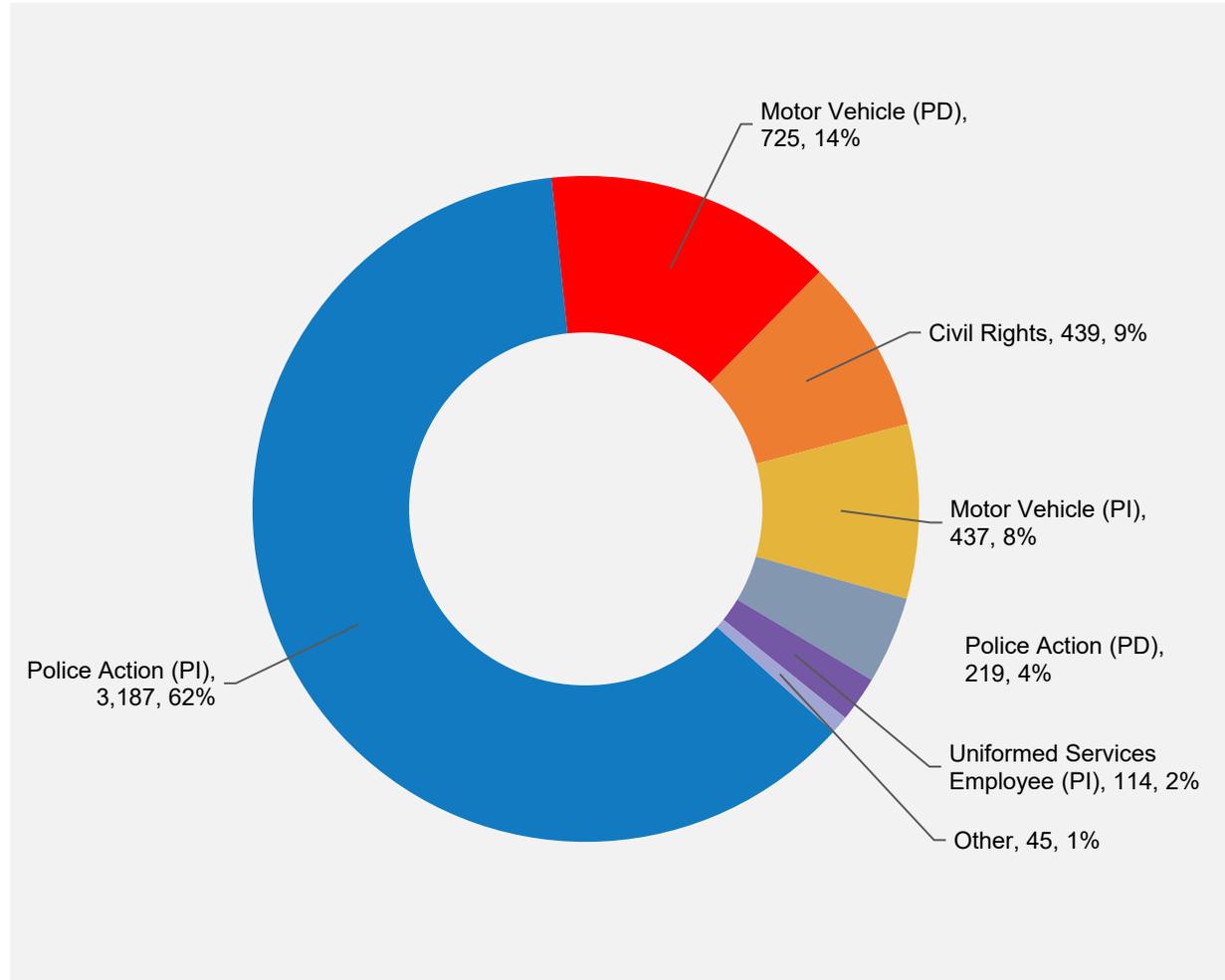


The five agencies with the highest tort claim settlement and judgment costs in FY 2021 were the NYPD (\$206.7 million), DOT (\$85.4 million), H+H (\$68.9 million), DSNY (\$51.6 million), and DOC (\$28.1 million).

1. New York City Police Department

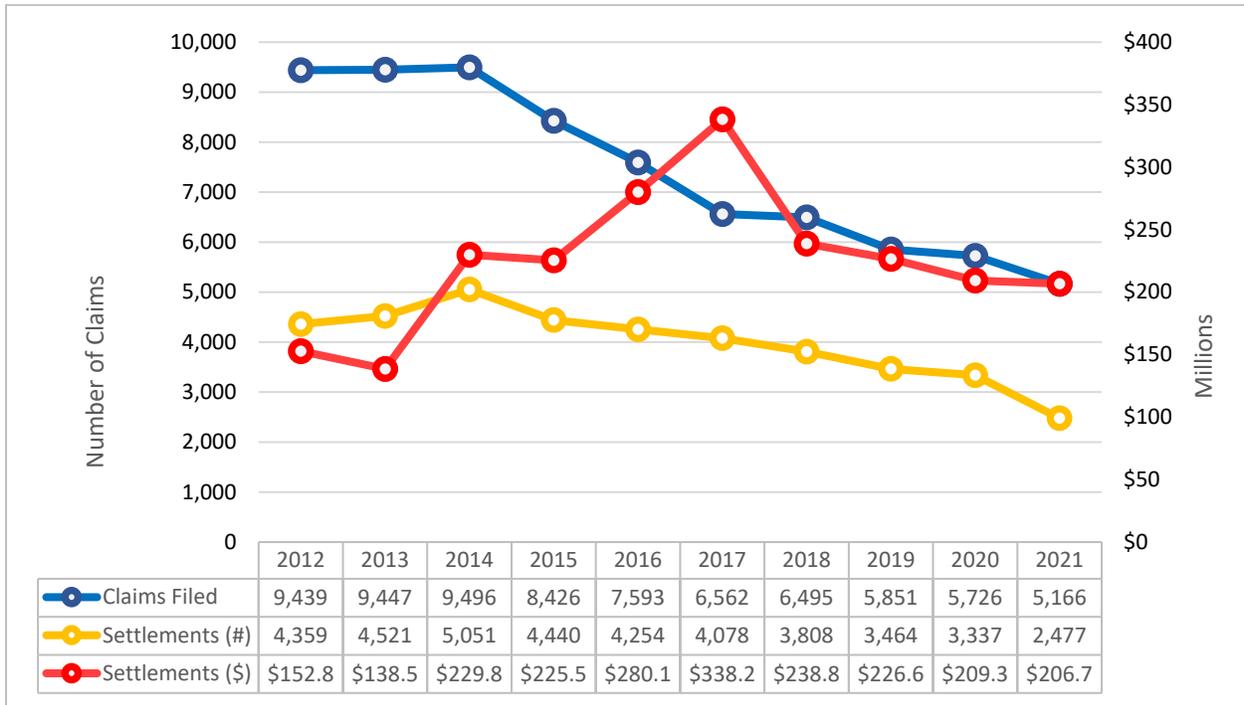
Tort claims against the NYPD include, but are not limited to, allegations of excessive force, civil rights violations, and personal injury or property damage arising out of motor vehicle accidents involving police vehicles. In FY 2021, the number of tort claims filed against the NYPD dropped to 5,166 from 5,726 filed in FY 2020, representing a 10 percent decline. Of those claims filed in FY 2021 against the NYPD, 482 claims and actions alleged police misconduct during widespread protests across the City during Summer 2020. The number of overall claims and actions filed against NYPD arising out of the 2020 protests are more than 550.⁹ Overall, claims filed against the NYPD have steadily decreased since FY 2014, when 9,496 claims were filed, to 5,166 in FY 2021, reflecting a 46 percent decrease.

Chart 12: Number and Percentage of NYPD Tort Claims Filed by Claim Type, FY 2021



Claims against the NYPD that settled in FY 2021 cost the City \$206.7 million, compared to \$209.3 million in FY 2020, a one percent decrease, and a 39 percent decrease from the high of \$338.2 million paid out on NYPD claims in FY 2017.

Chart 13: NYPD Tort Claims Filed and Settled, FYs 2012–2021



As noted in the police action claims section above, the substantial proportion of pre-litigation police action claim settlements has contributed to the reduction in NYPD payouts for the fourth consecutive fiscal year. Resolving claims prior to litigation has also allowed the Law Department to vigorously defend appropriate litigation, which contributed to the lower NYPD agency payouts in FY 2021.

NYPD claims accounted for 37 percent of the total overall cost of resolved FY 2021 tort claim payouts. NYPD settlement costs were the highest among all City agencies in FY 2021. While the Comptroller’s Office, the NYPD, and the New York City Law Department will continue to collaborate to reduce the cost of NYPD claim settlements through appropriate pre-litigation settlements, the NYPD should also do more to incorporate information on claims against officers into its accountability framework, and adopt additional policies designed to reduce misconduct claims.

It is anticipated that there will continue to be high exposure reversed conviction claims filed as District Attorney’s offices continue to review past convictions. For example, the seven reversed conviction claims resolved in FY 2021 represent less than one percent of all NYPD claims resolved, but total \$40.0 million, or 19 percent of the total NYPD payouts in FY 2021. This continues the trend of reversed conviction payouts comprising a high percentage of NYPD claim payouts, as illustrated in the table below.

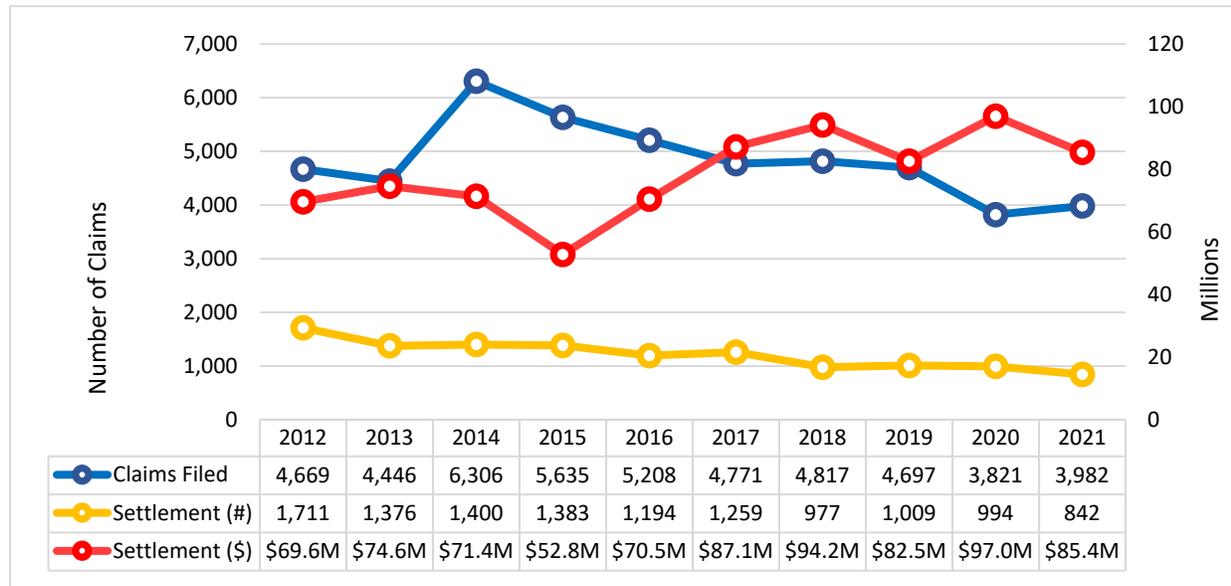
Table 6: Reversed Conviction Claims, FYs 2016–2021

Fiscal Year	Major Reversed Conviction Claims Resolved (Pre-litigation and Litigation)	Total Cost	NYPD Claims Total Settled (PI and PD)	NYPD Claims Total Payout (PI and PD)	Reversed Conviction Percent of Total NYPD Claims Settled	Reversed Conviction Percent of Total NYPD Claim Payout
2016	9	\$62.2M	4,254	\$280.1M	0.21%	22.2%
2017	14	\$99.93M	4,078	\$338.2M	0.34%	29.5%
2018	5	\$33.25M	3,807	\$238.8M	0.13%	14.0%
2019	7	\$30.93M	3,464	\$226.6M	0.20%	13.7%
2020	4	\$20.3M	3,337	\$209.3M	0.12%	10.0%
2021	7	\$40.02M	2,477	\$206.7M	0.28%	19.4%
TOTAL	46	\$286.63M	21,417	\$1,499.7M	0.21%	19.1%

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 accidents involving DOT vehicles. In FY 2021, 3,982 claims were filed against DOT, compared to 3,821 in FY 2020, a four percent increase. Importantly, however, the settlement amount for DOT claims in FY 2021 decreased to \$85.4 million, down from \$97.0 million in FY 2020, a 12 percent decrease.

Chart 14: DOT Tort Claims Filed and Settled, FYs 2012–2021



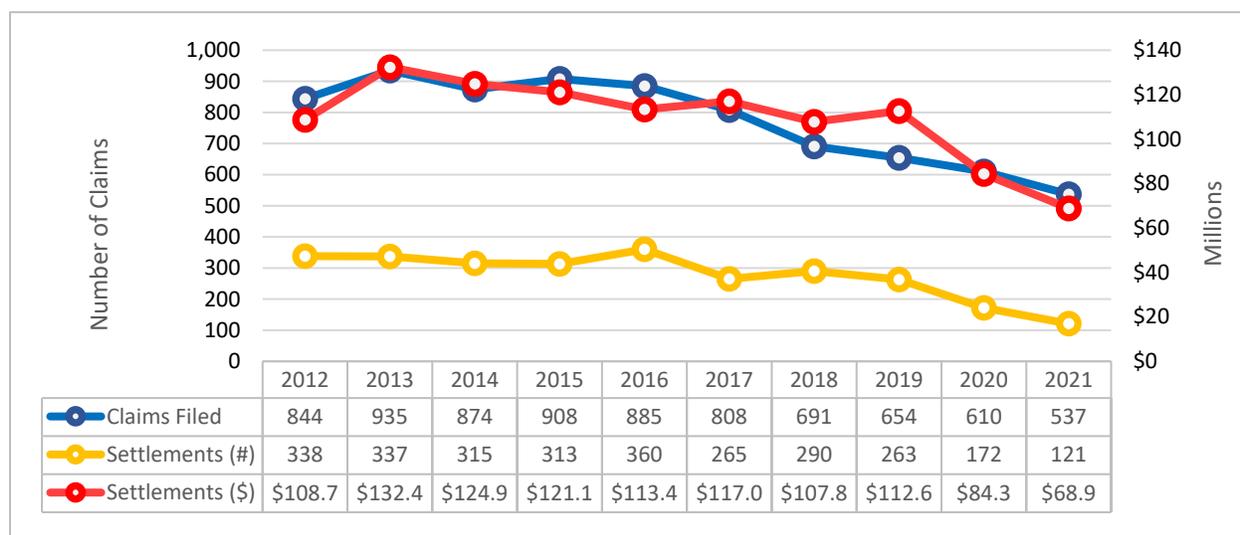
The number of DOT claim settlements decreased to 842 in FY 2021, compared to 994 DOT claims resolved in FY 2020, a 15 percent decrease. However, the data indicates that the average cost per DOT claim settlement increased since FY 2016, when the average cost per DOT claim settlement was \$59,006. In FY 2021, the average cost to settle a DOT claim increased from FY 2016 by 72 percent to \$101,421.

3. 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 2021, 537 claims were filed against H+H, down from 610 claims filed in FY 2020, a 12 percent decline. The amount paid out on H+H claims decreased to \$68.9 million in FY 2021, down from \$84.3 million in FY 2020, an 18 percent decline.

Chart 15: H+H Tort Claims Filed and Settled, FYs 2012–2021



Of the 537 claims filed against H+H in FY 2021, there were 339 medical malpractice claims filed, accounting for 63 percent of all H+H claims. H+H claims constituted two percent of the total number of tort claims resolved in FY 2021, but accounted for the third highest tort expenditure at \$68.9 million, or 12 percent of the total amount paid for settled tort claims in FY 2021.

Notably, the number of medical malpractice claims filed against H+H’s acute care hospitals¹⁰ decreased by 68 claims to 284 in FY 2021 from 352 claims filed in FY 2020, a decrease of 19 percent.

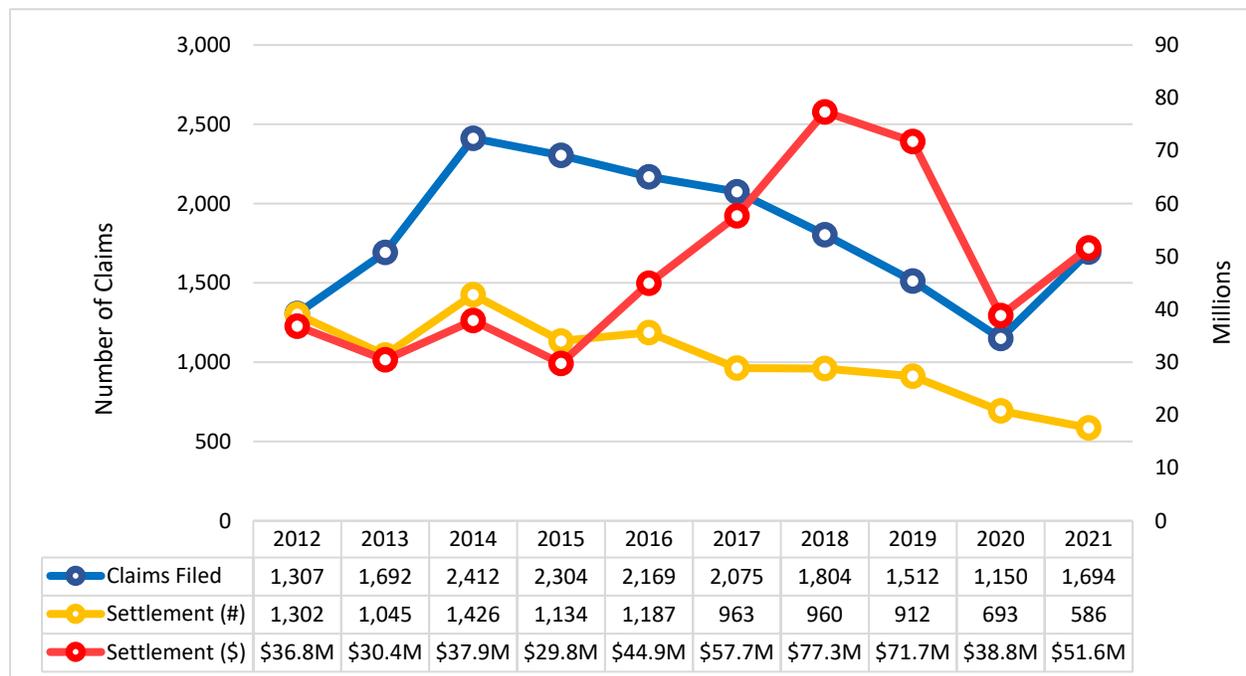
Table 7: H+H Medical Malpractice Claims Filed and Settled by H+H Acute Care Hospital, FYs 2020–2021

HH Acute Care Hospital	Claims Resolved FY 2021	Amount Paid (In Millions)	Number of Claims Filed FY 2021	Number of Claims Filed FY 2020	Increase/ (Decrease)
Bellevue	6	\$4.5	28	50	-22
Coney Island	8	\$3.2	17	37	-20
Elmhurst	7	\$2.8	28	32	-4
Harlem	10	\$7.3	34	25	9
Jacobi / Bronx Municipal	8	\$7.4	42	43	-1
Kings County	15	\$6.4	45	39	6
Lincoln	11	\$1.9	26	41	-15
Metropolitan	1	\$0.1	16	18	-2
North Central Bronx	3	\$2.5	10	14	-4
Queens Hospital Center	6	\$4.3	18	19	-1
Woodhull	11	\$3.4	20	34	-14
Total	86	\$43.8	284	352	-68

4. Department of Sanitation

Claims against the Department of Sanitation (DSNY) include, but are not limited to, motor vehicle accidents involving DSNY vehicles (for both personal injury and property damage) and employee workplace accident claims. In FY 2021, there were 1,694 claims filed compared to 1,150 in FY 2020, a 47 percent increase, though still down 30 percent from a high of 2,412 in FY 2014. DSNY claim settlement payouts increased to \$51.6 million in FY 2021, up from \$38.8 million in FY 2020, a 33 percent increase.

Chart 16: DSNY Tort Claims Filed and Settled, FYs 2012–2021

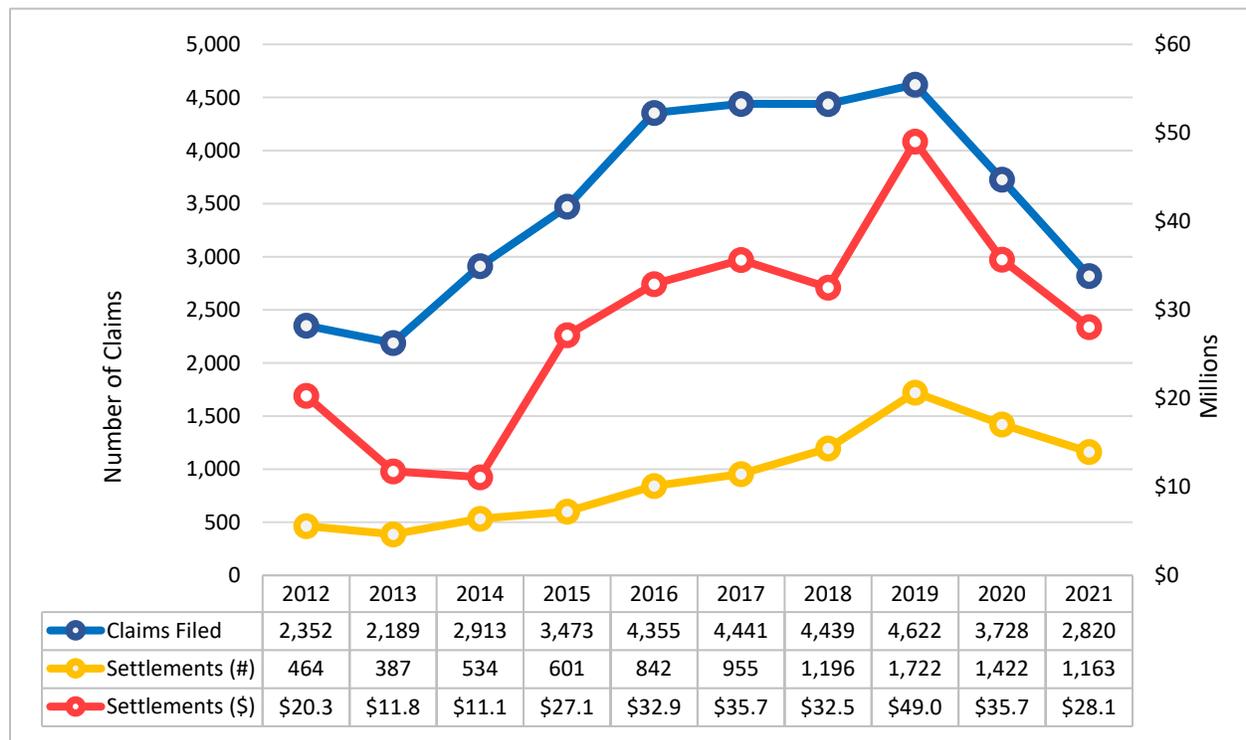


The number of settlements of claims against DSNY decreased by 107 claims, or 15 percent, from FY 2020 to FY 2021. This continues the trend of a declining number of settlements since FY 2014, when 1,426 claims against DSNY settled. Settlements in FY 2021 were 49 percent less than in FY 2014. However, there was a sharp rise in new claims filed in FY 2021, an increase of 47% from 1,150 in FY 2020 to 1,694 in FY 2021. In addition, despite the decline in the overall DSNY settlements in FY 2021, there has been an increase in average cost in DSNY claim settlements that can be attributed to severe injuries associated with accidents 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 claims¹¹), resulting in higher settlement payouts in FY 2021. The average DSNY claim settlement cost in FY 2021 was \$88,101, up 236 percent from FY 2014, when the average DSNY claim settlement cost \$26,568.

5. Department of Correction

Claims against the Department of Correction (“DOC”) include, but are not limited to, allegations of unsupervised detainee on detainee violence, use of force against detainees by correction officers, inappropriate conditions of confinement, motor vehicle accidents and slip and fall incidents. In FY 2021, there were 2,820 claims filed compared to 3,728 in FY 2020, a 24 percent decrease. Since FY 2017, when claims filed against DOC peaked at 4,441, there has been a 37 percent decrease in DOC claims filed through FY 2021, reversing a four-year trend of steadily increasing claims. Additionally, DOC claim payouts decreased to \$28.1 million, the lowest figure since FY 2015. A recent influx of class action filings pertaining to DOC, however, may result in higher payouts in future years.

Chart 17: DOC Tort Claims Filed and Settled, FYs 2012–2021



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 8: DOC Claim Pre-litigation and Litigation Claim Settlements

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
2017	934	503	54%	\$35.6	\$4.4	12%
2018	1,162	638	55%	\$32.5	\$5.3	16%
2019	1,703	956	56%	\$49.0	\$8.4	17%
2020	1,406	993	71%	\$35.6	\$8.8	25%
2021	1,159	855	74%	\$28.1	\$8.4	30%
TOTAL	6,364	3,945	62%	\$180.8	\$35.3	20%

E. Tort Claim Trends by Borough¹²

The Bronx had the most overall tort claims filed, with 5,779 claims, followed by Brooklyn (4,816 claims), Queens (3,597 claims), Manhattan (3,380 claims), and Staten Island (821 claims). Consistent with the prior five fiscal years, the Bronx had the most personal injury claims filed (4,825 claims).

Table 9: Number of Tort Claims Filed by Borough, FY 2021

Borough	Personal Injury (PI) Claims	Property Damage (PD) Claims	Total Tort Claims
Bronx	4,825	954	5,779
Brooklyn	3,255	1,561	4,816
Manhattan	2,395	985	3,380
Queens	1,893	1,704	3,597
Staten Island	393	428	821

The Bronx also had the highest per capita filing of personal injury claims at 337 claims per 100,000 residents, as compared to Queens and Staten Island, which both had the fewest personal injury claims with 83 claims per 100,000 residents. Staten Island had the greatest number of property damage claims filed per capita, with 90 claims per 100,000 residents, while Brooklyn and Manhattan both had the fewest property damage claims with 60 claims per 100,000 residents.¹³

Table 10: Tort Claims Filed by Borough Per 100,000 Residents¹⁴ FY 2021

Borough	Total Tort Claims Per 100,000 Residents	Total PI Claims Per 100,000 Residents	Total PD Claims Per 100,000 Residents
Bronx	404	337	67
Brooklyn	486	126	60
Manhattan	208	147	60
Queens	158	83	75
Staten Island	172	83	90

Table 11: Tort Claims Resolved and Amounts Paid by Borough, FY 2021

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 Tort Claims Resolved	Total Tort Claim Payouts (In Millions)
Bronx	1,934	\$171.2	217	\$1.0	2,151	\$172.2
Brooklyn	1,286	\$178.9	395	\$1.4	1,681	\$180.3
Manhattan	847	\$82.2	255	\$1.0	1,102	\$83.2
Queens	518	\$62.4	400	\$2.2	918	\$64.6
Staten Island	206	\$21.4	92	\$0.4	298	\$21.8

V. Labor and Employment Claims

Labor and employment claims are filed by City employees relative to the terms and conditions of their employment. Historically, these types of claims have been recorded as either a personal injury civil rights claim or a law salary claim depending on the nature of the allegations. Beginning in FY 2019, the Comptroller’s Office began recording all claims filed by City employees related to the terms and conditions of their employment as labor and employment claims. In this report, for continuity in claims analysis, labor and employment claims data will be reported under its prior claim type classification and will be reflected in the overall filing and settlement numbers.

Extracted from the labor and employment claims is the following data: in FY 2021, 272 labor and employment claims were filed. in FY 2021, 96 labor and employment claims settled, with a total payout of \$17.3 million. The FY 2021 labor and employment claim settlement numbers do not reflect settled claims filed prior to FY 2019, since those claims were recorded as personal injury civil rights claims, and law salary claims.

Table 12: Labor and Employment Claims Filed and Resolved and Amounts Paid, FY 2021

Fiscal Year	# of Labor and Employment Claims Filed	# of Labor and Employment Claims Settled	Total Labor and Employment Claim Payout
2019	446	12	\$450,964
2020	474	19	\$28,333,078
2021	272	96	\$17,339,493
TOTAL	1,192	127	\$46,123,535

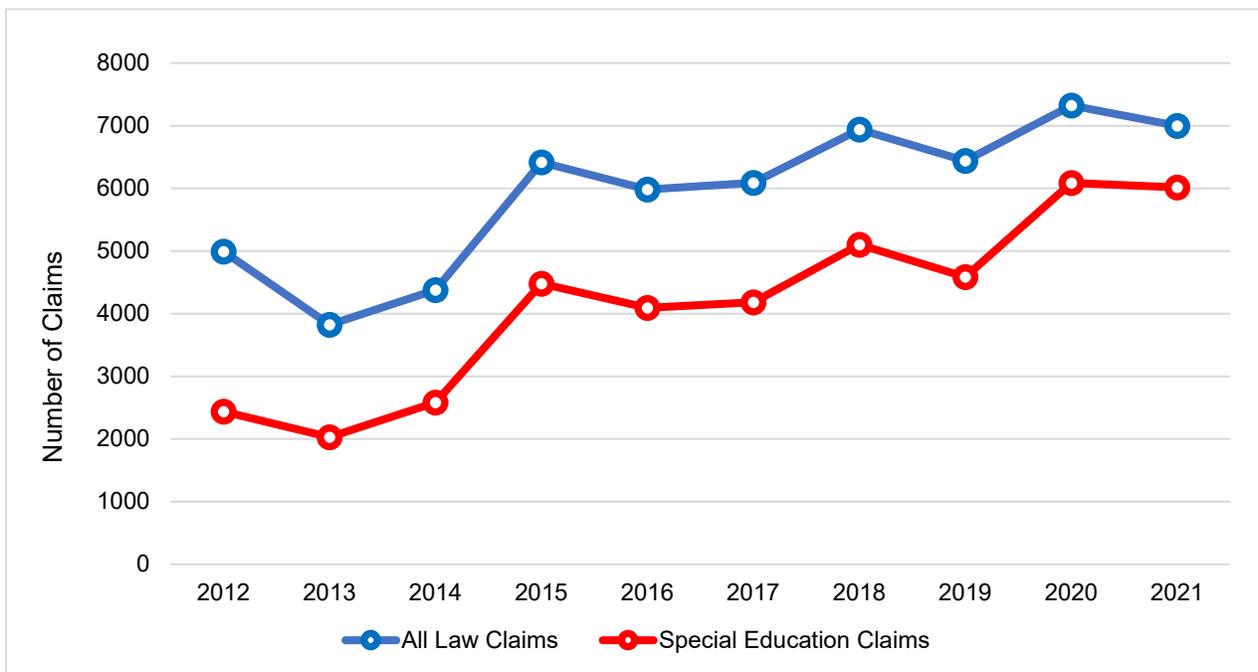
VI. Law (Non-Tort) Claims

Law (non-tort) claims include claims arising from City contracts, equitable claims, refund claims, alleged City employee salary discrepancies, 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

The number of law claims filed decreased by 324 claims, or four percent, to 6,999 claims in FY 2021 from the 7,323 law claims filed in FY 2020. There was a decrease in the number of claims filed across most claim types, with a notable exception of an increase in the number of dispute claims filed, which increased by 95 percent. Special education claims continue to account for the largest proportion—86 percent—of law claims filed in FY 2021 and continue to drive the total number of law claims filed.

Chart 18: Comparison of Special Education Claims Filed to All Law Claims Filed, FYs 2012–2021

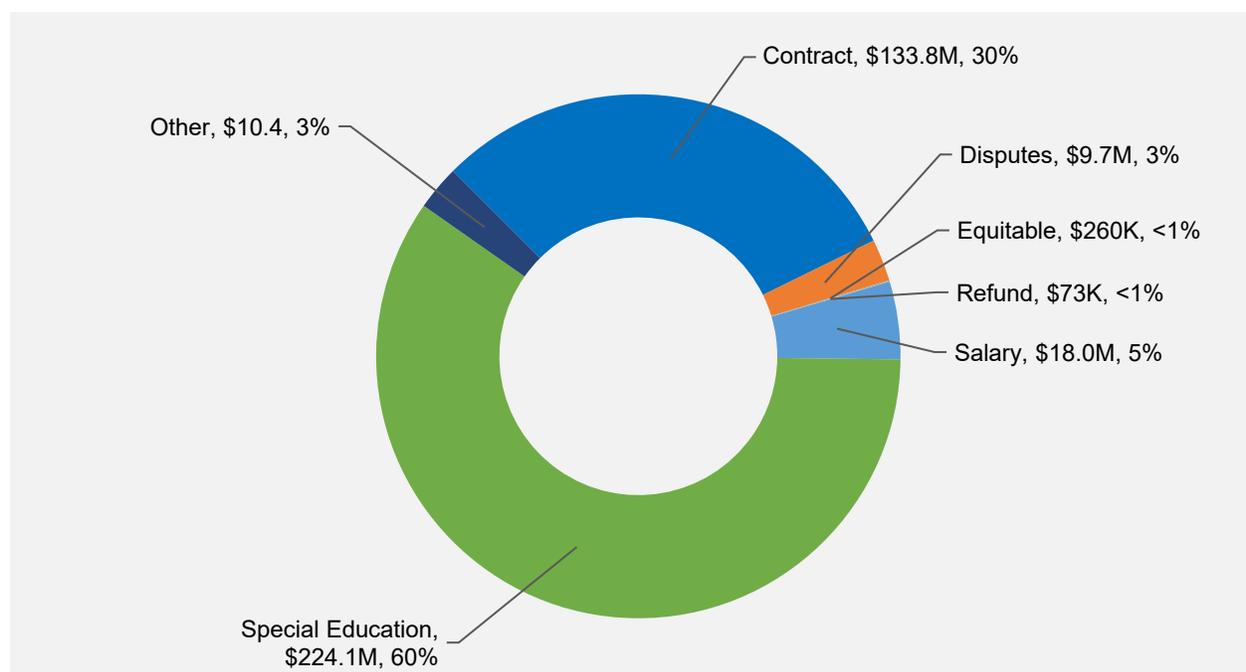


The total number of law claims settled in FY 2021 decreased 33 percent to 4,023 claims from 6,007 claims settled in FY 2020. The total cost of settlements paid out for law claims decreased 22 percent to \$376.4 million in FY 2021 from \$483.2 million in FY 2020.¹⁵

The number of special education claims settled in FY 2021 represents 90 percent of all law claims settled. The cost of special education claim settlements in the amount of \$224.1 million constitutes 60 percent of all law claim payouts in FY 2021.

In FY 2021, contract claims accounted for the second largest law claim payouts at \$113.8 million, representing 30 percent of all law claim payouts. Notably, the total number of contract claim settlements make up less than one percent of the total number of law claim settlements.

Chart 19: Law Claims by Claim Type Amount Paid in Settlements & Judgments (in millions) and Percentage of Law Claim Settlements & Judgments Paid, FY 2021¹⁶



B. Law Claim Trend by Claim Type

1. Special Education Claims

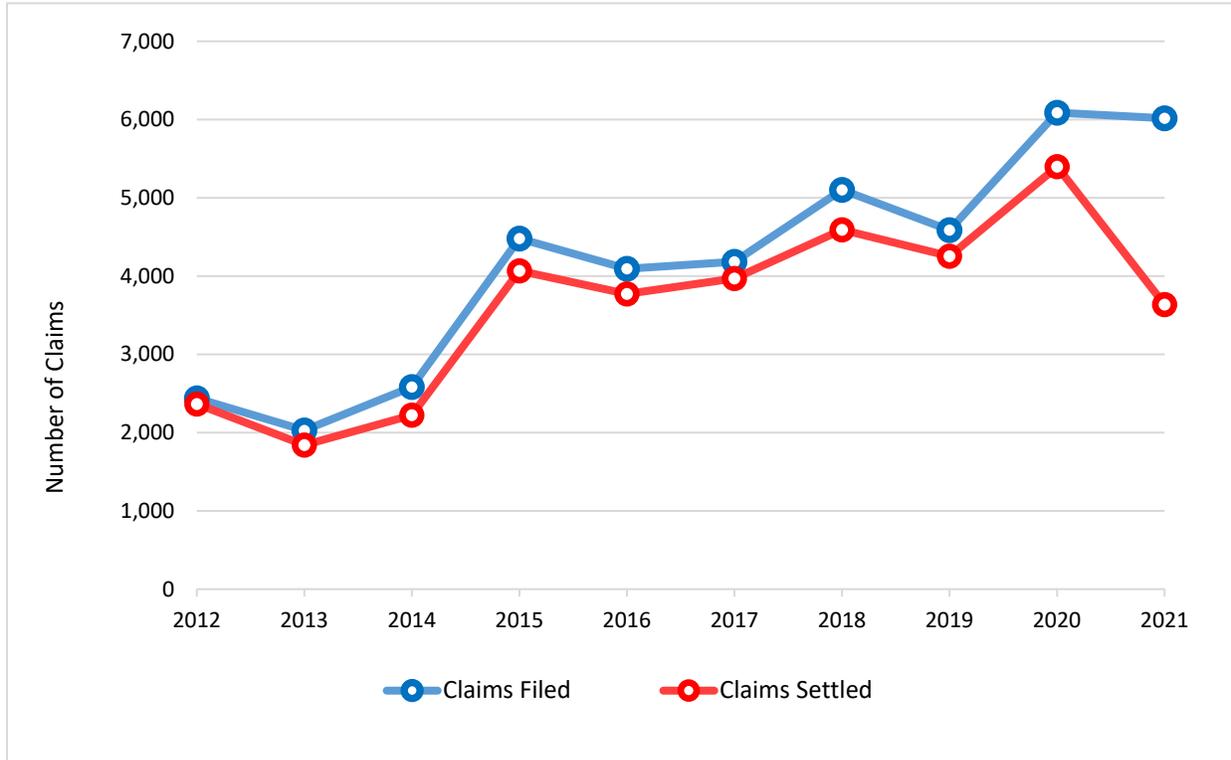
Special education claims include claims on behalf of parents for the reimbursement of special education services costs and tuition and claims for statutory attorneys' fees¹⁷ where an underlying claim for special education reimbursement has been successful.

In June 2014, the City launched the “fast track” process to address claims for costs and tuition payments from parents of students requiring special education services. Following the launch of the “fast track” process, the Comptroller’s Office noted a sharp rise in the number of special education claims filed and settled in FY 2015. The number of special education claims filed and settled in FY 2021 continues to reflect a notable increase over pre-“fast track” claim numbers. In FY 2021, there were 6,015 special education claims filed, compared to 2,582 claims filed in FY 2014, an increase of 133 percent. A year-to-year comparison of special education claims filed shows a one percent decrease in special education claims filed in FY 2021 from FY 2020, when 6,088 special education claims were filed.

Beginning in April 2020, the Comptroller’s Office and DOE modified the approval process for settlement of special education claims. Prior to this change, DOE negotiated settlements with parents, subject to Comptroller’s Office approval, and then submitted requests for settlement authority for approval. These settlements were then immediately recorded. However, to ensure that DOE attorneys have authority to enter early settlement with parents, to prevent delays in the settlement process, and to facilitate prompt payment of settlements, DOE began seeking settlement authority earlier in the process for all cases in FY 2021. Due to this change, the timing of the recording of special education settlements has also changed, because claims are submitted and settlement authority granted well before a settlement is executed and reported. As a result, while preliminary settlement agreements may be reached earlier than they would have been, they are executed and reported later. This shift in settlement data recording may have impacted the settlements recorded in FY 2021. While the number of claims filed remained steady in FY 2021 (a one percent decrease), the total number of special education claims settled in FY 2021 decreased by 33 percent to 3,636 from the 5,398 claims settled in FY 2020. Preliminary settlement numbers for FY 2022 through May 15, project that settlements in FY 2022 will increase over FY 2021 settlements as the shift in settlement data recording is absorbed.

Finally, the amount paid out on special education claims decreased by 38 percent to \$224.1 million during FY 2021 as compared to \$360.4 million paid out in FY 2020, likely for the same reason.

Chart 20: Special Education Claims Filed and Settled, FYs 2012–2021



2. 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 2021, 148 dispute claims were filed, an increase of 95 percent from the 76 claims filed in FY 2020. In FY 2021, 23 dispute claims were negotiated and settled for a total of \$9.7 million. This represents a 235 percent increase from the \$2.9 million paid out on 32 dispute claims settled in FY 2020.¹⁸

3. 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 2021 decreased 30 percent to 69 claims from 98 claims filed in FY 2020. The number of contract claim settlements increased five percent to 21 contract claims settled in FY 2021 from 20 contract claims settled in FY 2020. There was a 128 percent increase in the cost of contract claim settlements in FY 2021 to \$113.8 million paid out for contract claim settlements from \$49.8 million in FY 2020.

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. The expertise of numerous staff members within the Comptroller's Office, including professional engineers, auditors, and attorneys, is called upon to analyze delay claims.

In FY 2021, 18 delay claims settled, accounting for 86 percent of the 21 contract claims settled. The \$113.6 million paid out on these 18 delay claim settlements make up 99.9 percent of the \$113.8 million in settlements paid out for all contract claims in FY 2021. The negotiated cost of these settlements represents an adjustment of \$196.0 million, or 63 percent, from the amount of damages initially claimed by contractors. In FY 2021, delay claim settlements increased the overall cost of the subject projects to the City by five percent over the total original contract prices.

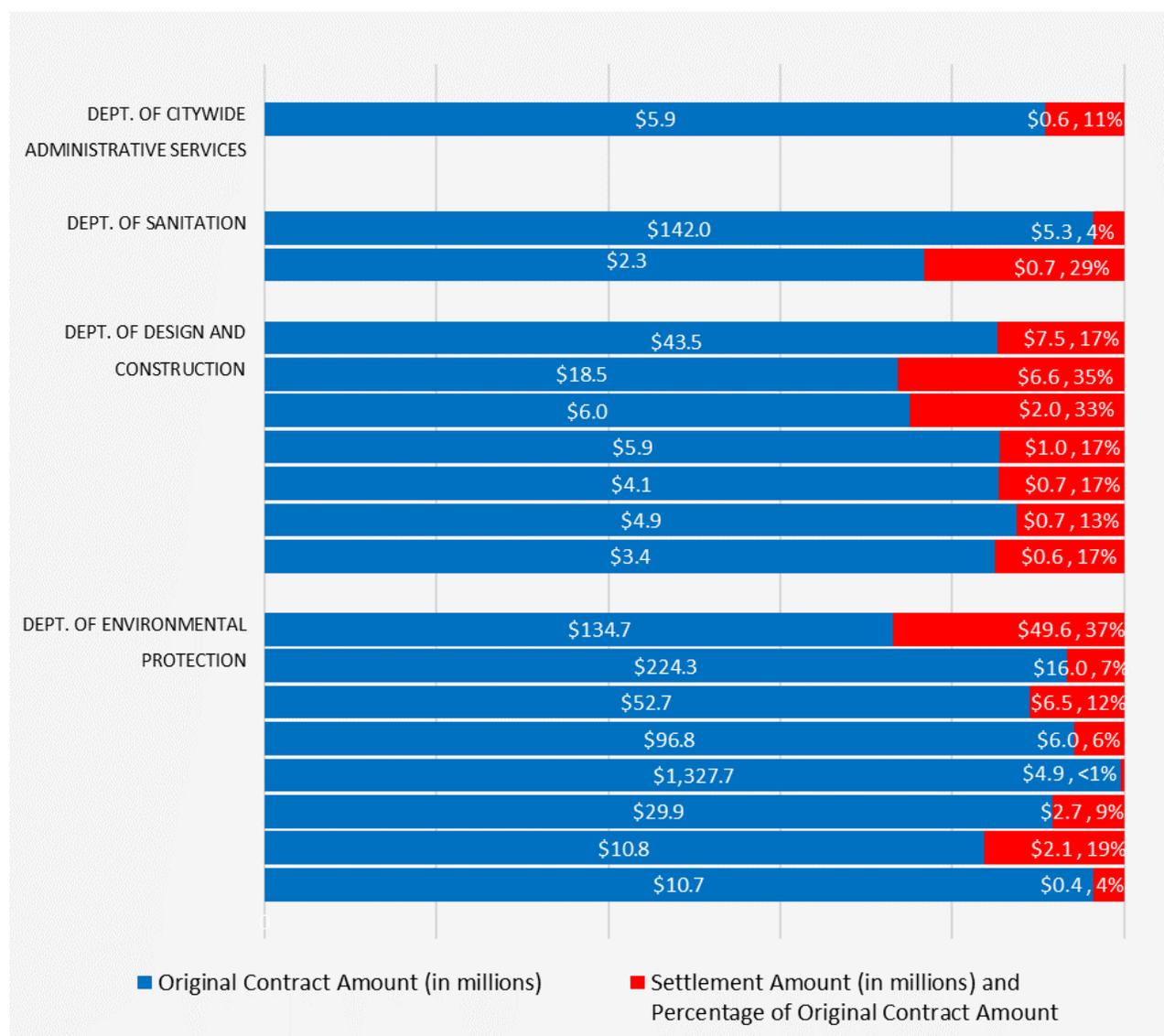
Of the 18 delay claims settled in FY 2021, eight delay claims arose out of contracts with the Department of Environmental Protection (DEP). The claims against DEP alleged damages totaling \$253.0 million, which the City was able to negotiate and settle for \$88.1 million, an adjustment of 65 percent of the claimed damages. The subject DEP contracts had original contract costs totaling \$1.9 billion. The eight DEP settlements totaling \$88.1 million increased the original contract costs by five percent.

Another seven delay claims arose out of contracts with the Department of Design and Construction (DDC). The claims against DDC alleged damages totaling \$38.9 million, which the City was able to negotiate and settle for \$19.0 million, an adjustment of 51 percent of the claimed damages. The subject DDC contracts had original contract costs totaling \$86.4 million. The seven DDC settlements totaling \$19.0 million increased the original contract costs by 22 percent.

Another two of the claims arose out of contracts with the Department of Sanitation (DSNY). The two DSNY claims alleged damages totaling \$14.8 million, which the City was able to negotiate and settle for a total of \$5.9 million, an adjustment of 60 percent of the initial claimed damages. The subject DSNY contracts had original contract costs totaling \$144.3 million. The two DSNY settlements totaling \$5.9 million increased the original contract costs by four percent.

One delay claim arose out of a contract with the Department of Citywide Administrative Services (DCAS). The DCAS claim alleged damages of \$2.8 million, which the City was able to negotiate and settle for \$0.6 million, an adjustment of 78 percent of the claimed damages. The subject DCAS contract had an original contract cost of \$5.9 million. The \$.6 million settlement increased the original contract cost by 11 percent.

Chart 21: Delay Claim Settlements: Percentage Cost Increase Above Original Contract Bid Price, FY 2021



4. 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 2021 there were 314 requests for settlement authority to resolve affirmative claims, down from 578 requests in FY 2020, a 46 percent decrease. This is the second fiscal year where there has been a significant decrease, down from 1,098 requests for settlement authority for affirmative claims in FY 2019.

In FY 2021, the Comptroller's Office approved settlement of 256 affirmative claims for a benefit to the City totaling \$32.6 million, as compared to FY 2020, when 490 affirmative claims were settled for payment to the City of \$18.6 million. The FY 2021 affirmative claims recovery was \$14.0 million more than the amount recovered in FY 2020, a 75 percent increase. The increase in funds recovered in FY 2021 is due in large part to a \$25.9 million affirmative settlement of a False Claims Act matter.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 2021, the City recovered civil penalties in the amount of \$.9 million on 112 claims, down from \$1.6 million in civil penalties recovered on 274 claims in FY 2020, a 46 percent decrease in civil penalties recovered.

5. 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.

Beginning in FY 2019, all claims related to the terms and conditions of City employment were classified as labor and employment claims. Therefore, such claims are no longer recorded as salary claims; however, settlements of salary claims filed prior to FY 2019 are ongoing.

In this report, for continuity in claims analysis, labor and employment claims data is reported under its prior claim type classification and is reflected in the overall filing and settlement numbers. The data reported below is for both pre-FY 2019 law salary claims and post-FY 2019 labor and employment salary claims.

In FY 2021, 54 salary claims were filed, down from the 73 claims filed in FY 2020, a decrease of 26 percent. In FY 2021, there were judgment and settlement payouts on 22 salary claims, a decrease of 12 percent from the 25 payouts in FY 2020. In FY 2021, the 22 salary claim judgments

and settlements resulted in payouts of \$18.0 million, a 71 percent decrease in judgment and settlement payouts from the \$61.4 million paid out in FY 2020. The \$43.4 million decrease in payments in FY 2021 is due in large part to three eight-figure salary claim payouts in FY 2020. However, salary claim payouts in FY 2021 are still greater than FYs 2017 (\$7.6 million), 2018 (\$10.3 million), and 2019 (\$7.8 million). The increased payout over prior years is in large part due to two seven figure payouts: an \$8.9 million settlement of a Fair Labor Standards Act claim against the Department of Homeless Services; and continuing payments of judgments relative to attorneys' fees and backpay interest in a long-standing employment discrimination class action against the DOE related to the claimed disparate impact of certain licensing exams for teachers resulting in \$6.4 million in payments.

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. Labor and Employment Claims

Labor and employment claims are filed by City employees relative to terms and conditions of their employment. Labor and employment claims can encompass a wide variety of allegations, from discrimination and harassment, to collective bargaining violations or time and leave use accrual errors, to violations of state or federal employee protection laws.

IV. 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.²⁰

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."²¹ 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.²² 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.²³ 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.²⁴

The City Charter grants the Comptroller the power to settle and adjust all claims in favor of or against the City.²⁵ The Comptroller has the power to investigate claims, evaluate liability and damages, and reach a settlement prior to litigation.²⁶ 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.²⁷ 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.²⁸

Appendix C: Top Ten Tort Claims Adjudicated in FY 2021

1. Sixty-seven-year old plaintiff was struck by a non-City vehicle and sustained various head and body injuries. At Kings County Hospital there was an alleged four-hour delay in conducting certain tests for the head injuries, allowing brain damage to develop and resulting in severe permanent physical and mental deficits. The case went to trial wherein a jury determined there were departures from the standard of care and issued a \$28.0 million award. The verdict was reduced on appeal to \$16,695,263.
2. An NYPD officer attempted to effectuate a traffic stop of twenty-seven-year old plaintiff. Plaintiff drove away as the officer approached, trapping the officer’s arm in the car window and dragging him along. The officer shot into the vehicle and struck plaintiff in the spine, rendering him paraplegic. The case went to trial wherein a jury determined the use of deadly force was unreasonable. Settlement after verdict, including accrued interest, for \$13.25 million.

3. Claimant was convicted in 1975 of raping and murdering an eight-year-old girl in the Bronx. He served 43 years incarcerated until DNA samples were retested and excluded him as the perpetrator, thus reversing his conviction. The key eyewitness also recanted his testimony and accused NYPD officers of coercing his identification and testimony. The Bronx District Attorney did not oppose. Settlement of \$11.0 million (pre-litigation).
4. Fifteen-year-old Plaintiff was convicted in 1989 of murdering his mother in the Bronx. He served nearly 20 years incarcerated before obtaining parole. In 2019, his conviction was reversed on the grounds that his confession was coerced and other relevant information was suppressed at his criminal trial. The Bronx District Attorney's Office supported vacating claimant's conviction. Settlement of \$11.0 million.
5. Claimant was convicted of a 1993 murder and assault. He served over 26 years incarcerated until the Kings District Attorney reviewed his conviction in 2019. The Conviction Integrity Unit declared claimant to be "legally innocent" because the eyewitnesses relied upon to secure conviction were unreliable and their testimony manufactured. The Kings District Attorney joined the motion to vacate. Settlement of \$8.3 million (pre-litigation).
6. Plaintiff was convicted of a stabbing murder that occurred in 1994. He served over 14 years before his conviction was vacated on the grounds that NYPD allegedly withheld exculpatory information and the Queens District Attorney engaged in trial misconduct. The Queens District Attorney opposed and appealed the motion to vacate. Settlement of \$8.0 million.
7. Twenty-year-old plaintiff was convicted for the 1995 murder of a retired police officer. He served 22 years incarcerated before reversing his conviction by alleging Brady violations and identification misconduct by the Bronx District Attorney and NYPD. The Bronx District Attorney opposed the motion and also re-tried plaintiff in 2018, but the jury acquitted him. Settlement of \$7.7 million.
8. Fourteen-year-old plaintiff was convicted of the 1991 murder and assault of two off-duty correction officers. Plaintiff served 17 years before obtaining early release on parole. He reversed his conviction in 2018 after alleging evidence suppression and coercion of witnesses. Detectives Louis Scarcella and Steven Chmil were involved in the arrest and prosecution. The Kings District Attorney opposed the motions. Settlement of \$5.9 million
9. Plaintiff, the estate of a twenty-seven-year old transgender person, died while in custody on Rikers Island. Her estate claimed that Department of Correction employees failed to properly monitor and provide medication for decedent's epilepsy and related medical conditions. Settlement of \$5.9 million.
10. A Department of Sanitation truck struck sixty-four-year-old plaintiff bicyclist in an intersection, causing major leg injuries. Settlement of \$5.75 million.

Appendix D: Reversed Conviction Claim Settlements FYs 2016–2021

(* indicates pre-litigation settlements)

FY 2021		
Name	Years Incarcerated	Settlement
David Bryant*	43 years (1975 – 2013; 2014-2019)	\$11 million
Carlos Weeks*	26.17 years (1993 – 2019)	\$8.3 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 F: Detailed Tables

Table I – Number of Tort Claims Filed by Claim Type, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Personal Injury										
Sidewalk	2,012	2,041	2,530	2,560	2,389	2,346	2,300	2,272	2,005	2,134
Police Action	5,536	5,583	5,642	4,929	4,484	4,104	4,197	3,615	3,876	3,219
School	1,060	927	966	926	962	859	783	692	652	305
Motor Vehicle	1,379	1,188	1,260	1,166	1,229	1,267	1,436	1,350	1,389	1,193
Roadway	948	882	1,003	964	1,049	944	929	1,040	912	810
City Property	562	534	683	652	708	567	747	624	514	554
Correction Facility	1,596	1,657	2,242	2,799	3,665	3,836	3,891	3,745	3,336	2,552
Civil Rights	2,788	2,786	2,937	2,747	2,350	1,732	1,550	1,623	1,210	1,187
Medical Malpractice	624	605	588	629	620	537	477	482	393	339
Traffic Control Device	108	126	78	79	62	41	64	77	41	60
Parks & Recreation	285	270	278	300	307	259	233	205	200	254
Uniformed Services Employee	151	151	162	159	169	164	187	176	159	211
Other	766	783	884	845	776	783	898	973	910	883
Total	17,815	17,533	19,253	18,755	18,770	17,439	17,692	16,870	15,597	13,701
Property Damage										
Motor Vehicle	3,188	3,322	3,682	3,433	3,895	3,582	3,616	3,389	2,678	2,950
City Property	90	310	260	201	162	138	133	178	114	109
Correction Facility	397	264	318	354	286	301	245	213	167	131
City Personnel	1,350	1,346	962	1,045	1,264	1,151	1,171	1,030	966	1,205
Roadway	1,218	1,036	2,844	2,239	1,585	1,333	1,397	1,217	703	999
Health Facility	96	120	140	122	108	150	85	78	93	102
Police Action	365	362	341	302	226	230	203	186	157	222
School	144	107	128	89	100	119	93	110	60	5
Sewer Overflow	668	602	613	452	110	140	153	153	249	125
Water Main	238	108	240	155	111	140	194	194	232	206
Other	261	272	244	270	302	286	333	386	298	281
Total	8,015	7,849	9,772	8,662	8,149	7,570	7,623	7,134	5,717	6,335
Grand Total	25,830	25,382	29,025	27,417	26,919	25,009	25,315	24,008	21,314	20,036

Table II – Number of Tort Claims Filed by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	4,669	4,446	6,306	5,635	5,208	4,771	4,817	4,697	3,821	3,982
Police Department	9,439	9,447	9,496	8,426	7,593	6,562	6,495	5,851	5,726	5,166
Department of Sanitation	1,307	1,692	2,412	2,304	2,169	2,075	1,804	1,512	1,150	1,694
Department of Education	1,566	1,416	1,420	1,415	1,438	1,361	1,234	1,189	1,139	488
NYC Health + Hospitals	844	935	874	908	885	808	691	654	610	537
Department of Environmental Protection	1,359	996	1,123	884	511	539	598	637	691	539
Department of Correction	2,352	2,189	2,913	3,473	4,355	4,441	4,439	4,228	3,728	2,820
Department of Parks & Recreation	1,094	1,049	873	887	1,058	949	1,058	946	900	1,120
Fire Department	891	932	944	951	1,010	1,003	1,187	1,090	924	928
Department of Housing Preservation and Development	68	74	66	51	64	60	56	93	81	63
NYC Human Resources Administration	88	99	83	81	81	66	88	72	54	28
Department of Buildings	82	61	52	77	57	55	78	48	45	33
Other	2,071	2,046	2,463	2,325	2,490	2,319	2,770	2,991	2,445	2,638
Total	25,830	25,382	29,025	27,417	26,919	25,009	25,315	24,008	21,314	20,036

Table III - Dollar Amount of Tort Claim Settlements & Judgments by Claim Type, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Personal Injury										
Sidewalk	\$39,473,806	\$36,752,110	\$34,463,430	\$39,562,496	\$32,140,333	\$52,349,480	\$47,320,216	\$41,469,130	\$54,019,750	\$61,739,805
Police Action	\$54,342,126	\$62,913,191	\$71,948,087	\$119,433,941	\$100,669,673	\$163,720,447	\$119,030,840	\$98,202,389	\$85,470,461	\$77,473,607
School	\$25,768,181	\$23,983,498	\$24,599,687	\$33,061,557	\$28,498,695	\$32,215,936	\$29,400,611	\$36,784,131	\$31,994,500	\$25,348,547
Motor Vehicle	\$70,520,942	\$85,306,916	\$88,515,029	\$67,350,614	\$89,916,694	\$107,980,905	\$118,299,484	\$108,092,600	\$145,086,565	\$133,696,600
Roadway	\$25,717,847	\$33,134,170	\$13,708,374	\$15,369,410	\$31,499,503	\$40,202,115	\$41,074,601	\$37,760,046	\$32,110,826	\$26,771,300
City Property	\$8,395,091	\$5,465,500	\$21,797,000	\$4,931,000	\$21,504,554	\$10,405,949	\$9,495,007	\$6,756,475	\$8,641,045	\$7,464,738
Correction Facility	\$7,833,193	\$7,312,301	\$7,323,835	\$13,185,550	\$15,696,433	\$16,917,929	\$24,505,851	\$24,760,110	\$30,045,550	\$15,766,379
Civil Rights	\$78,200,352	\$56,030,608	\$114,503,798	\$94,339,034	\$157,730,142	\$155,202,649	\$100,359,647	\$107,249,758	\$68,447,374	\$94,967,955
Medical Malpractice	\$108,993,419	\$130,298,906	\$118,479,990	\$144,418,243	\$103,731,575	\$110,047,282	\$106,660,763	\$114,914,355	\$81,430,124	\$63,026,066
Traffic Control Device	\$2,396,000	\$1,292,315	\$7,594,500	\$604,000	\$2,459,000	\$296,500	\$4,694,250	\$1,617,000	\$12,293,500	\$1,014,000
Parks & Recreation	\$12,072,375	\$20,328,830	\$14,032,709	\$6,130,024	\$8,439,633	\$5,822,720	\$14,101,952	\$11,209,944	\$11,060,200	\$9,271,250
Uniformed Services Employee	\$20,404,000	\$17,452,882	\$27,998,500	\$33,439,000	\$26,117,500	\$50,820,225	\$40,097,500	\$58,518,500	\$15,111,000	\$29,168,500
Other	\$21,677,145	\$6,460,359	\$13,522,259	\$3,569,893	\$12,165,985	\$6,870,507	\$15,362,543	\$4,515,696	\$4,492,229	\$4,880,076
Total	\$475,794,477	\$486,731,585	\$558,487,196	\$575,394,763	\$630,569,720	\$752,852,642	\$670,403,264	\$651,850,133	\$580,203,124	\$550,588,823
Property Damage										
Motor Vehicle	\$6,038,833	\$5,586,990	\$7,403,408	\$5,162,942	\$5,207,672	\$5,742,582	\$4,826,259	\$5,611,057	\$4,620,285	\$4,769,456
City Property	\$162,524	\$375,969	\$67,962	\$16,554	\$90,069	\$55,125	\$157,356	\$18,364	\$4,478	\$3,177
Correction Facility	\$18,225	\$13,061	\$2,220	\$665	\$8,475	\$4,426	\$7,757	\$4,419	\$4,726	\$0
City Personnel	\$959,898	\$972,132	\$1,494,155	\$731,826	\$404,378	\$398,011	\$361,961	\$434,539	\$433,747	\$350,289
Roadway	\$215,726	\$140,124	\$192,379	\$215,029	\$537,552	\$137,114	\$101,307	\$53,461	\$286,129	\$31,849
Health Facility	\$13,191	\$18,376	\$27,144	\$6,299	\$13,370	\$12,303	\$12,247	\$10,608	\$1,023	\$1,835
Police Action	\$170,059	\$388,101	\$102,697	\$71,487	\$56,155	\$34,639	\$38,643	\$18,639	\$46,158	\$112,263
School	\$10,063	\$4,581	\$10,110	\$9,014	\$4,083	\$4,758	\$3,319	\$1,268	\$1,264	\$190
Sewer Overflow	\$775,242	\$546,357	\$712,861	\$7,224,105	\$1,650,663	\$1,562,963	\$1,505,856	\$474,017	\$307,207	\$976,509
Water Main	\$3,183,273	\$314,365	\$294,175	\$344,127	\$1,437,349	\$553,610	\$304,180	\$712,118	\$1,162,137	\$433,984
Other	\$12,118	\$9,483	\$25,425	\$9,390	\$23,843	\$2,159,380	\$329,713	\$127,494	\$3,962	\$3,700
Total	\$11,559,151	\$8,369,538	\$10,332,536	\$13,791,438	\$9,433,608	\$10,664,911	\$7,648,599	\$7,465,984	\$6,871,115	\$6,683,253
Grand Total	\$487,353,629	\$495,101,123	\$568,819,733	\$589,186,201	\$640,003,328	\$763,517,553	\$678,051,863	\$659,316,117	\$587,074,239	\$557,272,076

Table IV – Dollar Amount of Tort Claim Settlements & Judgments by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	\$69,589,115	\$74,591,194	\$71,356,361	\$52,785,342	\$70,453,571	\$87,149,468	\$94,157,647	\$82,549,700	\$96,952,153	\$85,396,304
Police Department	\$152,786,433	\$138,537,141	\$229,846,207	\$225,479,487	\$280,058,079	\$338,165,819	\$238,820,402	\$226,611,615	\$209,315,644	\$206,718,877
Department of Sanitation	\$36,815,516	\$30,446,682	\$37,886,076	\$29,772,440	\$44,929,303	\$57,692,961	\$77,341,397	\$71,746,022	\$38,822,036	\$51,626,956
Department of Education	\$28,568,746	\$34,292,977	\$27,268,549	\$36,307,285	\$34,021,281	\$34,671,093	\$31,994,732	\$40,477,941	\$36,775,283	\$28,031,153
NYC Health + Hospitals	\$108,692,285	\$132,352,195	\$124,887,221	\$121,067,960	\$113,355,458	\$116,968,544	\$107,791,161	\$112,610,262	\$84,347,084	\$68,856,949
Department of Environmental Protection	\$5,628,320	\$3,372,170	\$13,182,950	\$18,795,525	\$7,281,361	\$8,509,589	\$10,685,943	\$13,148,455	\$4,759,183	\$15,183,233
Department of Correction	\$20,308,756	\$11,767,521	\$11,103,116	\$27,144,858	\$32,919,412	\$35,658,041	\$32,531,156	\$49,023,527	\$35,683,783	\$28,074,125
Department of Parks & Recreation	\$18,967,785	\$29,564,344	\$18,365,734	\$13,834,777	\$11,670,274	\$16,646,893	\$21,179,714	\$18,589,919	\$23,876,572	\$21,206,244
Fire Department	\$28,485,774	\$19,665,971	\$20,426,695	\$46,662,403	\$16,393,652	\$45,277,732	\$25,495,727	\$20,005,845	\$28,764,149	\$26,914,520
Department of Housing Preservation and Development	\$2,154,067	\$555,452	\$2,705,221	\$1,964,125	\$10,855,842	\$808,106	\$5,101,331	\$3,281,041	\$770,691	\$353,351
NYC Human Resources Administration	\$1,582,741	\$1,050,063	\$1,008,192	\$970,799	\$1,756,131	\$620,453	\$1,046,699	\$788,477	\$501,802	\$2,578,449
Department of Buildings	\$218,006	\$377,908	\$157,901	\$268,913	\$2,966,514	\$1,386,120	\$77,225	\$1,312,894	\$1,371,015	\$1,421,057
Other	\$13,556,083	\$18,527,507	\$10,625,510	\$14,132,287	\$13,342,448	\$19,962,735	\$31,828,728	\$19,170,417	\$25,134,844	\$20,910,857
Total	\$487,353,629	\$495,101,123	\$568,819,733	\$589,186,201	\$640,003,328	\$763,517,553	\$678,051,863	\$659,316,117	\$587,074,239	\$557,272,076

Table V – Number of Tort Claim Settlements & Judgments by Claim Type, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Personal Injury										
Sidewalk	855	685	658	662	665	761	555	557	617	538
Police Action	1,752	2,106	2,250	2,276	2,481	2,528	2,501	2,335	2,451	1,740
School	723	656	525	478	542	300	312	294	245	197
Motor Vehicle	830	724	668	584	662	661	611	602	664	528
Roadway	511	417	366	333	371	322	291	311	267	234
City Property	93	61	70	38	88	65	50	48	61	41
Correction Facility	309	255	378	451	638	803	1,047	1,219	1,293	1,049
Civil Rights	1,687	1,559	2,047	1,682	1,353	1,019	842	642	521	404
Medical Malpractice	261	268	204	244	241	197	223	207	135	91
Traffic Control Device	28	22	30	20	14	11	15	15	17	16
Parks & Recreation	173	164	151	136	171	83	103	97	90	76
Uniformed Services Employee	106	76	95	121	111	116	113	89	83	130
Other	81	62	69	51	65	51	86	39	36	24
Total	7,409	7,055	7,511	7,076	7,402	6,917	6,749	6,455	6,480	5,068
Property Damage										
Motor Vehicle	2,254	2,135	2,379	1,897	1,917	1,761	1,678	1,784	1,395	1,269
City Property	20	19	39	6	62	17	9	7	2	2
Correction Facility	11	12	5	3	5	5	8	5	3	0
City Personnel	374	354	408	284	163	147	169	181	182	112
Roadway	208	117	197	287	88	112	72	49	24	11
Health Facility	23	22	40	17	16	14	22	12	5	3
Police Action	48	48	35	26	18	15	11	11	13	10
School	47	26	35	35	15	16	13	9	3	2
Sewer Overflow	60	115	144	650	104	47	47	20	35	74
Water Main	62	51	51	38	68	42	46	55	33	43
Other	7	6	10	6	7	158	19	6	3	1
Total	3,114	2,905	3,343	3,249	2,463	2,334	2,094	2,139	1,698	1,527
Grand Total	10,523	9,960	10,854	10,325	9,865	9,251	8,843	8,594	8,178	6,595

Table VI – Number of Tort Claim Settlements & Judgments by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	1,711	1,376	1,400	1,383	1,194	1,259	977	1,009	994	842
Police Department	4,359	4,521	5,051	4,440	4,254	4,078	3,808	3,464	3,337	2,477
Department of Sanitation	1,302	1,045	1,426	1,134	1,187	963	960	912	693	586
Department of Education	807	730	609	558	596	361	360	353	317	234
NYC Health + Hospitals	338	337	315	313	360	265	290	263	172	121
Department of Environmental Protection	283	300	292	794	284	327	227	165	141	193
Department of Correction	464	387	534	601	842	955	1,196	1,332	1,422	1,163
Department of Parks & Recreation	427	428	392	354	354	286	274	271	306	237
Fire Department	508	586	585	507	489	504	492	500	492	433
Department of Housing Preservation and Development	26	17	14	11	22	13	14	13	7	13
NYC Human Resources Administration	20	21	18	20	28	20	21	19	14	20
Department of Buildings	25	17	17	12	11	21	8	13	17	17
Other	253	195	201	198	244	199	216	280	266	259
Total	10,523	9,960	10,854	10,325	9,865	9,251	8,843	8,594	8,178	6,595

Table VII – Number of Motor Vehicle Claims Filed by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	256	293	255	211	233	261	300	216	225	263
Police Department	1,575	1,418	1,409	1,295	1,384	1,298	1,325	1,458	1,280	1,162
Department of Sanitation	1,052	1,216	1,636	1,494	1,755	1,514	1,449	1,205	908	1,173
Department of Education	181	186	168	144	124	195	213	188	185	71
NYC Health + Hospitals	37	25	16	26	22	21	14	17	14	6
Department of Environmental Protection	139	122	136	130	91	121	89	118	84	72
Department of Correction	80	44	52	51	94	58	73	67	88	30
Department of Parks & Recreation	153	163	189	193	210	178	159	130	121	132
Fire Department	755	735	733	681	806	826	924	879	763	772
Department of Housing Preservation and Development	12	14	11	3	13	12	13	12	11	11
NYC Human Resources Administration	15	18	14	15	13	14	6	16	7	0
Department of Buildings	33	13	14	11	11	16	21	15	16	17
Other	279	263	309	345	368	335	466	418	365	434
Total	4,567	4,510	4,942	4,599	5,124	4,849	5,052	4,739	4,067	4,143

Table VIII – Dollar Amount of Motor Vehicle Claim Settlements & Judgments by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	\$2,372,336	\$4,022,802	\$9,488,082	\$1,221,489	\$2,502,780	\$4,016,421	\$7,404,733	\$4,019,376	\$5,007,867	\$6,332,143
Police Department	\$24,901,422	\$24,906,865	\$44,535,637	\$15,441,899	\$36,853,793	\$42,741,440	\$36,228,521	\$46,885,696	\$73,195,170	\$48,411,593
Department of Sanitation	\$21,348,176	\$24,815,178	\$23,584,031	\$14,670,334	\$30,434,392	\$36,702,397	\$45,407,194	\$26,263,588	\$26,369,418	\$34,274,670
Department of Education	\$162,033	\$8,605,951	\$271,562	\$263,028	\$40,074	\$747,796	\$36,252	\$797,152	\$608,985	\$906,633
NYC Health + Hospitals	\$227,905	\$240,756	\$1,566,616	\$134,663	\$2,854	\$38,896	\$90,400	\$9,496	\$468,000	\$213,430
Department of Environmental Protection	\$1,057,585	\$523,277	\$2,471,430	\$8,498,159	\$2,784,557	\$2,122,340	\$4,784,588	\$8,218,452	\$2,037,004	\$8,623,359
Department of Correction	\$1,293,214	\$317,209	\$679,009	\$1,013,607	\$213,028	\$1,075,576	\$1,733,699	\$205,360	\$283,234	\$3,013,991
Department of Parks & Recreation	\$5,576,695	\$7,814,313	\$2,183,353	\$6,930,975	\$3,023,997	\$3,812,578	\$5,206,149	\$4,844,826	\$8,200,021	\$4,778,707
Fire Department	\$16,398,375	\$14,368,427	\$9,045,658	\$18,092,282	\$11,848,759	\$11,443,942	\$16,189,581	\$13,742,966	\$25,045,011	\$24,109,412
Department of Housing Preservation and Development	\$465,593	\$43,552	\$138,721	\$1,547,625	\$149,842	\$376,711	\$40,249	\$2,206,041	\$161,791	\$48,114
NYC Human Resources Administration	\$82,725	\$665,063	\$89,074	\$665,695	\$79,445	\$116,453	\$189,699	\$31,777	\$75,302	\$1,377,449
Department of Buildings	\$145,872	\$259,908	\$41,351	\$30,954	\$143,000	\$812,873	\$72,025	\$1,156,394	\$997,302	\$898,052
Other	\$2,527,844	\$4,310,605	\$1,823,912	\$4,002,848	\$7,047,846	\$9,716,064	\$5,742,654	\$5,322,533	\$7,257,746	\$5,478,502
Total	\$76,559,775	\$90,893,906	\$95,918,437	\$72,513,557	\$95,124,366	\$113,723,487	\$123,125,744	\$113,703,657	\$149,706,849	\$138,466,056

Table IX – Number of Motor Vehicle Claim Settlements & Judgments by Agency, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Transportation	168	153	140	106	96	115	112	142	129	92
Police Department	1,011	942	827	653	615	697	622	671	564	471
Department of Sanitation	1,018	869	1,154	942	1,039	797	752	750	574	501
Department of Education	15	13	16	16	9	10	6	11	9	9
NYC Health + Hospitals	15	17	14	13	2	8	2	3	5	6
Department of Environmental Protection	112	97	103	83	80	65	63	59	53	55
Department of Correction	29	35	44	23	42	28	44	21	29	21
Department of Parks & Recreation	118	98	120	107	99	116	109	84	90	80
Fire Department	450	512	500	417	461	458	455	467	460	408
Department of Housing Preservation and Development	8	4	8	4	8	6	5	9	3	8
NYC Human Resources Administration	11	11	8	11	7	10	8	8	4	5
Department of Buildings	20	13	11	8	5	16	7	10	8	12
Other	109	95	102	98	116	96	104	151	131	129
Total	3,084	2,859	3,047	2,481	2,579	2,422	2,289	2,386	2,059	1,797

**Table X – Number of Law Claims Filed by Claim Type
FYs 2012–2021**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Affirmative	769	876	914	1,128	1,048	1,131	1,054	1,098	578	314
Contract	179	217	132	150	152	151	88	98	98	69
Dispute	141	157	177	117	172	120	88	95	76	148
Equitable	7	10	6	4	11	13	14	14	2	5
Refund	768	168	223	182	157	132	132	128	108	68
Salary	347	86	92	94	97	71	87	90	73	54
Special Education	2,439	2,029	2,582	4,479	4,094	4,183	5,102	4,587	6,088	6,015
Other	342	281	251	264	253	288	375	331	300	326
Total	4,992	3,824	4,377	6,418	5,984	6,089	6,940	6,441	7,323	6,999

Table XI – Number of Law Claim Settlements & Judgments by Claim Type, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Affirmative	753	861	899	1,111	1,015	986	874	938	490	256
Contract	28	27	26	22	34	31	25	26	20	21
Dispute	35	30	44	45	62	37	38	43	32	23
Equitable	8	3	2	6	2	5	5	4	5	1
Refund	23	580	14	18	20	9	12	7	2	10
Salary	21	19	23	286	30	26	21	28	25	22
Special Education	2,366	1,841	2,223	4,067	3,773	3,969	4,592	4,254	5,398	3,636
Other	46	41	28	38	46	44	56	52	35	54
Total	3,280	3,402	3,259	5,593	4,982	5,107	5,623	5,352	6,007	4,023

Table XII – Dollar Amount of Law Claim Settlements & Judgments by Claim Type*, FYs 2012–2021

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Contract	\$21,840,545	\$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
Dispute	\$4,519,344	\$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
Equitable	\$1,311,758	\$446,904	\$76,576	\$616,256	\$25,143	\$1,142,203	\$416,018	\$645,160	\$637,016	\$260,000
Refund	\$430,935	\$293,817	\$116,834	\$697,973	\$14,207,059	\$59,594	\$1,089,853	\$17,639	\$1,294	\$73,093
Salary	\$5,284,521	\$33,332,876	\$104,468,018	\$65,511,792	\$16,548,145	\$7,591,767	\$10,281,357	\$7,819,929	\$61,428,338	\$18,036,708
Special Education	\$120,577,708	\$106,243,225	\$130,450,454	\$249,944,721	\$256,466,671	\$279,617,259	\$304,139,428	\$285,875,216	\$360,434,215	\$224,147,579
Other	\$96,580,967	\$4,506,573	\$7,541,036	\$6,734,055	\$38,263,330	\$3,760,839	\$16,501,196	\$11,371,349	\$7,977,955	\$10,387,087
Total	\$250,545,777	\$198,921,372	\$269,552,023	\$371,352,717	\$381,253,416	\$343,319,265	\$401,063,421	\$363,616,181	\$483,192,588	\$376,406,779

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

Endnotes

- 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 18, 2022 for tort claims and April 12, 2022 for law claims. 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 NY Exec. Law § 632-a(1)(a), (b).
- ⁵ 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.
- ⁶ See Appendix A for a description of claim types.
- ⁷ 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.
- ⁸ Percentages are rounded and, therefore, do not total 100 percent.
- ⁹ The 565 claims filed, as reflected in this report, is as of April 25, 2022. However, since OAISIS is a dynamic system that is updated constantly, data in this report does not reflect claims filed and not yet recorded in OAISIS.
- ¹⁰ H+H operates 11 acute care hospitals.
- ¹¹ 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.
- ¹² 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.
- ¹³ The United States Census Bureau estimated July 1, 2021 population for New York City was 8,467,513 residents. In order of population the boroughs are: Brooklyn (2,641,052 or 31.2 percent of the total population); Queens (2,331,143 or 27.5 percent of the total population); Manhattan (1,576,876 or 18.6 percent of the total population); Bronx (1,424,948 or 16.8 percent of the total population); and Staten Island (493,494 or 5.8 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 Percentages are rounded and, therefore, do not total 100 percent.

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- ¹⁷ Claims for special education services costs and tuition reimbursement submitted by the DOE for settlement at the administrative level are for proposed settlements of more than \$25,000. Claims submitted by DOE for attorneys' fees where an underlying claim for special education reimbursement has been successful at the administrative level are for proposed settlements of more than \$13,500. Requests for settlement authority submitted by the New York City Law Department for special education reimbursement and attorneys' fees claims that have proceeded to litigation are for proposed settlements in any amount. Accordingly, claims and settlements at the administrative level for special education reimbursement claims in amounts \$25,000 or less and for attorneys' fees claims in amounts \$13,500 or less are not reflected in this report.
- ¹⁸ 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.
- ¹⁹ Settlement of a *qui tam* action filed under seal pursuant to the NY False Claims Act, NY Finance Law 187 *et seq.*
- ²⁰ *Bernadine v. City of New York*, 294 N.Y. 361, 365 (1945).
- ²¹ *Id.*
- ²² Court of Claims Act of 1920, L. 1920, ch. 922, and L. 1929, ch. 467, § 1.
- ²³ 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/>).
- ²⁴ 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.
- ²⁵ City Charter, Chapter 5, § 93(i).
- ²⁶ 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.
- ²⁷ 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.
- ²⁸ City Charter, Chapter 17, § 394(c).





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