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Executive Director's Monthly Report
October 2023
(Statistics for September 2023)

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Executive Summary

The Civilian Complaint Review Board (“CCRB”) is an independent municipal Agency that investigates complaints of NYPD misconduct. Every month, the CCRB prepares an Executive Director report for its public meeting. Data for September 2023 included the following highlights:

- 1) Of the cases in the CCRB active investigations docket, 54% have been open for 4 months or fewer, and 72% have been open for 7 months or fewer (page 10). In September, the CCRB opened 438 new cases (page 4), and currently has a total open docket of 4,012 cases (page 11).
- 2) The CCRB substantiated allegations in 31% of its fully investigated cases in September (page 17).
- 3) The CCRB fully investigated 45% of the cases it closed in September (page 14) and resolved (fully investigated, mediated or attempted mediation) 47% of the cases it closed (page 18). The Agency closed 41% of the cases as unable to investigate/withdrawn (page 14).
- 4) For September, investigations using video evidence resulted in substantiated allegations in 33% of cases - compared to 0% of cases in which video was not available (page 23).
- 5) The Monthly Report includes a breakdown of complaints and substantiations by NYPD precinct and borough of occurrence (pages 5-6, 25-28).
- 6) In September the Police Commissioner finalized 8 decision(s) against police officers in Administrative Prosecution Unit (APU) cases; 4 were guilty verdicts won by the APU (page 34). The CCRB's APU prosecutes the most serious allegations of misconduct. The APU conducted 22 trials against members of the NYPD year-to-date; 2 trials were conducted against respondent officers in September.

The CCRB is committed to producing monthly reports that are valuable to the public, and welcomes feedback on how to make its data more accessible.

Glossary

In this glossary we have included a list of terms that regularly appear in our reports.

Allegation: An allegation is a specific act of misconduct. The same “complaint” can have multiple allegations – excessive force and discourteous language, for example. Each allegation is reviewed separately during an investigation.

APU: The Administrative Prosecution Unit is the division of the CCRB that has prosecuted “charges” cases since April 2013, after the signing of a 2012 Memorandum of Understanding between the CCRB and NYPD.

Board Panel: The “Board” of the CCRB has 15 members. Following a completed investigation by the CCRB staff, three Board members, sitting as a Board Panel, will make a finding on whether misconduct occurred and will make a recommendation on what level of penalty should follow.

Case/Complaint: For the purposes of CCRB data, a “case” or “complaint” is defined as any incident within the Agency’s jurisdiction, brought to resolution by the CCRB.

Disposition: The Board’s finding as to the outcome of a case (i.e. if misconduct occurred).

FADO: Under the City Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: Force, Abuse of Authority, Discourtesy and Offensive Language, collectively known as “FADO”.

FADO&U: A ballot measure revising the New York City Charter, which passed on November 5, 2019, authorized the CCRB to investigate the truthfulness of an official statement made by a subject officer during a CCRB investigation into a FADO allegation. This expanded jurisdiction—Force, Abuse of Authority, Discourtesy, Offensive Language, and Untruthful Statements (FADO&U)—went into effect on March 31, 2020.

Intake: CCRB’s intake team initially handles complaints from the public. Intake takes complaints that come via live phone calls, voicemails, an online complaint form, or in-person.

Investigation: CCRB investigators gather evidence and interview witnesses to prepare reports on misconduct allegations. An investigation ends when a closing report is prepared detailing the evidence and legal analysis, and the case is given to the Board for disposition.

Mediation: A complainant may mediate his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator.

Unable to Investigate / Withdrawn: When the CCRB is unable to obtain a sworn statement from the complainant/alleged victim, the case is closed as unable to investigate. When the complainant/alleged victim asks that their complaint be withdrawn, the case is closed as withdrawn.

Closed Pending Litigation: Sometimes when a complainant is involved in criminal or civil litigation, their attorney advises against making sworn statements until the conclusion of the court case. When a complainant declines to cooperate with an investigation on the advice of their attorney, the complaint disposition is "Closed Pending Litigation."

Complaints Received

The CCRB’s Intake team processes misconduct complaints from the public and referrals from the NYPD. Under the New York City Charter, the CCRB’s jurisdiction is limited to allegations of misconduct related to Force, Abuse of Authority, Discourtesy and Offensive Language. All other complaints are referred to the appropriate agency. Figure 1 refers to all complaints that the CCRB receives and Figures 2 and 3 refer to new cases that remain with the Agency. In September 2023, the CCRB initiated 438 new complaints.

Figure 1: Total Intake by Month (January 2022 - September 2023)

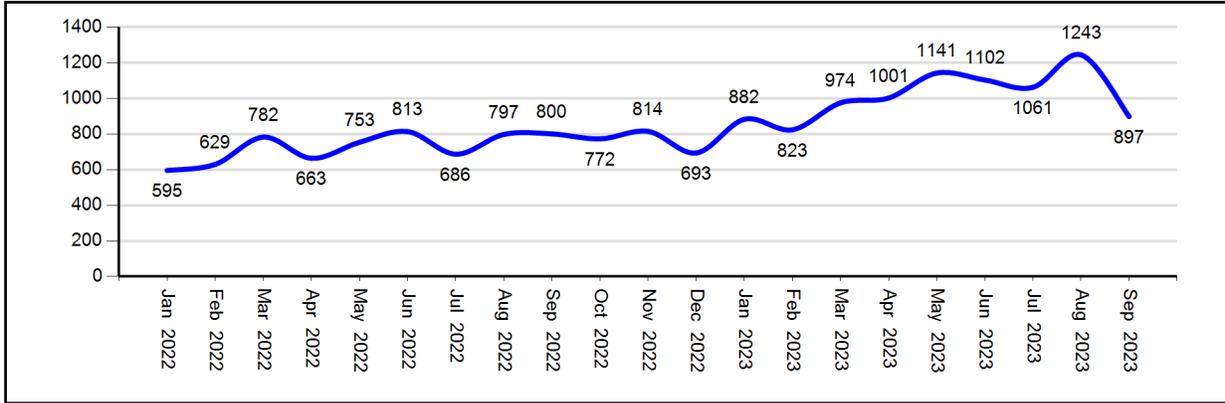


Figure 2: New CCRB Complaints by Month (January 2022 - September 2023)

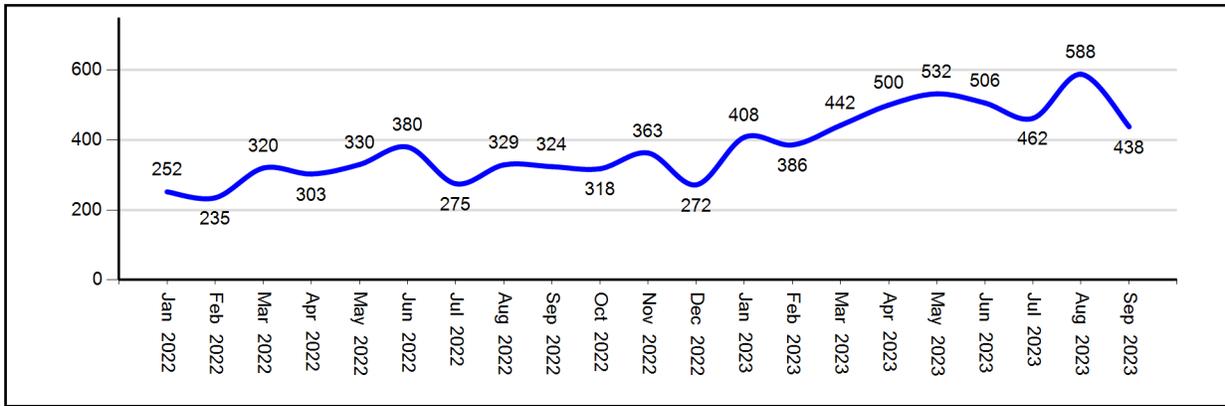
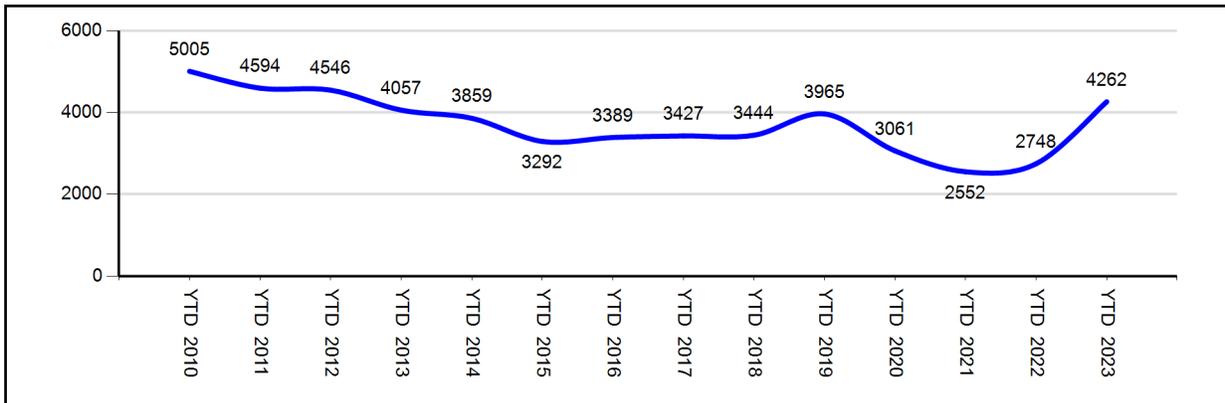


Figure 3: New CCRB Complaints by Year (YTD 2010 - YTD 2023)



CCRB Cases Received by Borough and Precinct

Figure 4: CCRB Complaints Received By Borough of Occurrence (September 2023)

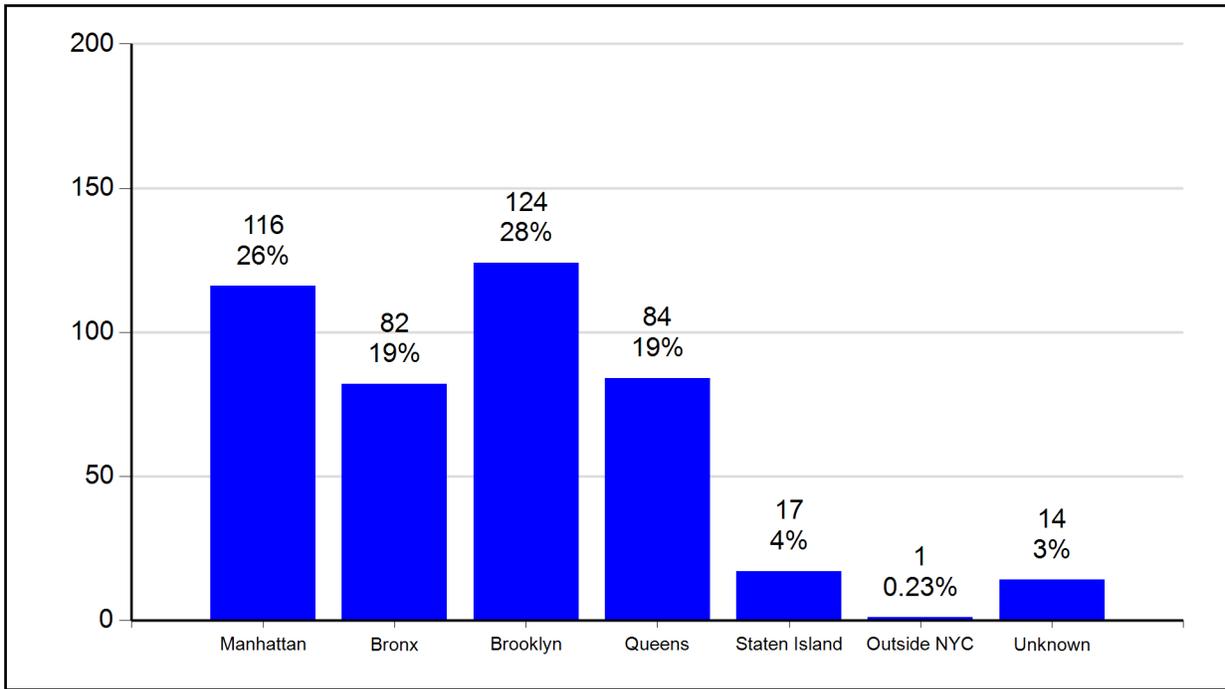


Figure 5: CCRB Complaints Received By Borough of Occurrence (YTD 2023)

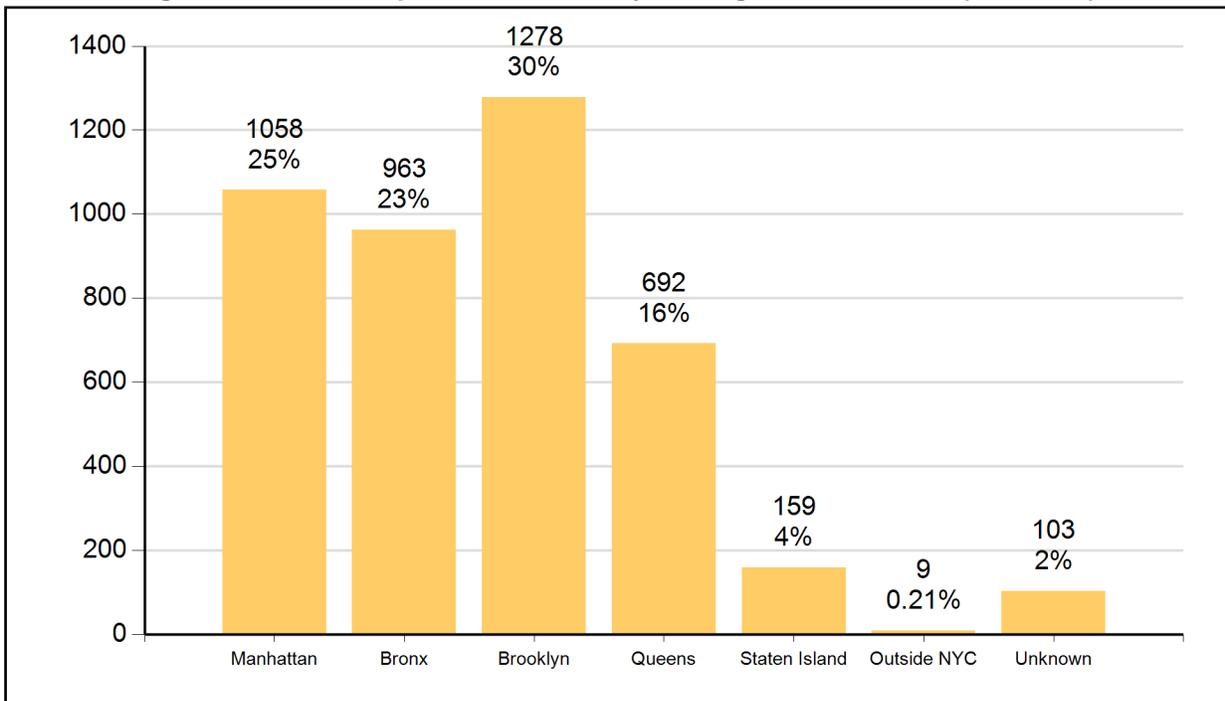


Figure 6: CCRB Complaints Received By Precinct of Occurrence (September 2023)

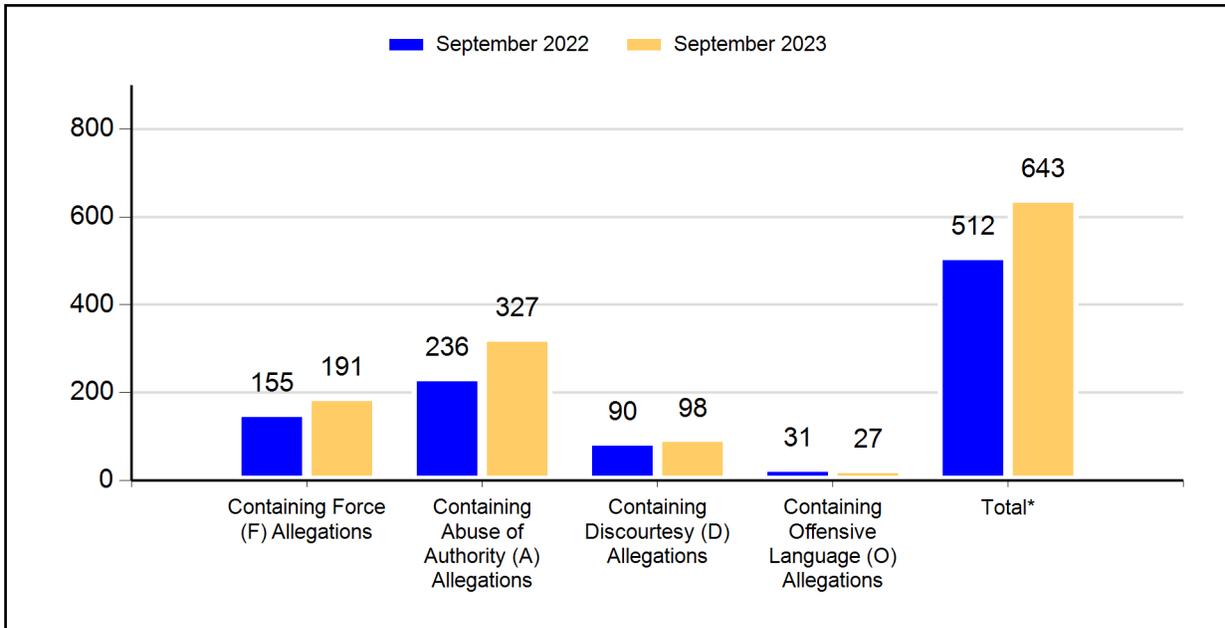
NYPD Precinct of Occurrence*	Number of Complaints	NYPD Precinct of Occurrence*	Number of Complaints
0	1	67	6
1	6	68	2
5	3	69	1
6	3	70	7
7	10	71	10
9	5	72	4
10	2	73	12
13	3	75	16
14	14	76	2
17	7	77	8
18	3	78	5
19	3	79	5
20	3	81	1
23	10	83	3
24	1	84	7
25	6	88	9
26	3	90	3
28	6	94	4
30	3	100	2
32	11	101	8
33	5	102	4
34	2	103	13
40	12	104	7
41	2	105	11
42	9	106	3
43	9	107	2
44	5	108	5
45	1	109	5
46	5	110	1
47	8	111	1
48	10	112	2
49	4	113	9
52	13	114	7
60	1	115	1
61	2	120	10
62	3	121	4
63	3	122	1
66	3	123	1
		Unknown	36

*These figures track where an incident occurred, not necessarily the Command of the officer.

Allegations Received

As described in the previous section, the CCRB has jurisdiction over four categories of NYPD misconduct. The charts below show what types of allegations are contained in the CCRB complaints received.

Figure 7: CCRB Complaints Received By Type of Allegation (September 2022 vs. September 2023)



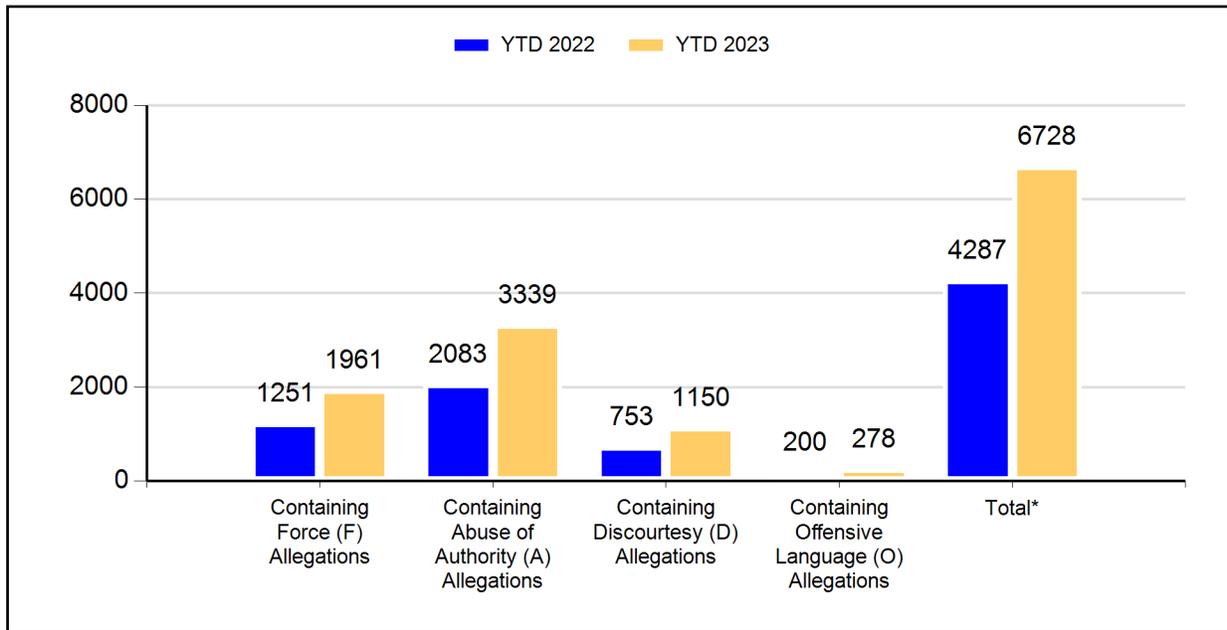
*This is the total of distinct FADO allegation types in complaints received.

Figure 8: CCRB Complaints Received By Type of Allegation (% of Complaints)

	September 2022		September 2023		Change	% Change
	Count	% of Total Complaints	Count	% of Total Complaints		
Force (F)	155	48%	191	44%	36	23%
Abuse of Authority (A)	236	73%	327	75%	91	39%
Discourtesy (D)	90	28%	98	22%	8	9%
Offensive Language (O)	31	10%	27	6%	-4	-13%
Total FADO Allegations	512		643		131	26%
Total Complaints	324		438		114	35%

Note: the number of allegations in recently received complaints typically grows somewhat as the complaints are investigated.

Figure 9: CCRB Complaints Received By Type of Allegation (YTD 2022 vs. YTD 2023)



*This is the total of distinct FADO allegation types in complaints received.

Figure 10: CCRB Complaints Received By Type of Allegation YTD (% of Complaints)

	YTD 2022		YTD 2023		Change	% Change
	Count	% of Total Complaints	Count	% of Total Complaints		
Force (F)	1251	46%	1961	46%	710	57%
Abuse of Authority (A)	2083	76%	3339	78%	1256	60%
Discourtesy (D)	753	27%	1150	27%	397	53%
Offensive Language (O)	200	7%	278	7%	78	39%
Total FADO Allegations	4287		6728		2441	57%
Total Complaints	2748		4262		1514	55%

Note: the number of allegations in recently received complaints typically grows somewhat as the complaints are investigated.

Figure 11: Total FADO Allegations (% of Total Allegations)

	September 2022		September 2023		Change	% Change
	Count	% of Total Allegations	Count	% of Total Allegations		
Force (F)	373	28%	371	26%	-2	-1%
Abuse of Authority (A)	786	59%	923	63%	137	17%
Discourtesy (D)	144	11%	131	9%	-13	-9%
Offensive Language (O)	34	3%	29	2%	-5	-15%
Total Allegations	1337		1454		117	9%
Total Complaints	324		438		114	35%

Figure 12: Total FADO Allegations YTD (% of Total Allegations)

	YTD 2022		YTD 2023		Change	% Change
	Count	% of Total Allegations	Count	% of Total Allegations		
Force (F)	3047	28%	4812	25%	1765	58%
Abuse of Authority (A)	6462	59%	11914	63%	5452	84%
Discourtesy (D)	1185	11%	1766	9%	581	49%
Offensive Language (O)	255	2%	391	2%	136	53%
Total Allegations	10949		18883		7934	72%
Total Complaints	2748		4262		1514	55%

The number of allegations in recently received complaints typically grows as the complaints are investigated.

CCRB Docket

As of the end of September 2023, 54% of active CCRB cases are fewer than five months old, and 72% active cases have been open for fewer than eight months.

Figure 13: Age of Active Cases Based on Received Date (September 2023)

Case Age Group	Count	% of Total
Cases 0-4 Months	2137	53.7%
Cases 5-7 Months	739	18.6%
Cases 8-11 Months	689	17.3%
Cases 12-18 Months*	399	10.0%
Cases Over 18 Months**	14	0.4%
Total	3978	100%

*12-18 Months: 9 cases that were reopened; 1 case that was on DA Hold.

**Over18 Months: 2 cases that were reopened; 2 cases that were on DA Hold.

Figure 14: Age of Active Cases Based on Incident Date (September 2023)

	Count	% of Total
Cases 0-4 Months	1923	48.3%
Cases 5-7 Months	740	18.6%
Cases 8-11 Months	803	20.2%
Cases 12-18 Months*	482	12.1%
Cases Over 18 Months**	30	0.8%
Total	3978	100%

*12-18 Months: 12 cases that were reopened; 1 case that was on DA Hold.

**Over18 Months: 2 cases that were reopened; 2 cases that were on DA Hold.

An active case is here defined as an investigation; cases in mediation are excluded.

Figure 15: Number of Active Investigations (January 2022 - September 2023)

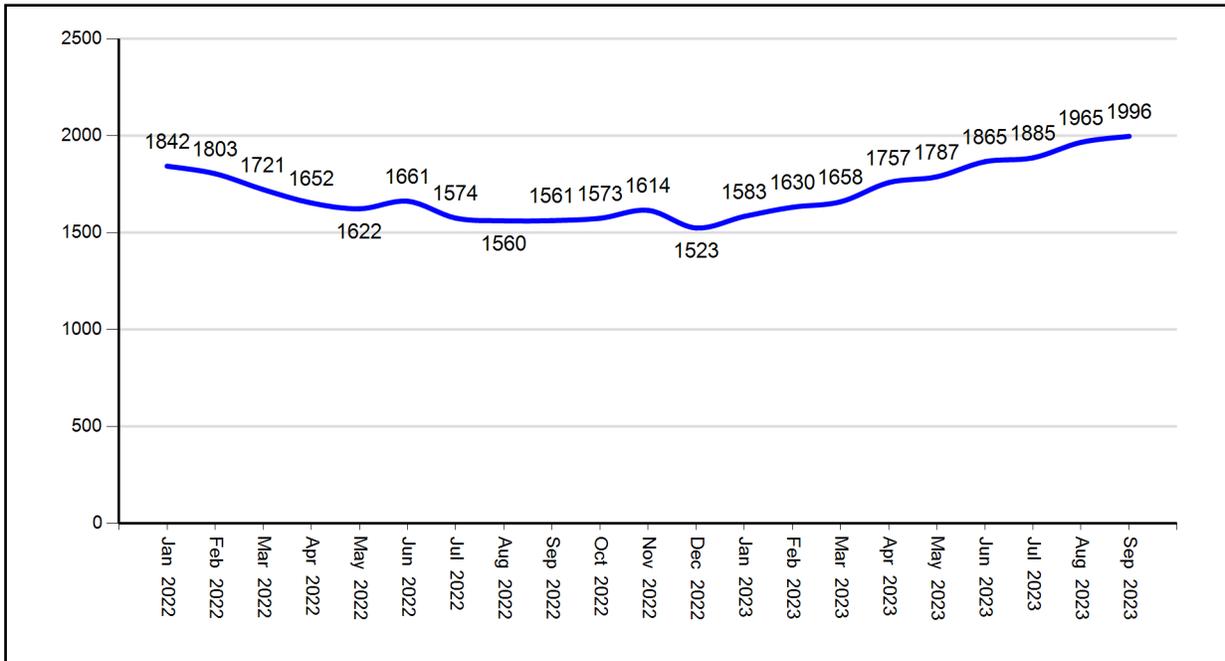


Figure 16: Open Docket Analysis

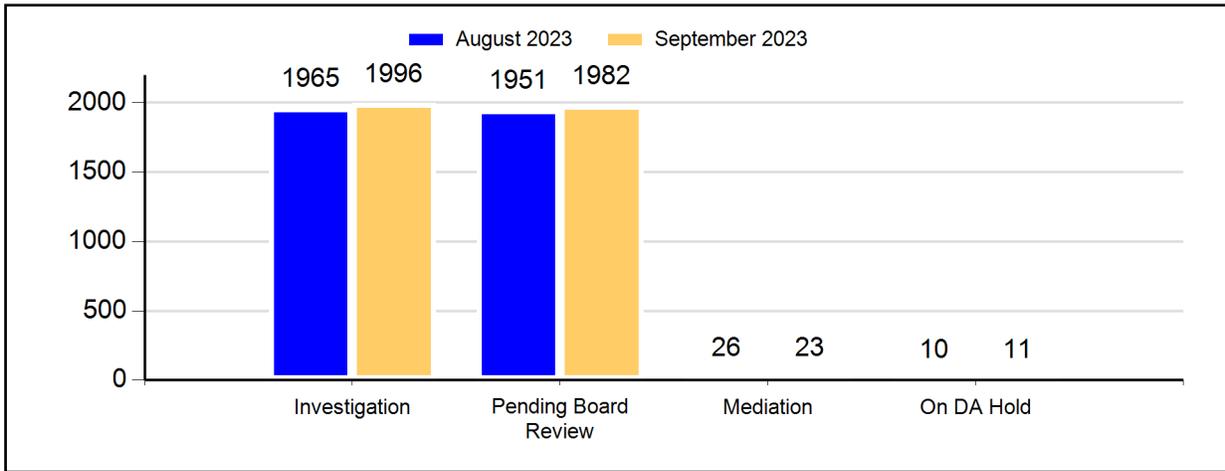


Figure 17: Open Docket Analysis with % Change

	August 2023		September 2023		Change	% Change
	Count	% of Total	Count	% of Total		
Investigations	1965	50%	1996	50%	31	2%
Pending Board Review	1951	49%	1982	49%	31	2%
Mediation	26	1%	23	1%	-3	-12%
On DA Hold	10	0%	11	0%	1	10%
Total	3952		4012		60	2%

Body Worn Camera Footage Requests

Since the widespread roll out of body worn cameras in 2018, the collection of footage from these cameras has become an integral part of CCRB investigations.

The timeliness of the response to BWC footage requests has a direct impact on the length of time it takes to complete an investigation. The longer it takes to fulfill BWC requests, the longer CCRB investigations remain on the open docket.

Figure 18: Average Days To Recieve Positive Return on BWC Requests (January 2022 - September 2023)

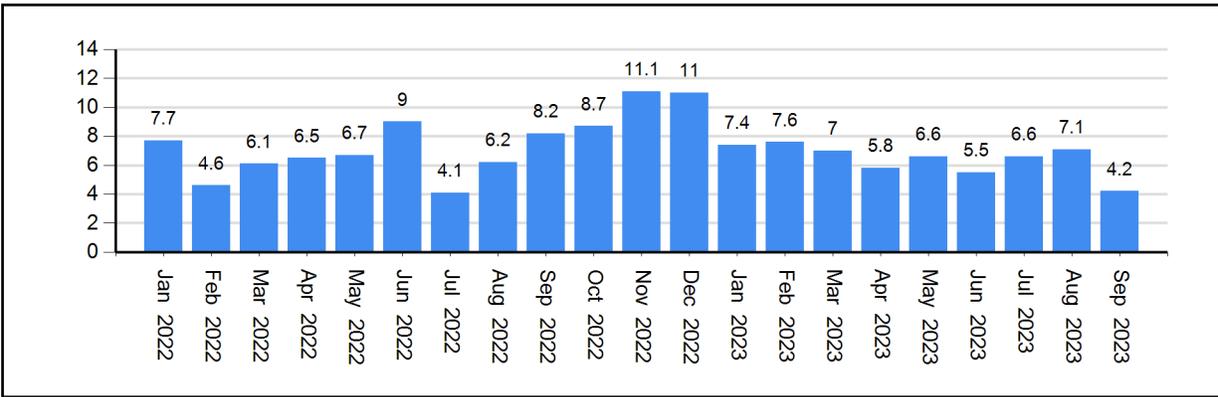
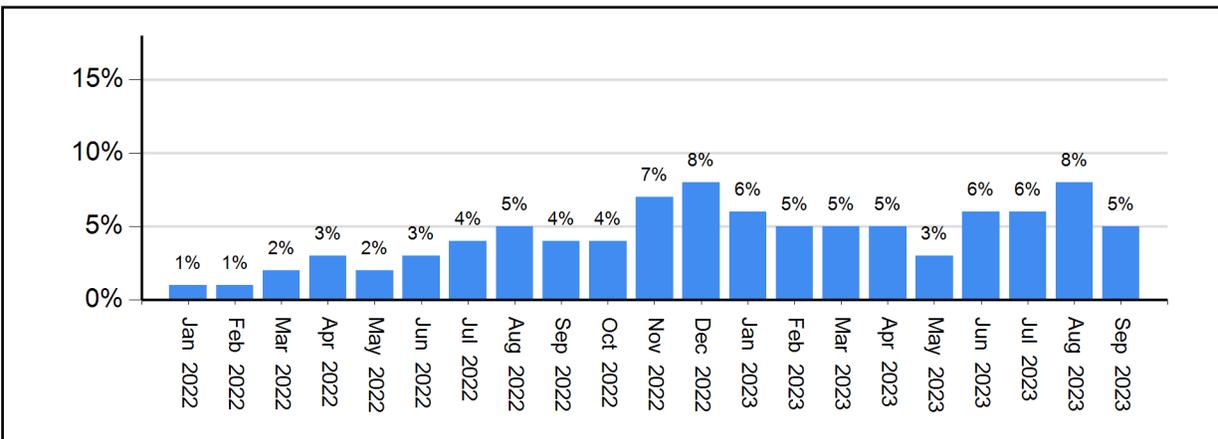


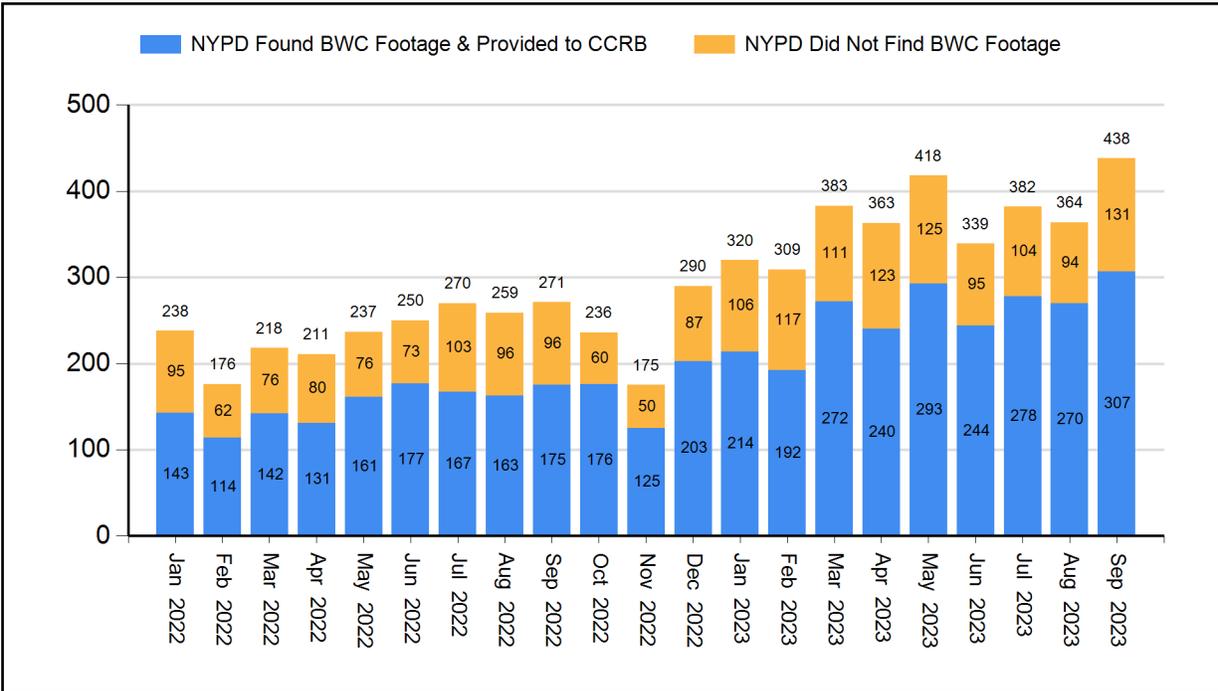
Figure 19: Pending Requests for BWC Footage

Days Pending	BWC Requests	% of Total
00 <= Days < 30	57	43.2%
30 <= Days < 60	16	12.1%
60 <= Days < 90	15	11.4%
90 >= Days	44	33.3%
Total	132	100%

Figure 20: Percentage of Open Investigations Docket with Pending BWC Requests (January 2022 - September 2023)



**Figure 21: Fulfilled BWC Requests
(January 2022 - September 2023)**

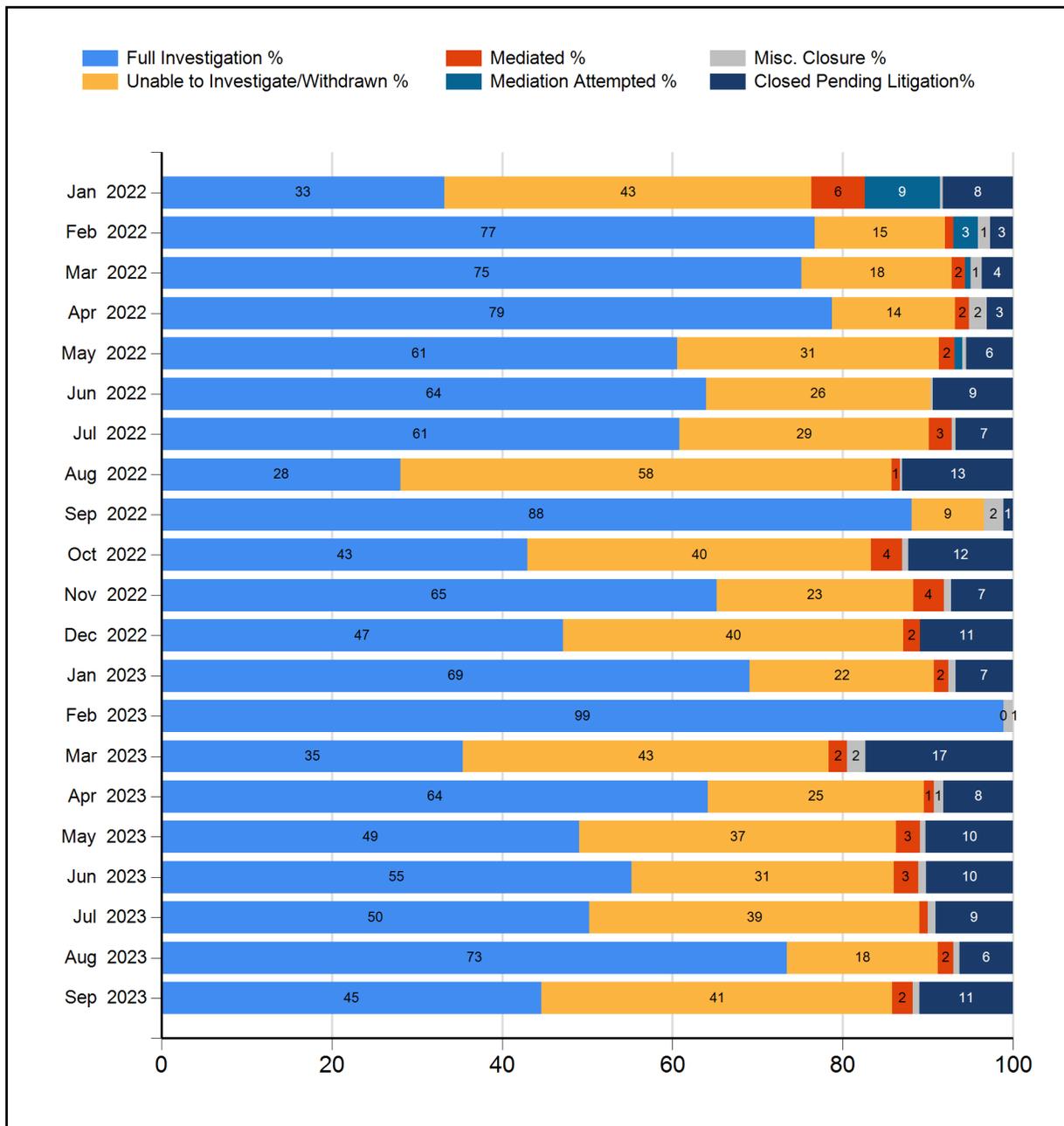


Closed Cases

Resolving Cases

In September 2023, the CCRB fully investigated 45% of the cases it closed, and resolved (fully investigated, mediated or mediation attempted) 47% of the cases it closed.

Figure 22: Case Resolutions (January 2022 - September 2023) (%)



Dispositions

Cases fully investigated by the CCRB generally receive one of five outcomes:

- If the alleged misconduct is found to have occurred, based on the preponderance of the evidence, the allegation is closed as **substantiated**.
- If there is not enough evidence to determine whether or not the alleged misconduct occurred, the allegation is closed as **unable to determine**.*
- If the preponderance of the evidence suggests that the event or alleged act did not occur, the allegation is closed as **unfounded**.
- If the event did occur, but was not improper by a preponderance of evidence, the allegation is closed as **within NYPD guidelines**.**
- If the CCRB was unable to identify any of the officers accused of misconduct, the case is closed as **officer unidentified**.

Additionally, a case might be **mediated**, with the subject officer and complainant discussing the incident in the presence of a neutral third-party moderator, or closed as **mediation attempted**, the designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice for the scheduled mediation session or fails to respond to attempts to schedule a mediation session. Finally, a case that cannot be fully investigated because the CCRB was unable to obtain a sworn statement from the complainant/victim is closed as **unable to investigate**.

Case Abstracts

The following case abstracts are taken from complaints closed this month and serve as examples of what the different CCRB dispositions mean in practice:

1. Substantiated

An individual was riding his e-bike when he saw the subject officer blocking a roadway. The individual stopped his bike and asked the subject officer why the road was blocked. The individual and the subject officer got into an argument and the individual took out his cellphone to record the interaction. As soon as he did, the subject officer pulled out his flashlight and shone it on the individual's cellphone. The incident was captured on BWC. The individual standing in front of the subject officer and they are arguing. The individual pulled out his cellphone and held it close to his body and tapped the screen to record the subject officer. In response, the subject officer turned on his flashlight and aimed it at the individual's cellphone. The light is focused squarely on the individual's cellphone only. When the individual put his cellphone down, the subject officer faced the flashlight down away from the individual's cellphone. The subject officer at his interview admitted that he used his flashlight because the individual had flashed a light at him and not to interfere with the individual recording their interaction. The BWC showed that the individual did not shine a light at the subject officer – such action served no legitimate law enforcement purpose. The Board substantiated the Abuse of Authority allegation.

2. Unable to Determine

An individual came down to the scene of a vehicular collision between her son and another individual. The subject officer and another officer were already at the scene of the collision. The individual's son stated that the subject officer told his mother to "mind your business, you stupid bitch" and "shut the fuck up." The subject officer stated that they did not recall seeing the individual's mother at the scene and denied speaking discourtesy or using offensive language to any female individual. The subject officer's partner stated that they did not hear the subject officer make discourteous or offensive statements. Both officers stated that the individual's son had been aggressive during the entire encounter. The other individual involved in the collision did not speak English and could not understand what was said between the individual's son and the subject officer. Without the testimony of the individual the investigation could not determine whether the subject officer made the statements. The Board closed the Discourtesy and Offensive Language allegations as Unable to Determine.

3. Unfounded

An individual saw multiple officers including the subject officer surrounding a male individual who was seated on a bench near a basketball court. Paramedics arrived and the individual approached the subject officer and asked what was going on. The subject officer allegedly responded, “mind your fucking business. Get the fuck out of here.” The incident was captured on BWC. The individual approached the officers and asked what was going on and the subject officer responded, “Nothing. Step back. Don’t worry about it, step back.” No other officer present used profanity towards the individual. The Board closed the Discourtesy allegation as Unfounded.

4. Within NYPD Guidelines

An individual went to a precinct stationhouse to retrieve his property when he was told he was under arrest. He was escorted to a holding cell when the subject officer stopped him and told him not to enter the cell. The individual continued walking into the cell and the subject officer grabbed onto the individual. The individual refused to stop walking and told the subject officer that he was going to go into the cell. The subject officer pushed the individual in his chest to make him sit down in a nearby chair. The incident was captured on the stationhouse cameras. It showed the subject officer pointing to a chair for the individual to sit in, a chair that the individual had previously sat in. The individual refused to move to sit in the chair. The subject officer approached the individual and used his hand to hold onto the individual’s shirt sleeve and guided him back to the chair. Once the individual was in front of the chair, the subject officer used both of his hands to guide the individual to sit down in the chair. The investigation found that the minimal use of force to guide the individual back to the chair was the minimum necessary to get the individual to comply with the directive to retake his seat. The Board closed the Use of Force allegation as being Within NYPD Guidelines.

5. Officer Unidentified

An individual stated that she was waiting to cross a street when she heard a uniformed officer in an unmarked vehicle shout at a motorist at the intersection “you fucking cunt.” The individual was able to give a physical description of the officer. She was able to identify the color and vehicle type that the officer was in. The investigation found that the incident location occurred on a border area shared by four different precincts and vehicle searches were not successful in pinning down a specific vehicle that matched the individual’s general description of the vehicle. Without additional pertinent information, the investigation could not identify a subject officer. The Board closed the Discourtesy and Offensive Language allegations as Officer Unidentified.

* Unable to determine is reported to the Commissioner as Unsubstantiated, meaning that there was insufficient evidence to establish whether or not there was an act of misconduct.

** Within NYPD Guidelines is reported to the Commissioner as Exonerated, meaning there was a preponderance of the evidence that the acts alleged occurred but did not constitute misconduct.

Dispositions - Full Investigations

Figure 23: Disposition Counts of Full Investigations (September 2023)

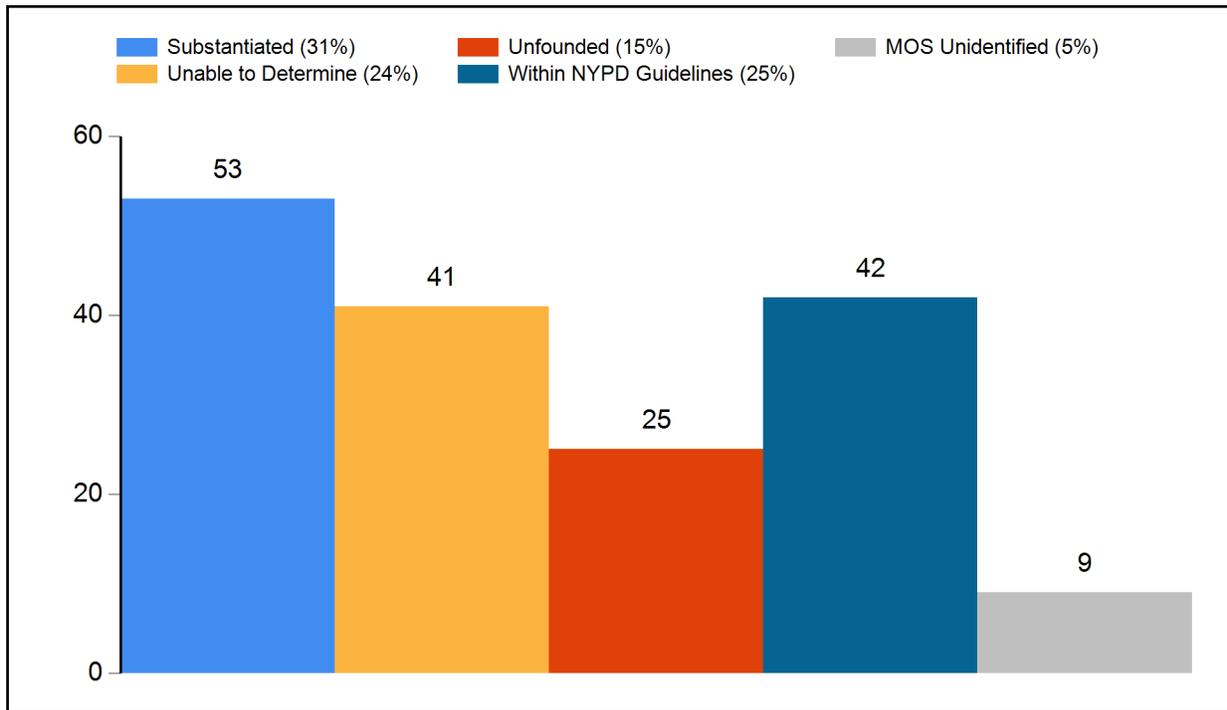
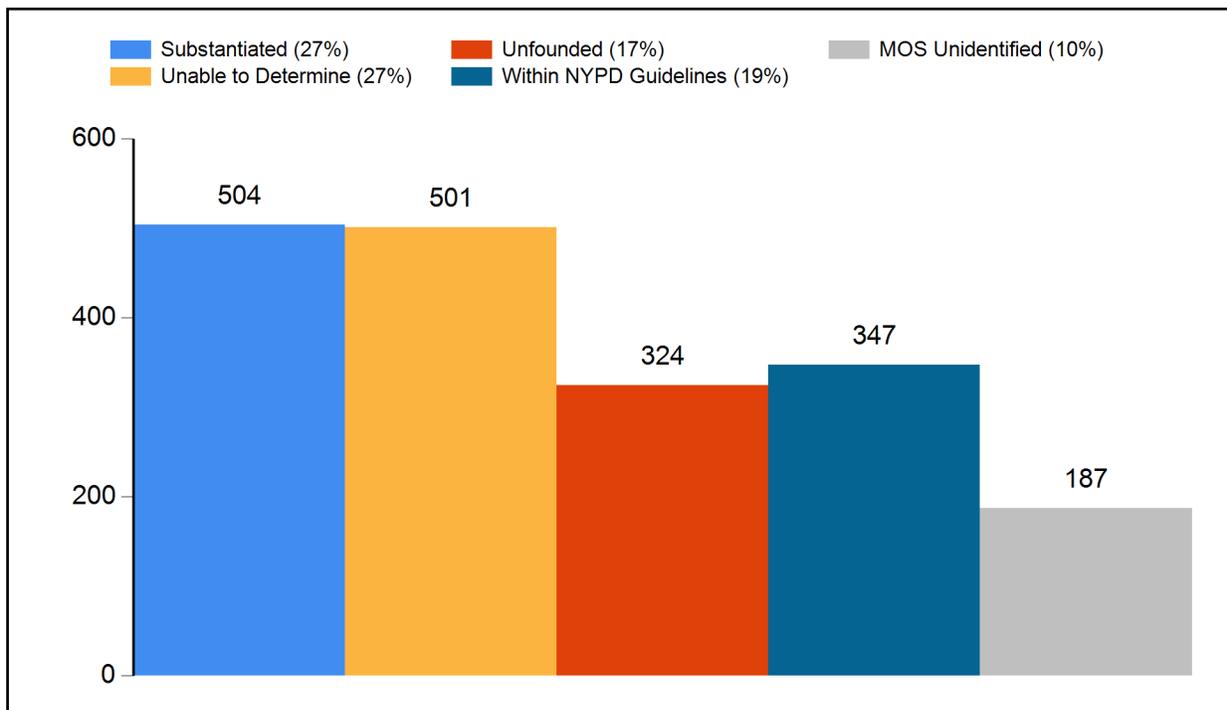


Figure 24: Disposition Counts of Full Investigations (YTD 2023)



Dispositions - All CCRB Cases

The following table lists all the CCRB case closures for the current month and year-to-date.

Figure 25: Disposition of Cases (2022 vs 2023)

	Sep 2022		Sep 2023		YTD 2022		YTD 2023	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Full Investigations								
Substantiated	65	42%	53	31%	787	42%	504	27%
Within NYPD Guidelines	20	13%	42	25%	236	13%	347	19%
Unfounded	21	14%	25	15%	194	10%	324	17%
Unable to Determine	43	28%	41	24%	515	27%	501	27%
MOS Unidentified	6	4%	9	5%	148	8%	187	10%
Total - Full Investigations	155		170		1880		1863	
Mediation Closures	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Mediated	0	0%	9	100%	52	54%	72	100%
Mediation Attempted	0	0%	0	0%	44	46%	0	0%
Total - ADR Closures	0		9		96		72	
Resolved Case Total	155	88%	179	47%	1976	66%	1935	54%
Unable to Investigate / Other Closures	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Complaint withdrawn	3	14%	30	15%	189	19%	254	15%
Unable to Investigate	12	57%	127	63%	613	61%	975	58%
Closed - Pending Litigation	2	10%	42	21%	178	18%	406	24%
Miscellaneous	4	19%	2	1%	30	3%	39	2%
Administrative closure*	0	0%	0	0%	1	0%	0	0%
Total - Other Case Dispositions	21		201		1011		1674	
Total - Closed Cases	176		381		2987		3615	

*Administrative closure is a special category that deals with NYPD's Internal Affairs Bureau-referred cases or spin off cases with no complainant/alleged victim, and in which CCRB attempts to locate or identify a complainant/alleged victim has yielded no results.

Dispositions - Allegations

“Allegations” are different than “cases.” A case or complaint is based on an incident and may contain one or more allegations of police misconduct. The allegation substantiation rate is 13% for the month of September 2023, and the allegation substantiation rate is 15% year-to-date.

Figure 26: Disposition of Allegations (2022 vs 2023)

	Sep 2022		Sep 2023		YTD 2022		YTD 2023	
	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Fully Investigated Allegations								
Substantiated	187	23%	101	13%	2541	21%	1342	15%
Unable to Determine	216	26%	158	20%	2961	25%	1704	19%
Unfounded	99	12%	120	15%	1454	12%	1499	17%
Within NYPD Guidelines	260	32%	377	47%	3672	31%	3363	38%
MOS Unidentified	62	8%	38	5%	1332	11%	863	10%
Total - Full Investigations	824		794		11960		8771	
Mediation Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Mediated	0	0%	24	100%	155	50%	204	100%
Mediation Attempted	0	0%	0	0%	153	0%	0	0%
Total - ADR Closures	0		24		308		204	
Unable to Investigate / Other Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Complaint withdrawn	10	10%	59	10%	427	14%	569	11%
Unable to Investigate	35	36%	353	59%	1529	50%	2808	53%
Closed - Pending Litigation	10	10%	158	26%	539	18%	1463	28%
Miscellaneous	41	43%	27	5%	558	18%	456	9%
Administrative closure	0	0%	0	0%	1	0%	0	0%
Total - Other Case Dispositions	96		597		3054		5296	
Total - Closed Allegations	920		1415		15322		14271	

Figure 27: Disposition of FADO Allegations by FADO Category (September 2023)

	Substantiated	Unable to Determine	Within NYPD Guidelines	Unfounded	Officers Unidentified	Total
Force	9 4%	27 13%	123 59%	45 22%	3 1%	207 100%
Abuse of Authority	71 16%	72 16%	225 51%	54 12%	21 5%	443 100%
Discourtesy	17 15%	43 38%	29 25%	15 13%	10 9%	114 100%
Offensive Language	2 7%	15 56%	0 0%	6 22%	4 15%	27 100%
Total	99 13%	157 20%	377 48%	120 15%	38 5%	791 100%

Figure 28: Disposition of FADO Allegations by FADO Category (YTD 2023)

	Substantiated	Unable to Determine	Within NYPD Guidelines	Unfounded	Officers Unidentified	Total
Force	103 5%	271 13%	1011 49%	537 26%	132 6%	2054 100%
Abuse of Authority	974 18%	1027 19%	2170 40%	730 14%	503 9%	5404 100%
Discourtesy	208 19%	321 30%	181 17%	183 17%	175 16%	1068 100%
Offensive Language	30 14%	81 38%	1 0%	49 23%	53 25%	214 100%
Total	1315 15%	1700 19%	3363 38%	1499 17%	863 10%	8740 100%

Dispositions - Untruthful Statement Allegations

Following the 2019 passage of Ballot Question #2 and the subsequent City Charter Revision, CCRB’s jurisdiction was expanded to include untruthful material statements made by police officers. As a result, CCRB added a new “Untruthful Statement” category of allegations.

There are four specific allegations in the new “Untruthful Statement” category: 1) False official statement, 2) Misleading official statement, 3) Inaccurate official statement and 4) Impeding an investigation.

Figure 29: Substantiated Untruthful Statement Allegations with % Change

Untruthful Statement Allegations	September 2022		September 2023			
	Count	% of Total Allegations	Count	% of Total Allegations	Change	% Change
False official statement	3	75%	2	100%	-1	-33%
Impeding an investigation	0	0%	0	0%	0	NA
Inaccurate official statement	0	0%	0	0%	0	NA
Misleading official statement	1	25%	0	0%	-1	-100%
Total Allegations	4		2		-2	-50%

Figure 30: Substantiated Untruthful Statement Allegations YTD with % Change

Untruthful Statement Allegations	YTD 2022		YTD 2023			
	Count	% of Total Allegations	Count	% of Total Allegations	Change	% Change
False official statement	44	53%	19	70%	-25	-57%
Impeding an investigation	0	0%	0	0%	0	NA
Inaccurate official statement	1	1%	3	11%	2	200%
Misleading official statement	38	46%	5	19%	-33	-87%
Total Allegations	83		27		-56	-67%

Substantiation Rates

The September 2023 case substantiation rate was 31%.

Figure 31: Percentage of Cases Substantiated (January 2022 - September 2023)

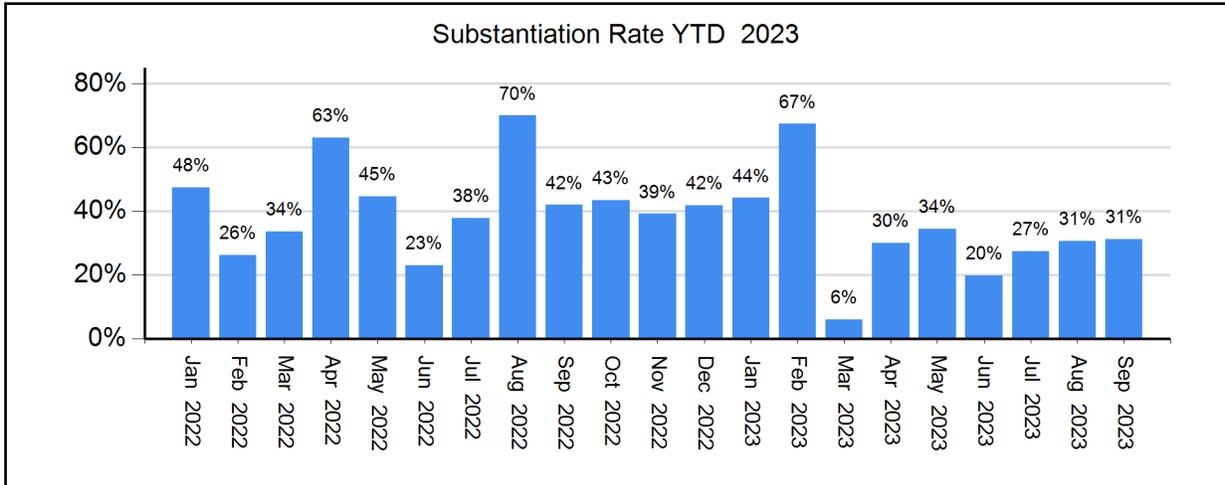
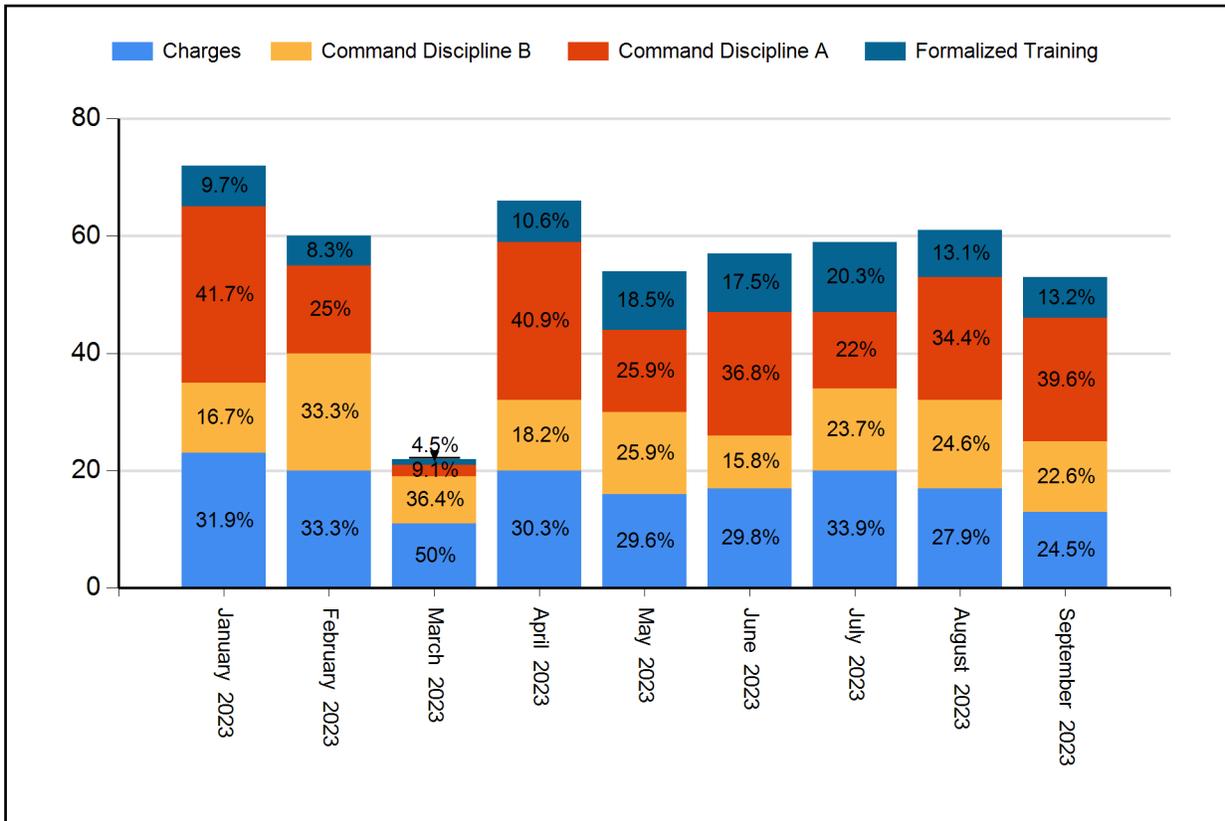


Figure 32: Disposition of Substantiated Complaints* (2023)



* A substantiated complaint may contain a number of substantiated allegations with different dispositions. To determine the disposition associated with the complaint as a whole, the CCRB uses the most severe of the substantiated allegation dispositions. The order of severity is: 1) Charges 2) Command Discipline B 3) Command Discipline A 4) Formalized Training.

Substantiation Rates and Video

In general, investigations relying on video evidence result in much higher substantiation rates.

Figure 33: Substantiation Rates for Full Investigations without Video (Jan 2022 - Sep 2023)
(% substantiated shown)

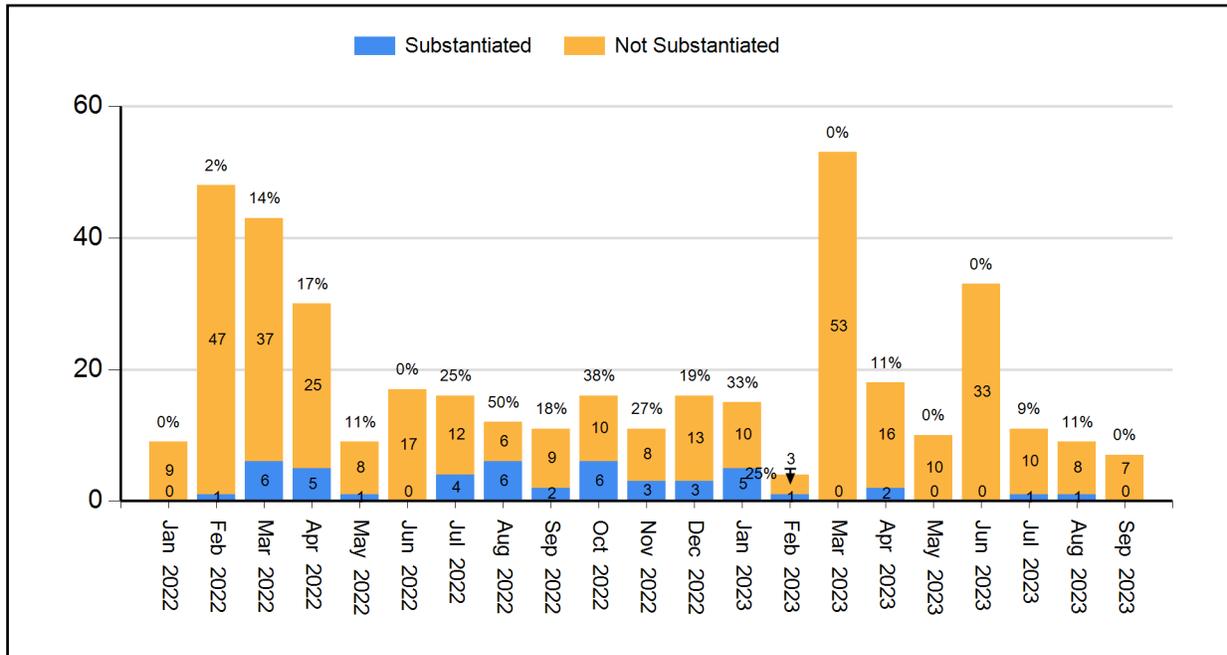
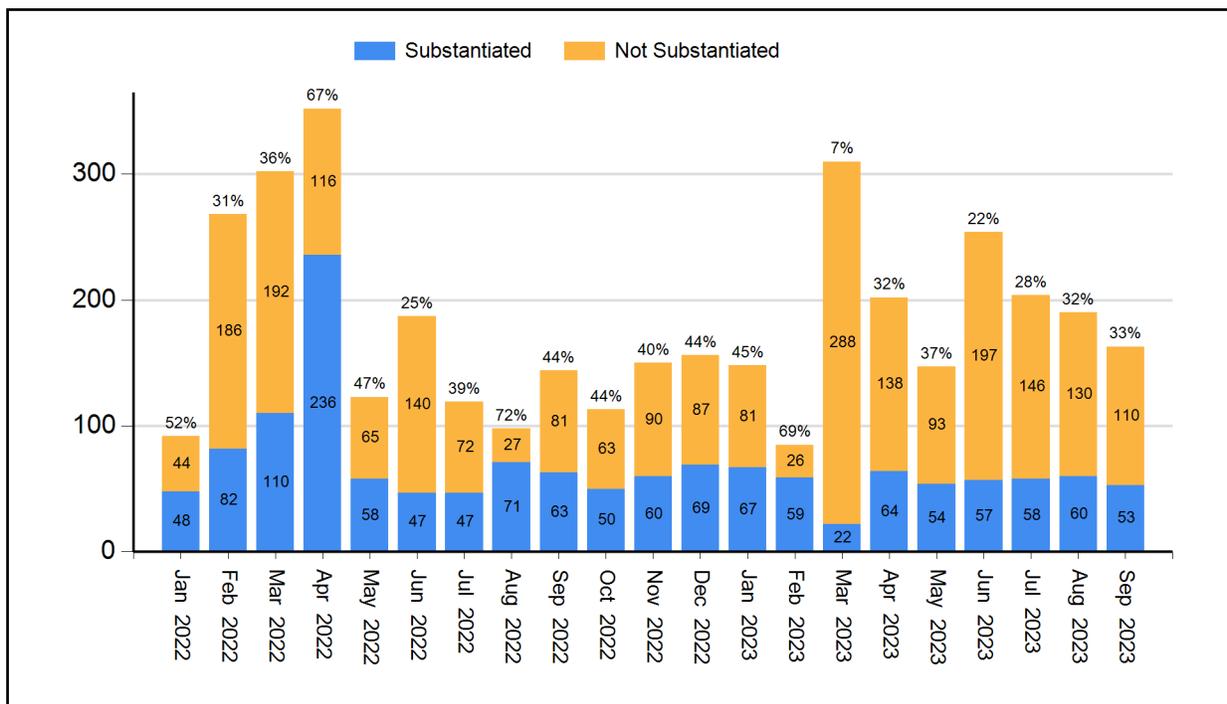


Figure 34: Substantiation Rates for Full Investigations with Video (Jan 2022 - Sep 2023)
(% substantiated shown)



Board Discipline Recommendations for Substantiated Officers

After a CCRB investigative team has completed its investigation, a panel of Board members determines whether to substantiate the allegation(s) and make a disciplinary recommendation against the officer(s).

- “Charges and Specifications” are the most severe form of discipline. A decision to assign Charges commences a process that may result in an administrative trial in the NYPD Trial Room. An officer may lose vacation days, be suspended, or be terminated if the officer is found guilty.
- “Command Discipline B” and "Command Discipline A" are recommended for misconduct that is moderately serious. An officer can lose up to ten vacation days as a result of Command Discipline B and up to five vacation days as a result of Command Discipline A.
- “Formalized Training” are the least severe discipline, often recommended for officers who misunderstand a policy. This determination results in training at the Police Academy or NYPD Legal Bureau (Formalized Training).
- When the Board has recommended Formalized Training or Command Discipline, the case is sent to the NYPD Commissioner to impose training and/or other penalties. Cases where the Board recommends charges are prosecuted by the CCRB’s Administrative Prosecution Unit.

**Figure 35: Board Discipline Recommendations for Officers with Substantiated Allegations*
(Sep 2022, Sep 2023, YTD 2022, YTD 2023)**

Disposition	September 2022		September 2023		YTD 2022		YTD 2023	
	Count	%	Count	%	Count	%	Count	%
Charges	34	35%	13	19%	448	34%	199	26%
Command Discipline B	17	18%	15	22%	298	22%	174	22%
Command Discipline A	38	39%	30	44%	489	37%	302	39%
Formalized Training	8	8%	10	15%	99	7%	103	13%
Total	97		68		1334		778	

* The Board issues a separate Board Discipline Recommendation for each officer in a complaint against whom an allegation is substantiated.

Prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021, the Board Discipline Recommendation for each officer was determined by the most severe disposition of the allegation(s) substantiated against the officer, with the order of severity as follows: 1. Charges 2. Command Discipline B 3. Command Discipline A 4. Formalized Training 5. Instructions. With the adoption of the NYPD Disciplinary Matrix on 03/15/2021, the CCRB no longer issues Instructions as a Board Discipline Recommendation.

Following the adoption of the NYPD Disciplinary Matrix on 03/15/2021, the Board Discipline Recommendation for each officer is determined by the sum of the Matrix penalty days associated with the allegation(s) substantiated against the officer as follows: 1. Charges (penalty days >= 11) 2. Command Discipline B (6 <= penalty days <= 10) 3. Command Discipline A (1 <= penalty days <= 5) 4. Formalized Training (0 < penalty days < 1)

Figure 36: Substantiated Allegations By Borough and NYPD Precinct (September 2023)

The figures in this table reflect all substantiated allegations for each MOS.

Board Disposition	Officer	FADO&U Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Command Discipline B)	CPT Thomas Smith	Abuse of Authority	Threat of arrest	1	Manhattan
Substantiated (Command Discipline B)	PO Michael Mckenzie	Abuse of Authority	Refusal to process civilian complaint	7	Manhattan
Substantiated (Command Discipline B)	PO Sam Zitomer	Abuse of Authority	Refusal to provide name	7	Manhattan
Substantiated (Command Discipline A)	PO Carmelo Colon	Abuse of Authority	Refusal to provide shield number	7	Manhattan
Substantiated (Charges)	PO Francisco Cardona	Force	Physical force	7	Manhattan
Substantiated (Formalized Training)	PO Jose Torres	Abuse of Authority	Failure to provide RTKA card	9	Manhattan
Substantiated (Command Discipline A)	PO Victor Yu	Discourtesy	Word	10	Manhattan
Substantiated (Command Discipline B)	PO Michael Zhang	Abuse of Authority	Retaliatory summons	13	Manhattan
Substantiated (Command Discipline B)	LT Shahid Mirza	Abuse of Authority	Threat re: removal to hospital	14	Manhattan
Substantiated (Command Discipline B)	PO Charles Powell	Abuse of Authority	Threat re: removal to hospital	14	Manhattan
Substantiated (Command Discipline A)	LT Jeffrey Smith	Discourtesy	Word	14	Manhattan
Substantiated (Command Discipline A)	LT Augusto Hernandez	Abuse of Authority	Forcible Removal to Hospital	23	Manhattan
Substantiated (Command Discipline A)	PO David Garcia	Discourtesy	Word	23	Manhattan
Substantiated (Command Discipline B)	PO Sun Hu	Abuse of Authority	Threat of force (verbal or physical)	25	Manhattan
Substantiated (Charges)	SGT Brian Klarman	Abuse of Authority	Frisk	25	Manhattan
Substantiated (Charges)	PO Katrayen Arsen	Abuse of Authority	Frisk	25	Manhattan
Substantiated (Charges)	PO Katrayen Arsen	Abuse of Authority	Failure to provide RTKA card	25	Manhattan
Substantiated (Charges)	SGT Brian Klarman	Abuse of Authority	Failure to provide RTKA card	25	Manhattan
Substantiated (Charges)	SGT Brian Klarman	Discourtesy	Word	25	Manhattan
Substantiated (Charges)	PO John Peloso	Discourtesy	Word	25	Manhattan
Substantiated (Charges)	PO John Peloso	Offensive Language	Gender	25	Manhattan
Substantiated (Command Discipline A)	PO Nerys Ramirez	Abuse of Authority	Failure to provide RTKA card	28	Manhattan
Substantiated (Formalized Training)	PO Md Uddin	Abuse of Authority	Failure to provide RTKA card	28	Manhattan
Substantiated (Command Discipline A)	PO Rafael Cruz	Abuse of Authority	Failure to provide RTKA card	28	Manhattan
Substantiated (Formalized Training)	SGT Elvyn Almarante	Abuse of Authority	Failure to provide RTKA card	28	Manhattan
Substantiated (Formalized Training)	SGT Courtney Mallon	Abuse of Authority	Entry of Premises	42	Bronx
Substantiated (Command Discipline B)	SGT Brian Fragliossi	Abuse of Authority	Refusal to process civilian complaint	42	Bronx

Board Disposition	Officer	FADO&U Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Command Discipline B)	SGT Danny Aguilar	Abuse of Authority	Frisk	42	Bronx
Substantiated (Formalized Training)	PO Edwin Olivo	Abuse of Authority	Frisk	43	Bronx
Substantiated (Formalized Training)	PO Edwin Olivo	Abuse of Authority	Search (of person)	43	Bronx
Substantiated (Formalized Training)	PO Edwin Olivo	Abuse of Authority	Failure to provide RTKA card	43	Bronx
Substantiated (Command Discipline B)	SGT Mohsin Javid	Abuse of Authority	Threat of force (verbal or physical)	44	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Abuse of Authority	Vehicle search	46	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Abuse of Authority	Threat of arrest	46	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Abuse of Authority	Stop	46	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Abuse of Authority	Question	46	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Abuse of Authority	Unlawful Summons	46	Bronx
Substantiated (Charges)	SGT Ariel Cruz	Discourtesy	Word	46	Bronx
Substantiated (Formalized Training)	PO Alexander Badesco	Abuse of Authority	Entry of Premises	47	Bronx
Substantiated (Formalized Training)	PO Octavia White	Abuse of Authority	Entry of Premises	47	Bronx
Substantiated (Command Discipline A)	PO Milton Ortiz	Abuse of Authority	Vehicle search	49	Bronx
Substantiated (Command Discipline A)	PO Germaine Peart	Discourtesy	Word	49	Bronx
Substantiated (Formalized Training)	PO Robert Figueroa	Abuse of Authority	Entry of Premises	50	Bronx
Substantiated (Formalized Training)	PO Robert Figueroa	Abuse of Authority	Search of Premises	50	Bronx
Substantiated (Command Discipline A)	SGT Ruben Santos	Abuse of Authority	Forcible Removal to Hospital	52	Bronx
Substantiated (Command Discipline A)	PO Sergio Nunezlopez	Discourtesy	Word	52	Bronx
Substantiated (Command Discipline A)	PO Dana Ladson	Abuse of Authority	Frisk	61	Brooklyn
Substantiated (Command Discipline A)	PO James Mauro	Abuse of Authority	Threat of arrest	62	Brooklyn
Substantiated (Command Discipline A)	PO Phil Glenn	Abuse of Authority	Threat of arrest	62	Brooklyn
Substantiated (Command Discipline A)	PO Asia Stewart	Abuse of Authority	Entry of Premises	63	Brooklyn
Substantiated (Command Discipline A)	SGT Claude Dorsaint	Abuse of Authority	Refusal to provide name	67	Brooklyn
Substantiated (Charges)	PO Rodney Davis	Discourtesy	Word	67	Brooklyn
Substantiated (Charges)	PO Rodney Davis	Force	Chokehold	67	Brooklyn
Substantiated (Charges)	PO Rodney Davis	Force	Restricted Breathing	67	Brooklyn
Substantiated (Command Discipline B)	SGT Dana Martillo	Abuse of Authority	Threat of force (verbal or physical)	69	Brooklyn
Substantiated (Command Discipline B)	SGT Dana Martillo	Discourtesy	Word	69	Brooklyn

Board Disposition	Officer	FADO&U Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Command Discipline B)	PO Daniel Davidoff	Discourtesy	Word	69	Brooklyn
Substantiated (Command Discipline B)	DT2 Michael Spera	Discourtesy	Word	69	Brooklyn
Substantiated (Command Discipline A)	SGT Matthew Byrnes	Abuse of Authority	Failure to provide RTKA card	73	Brooklyn
Substantiated (Command Discipline A)	PO Matthew Bessen	Abuse of Authority	Question	75	Brooklyn
Substantiated (Command Discipline B)	PO Michael Fontana	Abuse of Authority	Threat re: removal to hospital	75	Brooklyn
Substantiated (Command Discipline B)	PO Bobby Xiao	Abuse of Authority	Threat re: removal to hospital	75	Brooklyn
Substantiated (Command Discipline A)	PO Howard Darsi	Discourtesy	Word	75	Brooklyn
Substantiated (Charges)	PO Renan Dai	Abuse of Authority	Threat of force (verbal or physical)	78	Brooklyn
Substantiated (Charges)	PO Renan Dai	Abuse of Authority	Failure to provide RTKA card	78	Brooklyn
Substantiated (Charges)	PO Chaoli Kuang	Abuse of Authority	Failure to provide RTKA card	78	Brooklyn
Substantiated (Charges)	PO Renan Dai	Force	Physical force	78	Brooklyn
Substantiated (Charges)	DTS Hinolito Inoa	Abuse of Authority	Search (of person)	79	Brooklyn
Substantiated (Charges)	DTS Hinolito Inoa	Abuse of Authority	Stop	79	Brooklyn
Substantiated (Charges)	DTS Hinolito Inoa	Abuse of Authority	Question	79	Brooklyn
Substantiated (Charges)	DTS Hinolito Inoa	Abuse of Authority	Failure to provide RTKA card	79	Brooklyn
Substantiated (Charges)	DTS Hinolito Inoa	Abuse of Authority	Failure to Explain	79	Brooklyn
Substantiated (Charges)	PO Christopher Francis	Abuse of Authority	Interference with recording	88	Brooklyn
Substantiated (Command Discipline A)	PO Christopher Francis	Abuse of Authority	Failure to provide RTKA card	88	Brooklyn
Substantiated (Command Discipline B)	CPT Sean Claxton	Abuse of Authority	Unlawful Summons	90	Brooklyn
Substantiated (Charges)	LT Henry Daverin	Abuse of Authority	Frisk	94	Brooklyn
Substantiated (Charges)	LT Henry Daverin	Abuse of Authority	Failure to provide RTKA card	94	Brooklyn
Substantiated (Charges)	LT Henry Daverin	Abuse of Authority	Failure to provide RTKA card	94	Brooklyn
Substantiated (Command Discipline B)	DT3 Christopher Hughes	Abuse of Authority	Entry of Premises	100	Queens
Substantiated (Command Discipline B)	DT3 Christopher Hughes	Abuse of Authority	Search of Premises	100	Queens
Substantiated (Charges)	PO Justin Vera	Force	Chokehold	103	Queens
Substantiated (Charges)	PO Justin Vera	Force	Physical force	103	Queens
Substantiated (Charges)	PO Justin Vera	Force	Physical force	103	Queens
Substantiated (Formalized Training)	SGT Gianfranco Berlingerio	Abuse of Authority	Failure to provide RTKA card	105	Queens
Substantiated (Formalized Training)	SGT Alexander Kremer	Abuse of Authority	Failure to provide RTKA card	105	Queens

Board Disposition	Officer	FADO&U Category	Allegation	Precinct of Occurrence	Borough of Occurrence
Substantiated (Charges)	LT Ramiro Ruiz	Discourtesy	Word	105	Queens
Substantiated (Charges)	PO Orlando Insignares	Force	Physical force	105	Queens
Substantiated (Charges)	PO Orlando Insignares	Untruthful Statement	False official statement	105	Queens
Substantiated (Command Discipline B)	PO Yichuan Li	Abuse of Authority	Frisk	109	Queens
Substantiated (Command Discipline B)	PO Yichuan Li	Abuse of Authority	Search (of person)	109	Queens
Substantiated (Charges)	PO Jamal Newton	Abuse of Authority	Entry of Premises	110	Queens
Substantiated (Charges)	PO Jamal Newton	Discourtesy	Word	110	Queens
Substantiated (Charges)	PO Jamal Newton	Offensive Language	Gender	110	Queens
Substantiated (Charges)	PO Jamal Newton	Untruthful Statement	False official statement	110	Queens
Substantiated (Command Discipline A)	SGT Michael Desetto	Discourtesy	Word	113	Queens
Substantiated (Command Discipline A)	PO Elon Jamesrobinson	Abuse of Authority	Vehicle stop	120	Staten Island
Substantiated (Command Discipline A)	PO David Black	Abuse of Authority	Vehicle stop	120	Staten Island
Substantiated (Command Discipline A)	DT3 Brian Romero	Abuse of Authority	Failure to provide RTKA card	120	Staten Island
Substantiated (Charges)	PO Wilfredo Ramos	Abuse of Authority	Threat of arrest	122	Staten Island
Substantiated (Charges)	PO Wilfredo Ramos	Discourtesy	Word	122	Staten Island
Substantiated (Charges)	PO Wilfredo Ramos	Force	Chokehold	122	Staten Island

Unable to Investigate and Withdrawn Complaints

When the CCRB is unable to obtain a sworn statement from the complainant/alleged victim, the case is closed as unable to investigate. When the complainant/alleged victim asks that their complaint be withdrawn, the case is closed as withdrawn.

Figure 37: Unable to Investigate and Withdrawn Allegations (September 2023)

	Withdrawn	Unable to Investigate	Total
Force	18	88	106
Abuse of Authority	33	232	265
Discourtesy	5	29	34
Offensive Language	3	4	7
Total	59	353	412

Figure 38: Unable to Investigate and Withdrawn CCRB Complaints (September 2023)

	Withdrawn	Unable to Investigate	Total
Total	30	127	157

Figure 39: Unable to Investigate and Withdrawn Allegations (YTD 2023)

	Withdrawn	Unable to Investigate	Total
Force	135	1027	1162
Abuse of Authority	361	1534	1895
Discourtesy	59	190	249
Offensive Language	14	57	71
Total	569	2808	3377

Figure 40: Unable to Investigate and Withdrawn CCRB Complaints (YTD 2023)

	Withdrawn	Unable to Investigate	Total
Total	254	975	1229

Complaints Against Officers Assigned to Police Service Areas

The Police Service Areas (PSA) are commands that police New York City Housing Developments throughout the five boroughs. PSA complaints are defined as complaints that contain at least one FADO allegation against an officer assigned to a PSA command.

Figure 41: PSA Complaints Closed as % of Total Complaints Closed

	Sep 2022	Sep 2023	YTD 2022	YTD 2023
PSA Complaints	14	18	181	162
Total Complaints	176	381	2987	3615
PSA Complaints as % of Total	8.0%	4.7%	6.1%	4.5%

A single PSA complaint may contain allegations against multiple officers assigned to multiple PSA commands. The following table breaks out the different PSAs and shows the number of officers assigned to each PSA against whom FADO allegations have been made.

Figure 42: Closed Complaints Against Officers Assigned to a PSA

	Sep 2022	Sep 2023	YTD 2022	YTD 2023
PSA 1	5	6	20	17
PSA 2	5	3	75	38
PSA 3	1	18	43	79
PSA 4	0	1	13	18
PSA 5	5	8	33	57
PSA 6	4	2	18	22
PSA 7	4	0	145	45
PSA 8	7	7	43	30
PSA 9	4	0	32	16
Total	35	45	422	322

Complaints typically contain more than one allegation. The following table shows the allegations made against officers assigned to PSA commands broken out by FADO type.

Figure 43: Closed Allegations Against Officers Assigned to a PSA by FADOU Type

	Sep 2022		Sep 2023		YTD 2022		YTD 2023	
	Count	% of Total						
Force (F)	5	14%	25	47%	169	30%	174	41%
Abuse of Authority (A)	25	71%	17	32%	279	50%	175	41%
Discourtesy (D)	5	14%	8	15%	89	16%	56	13%
Offensive Language (O)	0	0%	3	6%	17	3%	17	4%
Untruthful Statement (U)	0	0%	0	0%	8	1%	0	0%
Total	35	99%	53	100%	562	100%	422	99%

Dispositions of Officers Assigned to PSAs

The following tables show the Board disposition of officers assigned to a PSA with a FADO&U allegation made against them.

Figure 44: Disposition of PSA Officers (2022 vs 2023)

	Sep 2022		Sep 2023		YTD 2022		YTD 2023	
	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Full Investigations								
Substantiated	9	39%	5	14%	123	42%	52	27%
Within NYPD Guidelines	5	22%	16	44%	64	22%	70	36%
Unfounded	2	9%	8	22%	27	9%	30	15%
Unable to Determine	6	26%	7	19%	75	25%	41	21%
MOS Unidentified	1	4%	0	0%	6	2%	1	1%
Total - Full Investigations	23		36		295		194	
Mediation Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Mediated	0	0%	1	100%	3	21%	4	100%
Mediation Attempted	0	0%	0	0%	11	79%	0	0%
Total - ADR Closures	0		1		14		4	
Resolved Case Total	23	66%	37	82%	309	73%	198	61%
Unable to Investigate / Other Closures	Count	%of Total	Count	%of Total	Count	%of Total	Count	%of Total
Complaint withdrawn	0	0%	1	17%	15	17%	6	5%
Unable to Investigate	4	67%	3	50%	44	49%	63	53%
Closed - Pending Litigation	0	0%	2	33%	10	11%	43	36%
Miscellaneous	2	33%	0	0%	21	23%	6	5%
Administrative closure*	0	0%	0	0%	0	0%	0	0%
Total - Other Case Dispositions	6		6		90		118	
Total - Closed Cases	35		45		422		322	

*Administrative closure is a special category that deals with NYPD's Legal Bureau-referred cases or spin off cases with no complainant/alleged victim, and in which CCRB attempts to locate or identify a complainant/alleged victim has yielded no results.

Mediation Unit

Whenever mediation between a complainant/alleged victim and subject officer is suitable, it is offered by CCRB investigators. If the complainant/alleged victim and subject officer both agree to participate, a neutral, third-party mediator facilitates a conversation between the parties. The chart below indicates the number of mediations in September and this year.

Figure 45: Mediated Complaints Closed

	September 2023	YTD 2023
Mediated Complaints	9	72

Figure 46: Mediated FADO Allegations Closed

	September 2023	YTD 2023
Force	0	16
Abuse of Authority	16	154
Discourtesy	8	32
Offensive Language	0	2
Total	24	204

Figure 47: Mediated Complaints By Borough (September 2023)

	Mediations
Bronx	3
Brooklyn	2
Manhattan	2
Queens	2
Staten Island	0

Figure 48: Mediated Allegations By Borough (September 2023)

	Mediations
Bronx	6
Brooklyn	2
Manhattan	5
Queens	11
Staten Island	0

**Figure 49: Mediated Complaints By Precinct
(Sep 2023 - YTD 2023)**

Precinct	Sep 2023	YTD 2023	Precinct	Sep 2023	YTD 2023
5	0	1	62	2	3
6	0	2	63	0	2
7	0	1	67	0	3
9	0	1	68	0	2
13	0	2	69	0	2
14	0	4	75	0	1
17	1	1	77	0	1
18	1	1	78	0	1
23	0	1	79	0	1
24	0	1	90	0	1
26	0	1	101	0	1
40	0	1	103	0	1
42	0	2	105	2	6
43	0	1	106	0	1
44	0	3	108	0	1
46	0	3	109	0	1
47	1	1	113	0	2
48	1	2	114	0	1
49	0	1	115	0	2
50	0	1	120	0	2
52	1	2	122	0	1
			NA	0	3

**Figure 50: Mediated Allegations By Precinct
(Sep 2023 - YTD 2023)**

Precinct	Sep 2023	YTD 2023	Precinct	Sep 2023	YTD 2023
5	0	2	62	2	4
6	0	2	63	0	3
7	0	1	67	0	6
9	0	1	68	0	14
13	0	2	69	0	7
14	0	8	75	0	9
17	1	1	77	0	1
18	4	4	78	0	6
23	0	2	79	0	2
24	0	7	90	0	7
26	0	4	101	0	4
40	0	4	103	0	3
42	0	4	105	11	23
43	0	2	106	0	1
44	0	8	108	0	2
46	0	15	109	0	1
47	1	1	113	0	5
48	1	11	114	0	4
49	0	1	115	0	5
50	0	2	120	0	3
52	4	6	122	0	2
			NA	0	4

Administrative Prosecution Unit

The CCRB’s Administrative Prosecution Unit (APU) prosecutes police misconduct cases when the Board has recommended charges, in the NYPD Trial Room. The APU is also able to offer pleas to officers who admit guilt rather than going to trial. Following a plea agreement or the conclusion of a disciplinary trial, cases are sent to the Police Commissioner for final penalties.

Figure 51: Administrative Prosecution Unit Case Closures

Disposition Category	Prosecution Disposition	Sep 2023	YTD 2023
Disciplinary Action	Not guilty after trial but Discipline Imposed	0	0
	Guilty after trial	4	8
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0	0
	Trial verdict dismissed by PC, Formalized Training imposed	0	0
	Trial verdict dismissed by PC, Instructions imposed	0	0
	Trial verdict reversed by PC, Final verdict Guilty	0	0
	Resolved by plea	2	28
	Plea Renegotiated by PC	0	3
	Plea set aside, Comm. Disc. B	0	0
	Plea set aside, Comm. Disc. A	0	0
	Plea set aside, Formalized Training	0	9
	Plea set aside, Instructions	0	0
	*Retained, with discipline	0	3
	Disciplinary Action Total	6	51
No Disciplinary Action	Not guilty after trial	2	17
	Trial verdict reversed by PC, Final verdict Not Guilty	0	0
	Plea set aside, Without discipline	0	4
	**Retained, without discipline	0	7
	Dismissed by Police Commissioner	0	0
	Dismissed by APU	0	0
	No Disciplinary Action Total	2	28
Not Adjudicated	Charges not served	1	116
	Deceased	0	0
	Other	0	0
	***Previously adjudicated, with discipline	0	3
	***Previously adjudicated, without discipline	0	0
	†Reconsidered by CCRB Board	0	0
	Retired	0	16
	Resigned	0	7
	Terminated	0	0
	Terminal leave	0	0
	SOL Expired prior to APU	0	30
	SOL Expired in APU	0	3
	Not Adjudicated Total	1	175
Total Closures	9	254	

*Retained cases are those in which the Department kept jurisdiction pursuant to Section 2 of the April 2, 2012 Memorandum of Understanding between the NYPD and the CCRB. ** When the Department keeps jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it is the equivalent of a category referred to as "Department Unable to Prosecute" (DUP). Cases are referred to as DUP when the department decides that it will not discipline an officer against whom the Board recommended discipline other than charges. *** In some cases, the Department conducts its own investigation and prosecution prior to the completion of the CCRB's investigation. In those cases, the APU does not conduct a second prosecution. † Under the Board's reconsideration process, an officer who has charges recommended as the penalty for a substantiated allegation may have the recommended penalty changed to something other than charges or have the disposition changed to something other than substantiated. In those cases, the APU ceases its prosecution.

NYPD Discipline

Under the New York City Charter, the Police Commissioner makes the final decision regarding discipline and the outcome of disciplinary trials. When the Police Commissioner issues the discipline recommended by the CCRB, we report it as discipline concurrence.

Figure 52: NYPD-CCRB Discipline Concurrence

Discipline Report Year	Non APU %	APU %	Total %
2021	77.21	25.00	70.96
2022	41.50	36.73	41.19
2023 YTD	50.53	61.05	52.04

The remaining charts in this section provide additional detail regarding NYPD-imposed discipline, both for cases brought by the APU (Charges) and for Non-APU cases referred to the Police Commissioner with a recommendation of Command Discipline or Formalized Training.

Figure 53: NYPD Discipline Imposed for Adjudicated APU Cases

Discipline*	September 2023	YTD 2023
Terminated	0	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	2	6
Suspension for or loss of vacation time of 21 to 30 days	0	0
Suspension for or loss of vacation time of 11 to 20 days	0	4
Suspension for or loss of vacation time of 1 to 10 days	4	27
Command Discipline B	0	0
Command Discipline A	0	2
Formalized Training**	0	12
Warned & Admonished/Reprimanded	0	0
Disciplinary Action† Total	6	51
No Disciplinary Action†	2	28
Adjudicated Total	8	79
Discipline Rate	75%	65%
Not Adjudicated† Total	1	175
Total Closures	9	254

*Where more than one penalty is imposed on a respondent, it is reported under the more severe penalty.

** Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.

† The case closure types that define the "Disciplinary Action", "No Disciplinary Action" and "Not Adjudicated" categories are listed in Figure 51 on the previous page.

Figure 54: NYPD Discipline Imposed for Non-APU Cases

Disposition	Disposition Type*	August 2023	YTD 2023
Disciplinary Action	Terminated	0	0
	Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0	0
	Suspension for or loss of vacation time of 21 to 30 days	0	0
	Suspension for or loss of vacation time of 11 to 20 days	0	0
	Suspension for or loss of vacation time of 1 to 10 days	0	0
	Command Discipline B	7	66
	Command Discipline A	12	137
	Formalized Training**	4	70
	Closed Administratively (With Discipline) ††	0	7
	Total	23	280
No Disciplinary Action	Retired	1	9
	Resigned	0	12
	SOL Expired	0	20
	Department Unable to Prosecute†††	22	257
	Closed Administratively (No penalty reported) ††	0	2
	Total	23	300
	Discipline Rate	50%	48%
	DUP Rate	48%	44%

*Where the respondent is found guilty of charges, and the penalty imposed would fall into more than one of the above listed categories, it is reported under the more severe penalty.

** Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.

† Trial outcomes in non-APU cases typically involve MOS who turned down command discipline, prompting the police department to proceed with charges.

†† "Closed Administratively" is a term typically used by the police department to report on an incident of misconduct that has been previously adjudicated by the department itself prior to the receipt of a disciplinary recommendation from the CCRB.

††† When the department decides that it will not discipline an officer against whom the Board recommended discipline other than charges, those cases are referred to as "Department Unable to Prosecute," or DUP.

NYPD Penalty Departure Letters are posted on the CCRB website at: <https://www.nyc.gov/site/ccrb/complaints/redacted-departure-letter.page>

Figure 55: NYPD Discipline Imposed for Allegations - Non-APU Cases (August 2023)

Board Disposition	Officer	FADO &U	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline B)	SGT Marianna Gentile	A	Entry of Premises	9	Manhattan	Command Discipline - B (Vacation: 5 days)
Substantiated (Command Discipline A)	PO Nunzio Vetrano	D	Word	24	Manhattan	Command Discipline - A
Substantiated (Command Discipline A)	PO Ernesto Feliz	D	Word	26	Manhattan	Command Discipline - A
Substantiated (Command Discipline A)	SGT Oscar Wdowiak	A	Entry of Premises	28	Manhattan	No penalty
Substantiated (Formalized Training)	PO Jhan Taveras	A	Entry of Premises	28	Manhattan	No penalty
Substantiated (Command Discipline A)	PO Nicholas Billotto	A	Search (of person)	28	Manhattan	No penalty
Substantiated (Formalized Training)	PO Nicholas Billotto	A	Failure to provide RTKA card	28	Manhattan	No penalty
Substantiated (Formalized Training)	PO Derek Rivera	A	Frisk	34	Manhattan	No penalty
Substantiated (Formalized Training)	PO Derek Rivera	A	Search (of person)	34	Manhattan	No penalty
Substantiated (Command Discipline A)	PO Robert Velsor	A	Search (of person)	34	Manhattan	No penalty
Substantiated (Command Discipline A)	PO Robert Velsor	A	Failure to provide RTKA card	34	Manhattan	No penalty
Substantiated (Formalized Training)	PO Brandon Quiles	A	Stop	40	Bronx	Formalized Training
Substantiated (Formalized Training)	PO Joshua Espana	A	Stop	40	Bronx	Formalized Training
Substantiated (Command Discipline B)	PO Jorge Flores	A	Threat of force (verbal or physical)	44	Bronx	No penalty
Substantiated (Command Discipline B)	PO Jorge Flores	A	Threat of force (verbal or physical)	44	Bronx	No penalty
Substantiated (Command Discipline B)	PO Jorge Flores	A	Threat of force (verbal or physical)	44	Bronx	No penalty
Substantiated (Command Discipline A)	PO Alex Almontepichardo	D	Word	44	Bronx	Command Discipline - A (Vacation: 1 day)
Substantiated (Command Discipline A)	PO Paul Velez	A	Vehicle search	46	Bronx	Command Discipline - B (Vacation: 2 days)
Substantiated (Command Discipline A)	PO Clarence Brown	D	Word	46	Bronx	No penalty
Substantiated (Command Discipline A)	PO Clarence Brown	D	Word	46	Bronx	No penalty
Substantiated (Command Discipline A)	PO Sammy Figueroa	A	Frisk	46	Bronx	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	PO Daniel Demarco	A	Frisk	46	Bronx	Command Discipline - B (Vacation: 2 days)
Substantiated (Command Discipline A)	PO Daniel Demarco	A	Frisk	46	Bronx	Command Discipline - B (Vacation: 2 days)
Substantiated (Command Discipline A)	PO Sammy Figueroa	A	Search (of person)	46	Bronx	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	PO Sammy Figueroa	A	Stop	46	Bronx	Command Discipline - B (Vacation: 1 day)
Substantiated (Command Discipline A)	PO Daniel Demarco	A	Stop	46	Bronx	Command Discipline - B (Vacation: 2 days)
Substantiated (Command Discipline B)	PO Manolis Kambouris	O	Gender	46	Bronx	No penalty

Board Disposition	Officer	FADO &U	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline A)	PO Paul Velez	A	Failure to provide RTKA card	46	Bronx	Command Discipline - B (Vacation: 2 days)
Substantiated (Command Discipline A)	DT3 Brendan Bradley	A	Frisk	47	Bronx	No penalty
Substantiated (Command Discipline A)	DT3 Michael Tansey	A	Frisk	47	Bronx	No penalty
Substantiated (Command Discipline A)	DT3 Michael Tansey	A	Search (of person)	47	Bronx	No penalty
Substantiated (Command Discipline A)	DT3 Brendan Bradley	A	Search (of person)	47	Bronx	No penalty
Substantiated (Command Discipline A)	DT3 Brendan Bradley	A	Stop	47	Bronx	No penalty
Substantiated (Command Discipline A)	DT3 Michael Tansey	A	Failure to provide RTKA card	47	Bronx	No penalty
Substantiated (Command Discipline A)	PO Michael Pace	D	Action	60	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	PO Nicholas Cardieri	D	Word	67	Brooklyn	No penalty
Substantiated (Command Discipline B)	CPT Maggie Clamp	A	Entry of Premises	71	Brooklyn	No penalty
Substantiated (Command Discipline B)	DI Norman Grandstaff	A	Other	71	Brooklyn	No penalty
Substantiated (Command Discipline A)	LSA Timothy Brovakos	D	Word	71	Brooklyn	Command Discipline - A
Substantiated (Command Discipline A)	PO Khaleef Allcott	D	Word	71	Brooklyn	No penalty
Substantiated (Formalized Training)	SGT Patrick Cain	A	Search of Premises	71	Brooklyn	No penalty
Substantiated (Command Discipline A)	PO Derrell Henry	A	Frisk	73	Brooklyn	Command Discipline - A (Vacation: 1 day)
Substantiated (Formalized Training)	PO Derrell Henry	A	Failure to provide RTKA card	73	Brooklyn	Command Discipline - A (Vacation: 1 day)
Substantiated (Formalized Training)	PO Ahmed Almelaiki	A	Failure to provide RTKA card	73	Brooklyn	Formalized Training
Substantiated (Command Discipline B)	LT SA Acu Rhodes	A	Threat re: removal to hospital	78	Brooklyn	Retired
Substantiated (Command Discipline B)	PO Anthony Torres	A	Interference with recording	81	Brooklyn	No penalty
Substantiated (Command Discipline A)	PO Muhammad Khan	A	Failure to provide RTKA card	84	Brooklyn	Command Discipline - A (Vacation: 1 day)
Substantiated (Formalized Training)	PO Conrade Joseph	A	Question	94	Brooklyn	No penalty
Substantiated (Command Discipline A)	SGT Patrick Jackson	A	Refusal to process civilian complaint	101	Queens	Command Discipline - A
Substantiated (Formalized Training)	PO Brendan Calderone	A	Failure to provide RTKA card	101	Queens	Formalized Training
Substantiated (Command Discipline A)	SGT Angel Cordero	F	Physical force	109	Queens	Command Discipline - A
Substantiated (Command Discipline A)	SGT Matthew Wright	D	Word	110	Queens	Command Discipline - A
Substantiated (Command Discipline A)	SGT Matthew Wright	D	Action	110	Queens	Command Discipline - A
Substantiated (Command Discipline A)	SGT Matthew Wright	D	Action	110	Queens	Command Discipline - A
Substantiated (Command Discipline A)	DT3 Brad Parascandolo	A	Search (of person)	120	Staten Island	No penalty

Board Disposition	Officer	FADO &U	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Command Discipline A)	SGT Sean Dawson	A	Search (of person)	120	Staten Island	No penalty
Substantiated (Command Discipline A)	DT3 Brad Parascandolo	A	Stop	120	Staten Island	No penalty
Substantiated (Command Discipline A)	DT3 Brad Parascandolo	A	Failure to provide RTKA card	120	Staten Island	No penalty
Substantiated (Command Discipline A)	SGT Sean Dawson	A	Failure to provide RTKA card	120	Staten Island	No penalty
Substantiated (Command Discipline A)	DT3 Steven Lopez	A	Failure to provide RTKA card	120	Staten Island	No penalty
Substantiated (Command Discipline A)	PO Matthew Giacalone	A	Failure to provide RTKA card	120	Staten Island	No penalty
Substantiated (Command Discipline A)	DT3 Rudy Anzalone	A	Failure to provide RTKA card	120	Staten Island	No penalty
Substantiated (Command Discipline A)	PO Richard Defrancesco	D	Word	122	Staten Island	Command Discipline - A
Substantiated (Command Discipline A)	PO Richard Defrancesco	D	Word	122	Staten Island	Command Discipline - A
Substantiated (Formalized Training)	PO Joseph Giambalvo	A	Stop	122	Staten Island	Command Discipline - A
Substantiated (Command Discipline A)	PO Joseph Giambalvo	A	Failure to provide RTKA card	122	Staten Island	Command Discipline - A

Figure 56: NYPD Discipline Imposed for Allegations - APU Adjudicated Cases (September 2023)

Board Disposition	Officer	FADO&U	Allegation	Precinct	Borough	NYPD Discipline
Substantiated (Charges)	LT Joel Witriol	F	Physical force	40	Bronx	Suspension 10 days / Forfeit vacation 10 days
Substantiated (Charges)	POF Jeanene Reyes	F	Other blunt instrument as a club	81	Brooklyn	Forfeit vacation 10 days
Substantiated (Charges)	POM Jimmy Romero	A	Refusal to obtain medical treatment	81	Brooklyn	Forfeit vacation 5 days
Substantiated (Charges)	POM Dylan Mattern	A	Refusal to obtain medical treatment	81	Brooklyn	Forfeit vacation 5 days
Substantiated (Command Discipline B)	PO Donald Leblanc	A	Threat of force (verbal or physical)	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Command Discipline A)	POM Donald Leblanc	D	Word	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Command Discipline A)	PO Donald Leblanc	D	Action	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Command Discipline A)	POM Donald Leblanc	D	Action	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Charges)	POM Donald Leblanc	O	Other	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Charges)	POM Donald Leblanc	A	Photography/Video graphy	112	Queens	Dismissal Probation / Forfeit vacation 40 days
Substantiated (Charges)	POM Donald Leblanc	U	False official statement	112	Queens	Dismissal Probation / Forfeit vacation 40 days