

NYC Department of Correction
Annual Use of Force Investigation Report
FY25

Pursuant to Section 1 Chapter 1 Section 9-152 of the New York City Administrative Code, the New York City Department of Correction (“DOC” or “Department”) is required to submit reports regarding investigations of use of force incidents. This report covers Fiscal Year 2025.

The Department’s report with respect to each paragraph of Section 9-152 is set forth below:

1. The number and rate in which the Department investigated incidents.

The Department investigates every use of force (“UOF”) that occurs. Upon the report of an actual or alleged UOF, the Department’s Investigation Division (“ID”), conducts an intake Investigation of every incident pursuant to Section VII, paragraph 7 of the Consent Judgment in Nunez v. City of New York, 11 Civ. 5845 (LTS)(JCF), followed by further investigation where warranted. Intake investigations, which are mandated to conclude within 25 business days of the event itself, involve an extensive investigation, requiring interviews, document collection, and reviewing all relevant reports, in addition to reviewing all video surveillance of the incident. This process has proven to successfully accelerate case processing times, as explained below.

During FY25, there were 7,191 reported UOF incidents, comprised of 7,047 actual UOF and 144 alleged UOF (by comparison, in FY24, there were 7,045 Actual Uses of Force and 184 Alleged Uses of Force). Of the 7,191 UOF, 6,819 cases (95%) were deemed a Class “C” UOF, meaning no one involved in the UOF sustained any injury.¹

Of the 7,191 reported UOF, a total of 601 cases (8%) have been referred for further investigation in FY25. This means that the investigation met the Nunez criteria for a full investigation upgrade, or that the investigation could not be resolved within 25 business days, either because the incident required compelled interviews of staff, or because the case simply needed additional time and investigation to reach a final conclusion.

¹ “Class A” is a classification used to describe use of force incidents that require medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those resulting in one or more of the following treatments/injuries: multiple abrasions and/or contusions, chipped or cracked tooth, loss of tooth, laceration, puncture, fracture, loss of consciousness, concussion, suture, internal injuries (e.g., ruptured spleen, perforated eardrum, etc.), or admission to a hospital.

“Class B” is a classification used to describe use of force incidents that do not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid (e.g., superficial bruise, scrape, scratch, or minor swelling); or involve the forcible use of mechanical restraints in a confrontational situation that results in minor injury.

“Class C” is a classification used to describe use of force incidents that result in no injury to anyone involved. This includes incidents where the use of chemical agents results in no injury beyond irritation that can be addressed through decontamination.

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At the close of FY25, there were 688 intake cases still pending. A determination for these cases will be made at the conclusion of the intake investigation.

2. *The number and rate of incidents for which the Department determined that staff violated a Departmental rule or was otherwise subject to discipline, the type of incident that occurred, and the type of discipline recommended and actually imposed for such incidents.*

In FY25, the Trials and Litigation Division closed 461 total UOF of those were UOF cases. All cases disposed in FY25 were as follows:

- Administrative Filed/Deferred Prosecution: 143 cases
- Negotiated Plea Agreements (NPA): 312 cases, see chart below
- Resulted in a guilty verdict at trial before the Office of Administrative Trials and Hearings (OATH): 6
- Resulted in a not guilty verdict at trial before OATH: 0

NPA Breakdowns:

Negotiated Plea Agreement Outcomes		
Outcome	Number of Cases	Percentage
Return to Command for Discipline with days ≤ 10	149	47.8%
Retirement/Resignation	3	0.8%
1-10 Days	58	18.6%
11-20 Days	46	14.8%
21-30 Days	18	5.8%
31-40 Days	10	3.2%
41-50 Days	13	4.2%
≥ 51 Days	15	4.8%
Total	312	100%

3. *To the extent applicable, information regarding the entities within the Department that are responsible for conducting investigations into incidents, including the number, rate, and speed at which such entities conduct and complete investigations.*

Investigations into all UOF incidents are the sole responsibility of the Investigation

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Division. These investigations are handled in a two-step approach. An initial intake investigation is conducted for all UOF incidents. The majority of UOF cases are disposed of during this intake process. If a case requires additional investigative steps or meets the Nunez upgrade criteria, it is referred for full investigation.

In FY25, 2,235 UOF intake investigations were closed by ID within 25 business days.

Of the 601 cases, referred to full investigation in FY25, 101 were closed by ID after further investigative work, within an average of 55.5 days. ID closed an additional 613 cases during FY25 (incidents that occurred prior to FY25), within an average of 425 days from when the incident occurred. While the average closing timeframes for full investigations has improved, additional steps are being taken to achieve compliance with the 120-business day closing timeframe mandated by the current consent decree.

4. *To the extent applicable, the number of formal proceedings that occurred, and the outcomes of such proceedings. In any case in which the outcome of a formal proceeding was a recommendation to the Commissioner for a certain type of sanction, the report shall include whether the recommended sanction was accepted, rejected, or modified.*

In FY25, the Trials and Litigation Division brought six members of service to trial before OATH for cases involving UOF. All six members of service were found guilty. Of the six guilty individuals: three were recommended for termination and three were recommended for suspension (10-day suspension, 35-day suspension and 49-day suspension, respectively). All OATH recommendations were accepted by the Commissioner.

5. *The number of investigations into incidents that were referred to a District Attorney's office, the Department of Investigation, or any similar law enforcement entity.*

Up until March 2024, the Department of Investigation (DOI) reviewed all Class A UOF incidents prior to clearing ID to proceed with the administrative investigation. As of March 2024, DOI no longer reviews all Class A UOF incidents as a matter of routine; rather, DOI reviews UOFs on a case-by-case basis and/or when referrals are received (from ID or from other avenues). In FY25, ID referred 35 UOF incidents to DOI, 19 of which DOI cleared ID to proceed with the administrative investigation. DOI has referred 10 of the 35 UOF cases to a District Attorney's office for criminal investigation.