



# CIVILIAN COMPLAINT REVIEW BOARD

ERIC L. ADAMS, Mayor

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*Semi-Annual Report*

2022

**TABLE OF CONTENTS**

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MISSION ..... 2

EXECUTIVE SUMMARY..... 3

INTRODUCTION: THE BOARD AND AGENCY OPERATIONS..... 4

SECTION 1: COMPLAINT ACTIVITY ..... 5

SECTION 2: INVESTIGATIONS ..... 21

SECTION 3: DISCIPLINARY PROCESS ..... 32

SECTION 4: MEDIATION ..... 41

SECTION 5: THE IMPACT OF BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE ..... 45

SECTION 6: OUTREACH AND INTERGOVERNMENTAL AFFAIRS ..... 50

BACKGROUND OF THE CCRB AND GLOSSARY ..... 52

NEW YORK CITY CHARTER ..... 54

LIST OF FIGURES ..... 60

BOARD MEMBERS ..... 62

EXECUTIVE AND SENIOR STAFF..... 67

## MISSION

The New York City Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an independent agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on civilian complaints filed against members of the New York City Police Department (NYPD or the Department) that allege the use of excessive or unnecessary Force, Abuse of Authority, Discourtesy, or the use of Offensive Language (FADO). The CCRB is also authorized to investigate, hear, make findings, and recommend action on the truthfulness of an official statement made by a subject officer during the course of a CCRB investigation. The Agency's staff, composed entirely of civilian employees, conduct investigations, mediations, and prosecutions in an impartial manner.

### IN FULFILLMENT OF ITS MISSION, THE BOARD PLEDGES TO:

- encourage members of the community to file complaints when they believe they have been victims of police misconduct;
- respect the rights of civilians and officers;
- encourage all parties involved in a complaint to come forward and present evidence;
- expeditiously investigate each allegation thoroughly and impartially;
- make fair and objective determinations on the merits of each case;
- offer civilians and officers the opportunity to mediate their complaints, when appropriate, in order to promote understanding between officers and the communities they serve;
- recommend disciplinary actions that are measured and appropriate, if and when the investigative findings substantiate that misconduct occurred;
- engage in outreach in order to educate the public about the Agency and respond to community concerns;
- report relevant issues and policy matters to the Police Commissioner and the public; and
- advocate for policy changes related to police oversight, transparency, and accountability that will strengthen public trust and improve police-community relations.

### KEY FINDINGS: CCRB ACTIVITY

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In the first half of 2022, the CCRB received 1,819 complaints within its jurisdiction. The CCRB fully investigated 1,481 complaints — substantiated 595 complaints (40%), was unable to determine whether misconduct occurred in 409 complaints (28%), found that 196 (13%) complaints were within NYPD guidelines, and concluded that 156 (11%) complaints were unfounded.

The Agency's Administrative Prosecution Unit (APU) won disciplinary action against 15 officers who were found guilty after trial and five officers whose cases were resolved by plea agreement.

The NYPD issued disciplinary decisions for 333 officers in the first half of 2022. The NYPD concurred with the CCRB's disciplinary recommendation in 135 (41%) non-APU complaints, and in six (60%) APU cases.

### AGENCY HIGHLIGHTS IN 2022

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#### *Self-Initiated Complaints*

As of January 9, 2022, the CCRB is empowered to self-initiate complaints of police misconduct.<sup>1</sup> This is a major change that will allow the CCRB to pursue cases against officers when CCRB has evidence that misconduct has occurred, but no complainant comes forward to report allegations, or when no complainant can be available to participate in an investigation.

#### *Racial Profiling and Bias Based Policing Unit*

In 2021, the New York City Council passed Intro 2212-A<sup>2</sup>, Resolution on Police Reform, expanding CCRB's jurisdiction to investigate allegations of racial profiling and bias-based policing by uniformed officers of the NYPD. CCRB continued to build the unit over the first half of 2022 as it prepares to begin these investigations.

#### *Summer 2020 Protest Investigations*

By the end of the first half of 2022, CCRB had fully investigated 223 complaints originating from the Summer 2020 George Floyd protests. The Board substantiated 87 protest complaints and served charges against 88 officers. The agency will release a full report soon analyzing police misconduct from the protests.

#### *COVID 19 and the Operations of the CCRB*

The global pandemic significantly slowed CCRB's investigations, and on March 7, 2020, Governor Andrew Cuomo passed executive order No. 202<sup>3</sup> to temporarily suspend the statute of limitations on all complaints open between March 2020 and November 2020. In the first half of 2022 the agency has continued to make progress catching up and closing complaints opened over the course of the pandemic. While the average time to complete a full investigation has continued to increase, this is partly a representation of CCRB closing older cases from earlier in the pandemic, and CCRB's case closure times should return to a normal average as we move past the pandemic.

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<sup>1</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5205437&GUID=9C384197-992F-4D38-9581-F3A56E206546&Options=ID|Text|&Search=2440>

<sup>2</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4770945&GUID=B5D55B19-D0FD-440C-999F-1708BF09F374>

<sup>3</sup> [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_202.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_202.pdf)

## INTRODUCTION: THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board is an agency of the City of New York. It became independent from the New York City Police Department and was established in its current all-civilian form in 1993.

Board members review and make findings on all misconduct complaints once they have been fully investigated. The Board consists of 15 members: the City Council appoints five Board members (one from each borough); the Police Commissioner designates three; the Public Advocate appoints one; and the Mayor appoints five. The Chair of the Board is jointly appointed by the Mayor and Speaker of the City Council.<sup>4</sup>

Under the New York City Charter §440, the Board must reflect the diversity of the City's residents, and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had prior experience as law enforcement professionals. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be renewed. They receive compensation on a per-session basis, although some Board members choose to serve pro bono.

From 1993 to 2013, all cases in which the Board substantiated an allegation of misconduct against an officer were referred to the Police Commissioner with a disciplinary recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD<sup>5</sup> (effective April 11, 2013), a team of CCRB attorneys from the Agency's Administrative Prosecution Unit (APU) handles most of the cases in which the Board recommends that Charges and Specifications (the most severe form of discipline) be brought against an officer. When the Board recommends discipline other than Charges and Specifications (Command Discipline B, Command Discipline A, or Formalized Training), the case is still referred directly to the Police Commissioner.

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<sup>4</sup> New York City Charter §440(b)1

[https://www1.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/CCRB\\_CharterCh18A.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/CCRB_CharterCh18A.pdf)

<sup>5</sup> [https://www1.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/apu\\_mou.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf)

## SECTION 1: COMPLAINT ACTIVITY

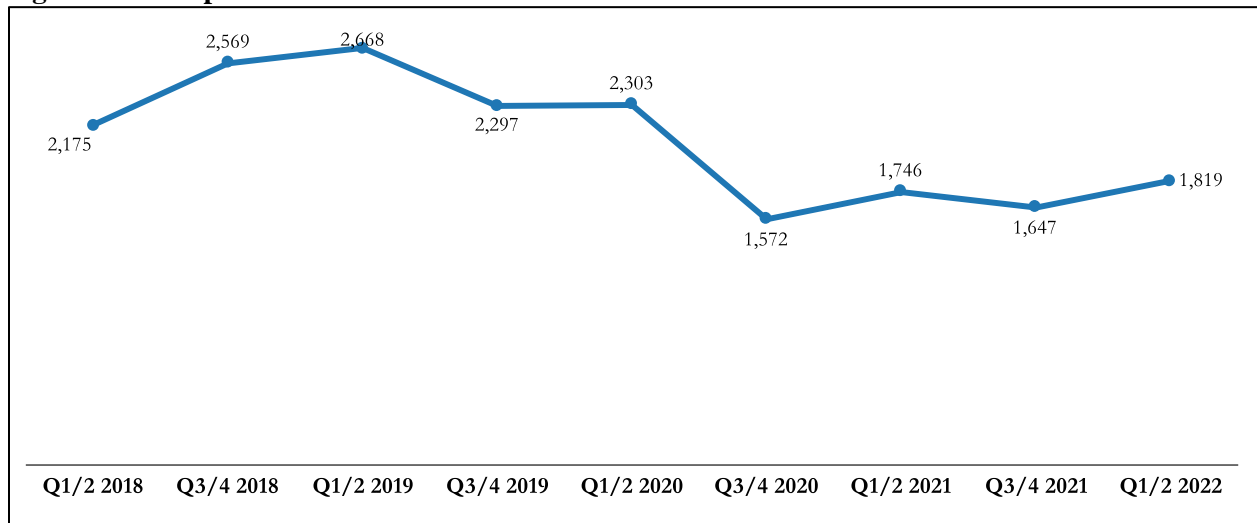
### CCRB COMPLAINTS RECEIVED

For most New Yorkers contact with the CCRB begins with filing a complaint alleging police misconduct. This section covers the number of complaints received and their characteristics.

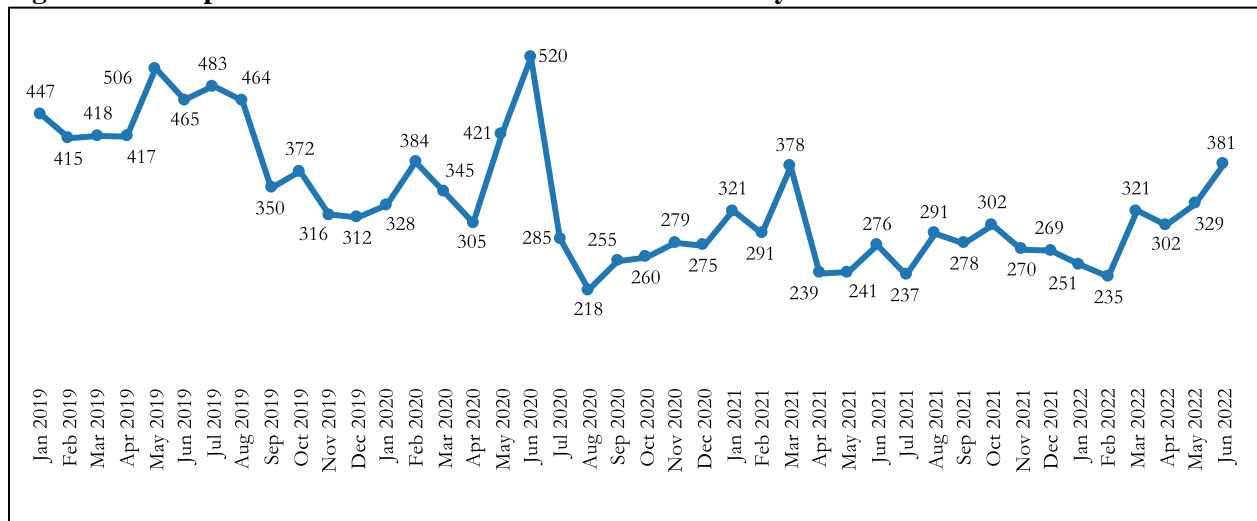
All complaints received are entered into the CCRB’s Complaint Tracking System (CTS), but only those complaints that fall within the Agency’s Force, Abuse of Authority, Discourtesy, or Offensive Language (FADO) jurisdiction are investigated by the CCRB.

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.

**Figure 01: Complaints Received Within CCRB Jurisdiction**



**Figure 02: Complaints Received Within CCRB Jurisdiction by Month**



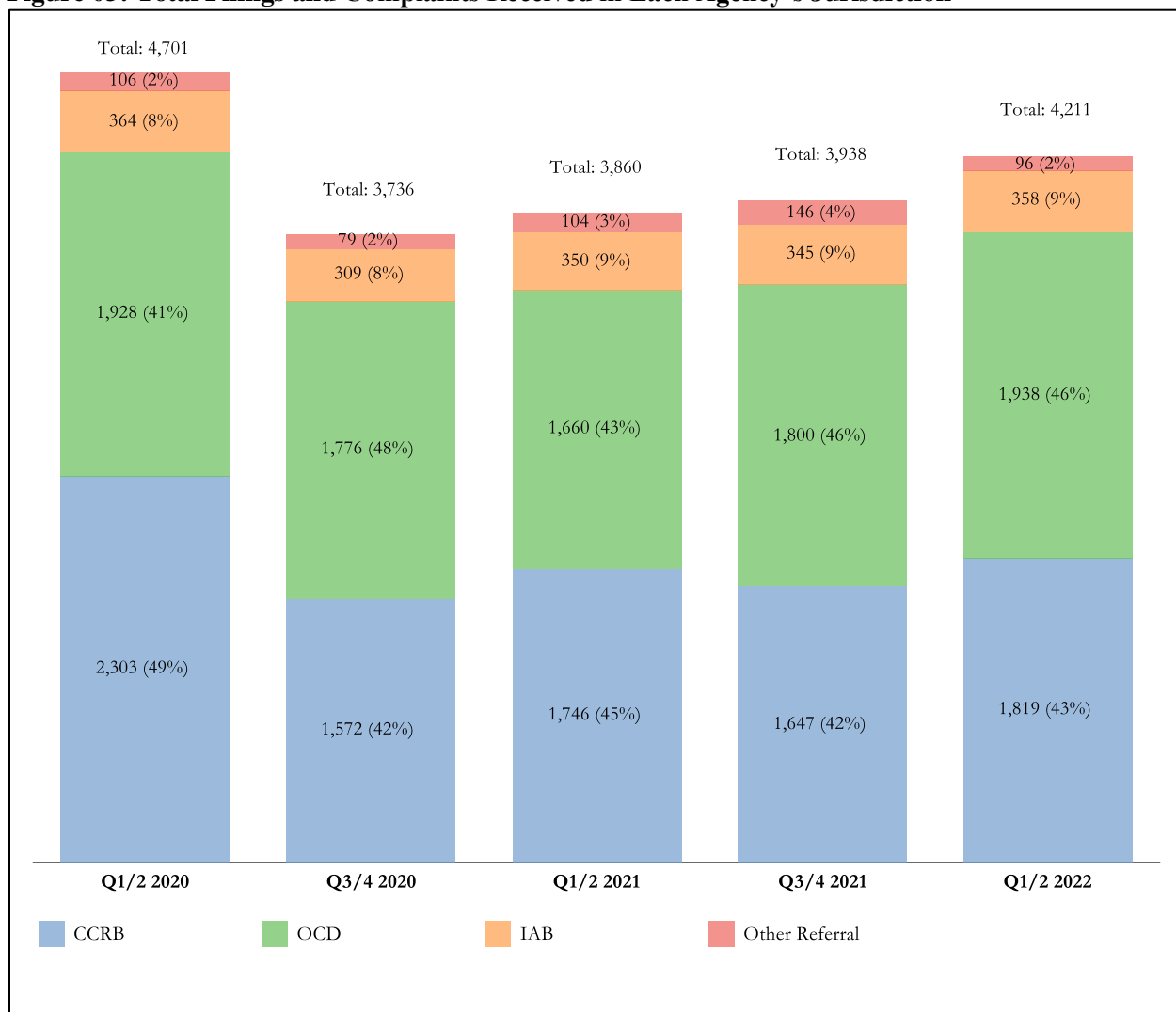
## CCRB JURISDICTION AND TOTAL FILINGS

The CCRB receives a number of complaints that fall outside of the Agency’s FADO jurisdiction. These complaints are entered into the CTS and subsequently referred to the governmental entities with the jurisdiction to process them.

The NYPD has two divisions that are the primary recipients of CCRB referrals—the Office of the Chief of Department (OCD) that investigates alleged lower-level violations of the NYPD Patrol Guide and the Internal Affairs Bureau (IAB) that is tasked with investigating allegations such as corruption or criminal behavior. Individuals whose complaints are referred by the CCRB are provided with a tracking number so that they can follow up on their complaints with the appropriate agency.

Examples of complaints the CCRB might receive that do not fall within the Agency’s jurisdiction include: (1) complaints against Traffic Enforcement Agents and School Safety Agents; (2) complaints against an NYPD officer involving a summons or arrest dispute that does not include a FADO allegation; (3) complaints against an NYPD officer involving corruption; and (4) complaints against individuals who are not members of the NYPD, such as law enforcement from other municipalities, state police, or members of federal law enforcement, like the Federal Bureau of Investigation (FBI).

**Figure 03: Total Filings and Complaints Received in Each Agency’s Jurisdiction**

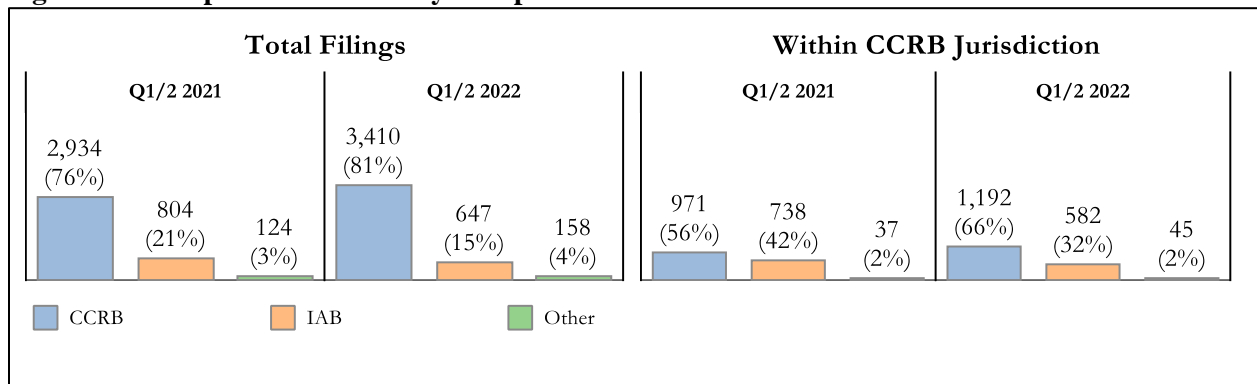


## PLACE AND MODE OF FILING

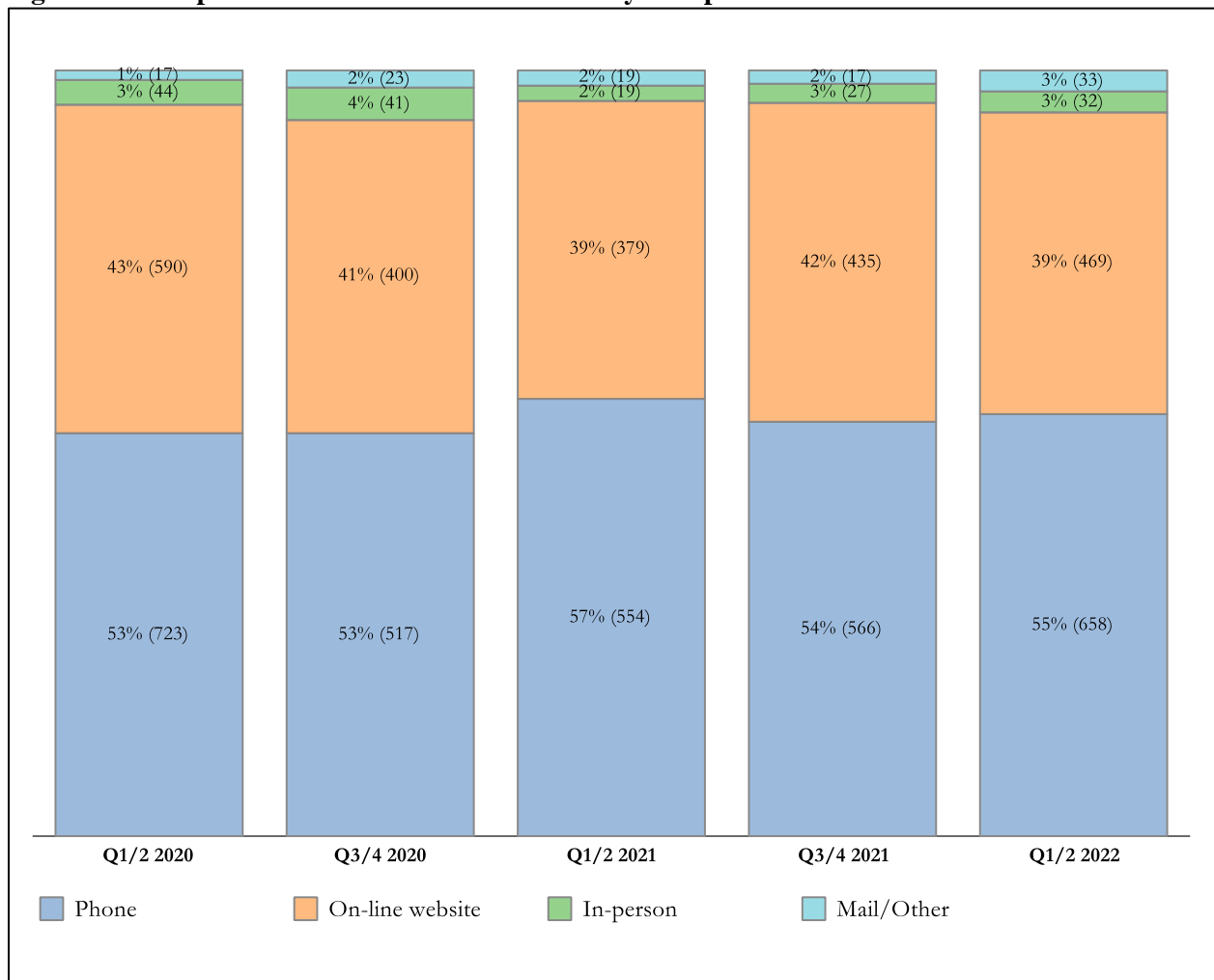
The CCRB’s Intake Unit receives, and processes complaints filed directly with the CCRB. The Agency also receives referrals from IAB and other government offices.

The Agency is more likely to fully investigate complaints when they are filed directly with the CCRB (see Fig. 23). When complaints are not filed directly with the CCRB, the Agency may need to locate and make initial contact with an unidentified complainant/victim, or a complainant/victim who has not been informed that the complaint was referred to the CCRB for investigation.

**Figure 04: Complaints Received by Complaint Place**



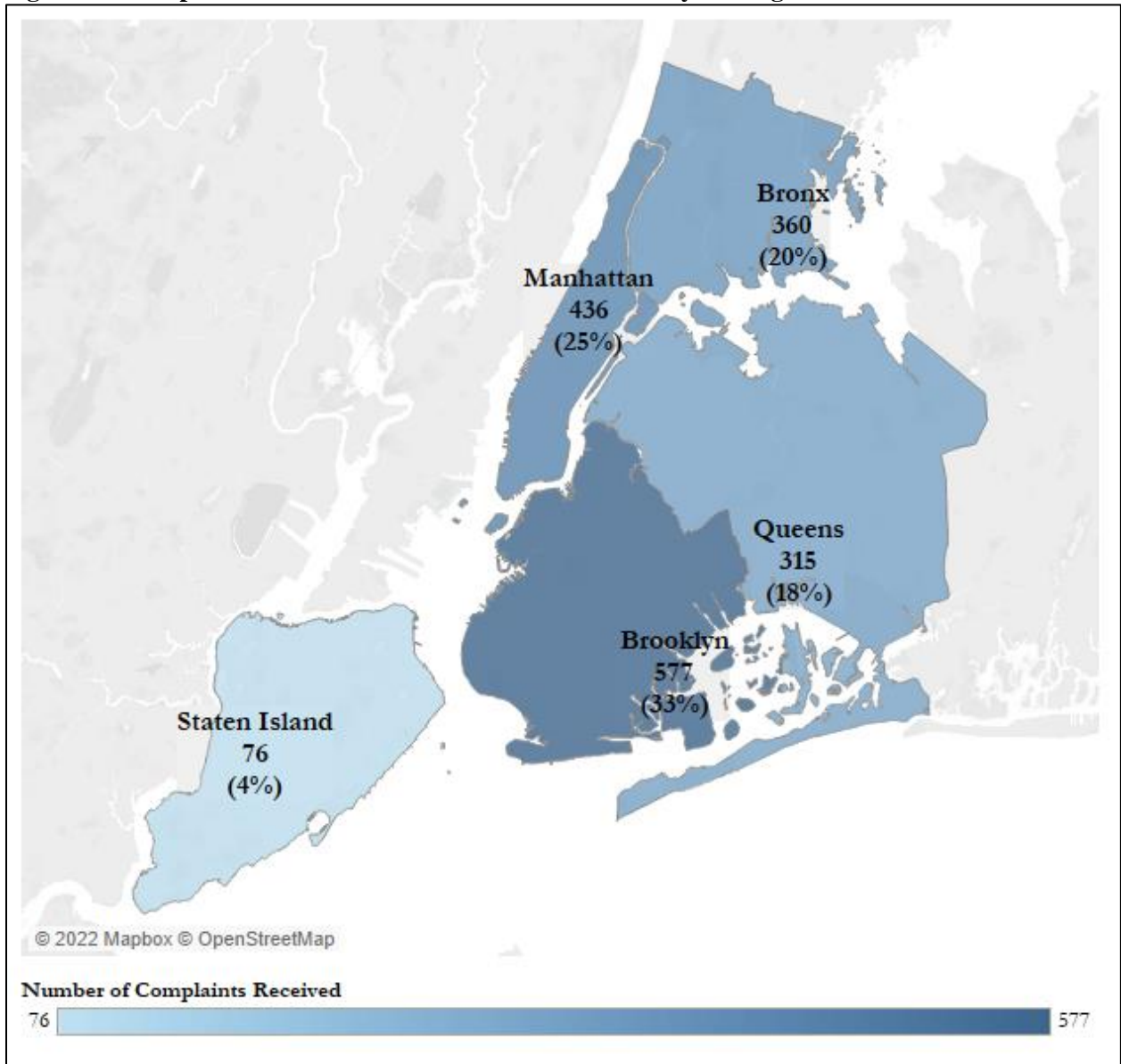
**Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode**





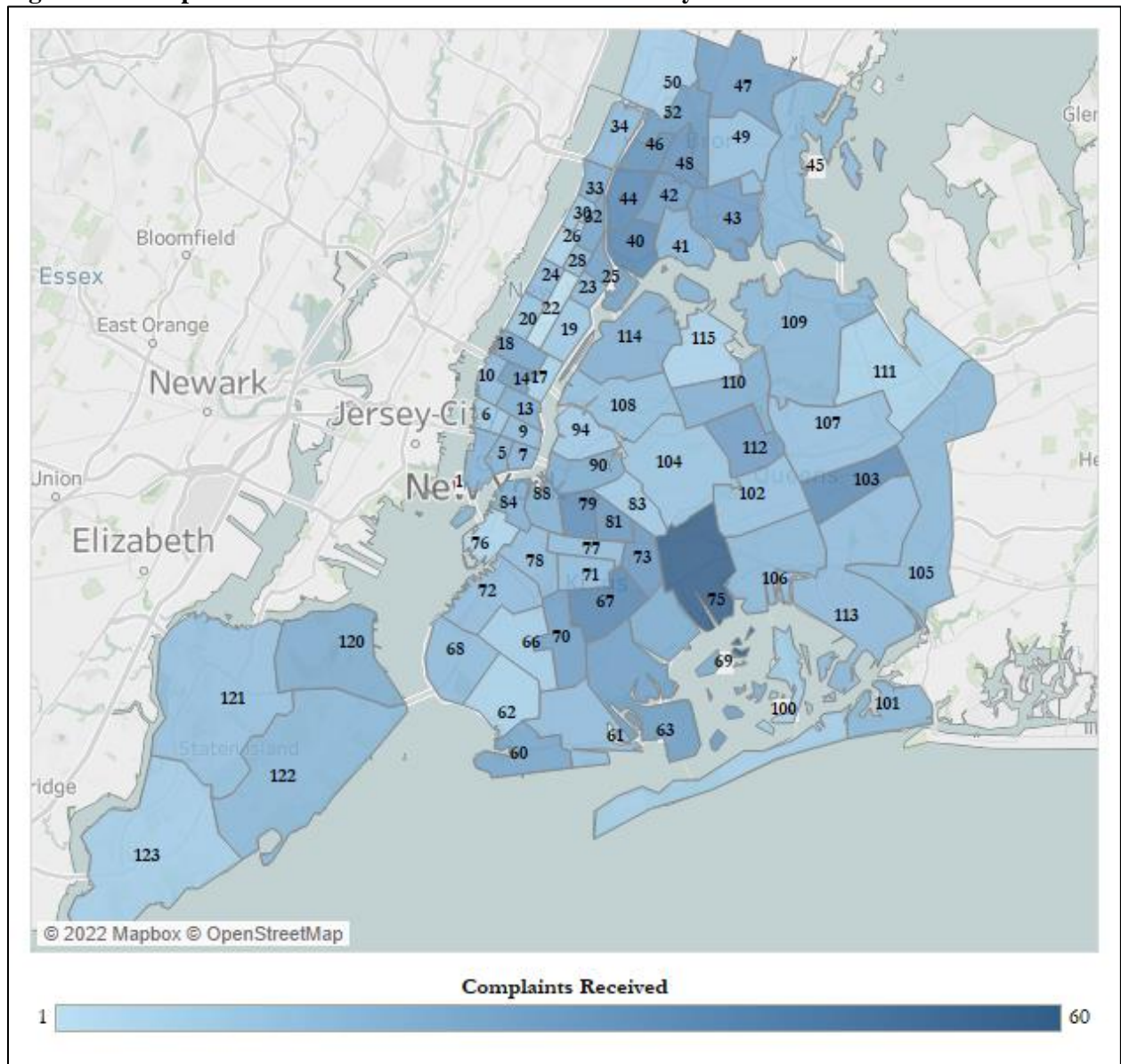
**LOCATION OF INCIDENTS RESULTING IN COMPLAINTS BY BOROUGH**

**Figure 06: Complaints Received within CCRB Jurisdiction by Borough**



LOCATION OF INCIDENTS RESULTING IN COMPLAINTS BY PRECINCT

Figure 07: Complaints Received within CCRB Jurisdiction by Precinct



**Figure 08: CCRB Complaints Received per Precinct of Occurrence**

Precinct	Q1/2 2021	Q1/2 2022	Precinct	Q1/2 2021	Q1/2 2022
	Complaint Count	Complaint Count		Complaint Count	Complaint Count
1	20	22	67	49	42
5	12	23	68	22	19
6	15	12	69	24	26
7	15	22	70	22	31
9	16	18	71	32	19
10	11	18	72	16	18
13	20	25	73	51	34
14	37	33	75	75	60
17	10	9	76	11	7
18	25	28	77	27	18
19	16	13	78	19	18
20	9	15	79	44	39
22	1	1	81	18	34
23	21	20	83	23	13
24	19	18	84	24	24
25	29	30	88	15	24
26	11	8	90	17	26
28	25	18	94	3	12
30	10	14	100	7	11
32	29	29	101	24	21
33	25	25	102	28	16
34	18	18	103	34	40
40	39	42	104	17	15
41	15	22	105	28	20
42	35	33	106	11	20
43	29	32	107	10	16
44	37	41	108	6	17
45	10	19	109	19	21
46	23	37	110	15	24
47	28	30	111	13	9
48	20	36	112	19	32
49	16	16	113	29	18
50	12	10	114	38	24
52	32	33	115	14	8
60	38	29	120	29	26
61	29	18	121	24	16
62	11	9	122	15	20
63	19	31	123	6	11
66	13	11			

## CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

**Figure 09: Top Reasons for Initial Contact**

	Q1/2 2021		Q1/2 2022	
	Count	% Total	Count	% Total
PD suspected C/V of violation/crime - street	167	10%	137	8%
Report-dispute	126	7%	139	8%
PD suspected C/V of violation/crime - auto	136	8%	88	5%
EDP aided case	94	5%	66	4%
PD suspected C/V of violation/crime - bldg	96	5%	67	4%
Report of other crime	66	4%	160	9%
Report-domestic dispute	72	4%	89	5%
Moving violation	67	4%	62	3%
C/V requested investigation of crime	58	3%	44	2%
PD suspected C/V of violation/crime - subway	58	3%	85	5%
CV already in custody	47	3%	61	3%
Other violation of VTL	58	3%	42	2%
Execution of arrest/bench warrant	44	3%	47	3%
C/V intervened on behalf of/observed encounter w/3rd party	37	2%	62	3%
Other specified categories combined	340	19%	400	22%
Not Specified	280	16%	270	15%
Total	1,746	100%	1,819	100%

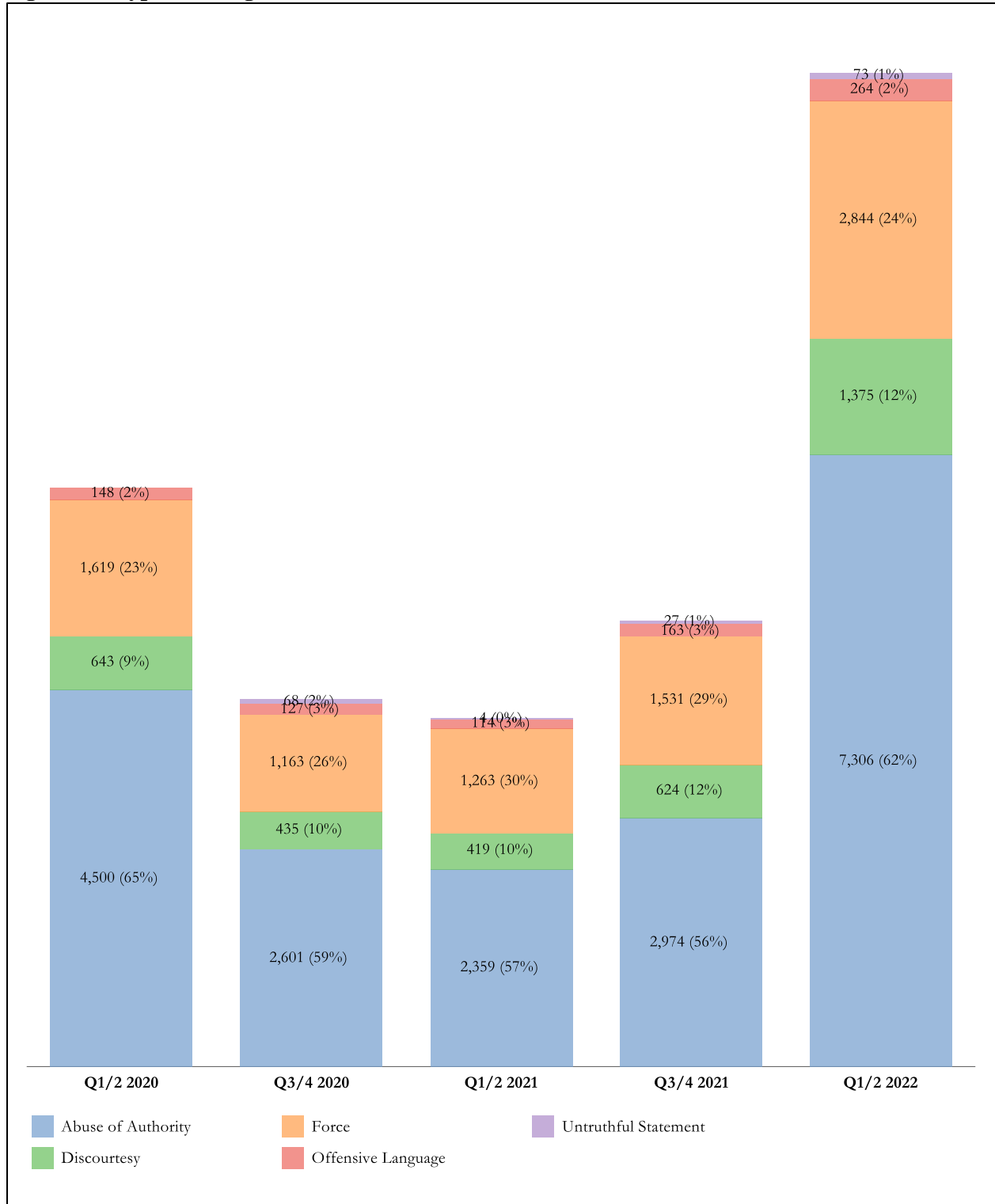
**Figure 10: Outcome of Encounters Resulting in CCRB Complaints**

	Q1/2 2021		Q1/2 2022	
	Count	% Total	Count	% Total
No arrest made or summons issued	1,085	62%	1,080	59%
Arrest - other violation/crime	409	23%	480	26%
Summons - other violation/crime	74	4%	60	3%
Moving violation summons issued	48	3%	34	2%
Arrest - resisting arrest	37	2%	41	2%
Other VTL violation summons issued	17	1%	21	1%
Arrest - assault (against a PO)	15	1%	17	1%
Parking summons issued	20	1%	19	1%
Arrest - OGA	6	0%	19	1%
Summons - disorderly conduct	4	0%	10	1%
Juvenile Report	2	0%	1	0%
Arrest - disorderly conduct	3	0%	4	0%
Arrest - harrassment (against a PO)	0	0%	3	0%
Summons - harrassment (against a PO)	0	0%	0	0%
Summons - OGA	0	0%	0	0%
N/A	26	1%	30	2%
Total	1,746	100%	1,819	100%

## NUMBERS AND TYPES OF ALLEGATIONS CLOSED AND RECEIVED

An individual complaint may contain multiple allegations against one or more officers. While each complaint is associated with a distinct report date, the allegations associated with a complaint are not static and change over time. CCRB investigators may add or remove allegations associated with a complaint as an investigation proceeds.

**Figure 11: Types of Allegations Closed**



**Figure 12: FADO&U Allegations in Complaints Received by Type**

Force (F) Allegations	Q1/2 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total
Physical force	1,279	73%	1,496	74%
Gun Pointed	89	5%	86	4%
Chokehold	51	3%	61	3%
Nonlethal restraining device	62	4%	63	3%
Hit against inanimate object	59	3%	138	7%
Restricted Breathing	80	5%	77	4%
Nightstick as club	25	1%	12	1%
Pepper spray	25	1%	1	0%
Handcuffs too tight	16	1%	35	2%
Other	16	1%	27	1%
Other blunt instrument as a club	6	0%	3	0%
Vehicle	14	1%	13	1%
Radio as club	3	0%	1	0%
Gun fired	11	1%	4	0%
Police shield	1	0%	6	0%
Gun as club	3	0%	0	0%
Flashlight as club	1	0%	1	0%
Less Than Lethal Force/Device	0	0%	1	0%

Discourtesy (D) Allegations	Q1/2 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total
Action	95	13%	148	21%
Demeanor/ tone	1	0%	6	1%
Gesture	13	2%	4	1%
Other	8	1%	12	2%
Word	590	83%	525	76%

Offensive Language (O) Allegations	Q1/2 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total
Race	51	29%	31	19%
Gender	42	24%	35	21%
Ethnicity	5	3%	9	5%
Other	43	24%	46	28%
Religion	4	2%	5	3%
Sexual orientation	19	11%	17	10%
Physical disability	1	1%	13	8%
Gender Identity	11	6%	9	5%

Untruthful Statement (U) Allegations	Q1/2 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total
False official statement	15	65%	3	50%
Impeding an investigation	0	0%	0	0%
Inaccurate official statement	0	0%	0	0%
Misleading official statement	8	35%	3	50%

Abuse of Authority (A) Allegations	Q1/2 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total
Body Cavity Searches	4	0%	6	0%
Disseminated immigration status	0	0%	0	0%
Electronic device information deletion	6	0%	4	0%
Enforcement Action	0	0%	1	0%
Entry of Premises	507	11%	496	11%
Failed to Obtain Language Interpretation	19	0%	34	1%
Failure to Explain	0	0%	5	0%
Failure to provide RTKA card	328	7%	292	7%
False Official Statements	0	0%	12	0%
Forcible Removal to Hospital	263	6%	310	7%
Frisk	213	5%	148	3%
Gun Drawn	34	1%	36	1%
Improper dissemination of medical info	2	0%	6	0%
Inaccurate Statements	0	0%	1	0%
Interference with recording	55	1%	71	2%
Obstructed Rank Designation	0	0%	0	0%
Obstructed Shield Number	20	0%	17	0%
Other	43	1%	76	2%
Photography/Videography	23	0%	11	0%
Premises entered and/or searched	0	0%	0	0%
Property damaged	178	4%	161	4%
Question	86	2%	103	2%
Questioned immigration status	0	0%	3	0%
Refusal to obtain medical treatment	48	1%	114	3%
Refusal to process civilian complaint	79	2%	94	2%
Refusal to provide name	262	6%	228	5%
Refusal to provide name/shield number	0	0%	0	0%
Refusal to provide shield number	211	5%	238	5%
Refusal to show arrest warrant	13	0%	16	0%
Refusal to show search warrant	11	0%	17	0%
Retaliatory arrest	0	0%	4	0%
Retaliatory summons	2	0%	5	0%
Search (of person)	243	5%	183	4%
Search of Premises	216	5%	186	4%
Search of recording device	16	0%	12	0%
Seizure of property	111	2%	106	2%
Sex Miscon (Humiliation: fail to cover)	16	0%	18	0%
Sex Miscon (Sexual Harassment, Gesture)	3	0%	8	0%
Sex Miscon (Sexual Harassment, Verbal)	16	0%	25	1%
Sex Miscon (Sexual/Romantic Proposition)	7	0%	10	0%
Sex Miscon (Sexually Motiv Photo/Video)	1	0%	1	0%
Sex Miscon (Sexually Motiv Strip-Search)	0	0%	0	0%
Sex Miscon (Sexually Motivated Frisk)	2	0%	2	0%
Sex Miscon (Sexually Motivated Search)	3	0%	0	0%
Sexual Miscon (Forcible Touching)	6	0%	20	0%
Sexual Miscon (Inappropriate Touching)	7	0%	30	1%
Sexual Miscon (On-duty Sexual Activity)	0	0%	3	0%
Sexual Miscon (Penetrative Sex. Contact)	1	0%	7	0%
Sexual Miscon (Rape)	0	0%	18	0%
Sexual Miscon (Sexual Assault)	2	0%	11	0%
Sexual Misconduct (Sexual Humiliation)	6	0%	13	0%
Stop	254	6%	326	7%
Strip-searched	23	0%	34	1%
Threat of arrest	375	8%	370	8%
Threat of force (verbal or physical)	193	4%	163	4%
Threat of summons	57	1%	32	1%
Threat re: immigration status	1	0%	0	0%
Threat re: removal to hospital	37	1%	50	1%
Threat to damage/seize property	85	2%	63	1%
Threat to notify ACS	13	0%	12	0%
Unlawful Arrest	4	0%	6	0%
Unlawful Summons	3	0%	7	0%
Untruthful Statement	2	0%	1	0%
Vehicle search	236	5%	111	2%
Vehicle stop	264	6%	125	3%

## CASE ABSTRACTS: FADO&U EXAMPLES

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CCRB's allegations fall into five categories, generally simplified to the acronym FADOU: Force, Abuse of Authority, Discourtesy, Offensive Language, and Untruthful Statements.

1. Force - an officer uses excessive or inappropriate force against a victim. Some acts of force, such as chokeholds, are always considered dangerous and inappropriate by the Patrol Guide, but the use of force requires an analysis of the circumstances in which an officer used force in order to decide if it was appropriate and in line with the Patrol Guide. Examples of force are any form of physical force, including physical strikes, body tackles, punches, kicks, and the use of equipment such as chemical spray, Tasers, shields or batons.
2. Abuse of Authority - covers a broad category of acts of police misconduct which violate an officer's authority. These include threats of improper actions, improper searches and seizures, refusal to process complaints, refusal to abide by the Right to Know Act and improper arrests.
3. Discourtesy - inappropriate behavioral or verbal conduct by an officer, including general profanity and the use of rude or obscene gestures.
4. Offensive language - an officer using slurs, making derogatory remarks or gestures towards a person's protected category, including race, ethnicity, gender, religion, sexual orientation or disability.
5. Untruthful statements - statements made by officers shown to be untruthful by evidence gathered during the course of an investigation. A false official statement is knowingly false, rather than merely inaccurate. A misleading statement is when an officer intentionally tries to misdirect an investigator by omitting facts they would be reasonably expected to know or remember. An inaccurate official statement does not require the officer to intend to deceive but may include material statements so incorrect as to constitute gross negligence.

The following case abstracts are taken from complaints closed in the first half of 2022 and serve as examples of the types of misconduct allegations that fall under the CCRB's jurisdiction:<sup>6</sup>

### **1. Force**

An individual and several others were participating in a protest on the Brooklyn Bridge. The individual sat down with others on the roadway and interlocked arms. Officers approached the protestors and began to arrest them. The individual and others stood up and began to retreat. As they retreated the individual was approached by Deputy Inspector Andrew Hillery who grabbed onto her hair and dragged her down to the ground and continued holding onto to her hair as other officers got on top of the individual and arrested her.

DI Hillery was captured on BWC footage - it showed the DI Hillery grabbing the individual by her hair and separating her from the group of protestors. DI Hillery and the individual fall to the ground and he continues to hold onto the individual's hair while on the ground. They then stand and DI Hillery maintains his grip on the individual's hair. Other officers move in and handcuff her, and the subject officer continues to pull the individual's head down by her hair. The individual offers no physical resistance the entire time.

The investigation determined that it was undisputed that DI Hillery grabbed and pulled the individual by her hair and that DI Hillery's statement that the individual was "jumping" around while they were on the ground was not supported by the video evidence. It confirmed that the individual did not exhibit threatening or harmful behavior and that multiple officers were restraining the individual during DI Hillery's use of force. The investigation determined that the

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<sup>6</sup> Each of the cases described in this section were substantiated complaints, intended to illustrate the difference between types of allegations the Board investigated and found to be misconduct.

use of force was unnecessary under the circumstances. The Board substantiated the Use of Force allegations.

## **2. Abuse of Authority**

An individual was unconscious in front of a restaurant and EMS along with Police Officer Sean Corbett, Police Officer Liam Murphy and other officers responded to the 911 call and found the unconscious individual. While EMS treated the individual, officers searched through the unconscious individual's pockets to ascertain his identity. They found his address and a set of house keys. PO Corbett and PO Murphy used the keys to open the apartment which belonged to the individual's mother and searched several rooms in it, coming upon the individual's mother who was at the back of the apartment.

PO Corbett and PO Murphy were captured on surveillance video entering and searching the home. They stated that they entered the home because they needed to search for any babies or elderly people related to the unconscious individual and to notify a family member of the unconscious individual being treated by EMS. They admitted that they did not have a warrant to enter the apartment.

The investigation determined that PO Corbett and PO Murphy could not articulate any reason to believe that the unconscious person had left any high-risk individuals unattended; contacting the unconscious individual's family was not an emergency that required immediate entry into the unconscious person's home. The Board substantiated the Abuse of Authority allegations.

## **3. Discourtesy**

An individual was taken down to the ground during a protest when Police Officer Stephen Centore said to the individual "don't grab my fucking dick, you asshole bitch." PO Centore was captured on BWC footage – it showed the individual on the ground surrounded by multiple officers and being handcuffed and that the individual sustained injuries that required medical attention. PO Centore was captured making the discourteous and offensive statement with the individual down on the ground where her hands were not touching PO Centore's genitals.

The investigation determined that PO Centore's statement was not within the established guidelines for officers issuing commands during stressful encounters; they are not permitted to use gendered slurs or gratuitous profanity. The Board substantiated the Discourtesy and Offensive Language allegations.

## **4. Offensive Language**

An individual was arrested at a protest by Police Officer Gregory Acerra and other officers. The individual informed the officer of his pronouns as he was being arrested. The individual stated that after being transported to a mass arrest processing site PO Acerra repeatedly misgendered him to other officers by saying "it's a she", "it's a girl" "she's female", "put it with the females", "put her with the females". PO Acerra ultimately lodged the individual in a holding cell for female prisoners. The individual described being misgendered as humiliating and dangerous because it outed him as transgender which could expose him to retaliation, abuse, or violence from others present. BWC footage showed that the individual told PO Acerra what his pronouns were. PO Acerra during his CCRB interview continued to misgender the individual and did not deny referring to the individual as female during arrest processing and even acknowledged that he may have done so. The Board substantiated the Offensive Language allegations.

## **5. Untruthful Statement**



An individual was on Twitter when he saw a tweet posted on a precinct's official twitter account. The post contained a photo of Police Officer Jose Rodriguez standing next to another officer. PO Rodriguez was wearing a face mask that had the Punisher skull logo with a "Blue Lives Matter" symbol consisting of an American flag and a thin blue line. On the skull of the Punisher logo were the letters "DILLIGAF" which stand for "Do I look like I give a fuck." The investigation interviewed PO Rodriguez who stated that he wore the mask because he was a comic book fan and liked the character but didn't know who the Punisher character was. He stated that the logo did not represent anything and did not recall the "DILLIGAF" written on the mask.

The investigation determined found that the creator of the Punisher comics, Gerry Conway had spoken out the increasing number of police and military members adopting the logo. He stated that "the vigilante anti-hero [Punisher's titular character whose symbol is the skull] is fundamentally a critique of the justice system, an example of social failure, so when cops put punisher skulls on their cars, they're basically sides [sic] with an enemy of the state. They are embracing an outlaw mentality." The investigation determined that multiple conspiracy theorist groups antigovernmental groups and white supremacist groups have also embraced the Punisher skull logo.

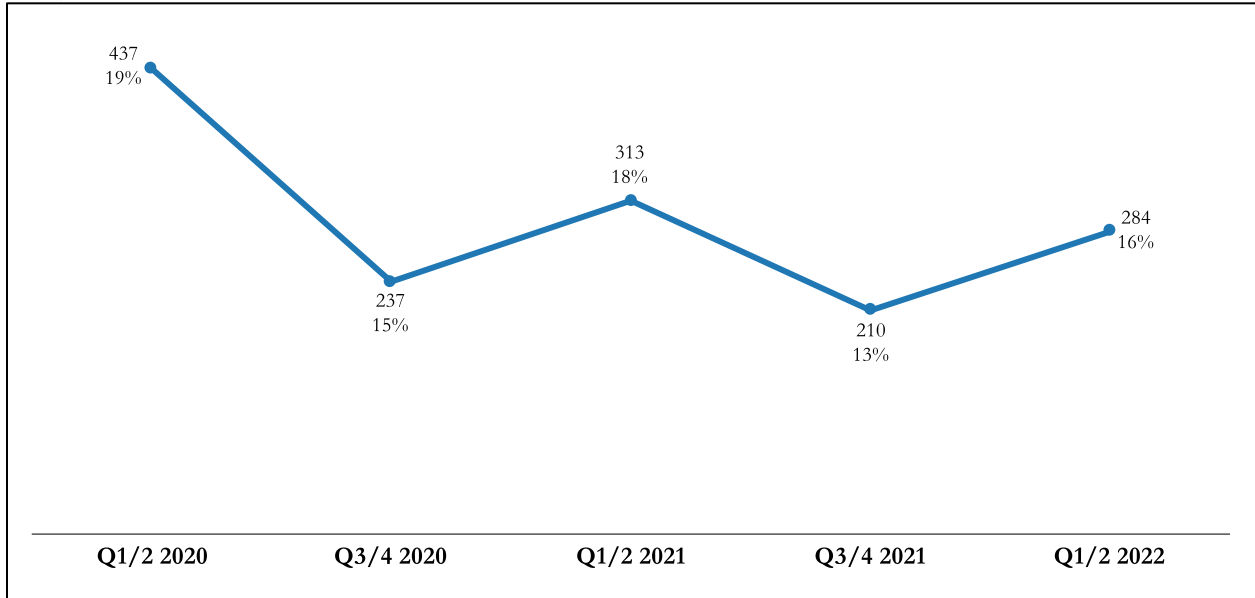
Further in his interview PO Rodriguez denied remembering is there was anything written on the mask and when he was shown the Punisher logo, he further denied knowing the meaning of "DILLIGAF" coupled with the Punisher logo. The investigation determined that as a self-proclaimed fan of the comics it was not credible that PO Rodriguez would not know what "DILLIGAF" meant or that had any additional meaning in tandem with the logo on his mask. His knowledge of the Punisher paired with "DILLIGAF" was a material fact to the investigation and was thus a false official statement. The Board substantiated the Discourtesy and Untruthful Statement allegations.

## STOP, QUESTION, FRISK AND SEARCH OF PERSON ALLEGATIONS

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Because of the longstanding public discussion surrounding “Stop & Frisk” policing, the CCRB keeps track of all complaints containing a stop, question, frisk, or search of a person allegation.

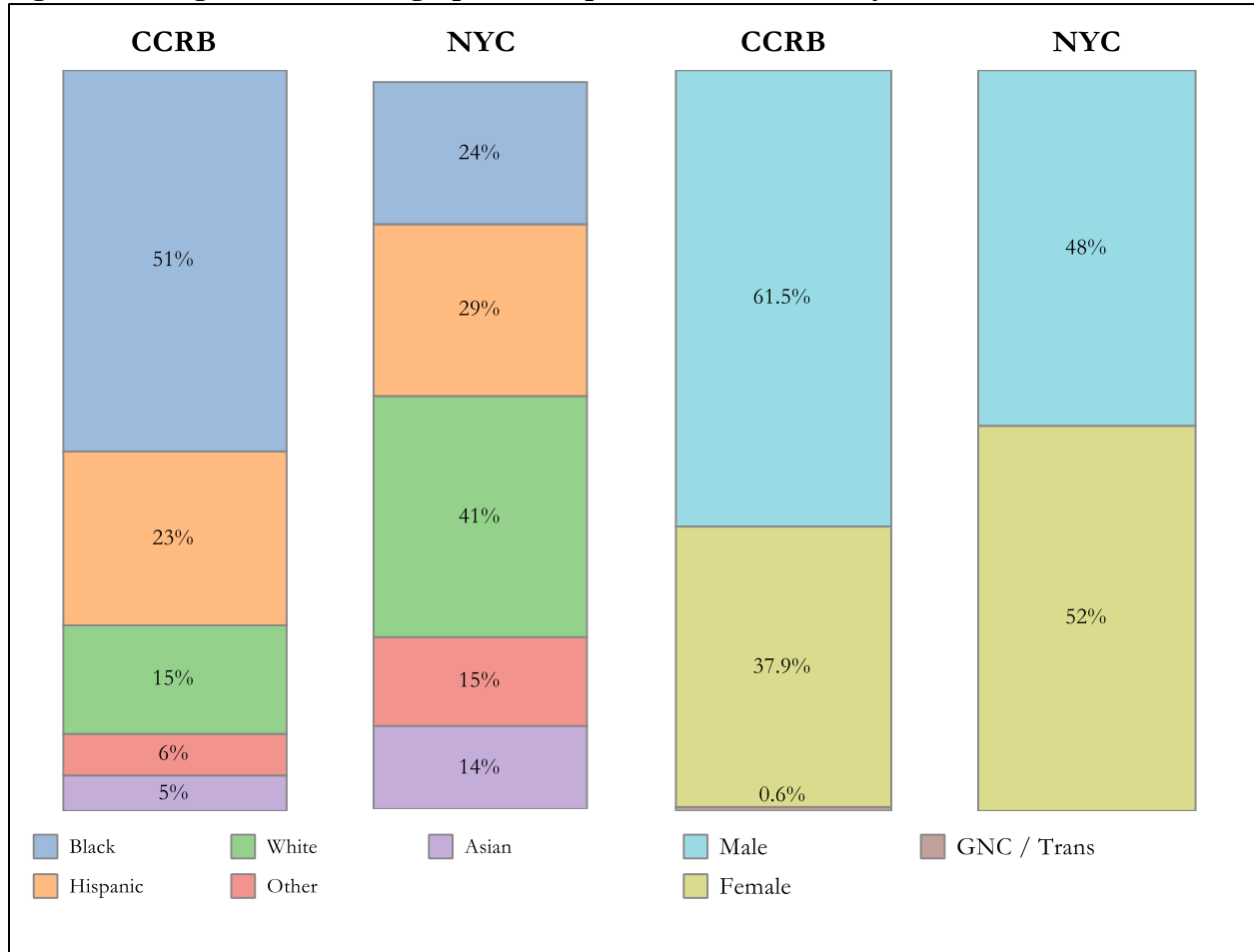
**Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation**



## CHARACTERISTICS OF ALLEGED VICTIMS

The CCRB compares the demographic profiles of the alleged victims to the demographics of the city, without controlling for any other factors such as the proportion of encounters with the police or the number of criminal suspects. The race and gender of alleged victims are disproportionate to the racial and gender makeup of New York City’s population (Fig. 14).<sup>7</sup>

**Figure 14: Alleged Victim Demographics Compared to New York City<sup>8 9</sup>**



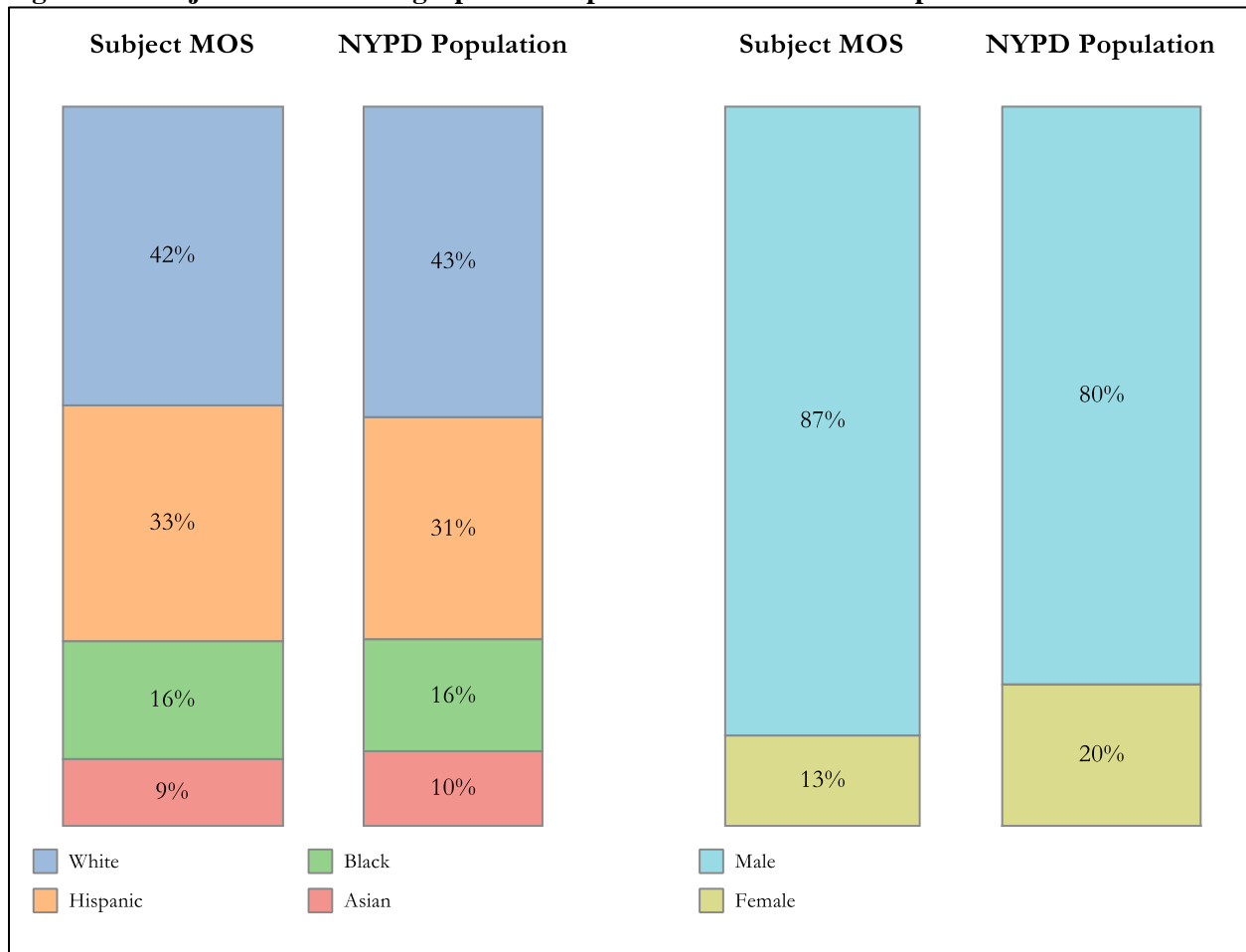
<sup>7</sup> City demographic information is drawn from the 2019 United States Census estimate. All race demographics are inclusive of Hispanic origin. For example, “Black” includes both “Black Hispanic” and “Black Non-Hispanic.” Census data is available at <https://www.census.gov/quickfacts/newyorkcitynewyork>

<sup>8</sup> The percentages for race of New York City residents do not add up to 100% because the Census allows respondents to self-report Hispanic ethnicity separate from race. Someone may, for instance, indicate that they are both Black and Hispanic. This means that some individuals are counted in these categories twice. Since current CCRB race/ethnicity categories are not precisely aligned with Census categories, comparisons should be made with caution.

<sup>9</sup> “GNC” is an acronym that stands for Gender Nonconforming. “Trans” includes individuals who identify as Transmen and Transwomen in CCRB records.

**CHARACTERISTICS OF SUBJECT OFFICERS**

**Figure 15: Subject Officer Demographics Compared to NYPD Officer Population**



**Figure 16: Rank and Tenure of Active MOS with Recently Closed Substantiated CCRB Complaints**

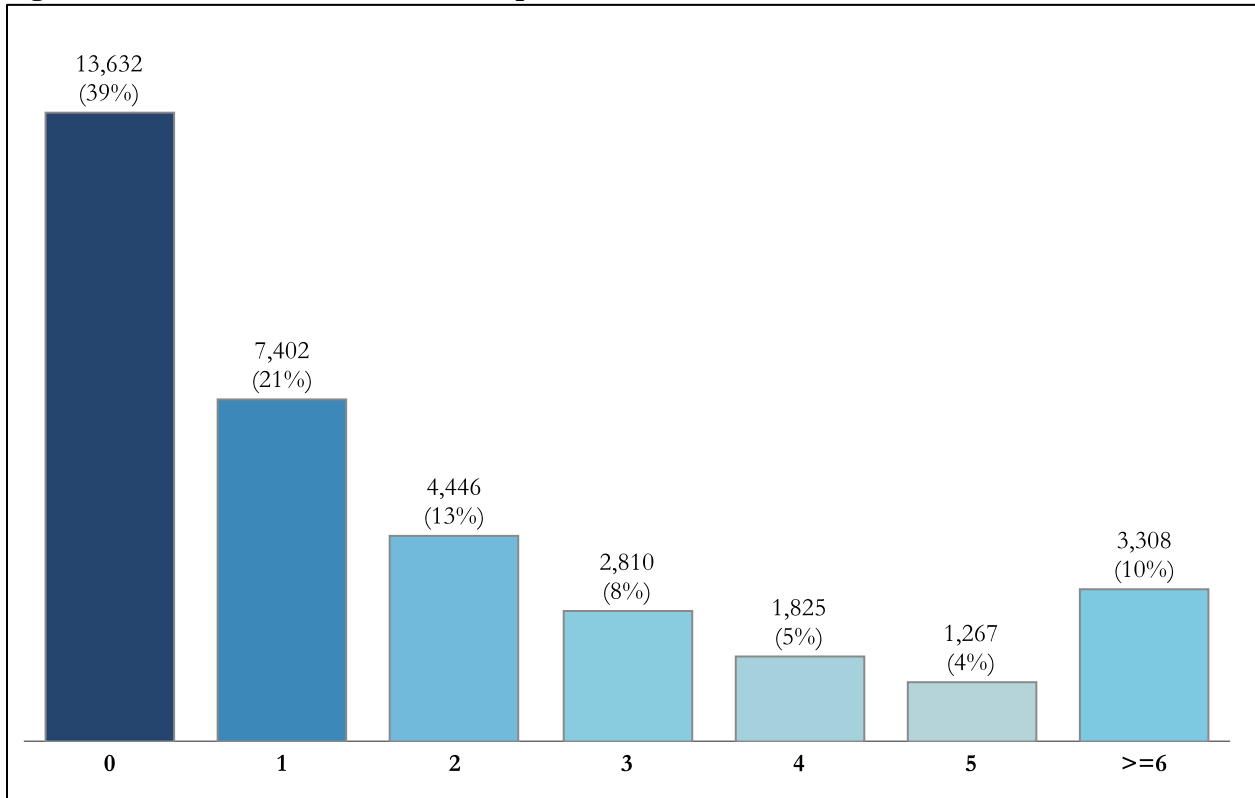
Rank	Q1/2 2022	
	Count	Percent
Captain	12	1%
Chiefs and other ranks	2	0%
Deputy Inspector	2	0%
Detective	54	5%
Inspector	3	0%
Lieutenant	72	7%
Police Officer	737	72%
Sergeant	146	14%

Tenure	Q1/2 2022	
	Count	Percent
0-3 Years	157	15%
4-5 Years	294	29%
6-10 Years	228	22%
11-15 Years	243	24%
16-20 Years	76	7%
21+ Years	30	3%

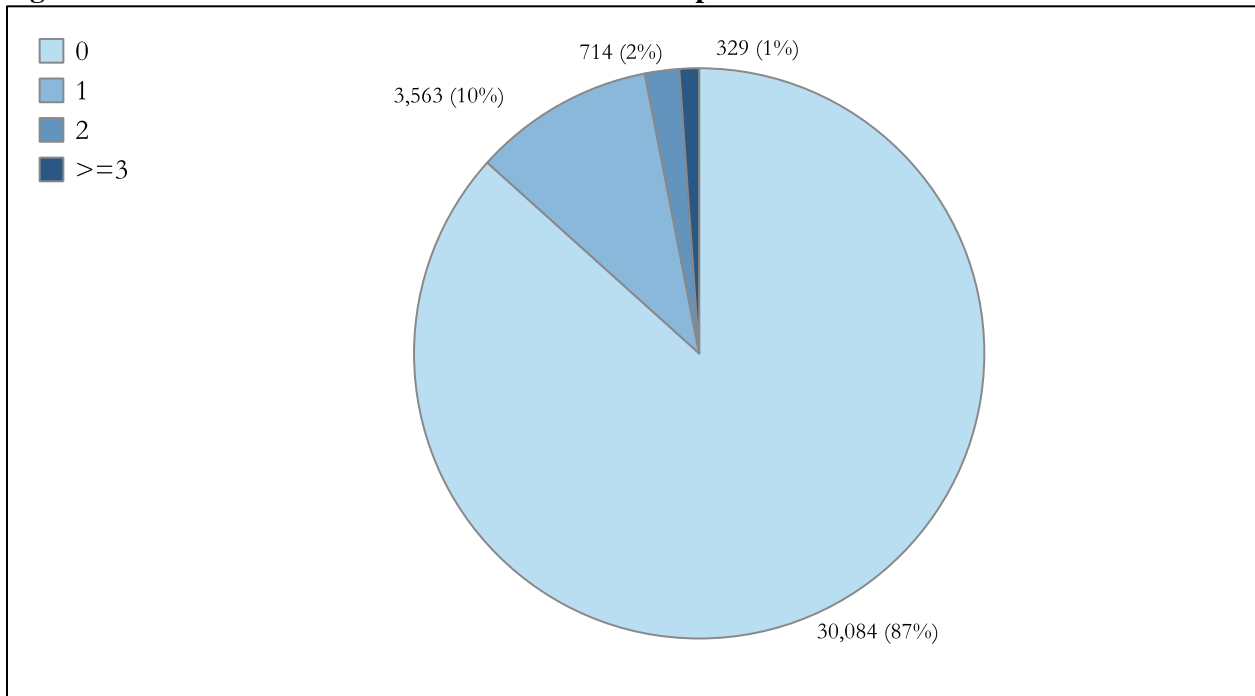
## TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

The charts below depict how complaints are distributed among active members of service.

**Figure 17: Active MOS with CCRB Complaints**



**Figure 18: Active MOS with Substantiated CCRB Complaints**



## SECTION 2: INVESTIGATIONS

Investigation is the core function of the CCRB. Every complaint passes through the Investigations Division, even if it is ultimately resolved through mediation.

At the beginning of an investigation, an investigator interviews the complainant and any witnesses, collects evidence, and attempts to identify the police officer(s) involved in the encounter. In many instances, the officers' identities are unknown at the outset of the investigation. Investigators interview any officers identified in the course of their investigation.

Once all the necessary interviews are conducted and the collected evidence is reviewed, the investigative team makes a disposition recommendation to the Board for each allegation in the case. In the majority of cases, a panel of three Board members, comprised of one mayoral designee, one City Council designee, and one Police Commissioner designee, reviews the case and votes on the investigator's recommendations. In certain limited circumstances, the full Board will consider a case.

In order to resolve investigations fairly and in accordance with local law, the CCRB generally needs the cooperation of at least one civilian complainant/alleged victim related to the case. The New York City Charter states that the CCRB's findings and recommendations cannot "be based solely upon an unsworn complaint or statement."<sup>10</sup> When a complainant or alleged victim is available for an interview, the Agency deems the resulting investigation a "full investigation." If there is no complainant or alleged victim available for an interview and there is no additional evidence upon which the investigation can proceed, the investigation is closed as "Unable to Investigate." The Investigations Division makes every effort to fully investigate cases; its primary goal is to complete full and fair investigations.

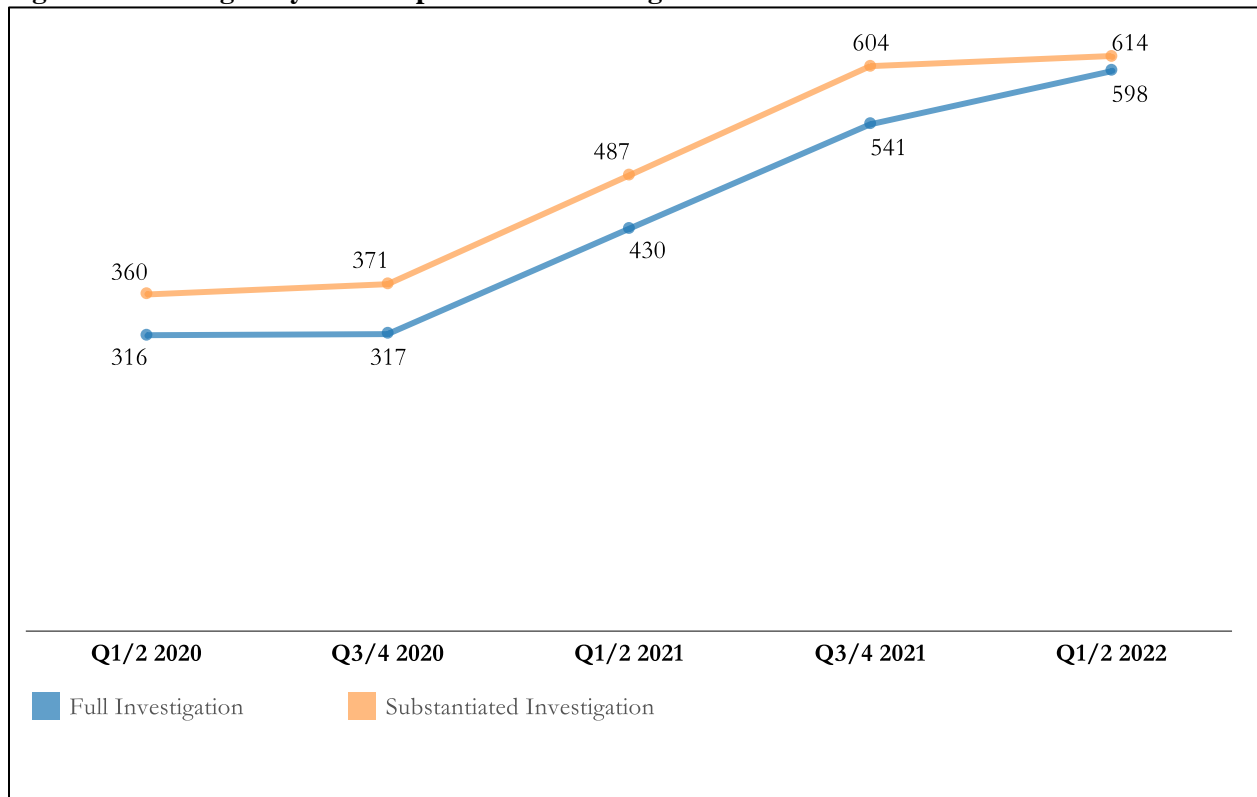
This section covers the performance of the Investigations Division and the outcomes of complaints received by the CCRB.

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<sup>10</sup>New York City Charter §440(c)(1).

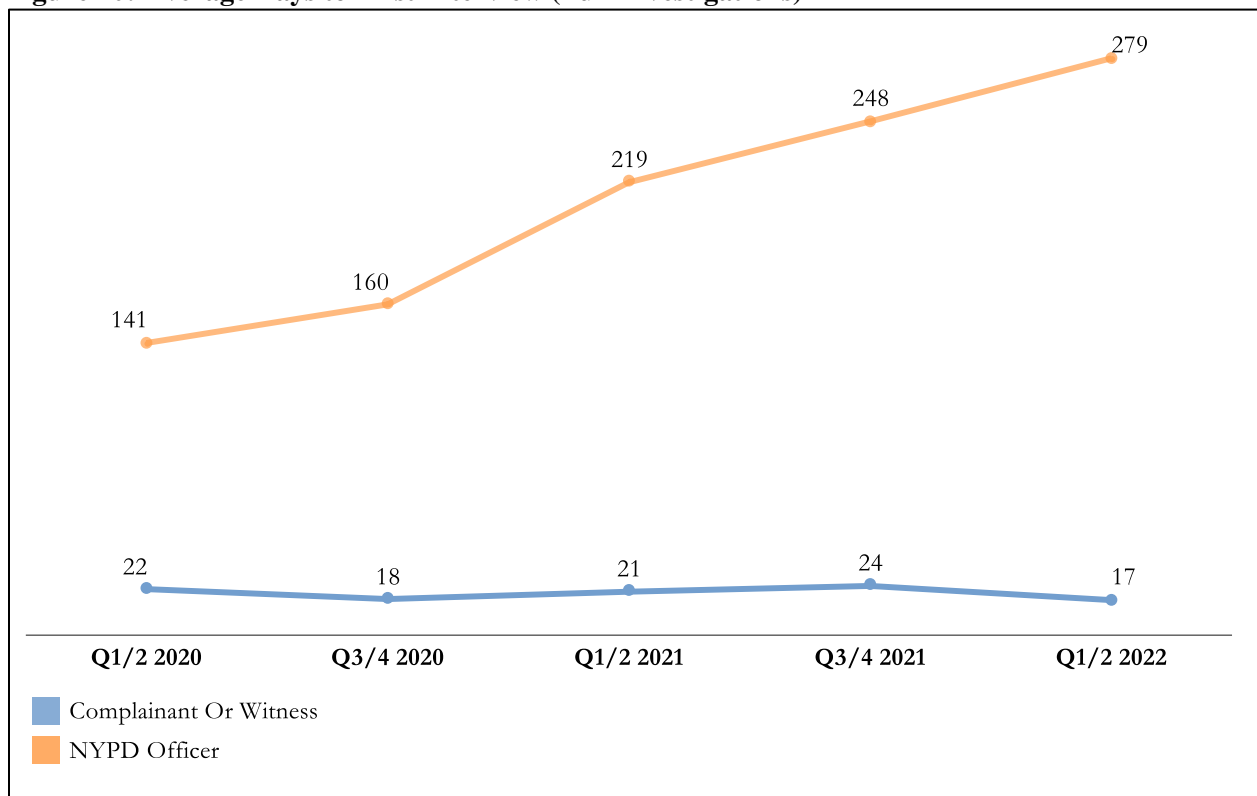
**INVESTIGATIONS DIVISION BENCHMARKS**

**Figure 19: Average Days to Complete a Full Investigation**



*Average days excludes re-opened cases and cases that have been placed on hold by the District Attorney.*

**Figure 20: Average Days to First Interview (Full Investigations)**



*Average days excludes re-opened cases and cases that have been placed on hold by the District Attorney.*

## CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

A complaint can be resolved in various ways. The complaint may be fully investigated, mediated, closed after mediation is attempted,<sup>11</sup> or closed as “Unable to Investigate” (the complainant is unable or unwilling to cooperate with a full investigation or cannot be reached for an interview). There are also a small number of cases where the complainant asks to withdraw their case and a small number of cases that are closed as miscellaneous closures,<sup>12</sup> which include administratively closed complaints and complaints in which the subject officer left the Department before an investigation or mediation was completed.

**Figure 21: Case Resolutions**

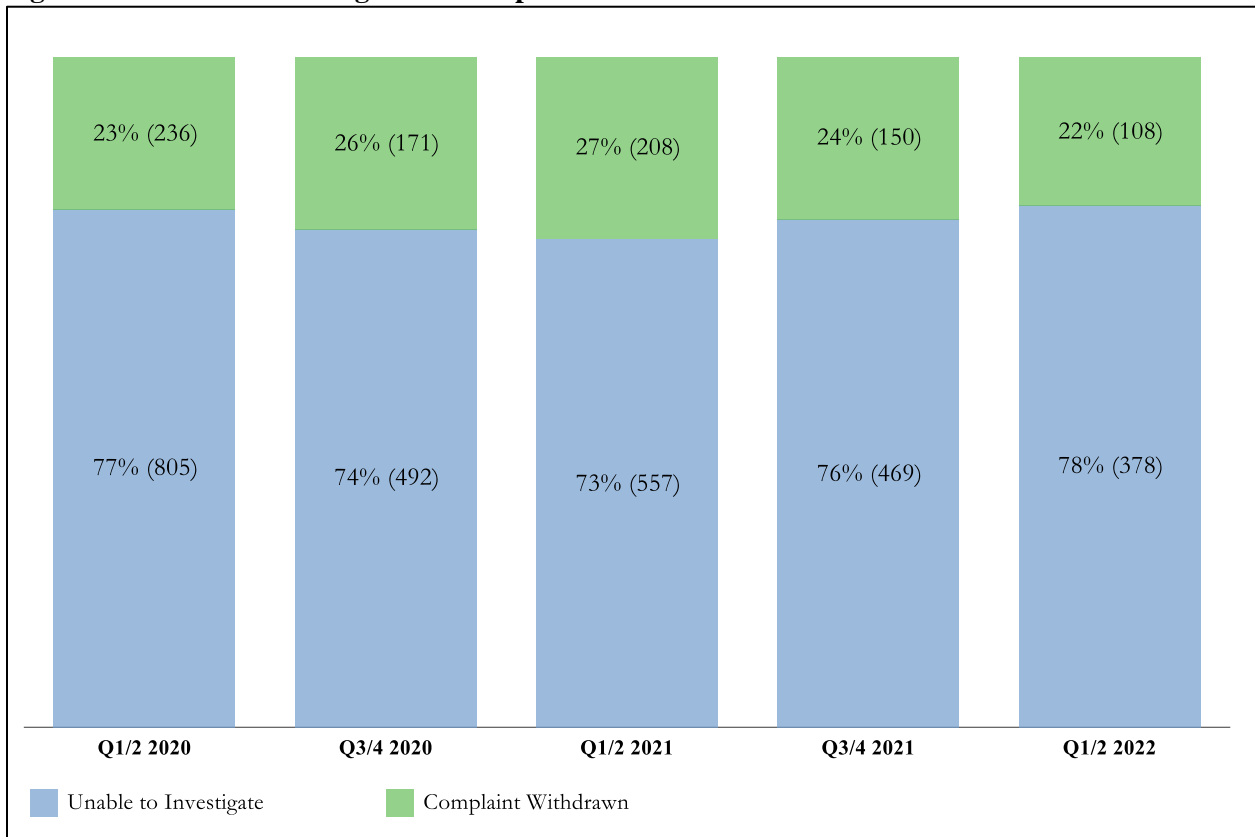
	Q1/2 2020		Q3/4 2020		Q1/2 2021		Q3/4 2021		Q1/2 2022	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Full Investigation	627	33%	354	25%	241	19%	371	27%	1,481	67%
Unable to Investigate	822	44%	513	37%	574	45%	485	35%	389	18%
Complaint Withdrawn	236	13%	171	12%	208	16%	150	11%	108	5%
Closed - Pending Litigation	157	8%	175	12%	164	13%	144	10%	112	5%
Mediation Attempted			109	8%	34	3%	106	8%	44	2%
Misc. Closure	9	0%	80	6%	25	2%	55	4%	25	1%
Mediated	29	2%	1	0%	43	3%	77	6%	42	2%

<sup>11</sup> “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for a scheduled mediation session without good cause, or fails to respond to attempts to schedule a mediation session, and does not request that the case be sent back for a full investigation.

<sup>12</sup> Miscellaneous closures are not included in the Unable to Investigate rate.

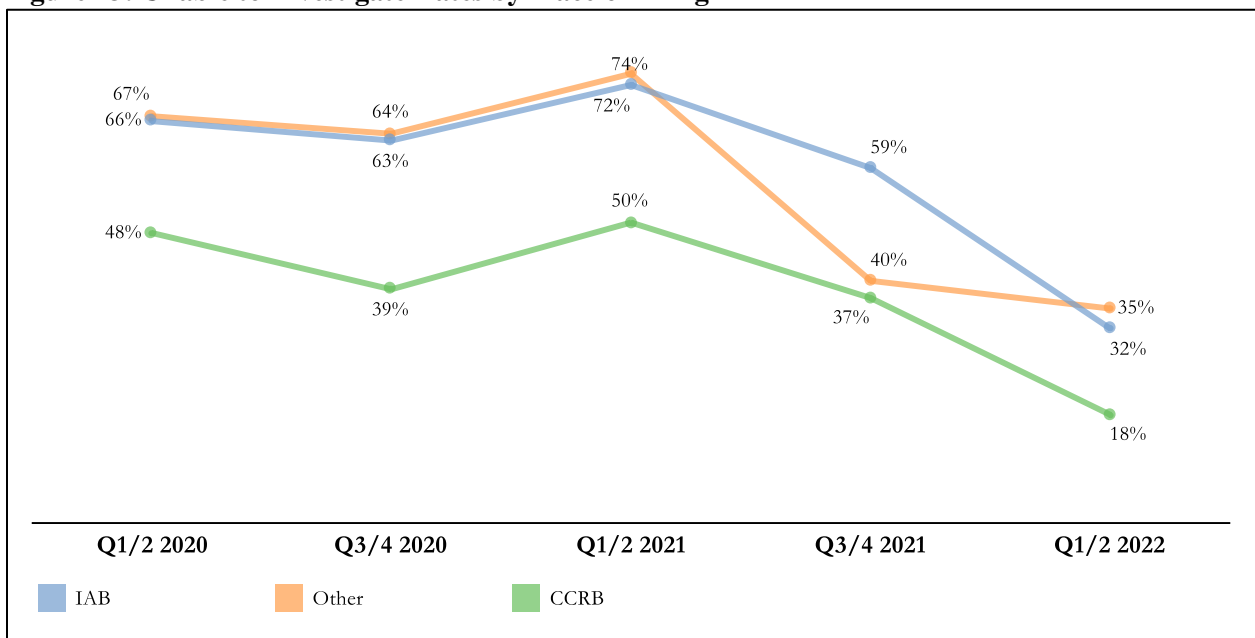


**Figure 22: Unable to Investigate vs. Complaint Withdrawn Closures**



When complaints are not filed directly with the CCRB, it is often difficult to make contact with the complainant or victim, as other agencies may not have notified them that their complaint was referred to the CCRB. This can cause confusion and reduce the likelihood that complainants will cooperate when contacted by CCRB investigators, if they can be contacted at all.

**Figure 23: Unable to Investigate Rates by Place of Filing**



## COMPLAINT AND ALLEGATION DISPOSITIONS FOR FULLY INVESTIGATED CASES

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To understand the data presented in the following section, it is important to understand the CCRB terminology used in determining complaint and allegation dispositions.

Allegations that are fully investigated by the CCRB generally result in one of five outcomes:

- An allegation is **Substantiated** if the alleged conduct is found to have occurred and is improper based on a preponderance of the evidence.<sup>13</sup>
- An allegation is **Within NYPD Guidelines**<sup>14</sup> if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence. Allegations may be **Within NYPD Guidelines** if the officer's behavior was found to be allowed under the law and/or the Patrol Guide. This does not mean that the complainant was untruthful in their account of the incident. Many members of the public are not aware of the range of law enforcement activities that are legally permissible and within the boundaries of proper NYPD protocol.
- An allegation is **Unfounded** if the alleged conduct is found by a preponderance of the evidence not to have occurred as the complainant described.
- An allegation is closed as **Officer Unidentified** if the CCRB was unable to identify the officer accused of misconduct.
- An allegation is closed as **Unable to Determine**<sup>15</sup> if there is insufficient evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

The disposition of a fully investigated complaint depends on the disposition of the fully investigated allegations within the complaint:

- A complaint is **Substantiated** if any allegation within the complaint is substantiated.
- A complaint is **Within NYPD Guidelines** if all the allegations made against identified officers are **Within NYPD Guidelines**.
- A complaint is **Unfounded** if there are no **Substantiated** or **Unable to Determine** allegations and there is at least one unfounded allegation.
- A complaint is closed as **Officer Unidentified** if the CCRB was unable to identify any of the officers accused of misconduct.
- A complaint is **Unable to Determine** if there are no substantiated allegations and there is at least one unable to determine allegation.

The following section provides case abstracts to help readers better understand the distinctions between the different dispositions of fully investigated allegations.

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<sup>13</sup> "Preponderance of the evidence" is an evidentiary standard used in civil cases, and is commonly interpreted to mean that the fact in question was determined to be "more likely than not" true. *See Foran v. Murphy*, 73 Misc.2d 486 (2d Dept 1973) ("In a disciplinary proceeding, . . . it is sufficient if respondent finds the specifications established by a fair preponderance of the evidence."); *Dep't of Correction v. Jones*, OATH Index No. 393/04 (May 3, 2004) ("burden of proof in this administrative proceeding to prove misconduct by a preponderance of the credible evidence").

<sup>14</sup> 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.

<sup>15</sup> 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.

The following case abstracts are taken from complaints closed in the first half of 2022 and serve as examples of what the different case dispositions mean in practice:

### **1. Substantiated**

An individual was driving when he was stopped by Police Officer Numael Amador, Police Officer Roberto Napoli. PO Amador approached the individual's driver side door and requested his license and registration. The individual complied and PO Amador told him to get out of the vehicle. The individual asked why, and he was told again to exit the vehicle. The individual told him that it would take him longer than usual to exit the vehicle because his left arm and leg had mobility issues due to an old gunshot injury. As the individual took off his seat belt, PO Amador, PO Napoli opened his car door and pulled him out of the vehicle by grabbing onto his torso. Sergeant Nicolas Murray and Police Officer Lukasz Solis searched the individual's vehicle.

The subject officers were captured on BWC footage – it showed PO Amador reviewing the individual's car documentation and asking him to step out of the vehicle. While the individual is asking why he has to exit the vehicle, PO Amador opens the door and he and PO Napoli pull him out of the vehicle. The individual tells them that he had a “bad arm” as they pull him out by his arms. Sgt. Murray and PO Solis lean into the driver side and rear doorway, and both enter the vehicle through the rear passenger doors and search through the backseat.

The investigation determined that it was undisputed that PO Amador did not give the individual sufficient time to exit the vehicle and the force used by PO Amador and PO Napoli to remove the individual from the vehicle was not appropriate due to the fact that the individual was complying with their orders and was not resisting. The investigation also determined that based on the case law, Sgt. Murray and PO Solis did not have a protective basis to search the entire vehicle since the threat to their safety was eliminated by the individual's removal from the vehicle as well as the frisk for weapons that was performed on him outside the vehicle. The Board substantiated the Use of Force and Abuse of Authority allegations.

### **2. Within NYPD Guidelines**

The individual stopped at a traffic light that was red. He observed two marked police vehicles ahead of him. The individual was behind one of the vehicles, waiting for the traffic light to turn green. When the light turned green, the individual honked his horn twice because the police vehicle did not move. Lieutenant Christopher Fusaro exited the passenger side of the vehicle and approached the individual. He told the individual that next time he honked his horn at a police vehicle, he would receive a summons. Lt. Fusaro returned to his vehicle. At his CCRB interview Lt. Fusaro stated that he had received a call over the radio while his vehicle was stopped at the traffic light. He stated that the vehicle's turret lights were on and that the other police vehicle stopped next to theirs to discuss the call. He stated that he only became aware of the individual when he heard the car horn. Lt. Fusaro stated that he did not explain to the individual the grounds for a summons but that he was aware that is a violation of traffic law to use a horn in any non-emergency situation. The individual stated that he was not in an emergency, and

that he saw that the police vehicle had its lights on. Lt. Fusaro was also correct that there is a traffic rule stating that vehicle horns should only be used to warn a person or animal of danger. The Board found Lt. Fusaro's conduct to be within the Department's guidelines and closed the Abuse of Authority allegation as being Within NYPD Guidelines.

### **3. Unfounded**

An individual called 911 due to a dispute with his wife. Police Officer Michael Valdez and another officer arrived at the scene and spoke to the individual outside of the apartment building. After a discussion, the individual wanted to write down the officers' names and shield numbers and he asked for PO Valdez's name and did not receive it. BWC footage showed that PO Valdez and his partner activated their BWCs as the individual was writing down their information on a piece of paper. PO Valdez offered the individual his business card and the individual did not respond. PO Valdez also turned towards the individual so that he could see his nameplate and the individual wrote down both his name and shield number, as well as that of his partner. The individual is not captured asking PO Valdez's name, nor PO Valdez refusing to give it. The Board closed the Abuse of Authority allegation as Unfounded.

### **4. Officer Unidentified**

An individual was standing in her home near her front door which had been previously damaged, hanging on a hinge and without a door handle. Three plainclothes officers, whom the individual was able to give general physical descriptions of entered her home without asking the individual's permission to enter. She did not recall if the officers had a warrant to enter her home. The officers told the individual that they were looking for her son. The individual confirmed that her son lived in her home. The investigation checked the records of the local precinct and received negative results for active warrants for the individual's home or for the individual's son. The investigation confirmed that two unknown users checked for warrants concerning the individual's son. A BWC search turned up negative results. Without pertinent video footage and responsive police documents, the investigation could not identify the subject officers. The Board closed the Abuse of Authority allegations as Officer Unidentified.

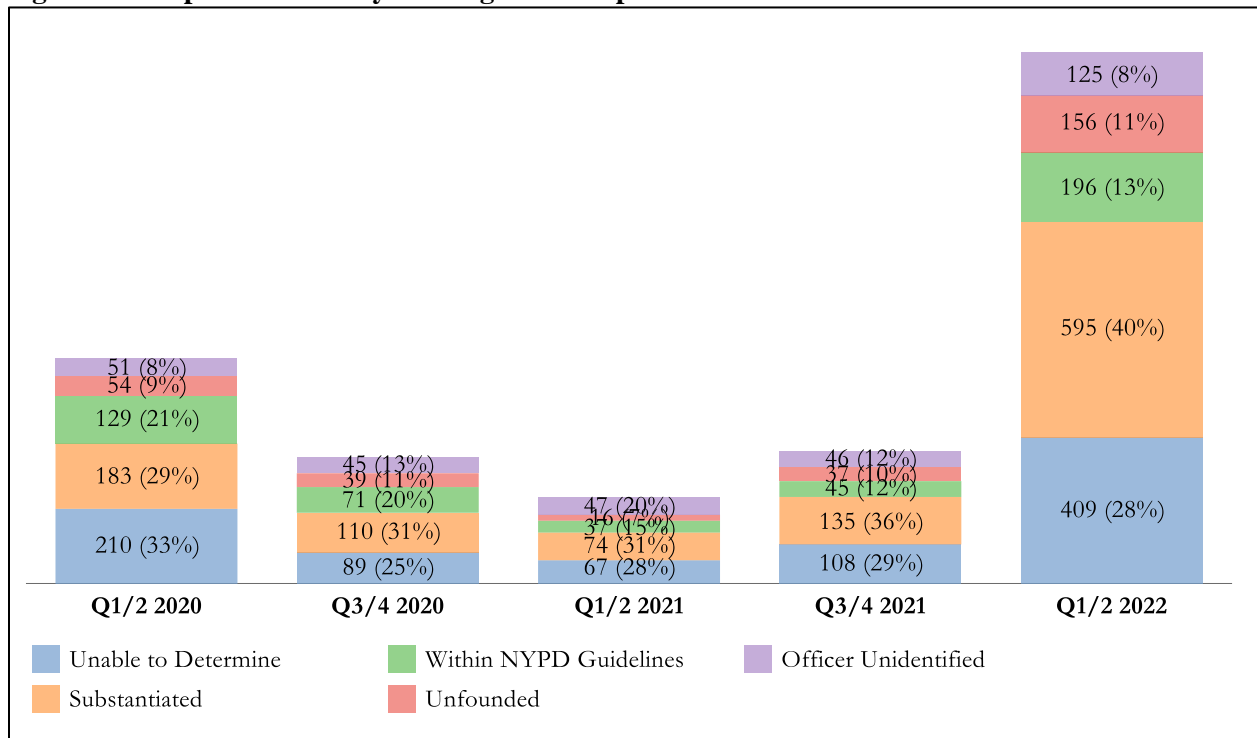
### **5. Unable to Determine**

The individual stated that she received multiple calls from Police Officer Rafael Guzman where he threatened the individual with the arrest of her daughter and to call ACS. The individual also stated that during one of the calls with PO Guzman, he stated "I have kids and I can't believe you, a fucking Latina, are supporting this." The individual recorded one of the calls. The investigation found that both PO Guzman and the individual knew that the individual's daughter was involved in a physical altercation at her school. PO Guzman had gathered several statements that incriminated the individual's daughter as being a participant the altercation – an altercation that was classified as a crime. The recorded call captured PO Guzman informing the individual to make her daughter available at the precinct or he would have to look for her and arrest her – PO Guzman's statement was one of fact as he had probable cause to arrest the individual's daughter and that informing the individual about it was not a threat. The recording did not capture PO Guzman stating that he would contact ACS or arrest the

individual. PO Guzman admitted that he made a comment to the individual about her parenting but that he did not use any profanity or mention the individual's ethnicity. Without further independent evidence, the investigation could not determine if PO Guzman referred to the individual's ethnicity or used profanity. The Board closed the Discourteous, Offensive, and Abuse of Authority allegations as Unable to Determine.

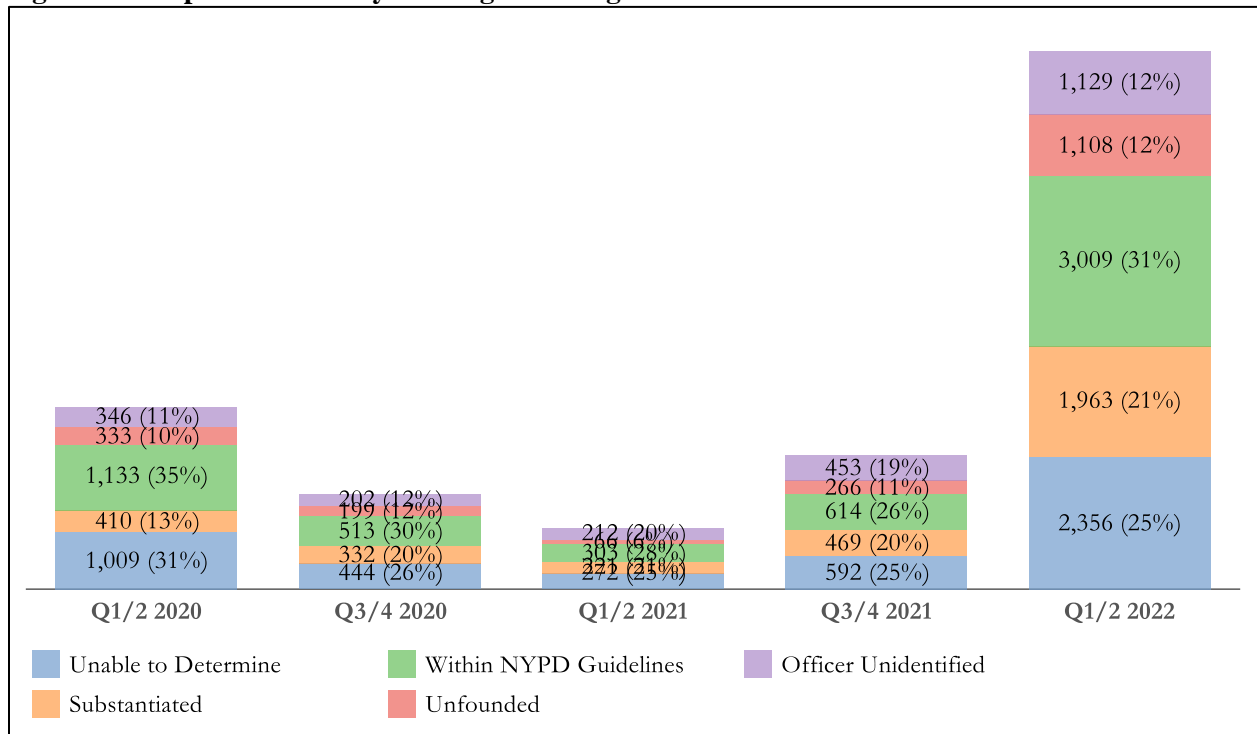
## DISPOSITIONS OF COMPLAINTS AND ALLEGATIONS

**Figure 24: Disposition of Fully Investigated Complaints**



A CCRB complaint may contain one or more allegations. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint (see page 25).

**Figure 25: Disposition of Fully Investigated Allegations**



## UNTRUTHFUL STATEMENT ALLEGATIONS

On November 5, 2019, New Yorkers voted to revise the New York City Charter to explicitly include within the CCRB’s jurisdiction untruthful material statements made by NYPD members of service to the CCRB. The Charter revision reads as follows:

“The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board’s resolution of such complaint.”

To comply with the charter revision, the CCRB created the “Untruthful Statement” allegation type. There are four distinct “Untruthful Statement” allegations:

1. **False Official Statement:** The false official statement allegation requires a showing of three elements by a preponderance of the evidence that: (1) the officer who was the subject of a CCRB complaint made an intentional statement during the course of the CCRB investigation; (2) the officer knew the statement to be untrue; and (3) the statement was material to the outcome of the investigation.
2. **Misleading Official Statement:** Misleading statements are statements in which the officer intends to misdirect the fact finder and materially alter the narrative by omitting material facts, states repeatedly that they do not recall the event or specific actions when a reasonable person would be expected to recall or have been aware, or when officers materially alter their statement after being confronted with evidence which contradicts the initial statement.
3. **Inaccurate Official Statement:** This allegation does not require an intent to deceive, but the officer’s testimony includes incorrect material information out of gross negligence about knowledge which the officer ought to possess.
4. **Impeding an Investigation:** the CCRB will not doubly charge the officer for the same untruthful act. Instead, this allegation shall be reserved for instances when “an officer engages in impeding actions” such as destroying digital or material evidence or refusing to provide said evidence.

**Figure 26: Untruthful Statement Allegations**

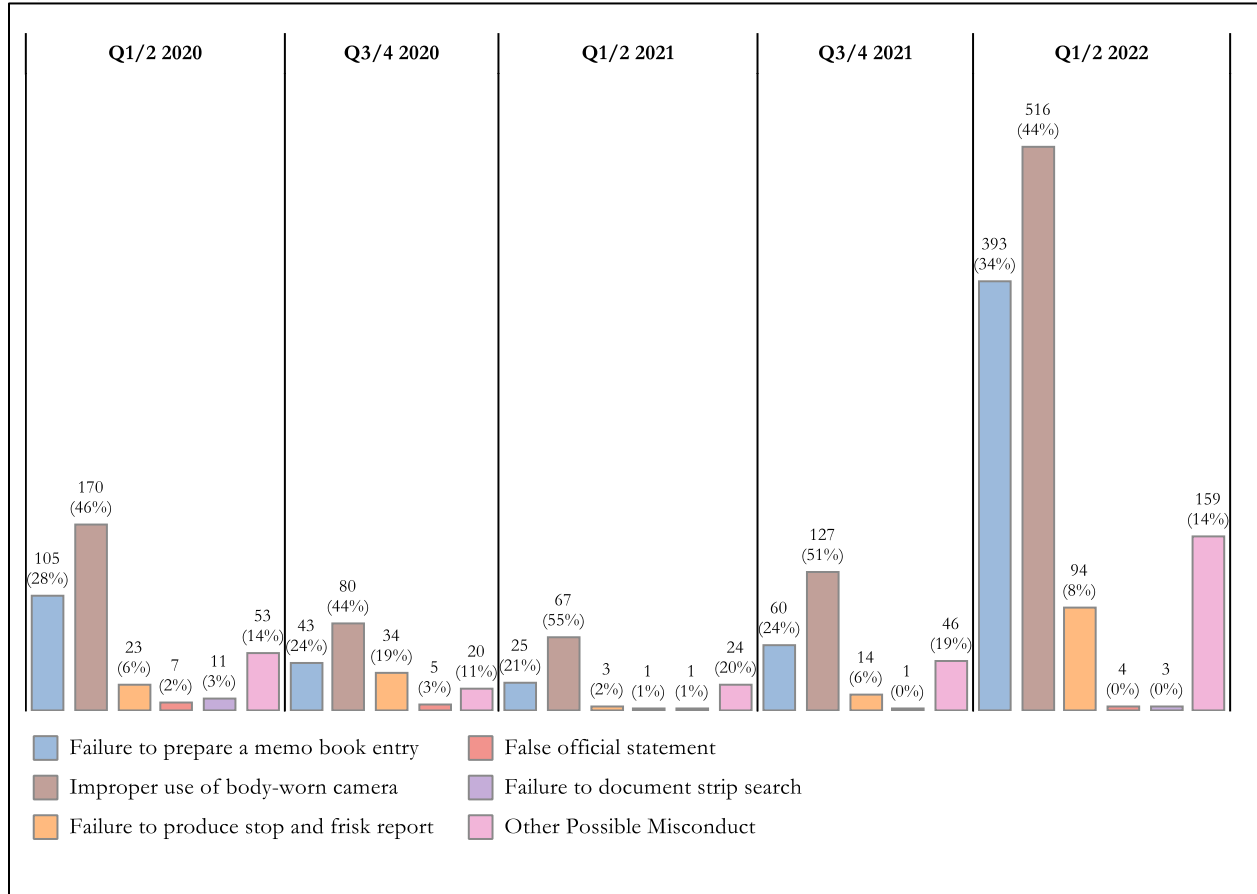
YearQtr	Board Disposition	Inaccurate Official Statement	Misleading Official Statement	Impeding an Investigation	False Official Statement
Q1/2 2021	Administratively Closed	0	0	0	0
	Substantiated (Charges)	0	2	0	1
	Substantiated (Command Discipline B)	0	0	0	0
	Substantiated (Formalized Training)	1	0	0	0
Q3/4 2021	Administratively Closed	0	0	0	0
	Substantiated (Charges)	0	5	2	13
	Substantiated (Command Discipline B)	0	0	0	0
	Substantiated (Formalized Training)	0	0	0	0
Q1/2 2022	Administratively Closed	0	0	0	0
	Substantiated (Charges)	0	32	0	34
	Substantiated (Command Discipline B)	0	0	0	0
	Substantiated (Formalized Training)	0	0	0	0

## OTHER POSSIBLE MISCONDUCT NOTED AND FALSE OFFICIAL STATEMENTS

When a CCRB investigation reveals evidence of a Patrol Guide violation that falls outside of the CCRB’s jurisdiction, the Board files this as “other possible misconduct noted” (OPMN) and reports it to IAB for further investigation and possible disciplinary action.

OPMN allegations should not be confused with allegations of corruption or potential criminal conduct, which are also referred to IAB.

**Figure 27: Other Possible Misconduct Noted**





## SECTION 3: DISCIPLINARY PROCESS

### DISCIPLINARY PROCESS AND THE CCRB'S ADMINISTRATIVE PROSECUTION UNIT (APU)

After the CCRB substantiates an allegation of misconduct, the NYPD portion of the disciplinary process begins. Although the CCRB recommends the discipline that it deems appropriate, pursuant to the New York City Charter<sup>16</sup>, New York City Administrative Code<sup>17</sup>, and New York State Civil Service Law,<sup>18</sup> the Police Commissioner has final approval over all member of service (MOS) discipline. The Commissioner can accept, reject, or modify any discipline recommendation made by the CCRB.

After the Board substantiates an allegation of misconduct, it makes a discipline recommendation to the Police Commissioner who has final authority over what penalty, if any, should be imposed on the officer. In 2021, pursuant to Memorandum of Understanding (MOU) with the NYPD,<sup>19</sup> the Board began using the NYPD's Disciplinary System Penalty Guidelines, often referred to as the Disciplinary Matrix,<sup>20</sup> to determine its discipline recommendations. Using the Disciplinary Matrix should result in more consistent discipline recommendations from the CCRB, and consequently, less deviations by the Police Commissioner.

The CCRB follows this three-step process to determine its Disciplinary Matrix recommendation for each officer:

1. Using the Disciplinary Matrix, the CCRB assigns a penalty day value to each substantiated allegation.
2. The penalty day value of all the substantiated allegations against the officer is summed to arrive at an overall penalty day value.
3. Based on the overall penalty day value, CCRB selects one of the following disciplinary recommendations:
  - Less than 1 day: Training<sup>21</sup>
  - 1–5 days: Command Discipline A<sup>22</sup>
  - 6–10 days: Command Discipline B<sup>23</sup>
  - 11+ days: Charges and Specifications<sup>24</sup>

After the Board sends its disciplinary recommendation to the Police Commissioner, the case against that officer can be resolved in one of the following ways:

1. If the Board recommended Instructions, Formalized Training, Command Discipline A, or Command Discipline B, the Police Commissioner determines whether to impose discipline. If the Police

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<sup>16</sup> New York City Charter §440(d)3

<sup>17</sup> New York City Administrative Code § 15-08; New York City Administrative Code § 15-17

<sup>18</sup> NYS Civil Service Law § 75(3-a).

<sup>19</sup> The MOU can be found here: [https://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/nypd-ccrb-discipline-matrix-mou-final.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd-ccrb-discipline-matrix-mou-final.pdf)

<sup>20</sup> The version of the NYPD Disciplinary Guidelines that went into effect in January 2021 can be found here: [https://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-pdf) The updated Guidelines, effective February 15, 2022, can be found here: [https://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/nypd-disciplinary-penalty-guidelines-effective-2-15-2022-final.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd-disciplinary-penalty-guidelines-effective-2-15-2022-final.pdf)

<sup>21</sup> Given at the Police Academy or the Legal Bureau.

<sup>22</sup> Issued by the commanding officer and may include a penalty ranging from a reprimand up to the officer forfeiting five vacation days.

<sup>23</sup> Issued by the commanding officer and may include a penalty ranging from a reprimand up to the officer forfeiting ten vacation days.

<sup>24</sup> Leads to a prosecutorial process in which officer may either plead guilty or go to trial before the NYPD Deputy Commissioner of Trials or an Assistant Deputy Commissioner of Trials.

Commissioner chooses not to impose a recommended penalty, the CCRB is informed in writing of the decision.<sup>25</sup>

2. If the Board recommended Charges and Specifications:
  - a. The Police Commissioner can retain the case and choose whether to impose discipline.<sup>26</sup>
  - b. The officer can accept a guilty plea, subject to Police Commissioner approval.<sup>27</sup>
  - c. The officer can be prosecuted by the APU at an administrative trial. The Police Commissioner can accept or reject the trial verdict and decide whether to impose discipline.

## **OVERVIEW OF DISCIPLINARY PROCESS**

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When the Board recommends Instructions, Formalized Training, or Command Discipline against a MOS, that recommendation is sent to the Department Advocate's Office (DAO). The DAO is the unit within the NYPD that reviews CCRB's disciplinary recommendations and recommends to the Police Commissioner whether to impose, modify, or reject the discipline recommended by the CCRB.

When the Board recommends Charges and Specifications, in most instances the substantiated allegations are prosecuted by the Administrative Prosecution Unit (APU). Under the terms of a Memorandum of Understanding (MOU) between the CCRB and the NYPD<sup>28</sup>, signed in 2012 and in effect since 2013, the APU prosecutes misconduct before the Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT). The MOS can accept a plea offer from an APU prosecutor in lieu of a trial. If the MOS chooses to go to trial and is found guilty, the trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any penalty recommendation, no matter how it is reached.

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<sup>25</sup> This letter differs from the letter sent when the Police Commissioner deviates from the Board's recommendation.

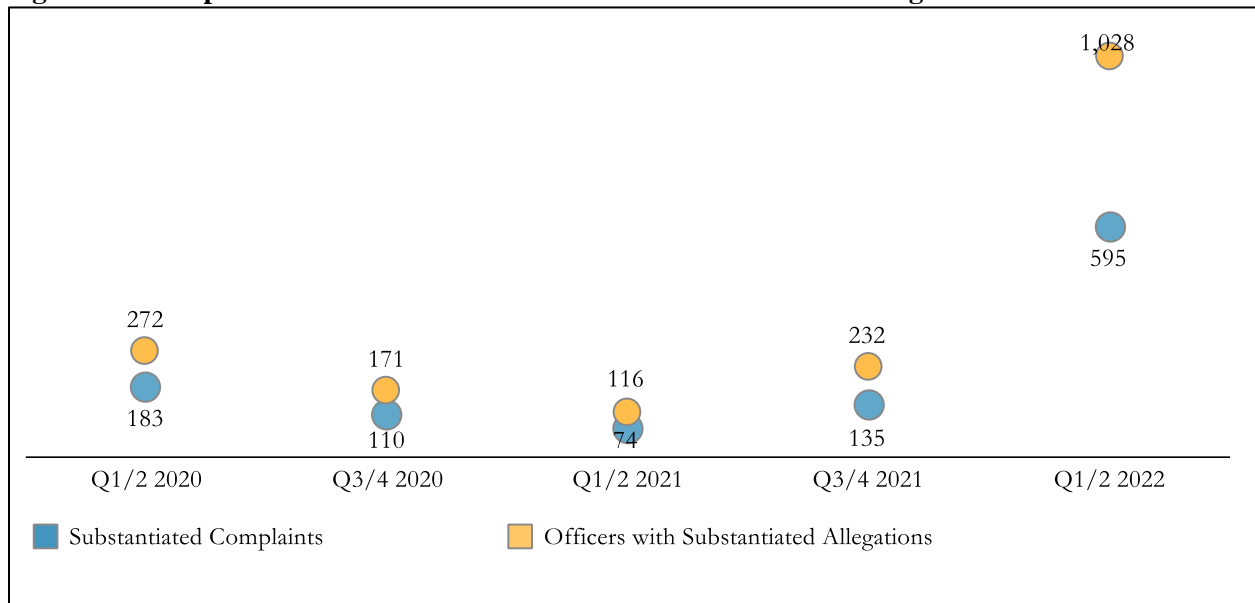
<sup>26</sup> Pursuant to a MOU between the CCRB and the NYPD, the Police Commissioner can retain a case when the Police Commissioner determines that the CCRB's prosecution of a case would be detrimental to the NYPD's disciplinary process. The MOU can be found here:

[https://www1.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/apu\\_mou.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf).

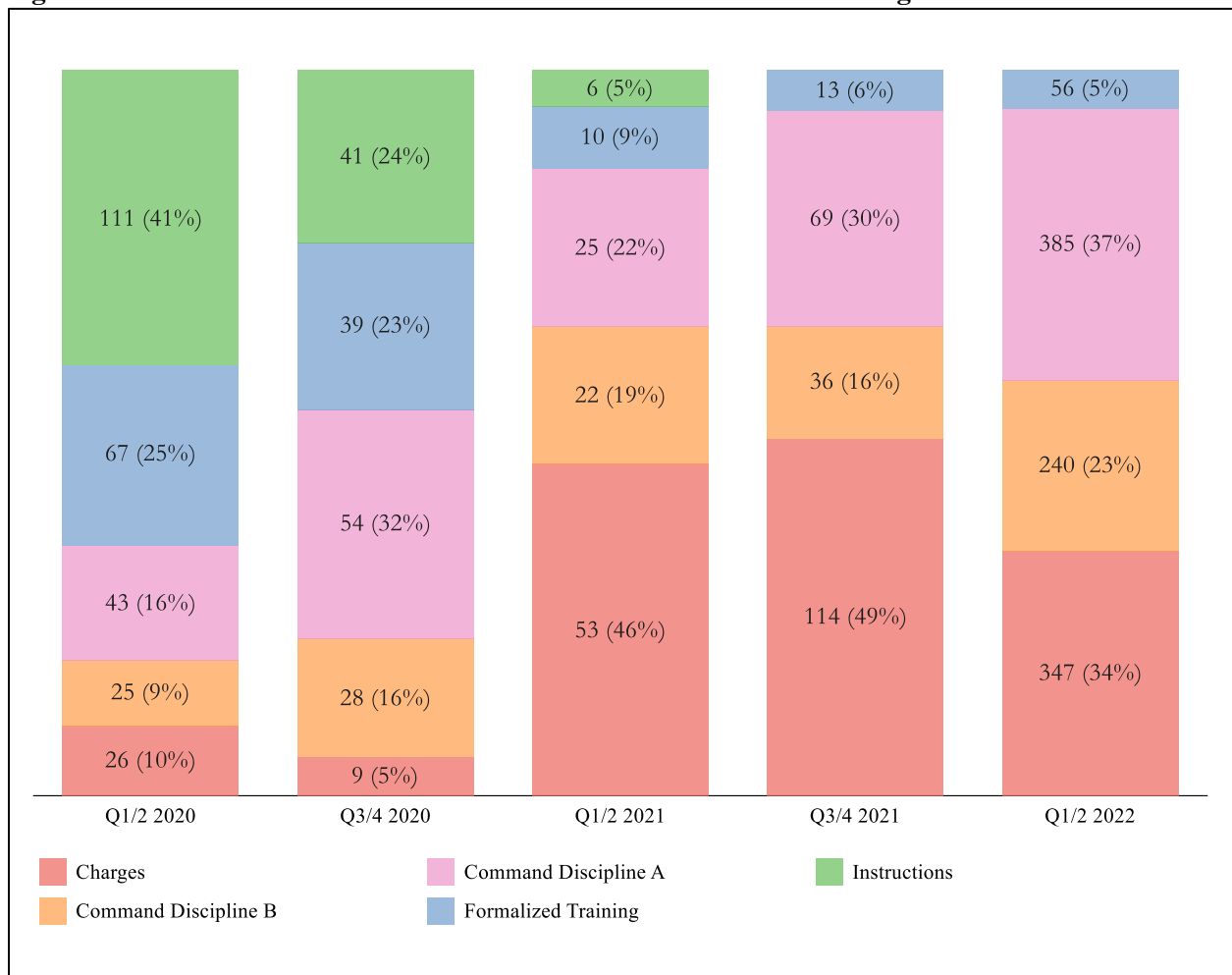
<sup>27</sup> The APU may reach an agreed upon disposition with the subject officer that is different from the Board-recommended penalty if there are new aggravating or mitigating facts.

<sup>28</sup> [https://www1.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/apu\\_mou.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf)

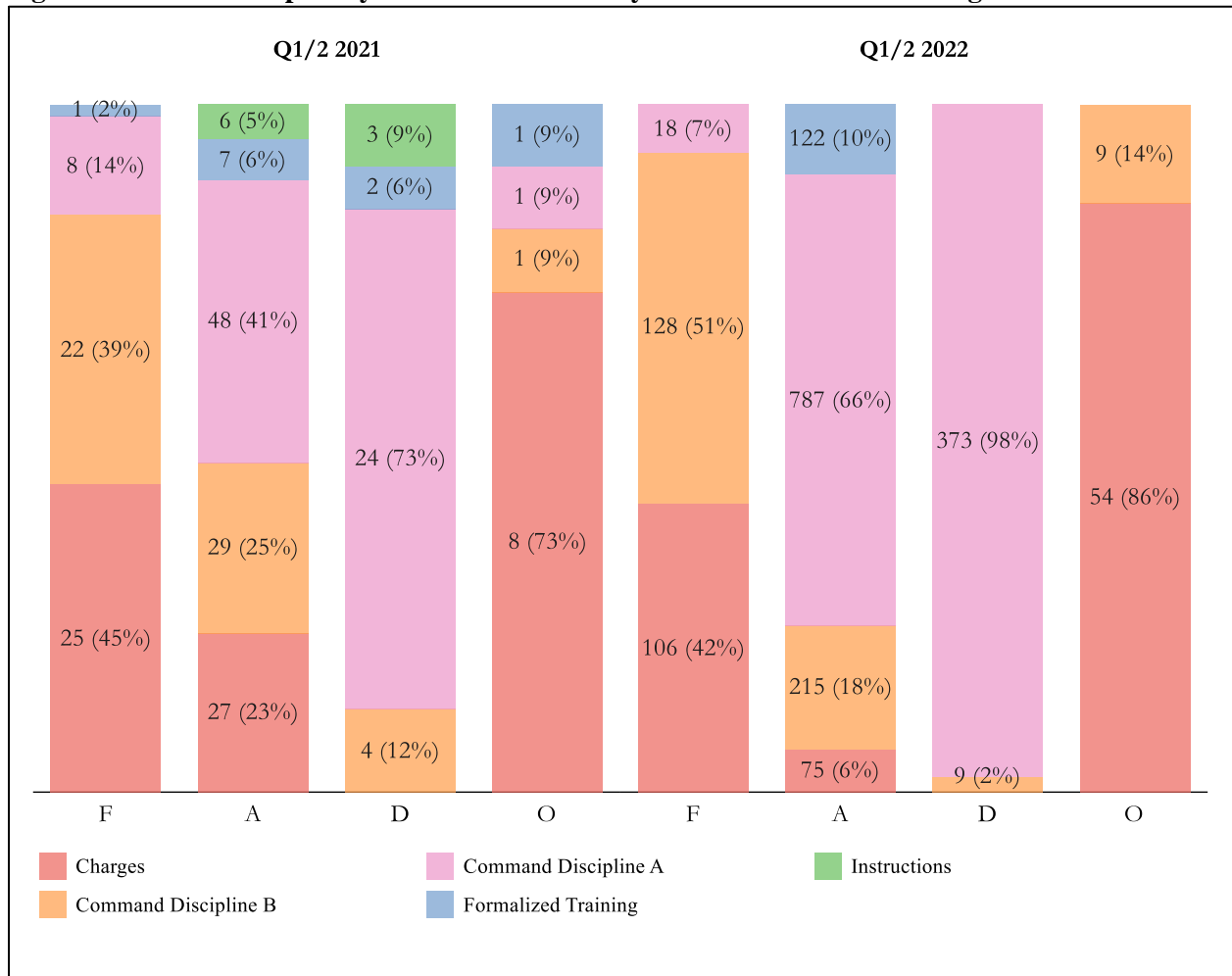
**Figure 28: Complaints Substantiated & Officers with Substantiated Allegations**



**Figure 29: Board Recommendations for Officers with Substantiated Allegations**



**Figure 30: Board Disciplinary Recommendations by Substantiated FADO Allegations**



## NYPD DISCIPLINARY DECISIONS

There are two paths for discipline after the Board substantiates misconduct, depending on the type of discipline recommended for the officer. The DAO handles cases where the Board recommends Command Discipline, Formalized Training, or Instructions. The APU handles cases where the Board recommends Charges and Specifications.

When a substantiated allegation against an officer is referred to the DAO, the CCRB makes a recommendation regarding what disciplinary action should be taken. The DAO reports the final discipline imposed by the Police Commissioner, if any, back to the CCRB.

**Figure 31: Department Advocate’s Office Disciplinary Actions on Non-Charges<sup>29</sup> Cases**

NYPD Report Penalty Desc	Q1/2 2020		Q3/4 2020		Q1/2 2021		Q3/4 2021		Q1/2 2022	
	Count	%	Count	%	Count	%	Count	%	Count	%
NYPD Pursued Discipline: Suspension			1	0%					2	1%
NYPD Pursued Discipline: Vacation Days			2	1%	4	3%			3	1%
NYPD Pursued Discipline: Command Discipline - B	22	8%	15	7%	11	8%	20	11%	18	5%
NYPD Pursued Discipline: Command Discipline - A	50	17%	31	15%	33	24%	50	28%	105	31%
NYPD Pursued Discipline: Formalized Training	64	22%	45	22%	38	28%	46	26%	15	4%
NYPD Pursued Discipline: Instructions	122	42%	90	44%	38	28%	4	2%		
NYPD Pursued Discipline: Charges - Not Guilty							1	1%	1	0%
NYPD Pursued No Discipline (DUP)	23	8%	3	1%			49	28%	162	48%
Officer resigned/retired before PD action	2	1%	12	6%	4	3%	7	4%	8	2%
Statute of Limitations Expired					1	1%			14	4%
Closed Administratively	7	2%	4	2%	9	7%	1	1%	7	2%

## POLICE COMMISSIONER DOWNWARD DEPARTURE LETTERS

As a result of the November 2019 New York City Charter amendments, the Police Commissioner must submit a letter to the CCRB explaining any downward departures from the Board’s disciplinary recommendations<sup>30</sup>. While these letters have always been part of cases closed by the APU, the Charter change extends this requirement to all CCRB cases.

<sup>29</sup> In a small number of cases (labeled as “NYPD Pursued Discipline: Charges” in Figure 34), the CCRB does not recommend Charges and Specifications, but DAO determines that charges are warranted. This may be due to many factors, including that the officer rejected a Command Discipline and elected to go to trial, or the DAO determines that the case is serious enough to rise to the level of charges.

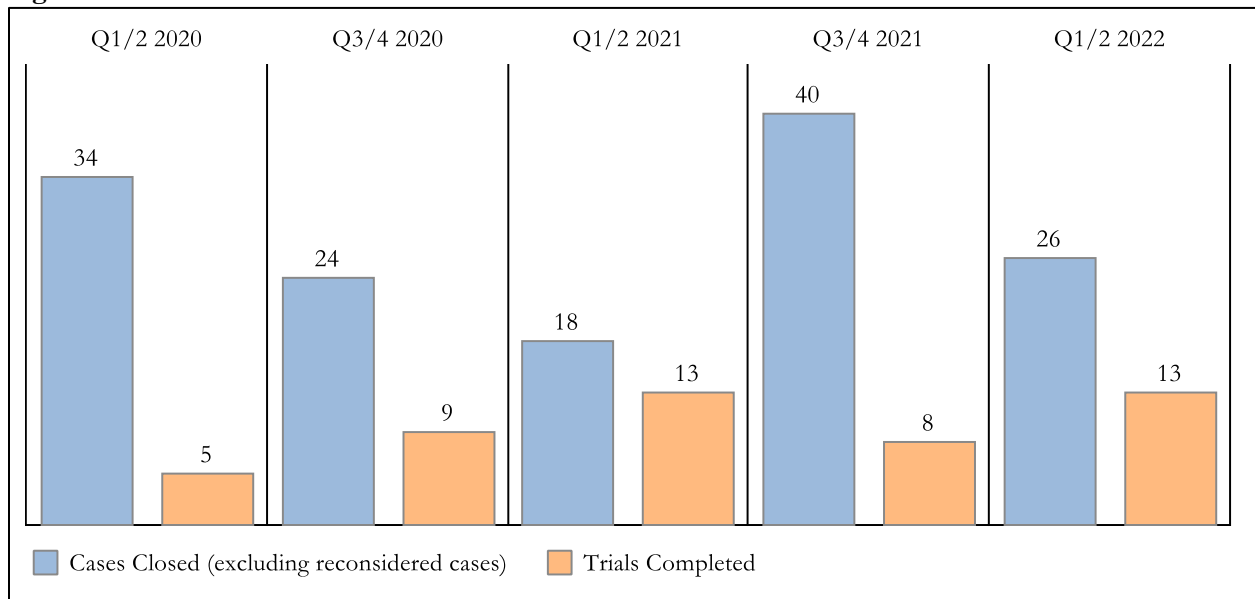
<sup>30</sup> New York City Charter §440(d)3

## ADMINISTRATIVE PROSECUTION UNIT

When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case unless the NYPD retains the case. Retained cases are those in which the NYPD elects, pursuant to Section 2 of the MOU between the NYPD and the CCRB, to keep a case.<sup>31</sup> When the NYPD keeps a case pursuant to Section 2, it may or may not impose discipline on the officer.

The APU treats each officer against whom an allegation is substantiated as a separate case.<sup>32</sup> A single CCRB complaint may generate more than one APU case depending on the number of officers against whom the Board recommends Charges and Specifications.

**Figure 32: APU Trials Conducted and Cases Closed**



<sup>31</sup> Section 2 of the MOU states, "...in those limited instances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served." For the full text of the MOU, see [http://www1.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/apu\\_mou.pdf](http://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf).

<sup>32</sup> Because the APU treats each officer's substantiated allegations as a separate "case," all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word "case" should be interpreted as "case against a single officer."

**Figure 33: APU Case Closures**

	Not an APU case	0
	<b>Total</b>	<b>0</b>
Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	15
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0
	Trial verdict dismissed by PC, Formalized Training imposed	0
	Trial verdict dismissed by PC, Instructions imposed	0
	Trial verdict reversed by PC, Final verdict Guilty	0
	Resolved by plea	5
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Comm. Disc. A	0
	Plea set aside, Formalized Training	0
	Plea set aside, Instructions	0
	*Retained, with discipline	4
	<b>Total</b>	<b>24</b>
No Disciplinary Action	Not guilty after trial	6
	Trial verdict reversed by PC, Final verdict Not Guilty	4
	Plea set aside, Without discipline	0
	**Retained, without discipline	6
	Dismissed by Police Commissioner	0
	Dismissed by APU	0
	SOL Expired in APU	0
	<b>Total</b>	<b>16</b>
Not Adjudicated	Charges not served	2
	Deceased	0
	Other	2
	***Previously adjudicated, with discipline	7
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	0
	Retired	7
	SOL Expired prior to APU	0
<b>Total</b>	<b>18</b>	
<b>Total Closures†</b>		<b>58</b>

\*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. The reconsideration process was not used in 2022.

**Figure 34: Discipline Imposed for Adjudicated APU Cases**

Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	1
Suspension for or loss of vacation time of 21 to 30 days	1
Suspension for or loss of vacation time of 11 to 20 days	3
Suspension for or loss of vacation time of 1 to 10 days	3
Command Discipline B	1
Command Discipline A	0
Formalized Training**	0
Instructions***	0
Warned & Admonished/Reprimanded	0
Disciplinary Action Total	9
No Disciplinary Action	5
Adjudicated Total	14
Discipline Rate	64%
Closed - Not Adjudicated	11
Total Closures	25



## DISCIPLINE CONCURRENCE RATES

**Figure 35: Non-Charges Discipline Rate**

Penalty Outcome	Q1/2 2020		Q3/4 2020		Q1/2 2021		Q3/4 2021		Q1/2 2022	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Discipline Concurrence	205	71%	156	77%	104	75%	106	60%	135	41%
Discipline Difference	85	29%	47	23%	34	25%	72	40%	198	59%
<b>Grand Total</b>	<b>290</b>	<b>100%</b>	<b>203</b>	<b>100%</b>	<b>138</b>	<b>100%</b>	<b>178</b>	<b>100%</b>	<b>333</b>	<b>100%</b>

The “Other” category include cases in which the MOS resigned before discipline could be imposed, cases where the statute of limitations expired before discipline could be imposed, cases that were administratively closed, and cases where the Charges and Specifications were dismissed.

**Figure 36: APU Discipline and Penalty Concurrence Rate**

APU Penalty Outcome	Q1/2 2020		Q3/4 2020		Q1/2 2021		Q3/4 2021		Q1/2 2022	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Discipline Concurrence	4	20%	5	36%	4	40%	6	43%	6	60%
Penalty Lower Than Requested At Trial	6	30%	2	14%	5	50%	5	36%	2	20%
Plea Modified - penalty reduced	3	15%	5	36%						
Retained - discipline imposed	7	35%	2	14%	1	10%	3	21%	1	10%
NA									1	10%
<b>Grand Total</b>	<b>20</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>10</b>	<b>100%</b>	<b>14</b>	<b>100%</b>	<b>10</b>	<b>100%</b>

Cases in which the Police Commissioner modified a plea but increased the penalty are included in the concurrence rate. The “Penalty Lower than Requested at Trial” category includes cases in which the officer was found not guilty of some (but not all) allegations, leading to the overall reduction of penalty.

## SECTION 4: MEDIATION

The New York City Charter mandates that the CCRB offer mediation as an option for resolving allegations of police misconduct. The goal of mediation is to allow civilians and officers the opportunity to voluntarily resolve the issues contained in the complaint by means of a face-to-face meeting with the assistance of a neutral mediator.

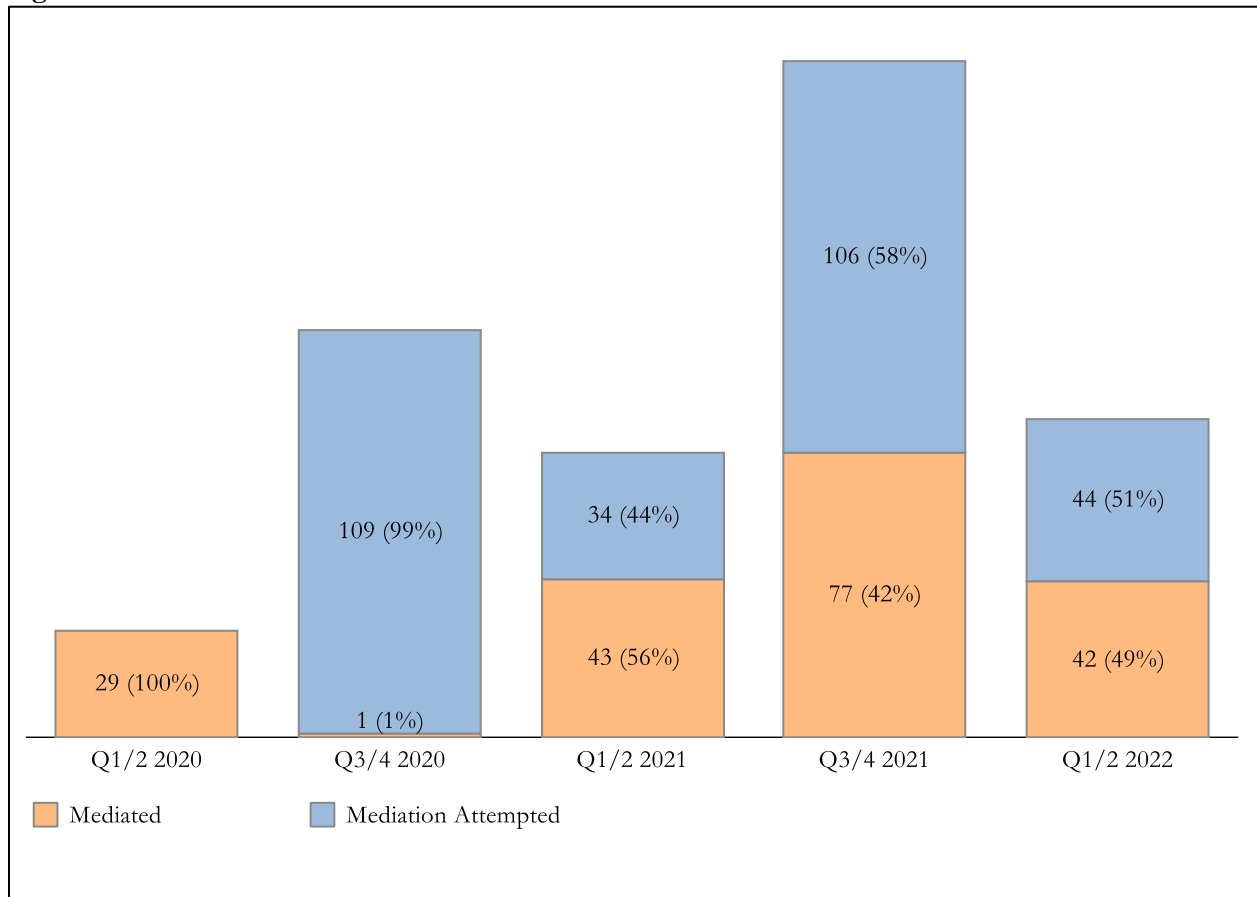
Mediation is not offered in all cases because there are some factors that render a complaint unsuitable for the Mediation Program, these include allegations of serious physical injury or property damage, a pending criminal case or a civil lawsuit, or a concurrent Internal Affairs Bureau investigation.

Mediation is complainant-driven and voluntary; a case will only go to the Mediation Unit if the complainant wants to participate in mediation. Investigators are required to fully describe both the mediation process and the investigative process to complainants in mediation-suitable cases. After being provided with both options, the complainant can choose the process in which to participate. If the complainant selects mediation, the option is then presented to the officer. Mediations only take place when both the complainant and the officer have voluntarily agreed to mediate the complaint. Complainants reserve the right to have the case returned to the investigation process if they change their mind prior to a mediation or are unsatisfied with the outcome of the mediation.

A mediation session ends when all parties involved agree that they have had an opportunity to discuss the issues in the case. In most mediated cases, the parties resolve the allegations raised in the complaint. After a completed mediation, the complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not completed or not successful, the case returns to the Investigations Division for a full investigation, unless the complainant fails to appear twice for the scheduled mediation session without good cause or fails to respond to attempts to schedule a mediation session and does not request that the investigation resume.

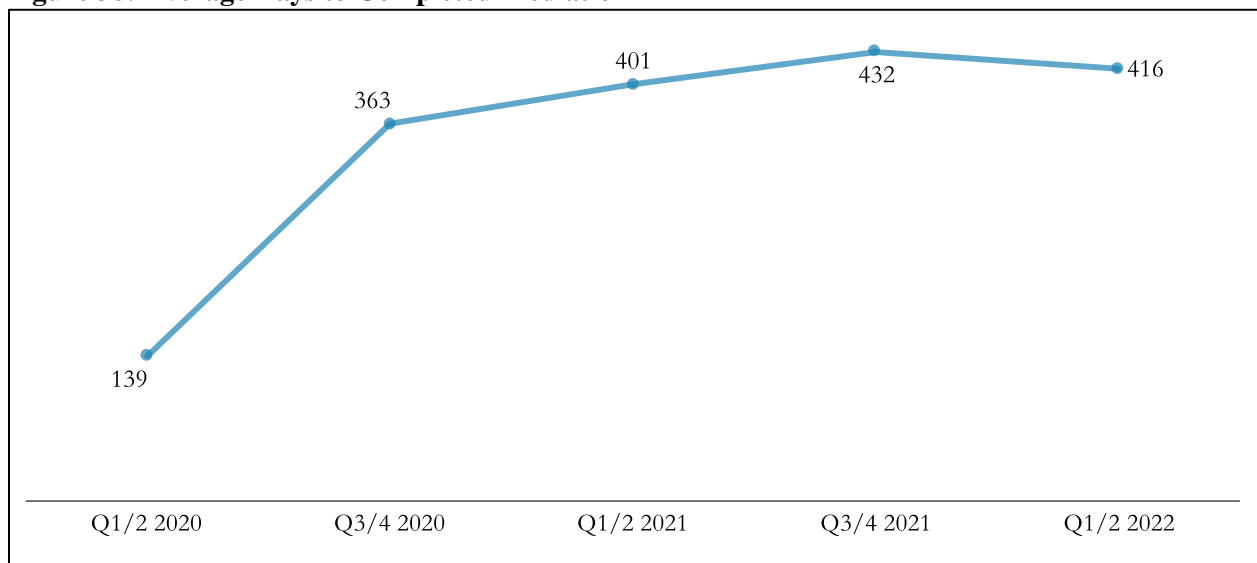
Mediation provides members of the public with complaints against members of service an additional option for resolving their complaints. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue about the circumstances leading to the complaint.

**Figure 37: Mediation Closures**

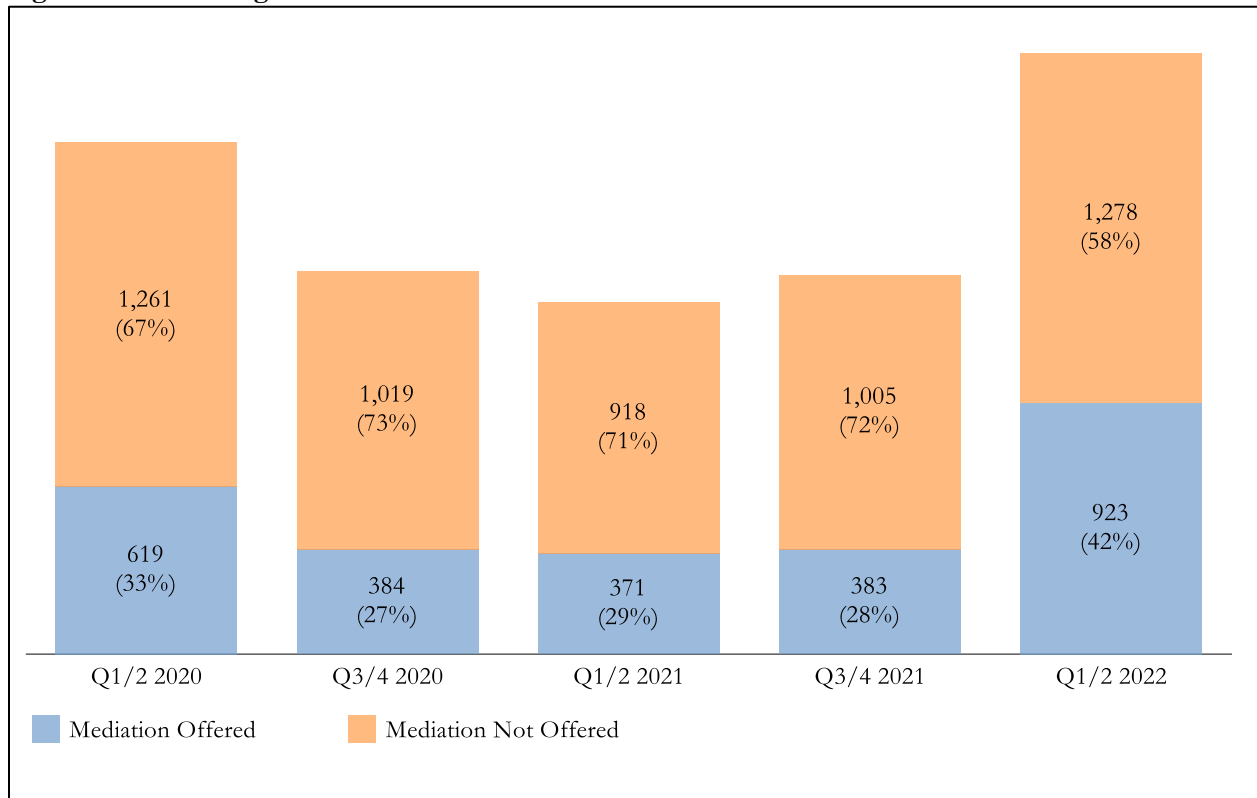


“Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate but the civilian either fails to appear twice for the scheduled mediation session without good cause or fails to respond to attempts to schedule a mediation session and the civilian does not request that the investigation resume.

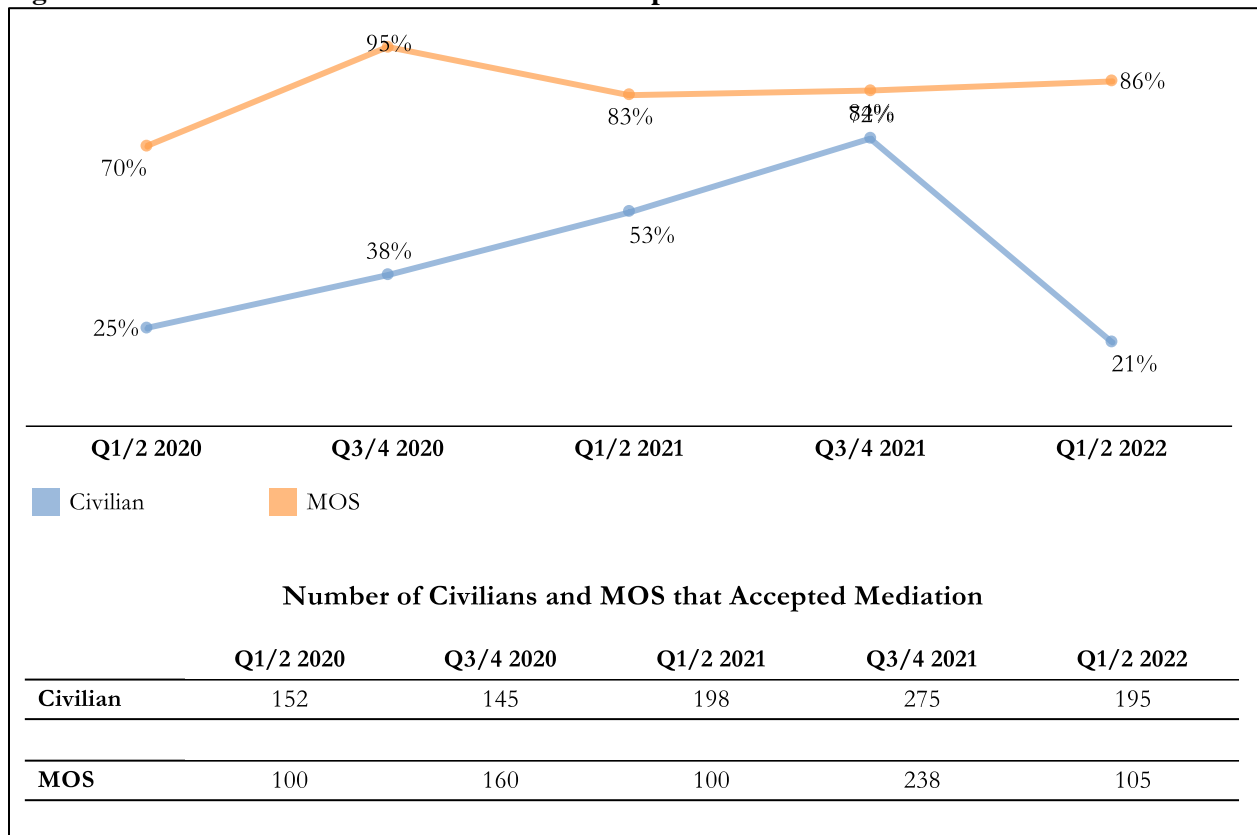
**Figure 38: Average Days to Completed Mediation**



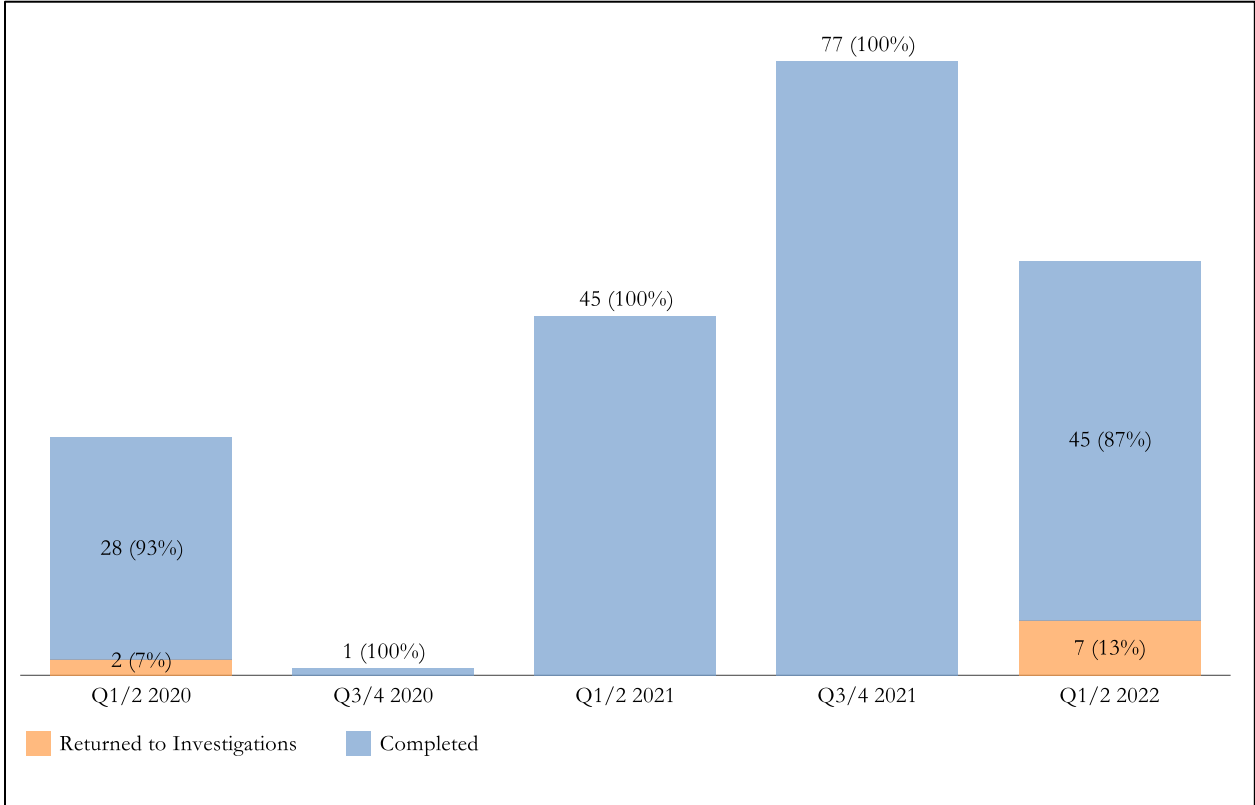
**Figure 39: Percentage of Cases in which Mediation was Offered**



**Figure 40: Number of Civilians and MOS that Accepted Mediation**



**Figure 41: Mediation Completion Rate**



## SECTION 5: THE IMPACT OF BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE

In 2013, Judge Shira Scheindlin of the United States District Court for the Southern District of New York, presiding over *Floyd v. City of New York*,<sup>33</sup> found that the NYPD violated the Fourth and Fourteenth Amendments through its use of unconstitutional stop, question, and frisk practices. The court also found that the NYPD had a “policy of indirect racial profiling” that disproportionately targeted Black and Hispanic individuals for stops. As a result, the court ordered changes to certain policies, practices, and training curricula and appointed a monitor to oversee these reforms. The court also ordered a one-year Body-Worn Camera (BWC) pilot to determine whether BWCs were effective in reducing unconstitutional stops.

From December 2014 through March 2016, the NYPD conducted a small BWC experiment utilizing 54 volunteer police officers. After reviewing the results of this experiment, the NYPD began the larger-scale court-ordered pilot on a precinct-by-precinct basis starting in April 2017. By December 31, 2018, BWCs had been deployed to 15,826 members of service (MOS) across 81 commands. Today the NYPD’s BWC program is the largest in the United States with over 24,000 members of the Department equipped with BWCs.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,<sup>34</sup> and a copy of the Draft Operations Order governing the use of BWCs is included in Appendix B of the NYPD Response to Public and Officer Input on the Department’s Proposed Body-Worn Camera Policy report.<sup>35</sup>

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<sup>33</sup> *Floyd v. City of N.Y.*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

<sup>34</sup> NYPD, Body-Worn Cameras, <https://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>

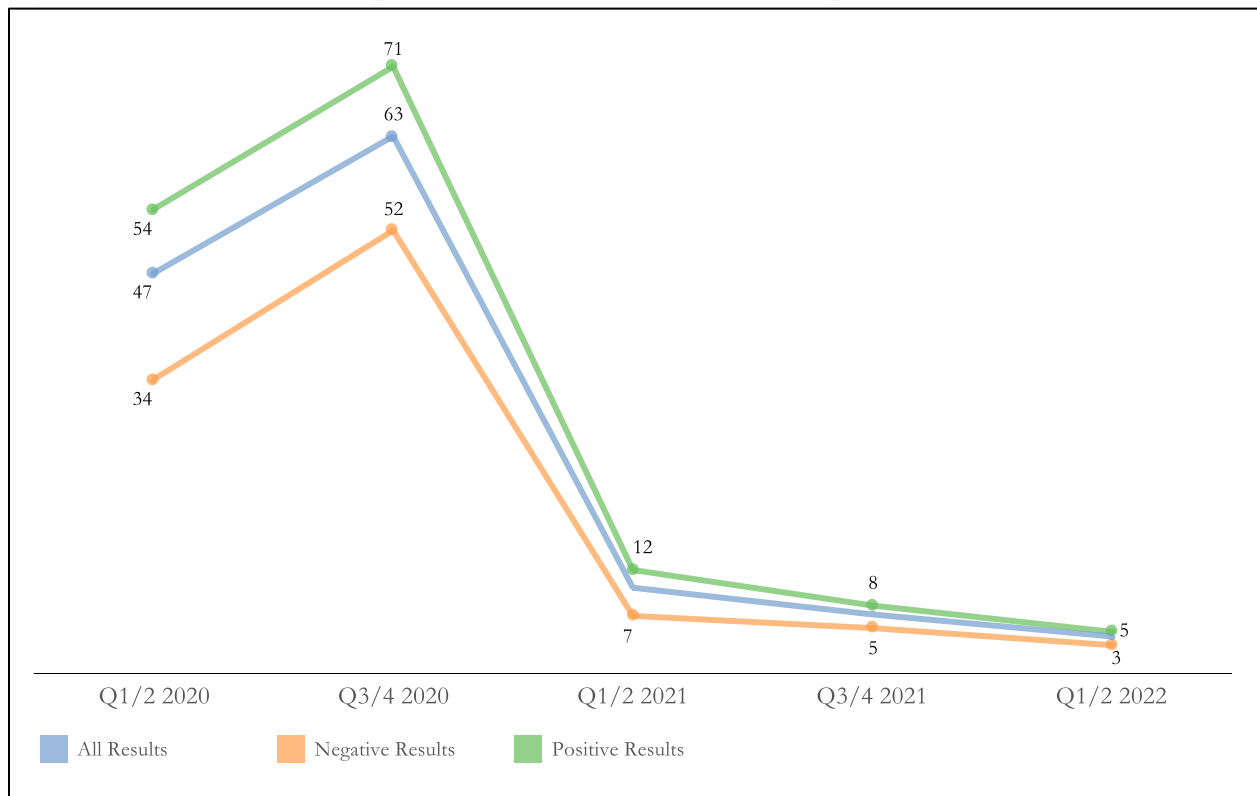
<sup>35</sup> NYPD, NYPD Response to Public and Officer Input on the Department’s Proposed Body-Worn Camera Policy (Apr. 2017), [https://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/body-worn-camera-policy-response.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf).

## HOW THE CCRB OBTAINS BWC EVIDENCE

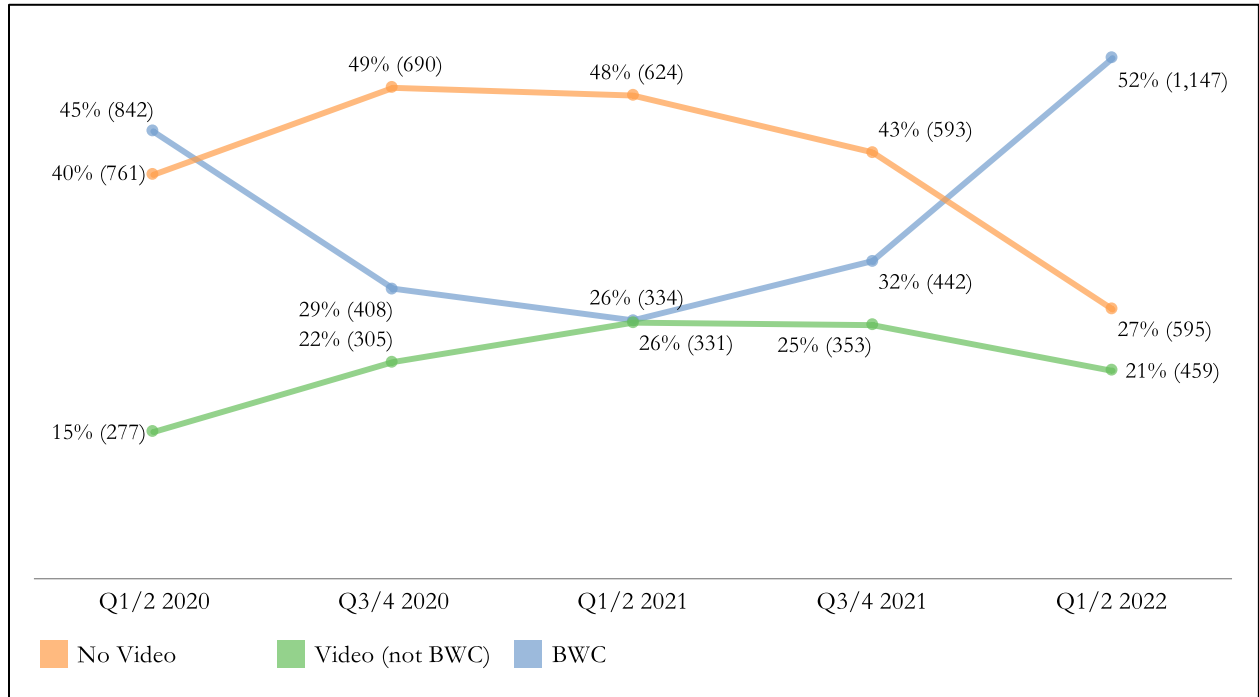
In 2022, the CCRB obtained BWC footage from the NYPD via the following process:

1. The CCRB investigator submits a records request to the CCRB's NYPD Relations Unit for BWC footage.
2. The NYPD Relations Unit then forwards the request to the Internal Affairs Bureau (IAB) and the NYPD Legal Bureau. The NYPD Legal Bureau is responsible for fulfilling the request and locating the footage.
3. Once the Legal Bureau has approved the request and located the BWC footage, it passes the BWC footage back to the CCRB NYPD Relations Unit.
4. The Unit makes the footage accessible to the requesting CCRB investigator.
5. If, upon examination, other evidence suggests that the NYPD's response that it was unable to locate BWC footage may have been a false negative (or that additional footage may be available), the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

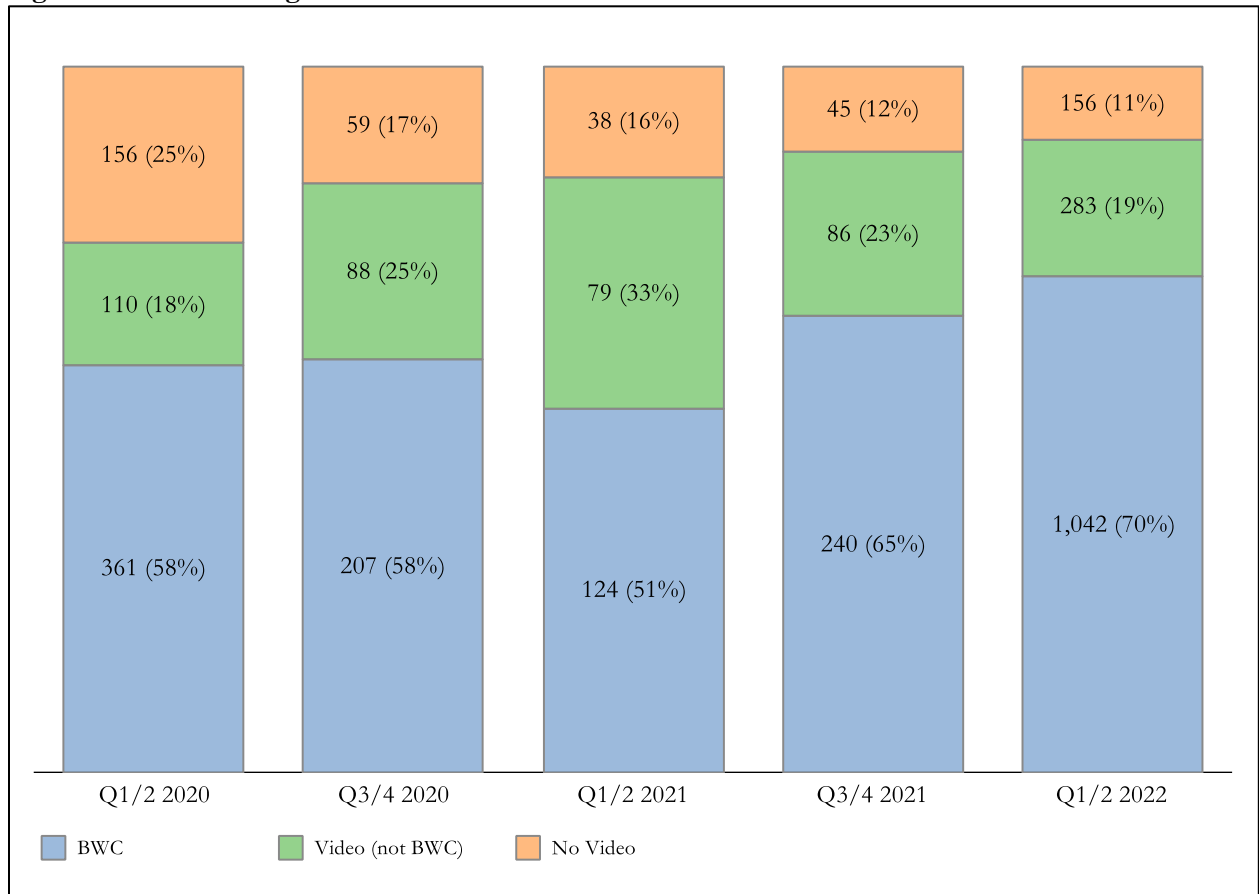
**Figure 42: Average BWC Request Turnaround Time In Days, Requests Closed**



**Figure 43: Complaints with Video**



**Figure 44: Full Investigations with and without video**

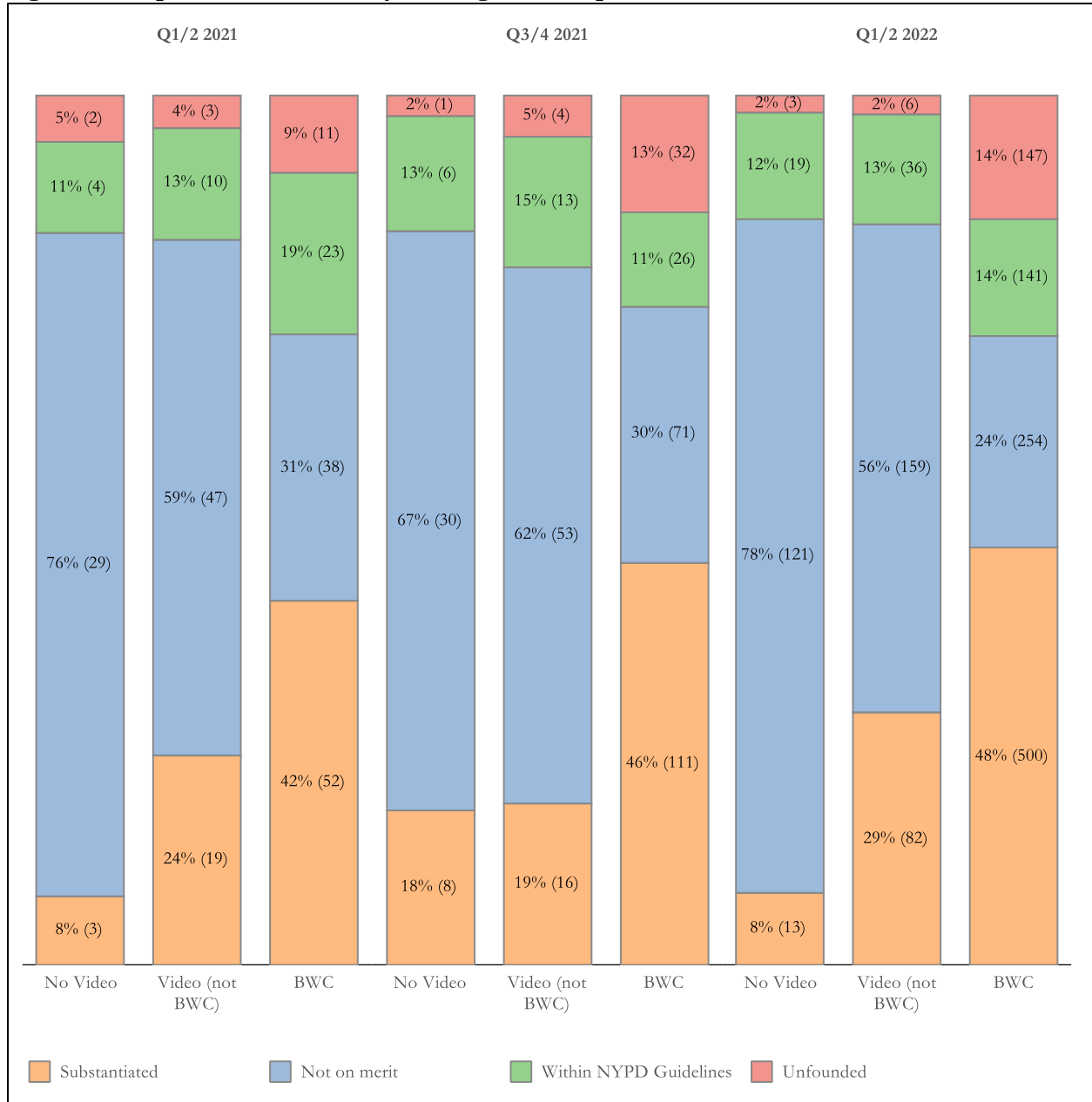




## THE IMPACT OF BWC AND OTHER VIDEO EVIDENCE

The availability of video evidence allows for clearer interpretation of the circumstances surrounding an encounter. Video evidence, especially BWC footage, can have a substantial impact on the outcome of a CCRB investigation, particularly the rate of allegations closed “on the merits” (i.e., Substantiated, Within NYPD Guidelines, or Unfounded).

**Figure 45: Impact of Video on Fully Investigated Complaints Closed on the Merits**



The availability of BWC evidence has a particularly significant impact on the Board’s ability to make a decision on the merits regarding Discourtesy and Offensive Language allegations. In the absence of video, and its accompanying audio, the Board often has no means of resolving the conflicting testimony of officers and complainants about what was said during an encounter.

**Figure 46: Impact of Video on Allegation Closures on the Merits by FADO**

FADO Type	Board Disposition	Q1/2 2021						Q3/4 2021						Q1/2 2022					
		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC	
Force	Not on merit	17	100%	84	78%	98	40%	14	67%	53	63%	294	49%	38	81%	81	51%	618	32%
	Substantiated			8	7%	48	20%			6	7%	65	11%			19	12%	233	12%
	Within NYPD Guidelines			15	14%	79	32%	3	14%	19	23%	168	28%	9	19%	49	31%	736	38%
	Unfounded			1	1%	20	8%	4	19%	6	7%	76	13%			11	7%	337	18%
Abuse of Authority	Not on merit	50	69%	66	52%	69	22%	96	73%	149	63%	250	29%	264	72%	580	61%	1325	28%
	Substantiated	1	1%	19	15%	97	31%	14	11%	24	10%	214	25%	18	5%	147	15%	1034	22%
	Within NYPD Guidelines	17	24%	35	27%	127	41%	20	15%	56	24%	301	35%	79	22%	179	19%	1793	38%
	Unfounded	4	6%	8	6%	20	6%	2	2%	7	3%	102	12%	5	1%	46	5%	532	11%
Discourtesy	Not on merit	14	93%	33	85%	31	32%	15	94%	47	89%	90	33%	66	92%	133	76%	253	28%
	Substantiated			2	5%	31	32%	1	6%	2	4%	87	32%	3	4%	31	18%	348	39%
	Within NYPD Guidelines			4	10%	25	26%			1	2%	45	17%			5	3%	156	17%
	Unfounded	1	7%			10	10%			3	6%	50	18%	3	4%	5	3%	143	16%
Offensive Language	Not on merit	3	60%	10	77%	8	47%	7	100%	6	50%	17	27%	14	100%	46	79%	61	43%
	Substantiated	2	40%	3	23%	6	35%			6	50%	30	48%			10	17%	53	38%
	Within NYPD Guidelines					1	6%											3	2%
	Unfounded					2	12%					16	25%			2	3%	24	17%

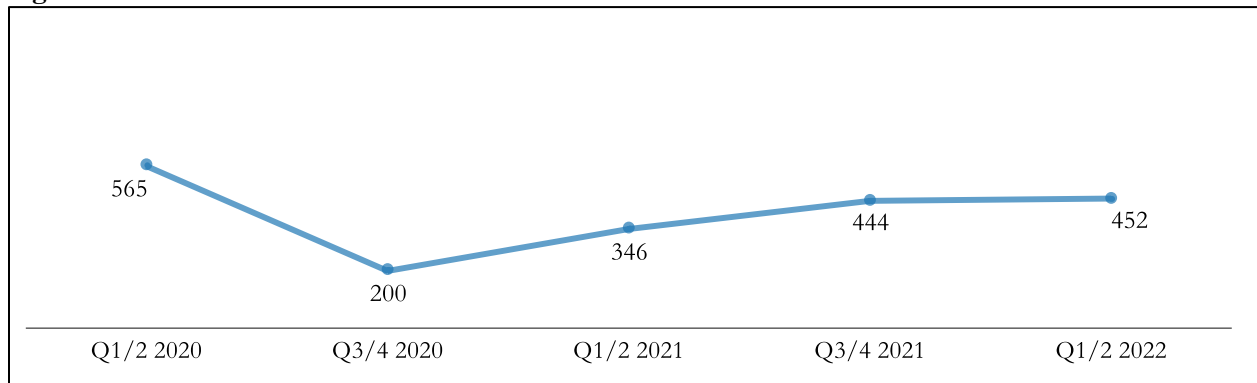
## SECTION 6: OUTREACH AND INTERGOVERNMENTAL AFFAIRS

Over the past several years, the CCRB has sought to increase the scope and scale of its Outreach Program, to raise awareness of the Agency’s mission and foster the public’s trust in its investigative process. The CCRB Outreach and Intergovernmental Affairs (IGA) Unit has a director, a deputy director, and a coordinator for each borough to act as that borough’s main liaison for the Agency.

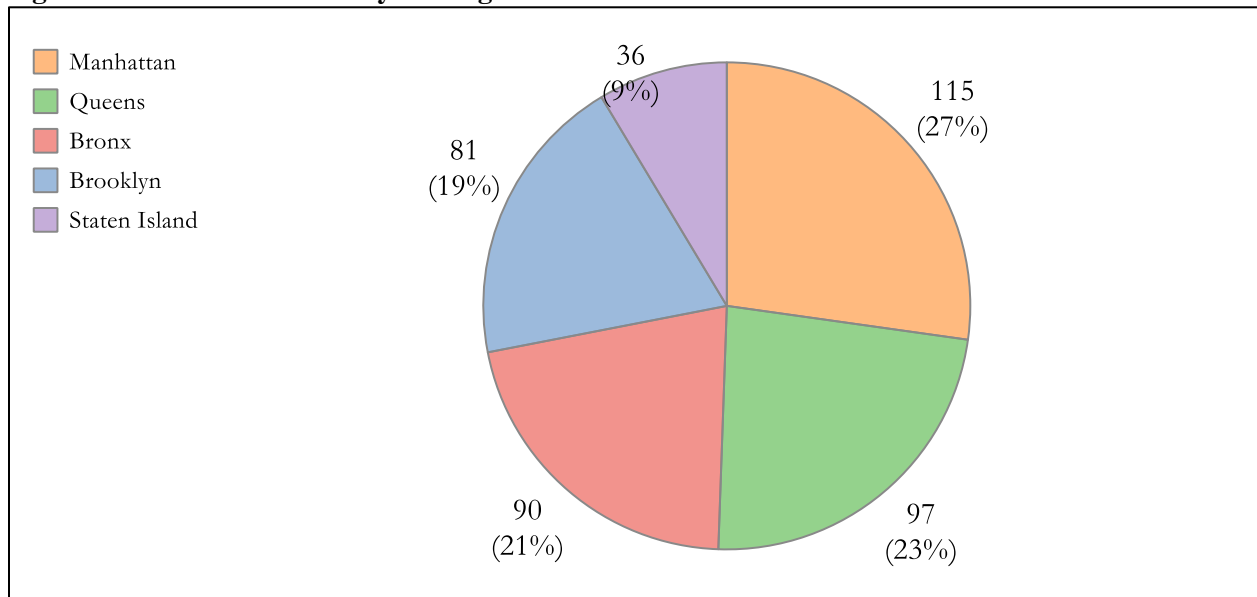
The Outreach and IGA Unit’s presentations provide an overview of the CCRB complaint process, explain the basic legal contours of police encounters, and stress the importance of de-escalation when interacting with the police.

In typical years, the Outreach and IGA Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among other groups, in all five boroughs.

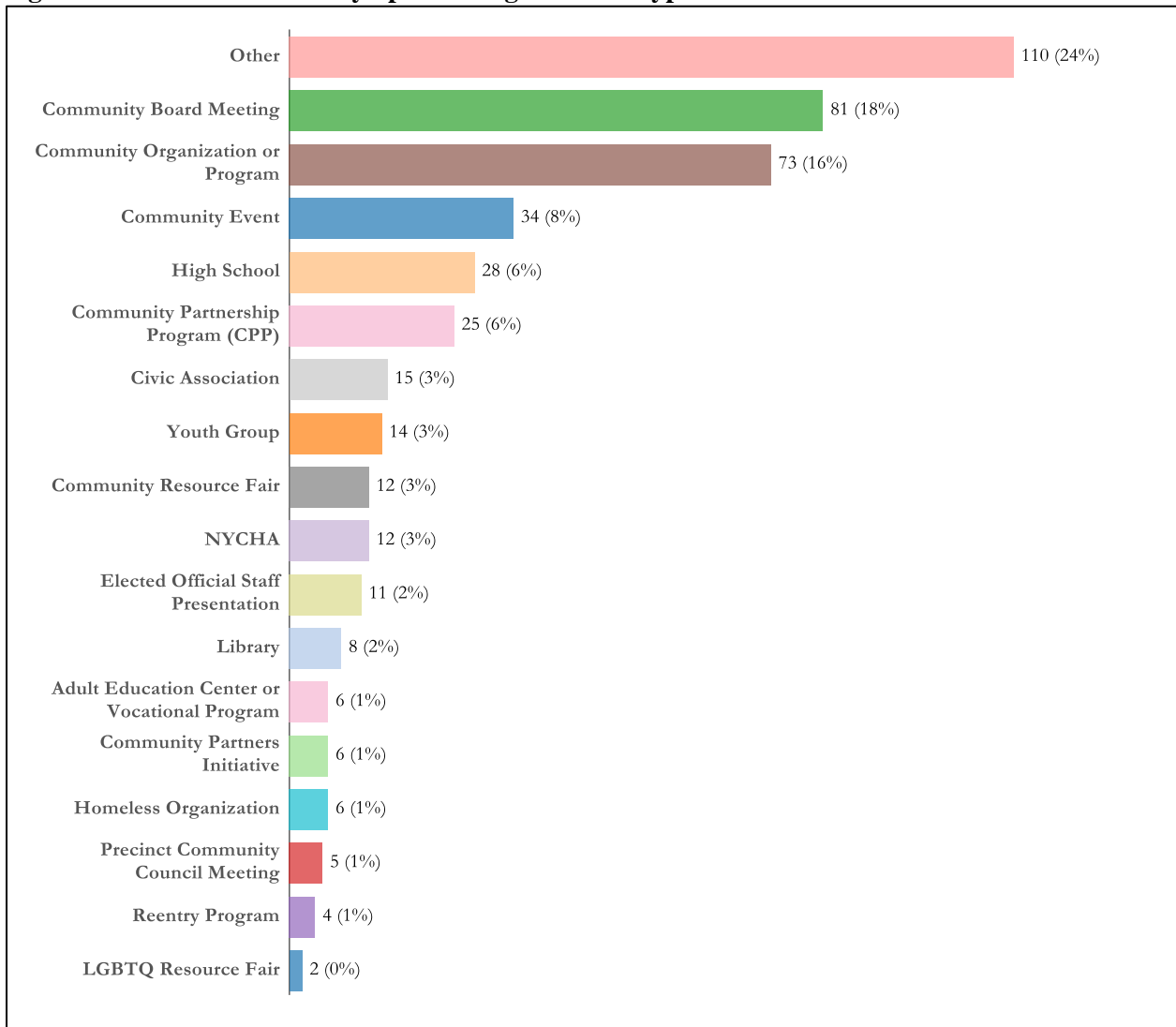
**Figure 47: Number of Outreach Events**



**Figure 48: Outreach Events by Borough**



**Figure 49: Outreach Events by Specific Organization Type**



The Charter of the City of New York established the CCRB and empowered it to receive and investigate complaints from members of the public concerning misconduct by members of the NYPD. The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the City Charter, the CCRB now has jurisdiction to investigate the following categories of police misconduct: **Force, Abuse of Authority, Discourtesy, and Offensive Language, and Untruthful Statement** collectively known as **FADO&U**. The CCRB also notes **other possible misconduct** when it uncovers conduct by officers that is outside its jurisdiction but warrants the attention of the Department. Examples of other possible misconduct include failures by officers to enter necessary information in their activity logs (memo books) and failures to complete required documentation of an incident. The CCRB also has the authority to investigate and make recommendations about the truthfulness of material statements made by a subject officer during a CCRB investigation of a FADO allegation.

The **Board** consists of 15 members, five appointed by City Council, five appointed by the Mayor, three designated by the Police Commissioner, and one appointed by the Public Advocate. The Chair of the Board is dually appointed by the Mayor and City Council Speaker. Under the City Charter, the Board must reflect the diversity of the city’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be, and often are, renewed.

The **Executive Director** is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its more than 200 employees. The Agency consists of a 150-member **Investigations Division** responsible for investigating allegations of police misconduct and for making investigative findings. The most serious police misconduct cases, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by the **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding** establishing the unit. APU attorneys are responsible for prosecuting, trying, and resolving cases before a Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a **Mediation** program that works to resolve less serious allegations between a police officer and a civilian. A complainant may **mediate** their case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator.

The **Outreach and Intergovernmental Affairs Unit** acts as a liaison with various entities and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs.

Members of the public who file complaints of alleged misconduct by NYPD officers are referred to as **complainants**. Other civilians involved in the incident are categorized as **victims** or **witnesses**. Officers who are alleged to have committed acts of misconduct are categorized as **subject officers**, while officers who witnessed or were present for the alleged misconduct are categorized as **witness officers**. Investigators in the **Intake Unit** receive complaints from members of the public, which are filed in-person, by telephone, voicemail, an online complaint form, or are referred to the Agency by another agency. When a **complaint** is filed, the CCRB assigns it a unique complaint identification number. The CCRB also refers to complaints as **cases**. A single complaint or case may contain multiple FADO&U **allegations**.

Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB’s Abuse of Authority jurisdiction. The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but

some complaints involve more than one entry or search (occurring on the same day or on different days). Each allegation is reviewed separately during an investigation.

During an **investigation**, the CCRB’s civilian investigators gather documentary and video evidence and conduct interviews with complainants, victims, civilian witnesses, subject officers, and witness officers in order to determine whether the allegations occurred and whether they constitute misconduct. At the conclusion of the investigation, a **closing report** is prepared, summarizing the relevant evidence, and providing a factual and legal analysis of the allegations. The closing report and investigative file are provided to the Board before it reaches a disposition. A panel of three Board members (**Board Panel**) reviews the material, makes findings for each allegation in the case, and if allegations are substantiated, provides recommendations as to the discipline that should be imposed on the subject officers.

The **Disposition** is the Board’s finding of the outcome of a case. The Board is required to use a **preponderance of the evidence** standard of proof in evaluating cases. Findings **on the merits** result when CCRB is able to conduct a full investigation and obtain sufficient credible evidence for the Board to reach a factual and legal determination regarding the officer’s conduct. In these cases, the Board may arrive at one of the following findings on the merits for each allegation in the case: **Substantiated**, **Within NYPD Guidelines**, or **Unfounded**. Substantiated cases are those where it was proven by a preponderance of evidence that the alleged acts occurred and the acts constituted misconduct. Within NYPD Guidelines cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but the acts did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the alleged acts did not occur. **Unable to Determine** cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish by a preponderance of the evidence whether or not an act of misconduct occurred. In some cases, the CCRB is unable to conduct a full investigation or mediation and must close the case as **Unable to Investigate**.<sup>36</sup>

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<sup>36</sup> Fully-investigated cases comprise complaints disposed of as Substantiated, Unable to Determine, Within NYPD Guidelines, Unfounded, Officers Unidentified, or Miscellaneous. Miscellaneous cases are those where an officer retires or leaves the Department before the Board receives the case for decision. Unable to Investigate cases are disposed of in one of the following ways: complainant/victim uncooperative, complainant/victim unavailable, and victim unidentified.

CHAPTER 18-A

CIVILIAN COMPLAINT REVIEW BOARD

§440 Public complaints against members of the police department.

(a) It is in the interest of the people of the city of New York and the New York city police department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established as a body comprised solely of members of the public with the authority to investigate allegations of police misconduct as provided in this section.

(b) Civilian complaint review board.

1. The civilian complaint review board shall consist of 15 members of the public. Members shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board.

2. No member of the board shall hold any other public office or employment. No members, except those designated by the police commissioner, shall have experience as law enforcement professionals, or be former employees of the New York city police department. For the purposes of this section, experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

3. The members shall be appointed for terms of three years. The public advocate shall make the public advocate's first appointment to the board on or before May 6, 2020. The board member so appointed shall assume office on July 6, 2020. The mayor and the speaker of the council shall make their initial joint appointment to the board on or before May 6, 2020. The member so appointed shall serve as the board's chair and shall assume office on July 6, 2020.

4. Members of the board shall serve until their successors have been appointed and qualified. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment within 60 days from the date such vacancy occurred. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. During any period in which the office of the chair is vacant, the mayor shall select a member of the board to serve as interim chair until such vacancy has been filled.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and

recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior Unable to Determine, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed by the mayor.

3. The board, by majority vote of its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of matters within its jurisdiction pursuant to this section. The board may request the corporation counsel to institute proceedings in a court of appropriate jurisdiction to enforce the subpoena power exercised pursuant to this section, and the board itself may, subject to chapter 17 of the charter, institute such proceedings. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its executive director such subpoena authority and authority to institute proceedings.

4. The board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

6. The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions.

7. The board shall have the responsibility of informing the public about the board and its duties and shall develop and administer an on-going program for the education of the public regarding the provisions of this chapter.

(d) Cooperation of police department.

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for investigations undertaken pursuant to this section, except such records or materials that cannot be disclosed by law.

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with investigations undertaken pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

3. The police commissioner shall report to the board in writing on any action taken, including the level of discipline and any penalty imposed, in all cases in which the board submitted a finding or recommendation to the police commissioner with respect to a matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement



between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations and, in cases in which the police commissioner intends to impose or has imposed a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, shall also include an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.

(e) The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline members of the department. Nor shall the provisions of this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

(g) 1. Beginning in fiscal year 2021 and for each fiscal year thereafter, the appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year, as determined consistent with published budgeted headcount documents of the office of management and budget. The calculation to determine the minimum appropriations for the personal services expenses of the civilian complaint review board pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

2. Notwithstanding paragraph 1 and in addition to any action that may be undertaken pursuant to section 106, the appropriations available to pay for the personal services expenses of the civilian complaint review board may be less than the minimum appropriations required by paragraph 1 provided that, prior to adoption of the budget pursuant to section 254 or prior to the adoption of a budget modification pursuant to section 107, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the civilian complaint review board at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

(Am. L.L. 2019/215, 12/11/2019, eff. 12/11/2019 and 3/31/2020)

#### § 441. Investigating past professional conduct by members of the police department.

a. Definitions. As used in this section, the following terms have the following meanings:

**Act of bias.** The term “act of bias” means an act stemming from a specific incident:

- (i) that is motivated by or based on animus against any person on the basis of race, ethnicity, religion, gender, sexual orientation or disability, and
- (ii) that the board is empowered to investigate pursuant to paragraph 1 of subdivision c of section 440.

**Board.** The term “board” means the civilian complaint review board.

**Covered entity.** The term “covered entity” means the police department, the board, the commission on human rights, the department of investigation, a court of competent jurisdiction or any other officer or body designated by the board.

- b. 1. The board: (i) shall conduct an investigation of past conduct in the course of performance of official duties by a current or former member of the police department whom a covered entity has found, in a final determination reached after such member was afforded an opportunity to respond to the relevant allegations, to have engaged in a severe act of bias, regardless of whether such member was on or off duty when engaging in such act, if the date that such investigation commences would be less than five years after such final determination was made; and (ii) may conduct an investigation of past conduct in the course of performance of official duties by a current or former member of the police department whom a covered entity has found, in a final determination reached after such member was afforded an opportunity to respond to the relevant allegations, to have engaged in an act of bias other than a severe act of bias, regardless of whether such member was on or off duty when engaging in such act, if the date that such investigation commences would be less than five years after such final determination was made.
2. For the purposes of initiating such investigations, the board shall define what constitutes a severe act of bias and, in consultation with each covered entity, what constitutes a covered entity’s final determination that such a member engaged in an act of bias or severe act of bias, provided that off-duty conduct may be the basis for initiating such investigation only if (i) such conduct could have resulted in removal or discipline by the police department, (ii) the board reasonably believes such conduct has had or could have had a disruptive effect on the mission of the police department, and (iii) the police department’s interest in preventing actual or potential disruption outweighs the member’s speech interest.
3. Within 10 days after making or changing a definition made pursuant to paragraph 2 of this subdivision, the board shall communicate such definition or change to each covered entity and shall make such definition or change publicly available online.
4. If a covered entity that is an agency makes a final determination that such a member engaged in an act of bias or a severe act of bias, such covered entity shall promptly provide notice to the board in a time, form and manner designated by the board in consultation with such covered entity.
5. Within 120 days after the effective date of sections one through four of the local law that added this section, each covered entity that is an agency shall, to the extent practicable, provide the board with a written list of such members whom such covered entity has finally determined to have engaged in an act of bias or severe act of bias before such effective date and on or after January 1, 2016; provided that such list shall be provided in a form and manner, and shall include such additional information, as the board may require in consultation with such covered entity.
6. At least once every 4 months after the effective date of sections one through four of the local law that added this section, the board shall request from each covered entity that is not an agency, except a court with jurisdiction within the state of New York, information about final determinations made by such entity that such a member engaged in an act of bias or severe act of bias, including final determinations made on or after January 1, 2016.
7. The board shall consult with the law department to obtain information about final determinations by a covered entity that is a court with jurisdiction within the state of New York that such a member has engaged in an act of bias or severe act of bias, including final determinations made on or after January 1, 2016.

- c. The board shall determine the scope of past conduct in the course of performance of official duties by such member to investigate based on the member's professional rank and assigned roles and the nature of the member's act of bias. The board shall investigate all or a representative sampling of such member's past conduct within such scope beginning from the date of hire by the police department until and including, for a former member of the police department, the last day of employment by the police department, or, for a current member of the police department, the date of initiation of an investigation pursuant to this section.
- d. 1. Within 10 days after the board initiates such investigation, the board shall provide written notice to the member being investigated and to the relevant covered entity.  
2. Within 10 days after the completion of such investigation, the board shall provide a written statement of final determination to the member being investigated. Such statement shall include (i) the investigation's details, when it was initiated and concluded, the identity of its subject and a summary of the materials reviewed by the board during the investigation; (ii) the board's investigative findings, including the identification of any threat to the safety of an individual or the public and whether the board found evidence of any additional past acts of bias committed in the course of performance of official duties; (iii) if applicable, any recommendations of the board for remedial action, including training, discipline, where consistent with section 75 of the civil service law, or both; and (iv) if applicable, a statement that the board has determined to terminate the investigation and an explanation why.  
3. The board shall provide an opportunity for the member being investigated to answer in writing, within a time period established by rule, any findings or recommendations made by the board. If such member timely submits such an answer, the board shall consider it and determine whether to revise any such findings or recommendations in response.  
4. Within 10 days after finalizing the written statement of final determination pursuant to paragraphs 2 and 3 of this subdivision, the board shall submit such written statement to the police commissioner, any other parties to whom notice was sent pursuant to paragraph 1 of this subdivision and any other appropriate agency or official as determined by the board. Within 120 days after receiving such written statement, the police commissioner shall report to the board in writing on any action taken or planned to be taken in response, including the level of discipline and any penalty imposed or to be imposed upon such member, as well as any other remedial action. If such action taken or planned to be taken differs from that recommended by the board, the police commissioner shall provide in such written report a detailed explanation for deviating from the board's recommendations and an explanation of how the final disciplinary or remedial decision was determined, including each factor the police commissioner considered in making such decision. If the police commissioner takes action in response to such written statement of final determination after such 120-day period, the police commissioner shall provide an updated version of such written report to the board within 30 days after taking such action.
- e. 1. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its chair or executive director any responsibility or authority assigned by this section to the board.  
2. The board may, subject to any conditions it deems appropriate, designate a third party to assist with any investigation conducted under this section. Any such third party shall keep confidential and is prohibited from disclosing except to the board any information it obtains in the course of such investigation, except as otherwise required by law.
- f. The board shall, in accordance with subdivisions b, c and d of this section, promulgate rules that further prescribe the manner in which the board is to conduct investigations, present findings, make recommendations, provide notice and provide an opportunity for the member being investigated to be heard.

g. This section shall not be construed to limit or impair the police commissioner's authority to discipline members of the police department at any time. Nor shall this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

h. This section shall not be construed to prevent or hinder any investigation or prosecution undertaken by any covered entity.

(L.L. 2021/047, 4/25/2021, eff. 1/20/2022)

## LIST OF FIGURES

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<i>Figure 01: Complaints Received Within CCRB Jurisdiction</i>	5
<i>Figure 02: Complaints Received Within CCRB Jurisdiction by Month</i>	5
<i>Figure 03: Total Filings and Complaints Received in Each Agency's Jurisdiction</i>	6
<i>Figure 04: Complaints Received by Complaint Place</i>	7
<i>Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode</i>	7
<i>Figure 06: Complaints Received within CCRB Jurisdiction by Borough</i>	8
<i>Figure 07: Complaints Received within CCRB Jurisdiction by Precinct</i>	9
<i>Figure 08: CCRB Complaints Received per Precinct of Occurrence</i>	10
<i>Figure 09: Top Reasons for Initial Contact</i>	11
<i>Figure 10: Outcome of Encounters Resulting in CCRB Complaints</i>	11
<i>Figure 11: Types of Allegations Closed</i>	12
<i>Figure 12: FADO&amp;U Allegations in Complaints Received by Type</i>	13
<i>Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation</i>	17
<i>Figure 14: Alleged Victim Demographics Compared to New York City</i>	18
<i>Figure 15: Subject Officer Demographics Compared to NYPD Officer Population</i>	19
<i>Figure 16: Rank and Tenure of Active MOS with Substantiated CCRB Complaints</i>	19
<i>Figure 17: Active MOS with CCRB Complaints</i>	20
<i>Figure 18: Active MOS with Substantiated CCRB Complaints</i>	20
<i>Figure 19: Average Days to Complete a Full Investigation</i>	22
<i>Figure 20: Average Days to First Interview (Full Investigations)</i>	22
<i>Figure 21: Case Resolutions</i>	23
<i>Figure 22: Unable to Investigate vs. Complaint Withdrawn Closures</i>	24
<i>Figure 23: Unable to Investigate Rates by Place of Filing</i>	24
<i>Figure 24: Disposition of Fully Investigated Complaints</i>	29
<i>Figure 25: Disposition of Fully Investigated Allegations</i>	29
<i>Figure 26: Untruthful Statement Allegations</i>	30
<i>Figure 27: Other Possible Misconduct Noted</i>	31
<i>Figure 28: Complaints Substantiated &amp; Officers with Substantiated Allegations</i>	34
<i>Figure 29: Board Recommendations for Officers with Substantiated Allegations</i>	34
<i>Figure 30: Board Disciplinary Recommendations by Substantiated FADO Allegations</i>	35
<i>Figure 31: Department Advocate's Office Disciplinary Actions on Non-Charges Cases</i>	36
<i>Figure 32: APU Trials Conducted and Cases Closed</i>	37
<i>Figure 33: APU Case Closures</i>	38
<i>Figure 34: Discipline Imposed for Adjudicated APU Cases</i>	39
<i>Figure 35: Non-Charges Discipline Rate</i>	40
<i>Figure 36: APU Discipline and Penalty Concurrence Rate</i>	40
<i>Figure 37: Mediation Closures</i>	42
<i>Figure 38: Average Days to Completed Mediation</i>	42
<i>Figure 39: Percentage of Cases in which Mediation was Offered</i>	43
<i>Figure 40: Number of Civilians and MOS that Accepted Mediation</i>	43
<i>Figure 41: Mediation Completion Rate</i>	44
<i>Figure 42: Average BWC Request Turnaround Times In Days, Requests Closed</i>	46
<i>Figure 43: Complaints with Video</i>	47
<i>Figure 44: Full Investigations with and without video</i>	47
<i>Figure 45: Impact of Video on Fully Investigated Complaints Closed on the Merits</i>	48

<i>Figure 46: Impact of Video on Allegation Closures on the Merits by FADO</i>	49
<i>Figure 47: Number of Outreach Events</i>	50
<i>Figure 48: Outreach Events by Borough</i>	50
<i>Figure 49: Outreach Events by Specific Organization Type</i>	51

## BOARD MEMBERS

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### CHAIR OF THE BOARD: MAYORAL APPOINTEE

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#### **Arva Rice**

Arva Rice has more than 15 years' experience in the non-profit arena, ranging from working with New York City entrepreneurs in a micro lending program to working with young people as a counselor, mentor and tutor. She has extensive experience in collaboration building, strategic planning, fundraising and marketing. Arva is President & CEO of the New York Urban League (NYUL) an organization that has a rich history and long legacy of service to New Yorkers. Today, the mission of the NYUL is to enable African Americans and other underserved communities to secure a first-class education, economic self-reliance, and equal respect of their civil rights through programs, services and advocacy.

Prior to joining the League, she served as the Executive Director of Project Enterprise, an organization that provides business loans, technical assistance and peer support to New York City entrepreneurs who lack adequate access to business financing.

Arva is a member of the Women's Forum and Greater New York Chapter of The Links Incorporated. She is on the Board of Trustees of First Corinthians Baptist Church. In the past she has served on the Board of Directors of the Central Brooklyn Partnership (CBP) a non-profit dedicated to financial literacy and education in Bedford-Stuyvesant. Arva was appointed to the board by Mayor Bill de Blasio and appointed as Interim Chair by Mayor Adams.

*B.A. Northwestern University*

### MAYORAL APPOINTEES

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#### **Erica Bond, Esq.**

Erica Bond has experience in the government, non-profit, public policy, and legal sectors. Most recently, Ms. Bond served as Special Advisor for Criminal Justice to the First Deputy Mayor of New York City. In this role, she advised and supported the First Deputy Mayor in management of the City's criminal justice agencies. Prior to joining city government, Ms. Bond was a Director of Criminal Justice at the Laura and John Arnold Foundation, where she worked to develop new research, policy reforms, and evidenced-based innovations with the goal of transforming criminal justice systems nationwide. In this role, she partnered with criminal justice practitioners, researchers, and policymakers on initiatives to improve community safety, increase trust and confidence in the criminal justice system, and ensure fairness in the criminal justice process. After graduating from law school, Ms. Bond began a legal career as a Litigation Associate at Kaye Scholer (now Arnold & Porter Kaye Scholer LLP), an international law firm where she represented clients on a variety of matters, including government investigations, regulatory compliance issues, and commercial disputes. Ms. Bond was appointed to the Board by Mayor Bill de Blasio.

*J.D. Fordham University School of Law; B.A., Wesleyan University*

#### **Corinne A. Irish, Esq.**

Corrine Irish is an attorney with the international law firm Squire Patton Boggs, where she litigates and counsels clients on a variety of complex commercial matters, ranging from contract disputes to enforcing intellectual property rights to advising clients on regulatory compliance. Ms. Irish is also a founding member of the firm's Public Service Initiative, where she has litigated death penalty, criminal, and civil rights cases involving a miscarriage of justice or a denial of fundamental rights on behalf of indigent clients. She has also served as counsel for amici clients before the U.S. Supreme Court in important cases of criminal constitutional law. Ms. Irish previously served as a law clerk, first to the Honorable William G. Young of the U.S. Court for the District of Massachusetts and then to the Honorable Barrington D. Parker of the U.S. Court of Appeals for the Second Circuit. Ms. Irish is a lecturer-in-law at Columbia Law School, where she has taught since 2012. She was also an adjunct professor at Brooklyn Law School in 2008 and 2009. Ms. Irish was recognized for six consecutive years as a Rising Star in New York Super

Lawyers and recently has been named to The National Black Lawyers – Top 100. Ms. Irish was appointed to the Board by Mayor Bill de Blasio.

*J.D. Harvard Law School; B.A., University of Pennsylvania*

**John Siegal, Esq.**

John Siegal is a partner in BakerHostetler, a national business law firm, where he handles litigation, arbitrations, and appeals for clients in the financial services, media, and real estate industries. Mr. Siegal's practice also includes constitutional law, civil rights, Article 78, and other cases both for and against government agencies and authorities. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal was appointed to the Board by Mayor Bill de Blasio.

*J.D., New York University School of Law; B.A., Columbia College*

**Rev. Dr. Demetrius S. Carolina**

Reverend Dr. Carolina currently serves as Senior Pastor at First Central Baptist Church and as Executive Director of the Central Family Life Center on Staten Island, where he develops corporate, public and private relationships, and oversees and administers strategies to ensure the operation and sustainability of the Life Center. Rev. Dr. Carolina was previously appointed as a commissioner of Human Rights in 2015 by Mayor Bill de Blasio and is the recipient of the 2017 New York City Council MLK Community Award, 2017 Stapleton UME Dreamers award, 2017 Black History City Council recognition, and various other awards and recognitions. He founded The Staten Island Black History Town Hall Meeting; served as lead advocate in bringing the nationally recognized Eagle Academy to Staten Island; organized the only Cure Violence Initiative on Staten Island, known on Staten Island as True 2 Life; and has grown the nonprofit community partnership connecting Staten Island with the other boroughs. Dr. Carolina was appointed to the Board by Mayor Bill de Blasio.

*Ph.D. University of Phoenix; A.D., B.S., M.A. Temple University*

**CITY COUNCIL APPOINTEES**

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**Joseph A. Puma**

Joseph Puma's career in public and community service has been exemplified by the various positions he has held in civil rights law, community-based organizations, and local government. As a paralegal with the NAACP Legal Defense and Education Fund, Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining the NAACP LDF, he worked for over six years at the NYC Office of Management and Budget, where he served in roles in intergovernmental affairs, policy, and budget.

From 2003 to 2004, Puma served as a community liaison for former NYC Council Member Margarita López. Since 2007, he has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong City public housing resident, Puma currently serves as GOLES's Board President and has participated in national public housing preservation efforts. Mr. Puma was appointed to the Board by the Manhattan City Council.

*M.A., Union Theological Seminary; Certificate, Legal Studies, Hunter College, City University of New York; B.A., Yale University*

**Michael Rivadeneyra, Esq.**

Michael Rivadeneyra is the Senior Director of Government Relations at the YMCA of Greater New York, where he develops the legislative and budgetary agenda for the organization. Prior to this role, Mr. Rivadeneyra served in various capacities as a legislative staffer to Council Members James Vacca, Annabel Palma, and Diana Reyna. While in law school, Mr. Rivadeneyra served as a legal intern at Main Street Legal Services, where he represented immigrant survivors of gender violence and advocated on behalf of undergraduate students from disadvantaged backgrounds. During law school, Mr. Rivadeneyra



also worked to advance immigrants' rights as an intern at the New York Legal Assistance Group. Mr. Rivadeneyra was appointed to the Board by the Bronx City Council.

*J.D., CUNY School of Law, Queens College; B.A., State University of New York at Albany*

### **Herman Merritt**

Herman Merritt is a lifelong New Yorker who has served the city throughout his career. Mr. Merritt worked for the Department of Education (DOE) for 36 years, first as a teacher, then an assistant principal and finally as an elementary school principal for 18 years. After leaving the DOE, Mr. Merritt joined the Council of School Supervisors and Administrators as their Political Director, where he is currently the Assistant Political Director.

Born and raised in Brooklyn, Mr. Merritt attended New York University on a Martin Luther King scholarship and has long considered himself an activist. He joined the DOE right after graduating, aspiring to reform the New York public education system. He is deeply proud of what he accomplished while working for the city and hopes to continue his activism by bringing a fair, impartial perspective to the board. He is excited to give his community a voice and help the CCRB gain awareness. Mr. Merritt was appointed to the board by the Brooklyn City Council.

*Professional Diploma, City College of New York; M.A., New York University; B.A., New York University*

### **AU Hogan**

AU Hogan is the Queens City Council Appointee. Mr. Hogan was born and raised in Queens and has spent over thirty years serving and investing in his local community. Between getting his BA at York College and his masters at Queens College, Mr. Hogan began his career working for NYC Parks and Recreation before pivoting to education. For the last ten years, Mr. Hogan has worked at Life Camp, a non-profit dedicated to providing youth and families that have been impacted by violence tools they need to stay in school and out of the criminal justice system. Mr. Hogan served as Assistant Executive Director and Chief Team Leader before taking on his current role as Chief of Streets. Through his work at Life Camp, Mr. Hogan has created a burgeoning community police partnership with the goal of improving public safety.

*M.A., Queens College, B.A., York College*

## **PUBLIC ADVOCATE APPOINTEE**

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### **Esmeralda Simmons, Esq.**

Esmeralda Simmons is an accomplished lawyer and public servant who has spent decades fighting for human and civil rights on the federal, state, and municipal levels. Ms. Simmons founded the Center for Law and Social Justice at Medgar Evers College, a community-based racial justice advocacy center that focuses on legal work and research on civil rights and domestic human rights violations. Recently retired, she advocated for equity in public education, voting, policing, and the child welfare system as the Center's executive director for 34 years. Through the Center, Simmons provided community organizations with legal counsel and research assistance.

Before founding and directing the Center for Law and Social Justice, Ms. Simmons served as First Deputy Commissioner at the New York State Division of Human Rights, where she developed and led the implementation of policy in support of New Yorkers' human and civil rights, and as an Assistant Attorney General for the State of New York. In addition, she has served on several major public boards in New York City government, including the NYC Board of Education and the NYC Districting Commission.

Ms. Simmons also volunteers her skills and currently serves on the board of directors of UPROSE, a climate justice organization; the Council of Elders for African Cultural Heritage; and Little Sun People, an African-centered early childhood education center. In the recent past, she has served on several boards of national organizations: the Applied Research Center (now "Race Forward"); Vallecitos Mountain Retreat Center; the Child Welfare Fund; and the Poverty and Race Research Action Council (PRRAC).

Ms. Simmons has served as counsel or co-counsel on numerous major federal Voting Rights Act cases and election law cases and has secured victories before the United States Supreme Court. She is a member of the Metropolitan Black Bar and American Bar associations, Ile Ase, Inc., and the New York Voting Rights Consortium. Ms. Simmons was appointed to the Board by the Public.

*J.D., Brooklyn Law School; B.A., Hunter College, City University of New York*

## **POLICE COMMISSIONER DESIGNEES**

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### **Salvatore F. Carcaterra**

Salvatore F. Carcaterra began his law enforcement career in 1981 with the NYPD, where he served for 21 years. Starting as a Patrol Officer, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief, he served as the Executive Officer to the Chief of Department, where, among many duties, he organized and implemented the NYPD's overall response to the threat of terrorism following the 9/11 attack on the World Trade Center. Prior to that, Carcaterra was a Deputy Inspector in command of the Fugitive Enforcement Division. As a Deputy Inspector, he also served in the Office of the Deputy Commissioner for Operations, managing COMPSTAT and commanding the Hate Crimes Task Force, increasing its arrest rate by over 50 percent. He served in the NYPD Detective Bureau as a Captain in the 70th Precinct and as Deputy Inspector in the 66th Precinct. After retiring from the NYPD, Carcaterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcaterra is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

*B.S., John Jay College of Criminal Justice, City University of New York; Graduate, Federal Bureau of Investigation National Academy; Graduate, Columbia University Police Management Institute*

### **Frank Dwyer**

Frank Dwyer, a Brooklyn native and current Queens resident, consults with and teaches at police departments and educational institutions throughout the United States. In 1983, he joined the NYPD and served in Queens, Brooklyn, and Manhattan in a variety of assignments, including as a Police Academy Law Instructor, the Commanding Officer of the 7th precinct on the lower eastside of Manhattan, and the Commanding Officer of the Office of the Deputy Commissioner for Operations. He worked in lower Manhattan on 9/11 and in the months that followed. Retiring in 2012 at the rank of Deputy Inspector, Dwyer is currently pursuing a doctorate in Criminal Justice. He has consulted for several police departments including Newark, New Jersey, and Wilmington. He has also taught at or consulted to the following educational institutions: John Jay College of Criminal Justice, Teachers College, Boston College, Morgan State University, and the University of San Diego. Mr. Dwyer is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

*M.S.W., Hunter College, City University of New York; M.St., Cambridge University; M.P.A., Harvard University; M.A., Fordham University; B.A., Cathedral College*

### **Willie Freeman**

Willie Freeman began his 22-year law enforcement career in 1974 as a Patrol Officer in the New York City Police Department. He served in the 78th and 84th Precincts in Brooklyn. In 1979, he was assigned to the Police Academy, where he taught physical education, police science, and performed administrative duties as a Squad Commander. He was promoted to Sergeant and subsequently, assigned to the Organized Crime Control Bureau. Mr. Freeman served in the 70th Precinct as a Platoon Commander and Integrity Control Lieutenant. He worked in myriad divisions in Brooklyn and Manhattan including Narcotics and the Internal Affairs Bureau. Mr. Freeman retired in the rank of Lieutenant.

During his tenure with the NYPD, Mr. Freeman recruited and trained thousands of officers and taught police instructions, policy, and procedure. The Department recognized his service with Excellent Police Duty and Meritorious Police Duty medals. After retiring from the Department, Mr. Freeman spent 17 years as the Director of Security Services/Chief Investigator for the Newark Public School District, where he managed security personnel and served as the primary liaison between the police, the community and the schools. He has since worked as a public-school security consultant for Newark, Hempstead, and New

York State. He successfully assists large urban districts in designing and evaluating school safety plans, performing facility audits, and initiating community-based violence prevention programming. Mr. Freeman is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.  
*M.S., Long Island University; B.S., Saint John's University; Graduate, Federal Bureau of Investigations National Academy, 182nd Session*

## **EXECUTIVE AND SENIOR STAFF**

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### **EXECUTIVE STAFF**

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**Executive Director:** Jonathan Darche, Esq.

**General Counsel:** Matt Kadushin, Esq.

**Chief Prosecutor:** Andrea Robinson, Esq.

**Deputy Executive Director of Administration:** Jeanine Marie

**Chief of Investigations:** Mercer (“Monte”) Givhan, Esq.

**Senior Advisor to the Executive Director & Director of Intergovernmental Affairs:** Yojaira Alvarez

### **SENIOR STAFF**

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**Acting Deputy Chief Prosecutor:** Andre Applewhite, Esq.

**Director of Case Management:** Eshwarie Mahadeo

**Senior Communications Advisor:** Clio Calvo-Platero

**Director of Racial Profiling and Bias Policing Unit:** Darius Charney, Esq.

**Director of Civilian Witness Assistant Unit:** Baiana Turat, LCSW, CCM

**Director of Analytics and Application Development and Acting Director of Policy & Advocacy:**  
Lincoln MacVeagh

**Director of Human Resources:** Jennelle Brooks

**Director of Information Technology:** Carl Esposito

**Director of NYPD Relations:** Christopher DeNitto

**Director of Operations and Budget:** David B. Douek

**Director of Recruitment:** LaShawn Lindsey

**Deputy Chief of Special Operations:** Olas Carayannis

**Deputy Chief of Investigations:** Suzanne O’Hare, Esq.

**Director of Investigative Training:** Jennifer Jarett

**Director of Outreach:** Jahi Rose