

Discipline in the NYPD  
2022

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**NYPD**

New York City Police Department

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## Executive Summary

The New York City Police Department continues to be committed to a fair, effective, timely, and transparent disciplinary process. This report contains information regarding employee discipline in calendar year 2022, including the timeliness of the discipline process, the demographic information of subject employees, and the types of discipline imposed.

The Department is bound by the many laws, policies, procedures, and rules governing the policing profession. Police work and police decision making in the field relies on an officer's discretionary judgment and accumulated experience, as well as an adherence to guiding principles, to solve a variety of problems. Public trust is eroded each time the conduct of a member of the service does not conform to the values and standards of the New York City Police Department and the policing profession.

When an allegation of misconduct is substantiated, disciplinary action is imposed to: correct and prevent employee misconduct; maintain the orderly functioning of the Department; ensure compliance to high standards of conduct and establish appropriate consequences for the failure to comply; and assure the public that the Department will hold employees accountable for misconduct.

Discipline must be imposed fairly and equitably. **Fairness** within a discipline system means: taking the time and effort to objectively review the circumstances surrounding the alleged misconduct - including the reliability, intention, and motivation of all witnesses; impact of the misconduct on the Department and members of the public; the absence, presence and extent of damages; the level of training of the employee in question; the history of the employee with the Department; as well as other mitigating and aggravating factors. **Equity** within a discipline system means holding all employees accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable for all, regardless of rank, demographic, assignment, or tenure. Each disciplinary matter is unique, requiring a comprehensive analysis, and must consider the totality of the circumstances.

In 2022, members of the service forfeited over 13,272 penalty days<sup>1</sup> due to disciplinary cases. This represents a slight decrease of 0.3% (13,272 vs. 13,310) from 2021. Additionally, 84 members were subject to forced separation from Department employment as a result of disciplinary action. As of December 31, 2022, there were 1,097 active cases with charges preferred against members of the service. The Department preferred the majority (54.2% or 570) of these cases and CCRB preferred 45.8% (482) of cases. As of December 31, 2022, 806 (2.3%) uniformed members of the service (UMOS) had active charges and specifications<sup>2</sup>.

In furtherance of transparency and accountability, the Department strives for the expeditious adjudication of disciplinary matters. On average, over the last three years (2020, 2021, and 2022), cases the Department Advocate (DAO) has prosecuted have concluded in 544 days. Over the same time period, cases prosecuted by the CCRB's Administrative Prosecution Unit (CCRB-APU) were concluded in an average of 622 days.

The disciplinary process of the NYPD underwent significant change in 2021, and as part of that change, the Department publicly released its disciplinary penalty guidelines. The guidelines, now known as the

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<sup>1</sup> An aggregate of suspension and vacation days.

<sup>2</sup> As of December 31, 2022, the Department's workforce consisted of 34,501 uniformed members of the service and 17,033 civilian members of the service.

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NYPD internal discipline matrix, were developed from recommendations made by a blue-ribbon panel. The panel, consisting of former prosecutors and judges, convened for the evaluation and improvement of the Department's disciplinary system, and recommended penalty guidelines for an array of infractions. The discipline matrix was updated in 2022. Some of the changes include specifying new penalties for misuse of department technology, failure to take police action, and failure to report biased-based enforcement action.

In addition to the discipline matrix, in 2021, the Department and the CCRB entered into a memorandum of understanding wherein both parties agreed to use the disciplinary penalty guidelines as a framework for discipline recommendations, and to notify each other in writing when deviating from the guidelines. The Department posts these written explanations on its public website. Continuing its efforts towards transparency, the Department also created the Officer Profile Portal in 2021. This publicly accessible database, located at NYPD Online<sup>3</sup>, allows users to search by specific uniformed member of the service and view various employment related data points. The disciplinary tab on the officer profile displays the date of any charges, a description of the charges, the disposition, and the penalty, if any. In addition, the Department has uploaded its trial decisions library to its public website, dating back to 2008. The creation and posting of the Officer Profile Portal, as well as this report, are some of the many proactive steps taken by the Department to be more transparent.

### **Data Limitations**

The New York City Police Department's data regarding formal discipline is stored in a case management style database. The purpose of this database is to manage cases throughout the disciplinary process, not for the cataloging and manipulation of data. The complexity of individual cases makes lateral comparisons difficult. Mitigating or aggravating factors, the number of charges per case, and the respondent's disciplinary history make every case unique. Accordingly, this report is limited to a consideration of the broad data points found in the case management system (e.g., intake volume, active cases, case length, separations, etc.).

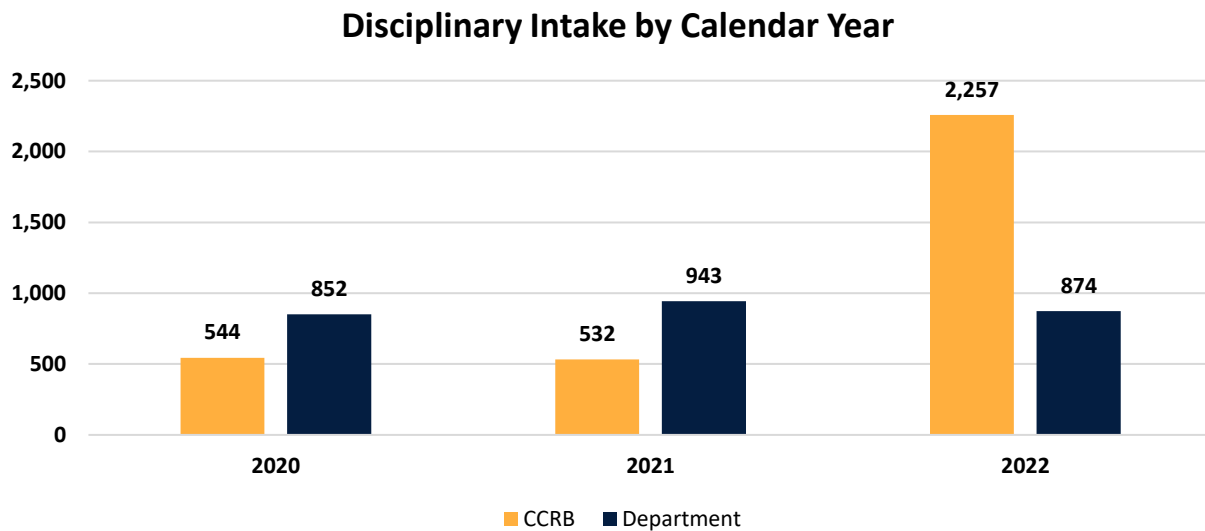
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<sup>3</sup> <https://nypdonline.org/>

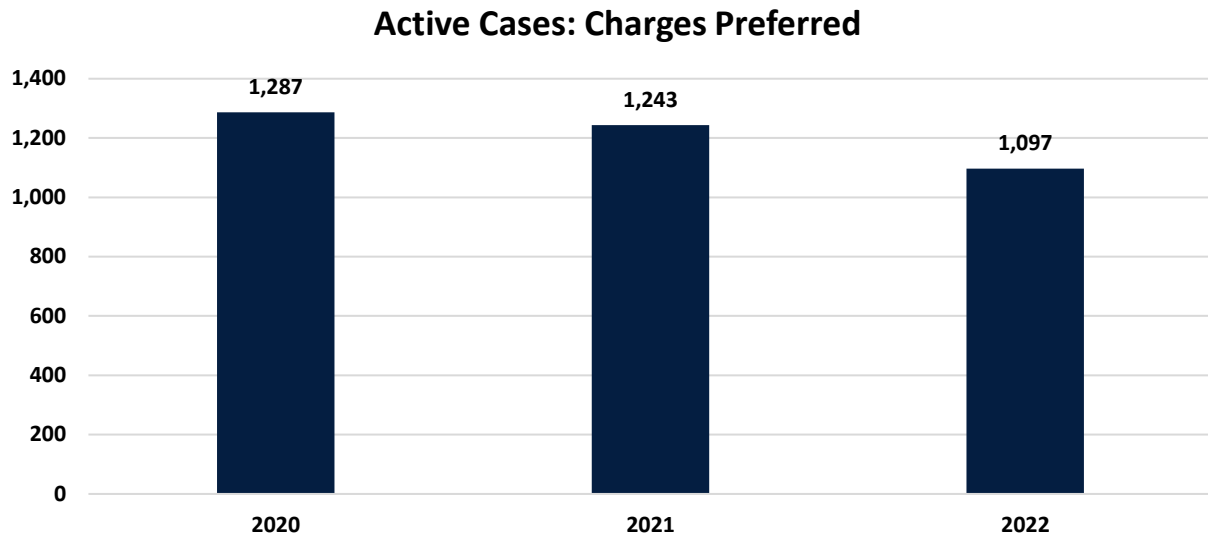
## Disciplinary Case Origins

### Calendar Year Intake

Only the Department and the CCRB can generate disciplinary cases against members of the NYPD. Historically, the majority of disciplinary matters are generated by the Department. However, in 2022, CCRB-generated cases saw a dramatic increase of 324.2% over 2021 (2,257 cases vs. 532). Of the total cases received in 2022, 72.1% (2,257) were initiated by the CCRB and only 27.9% (874) came from the Department. The following chart illustrates the intake of individual entries into the Department's disciplinary case management system. An entry is created in the disciplinary case management system when the Department Advocate receives a disciplinary matter for review. Some of these cases will result in charges and specifications and some will result in less than charges and specifications. Such outcomes may include recommendations for officer re-training on a specific law enforcement subject or a command discipline.



In 2022, the Civilian Complaint Review Board (CCRB) forwarded 2,257 cases to the Department Advocate for review. Charges and specifications were recommended in 25.5% (575) of these cases. The remaining 74.5% (1,682) of disciplinary matters did not have charges preferred. The significant increase in CCRB generated cases may be attributed to the CCRB closing their backlog of cases from 2020 and 2021.

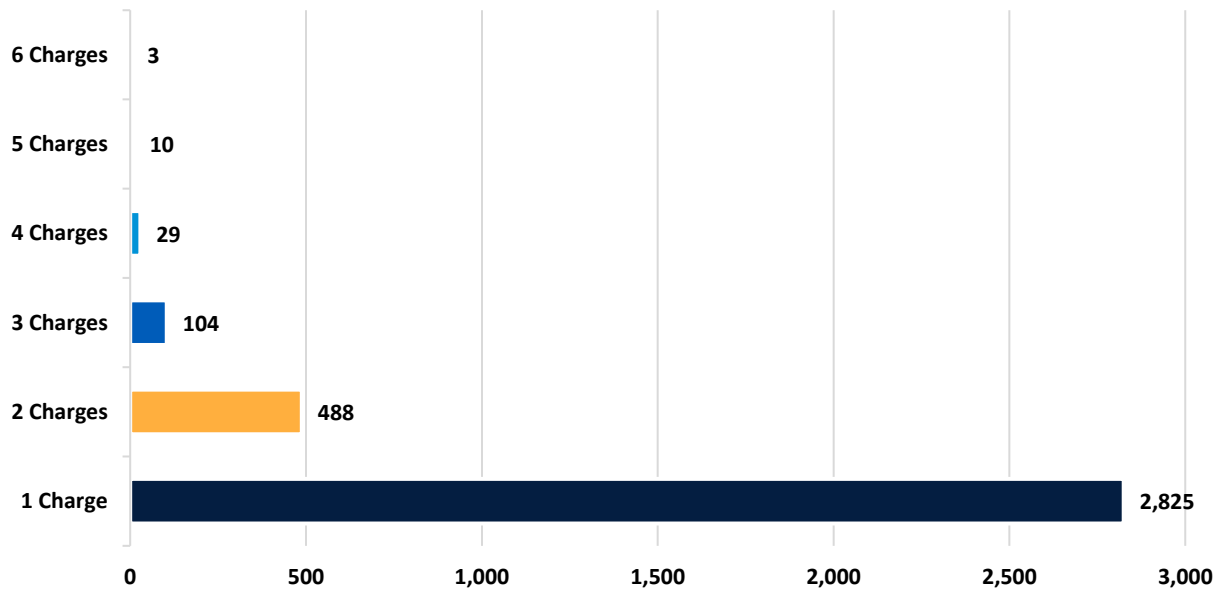


The above chart illustrates the inventory of cases (with charges preferred) from the disciplinary case management system that were active on December 31<sup>st</sup> of the last three years. Cases frequently transcend calendar years. The above chart captures the year in which a case was active (as of December 31<sup>st</sup>) and not necessarily the year in which the case originated or was closed.

Recidivism

Out of the 34,501 active uniformed members of the service (as of December 31, 2022), 3,459 have received charges at some point in their career. Of these, 634 have received charges more than once. The following chart illustrates active uniformed members of the service who have had charges preferred (at any point in their career) and how many distinct times these active uniformed members have been served with charges.

### Disciplinary Recidivism Among Active Uniformed Members of the Service



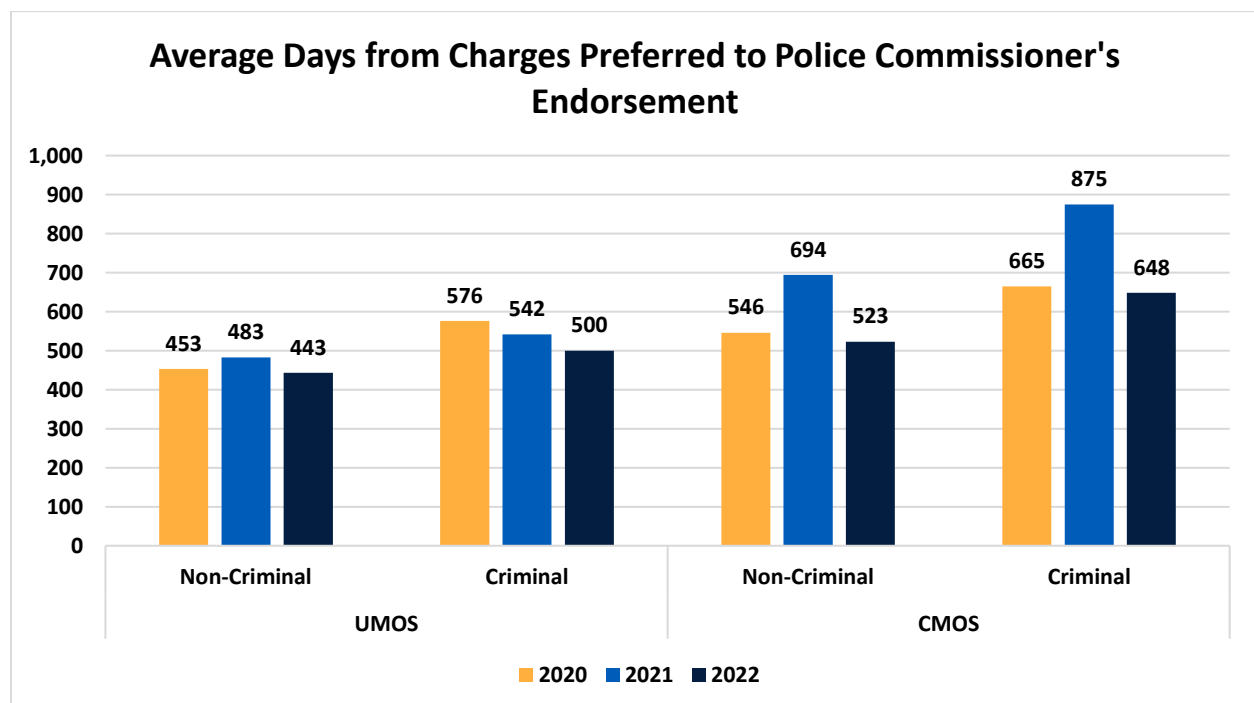
The number of active uniformed members who have ever received charges during their career represents 10.0% of the Department’s active headcount. Of the active uniformed members who have had charges preferred against them, 81.7% (2,825) received charges only once in their career. The following table depicts active members of the service with charges, the number of times the member received charges, and percentage this group makes up of the overall Department.

| Disciplinary Recidivism Among Active Uniformed Members of the Service |                                       |                 |
|---|---------------------------------------|-----------------|
| Frequency of Charges  | Active Uniformed Members with Charges | % of Department |
| 1   | 2,825                                 | 8.2%            |
| 2   | 488                                   | 1.4%            |
| 3   | 104                                   | 0.3%            |
| 4   | 29                                    | 0.1%            |
| 5   | 10                                    | <0.01%          |
| 6   | 3                                     | <0.01%          |
| <b>Total</b>  | <b>3,459</b>                          | <b>10.0%</b>    |

## Timely Prosecutions

Historically, disciplinary cases involving a parallel criminal prosecution take longer to resolve because the Department, at times, holds the administrative cases in abeyance until the conclusion of the criminal prosecution. When a member of the service is charged with a crime, the Department also files internal disciplinary charges against the member because criminal conduct always constitutes a violation of Department policy. Under the appropriate circumstances, the Department’s internal disciplinary case may proceed on a parallel track to the criminal case. However, in some cases, the disciplinary case may be delayed until after the criminal prosecution has been fully resolved. The determination to move ahead with a disciplinary proceeding is fact-specific and will be undertaken if the disciplinary proceeding can be accomplished without compromising the criminal prosecution. In making the decision, the Department will always consult with, but not necessarily defer to, the appropriate prosecutorial authority and will consider any issues or concerns presented.

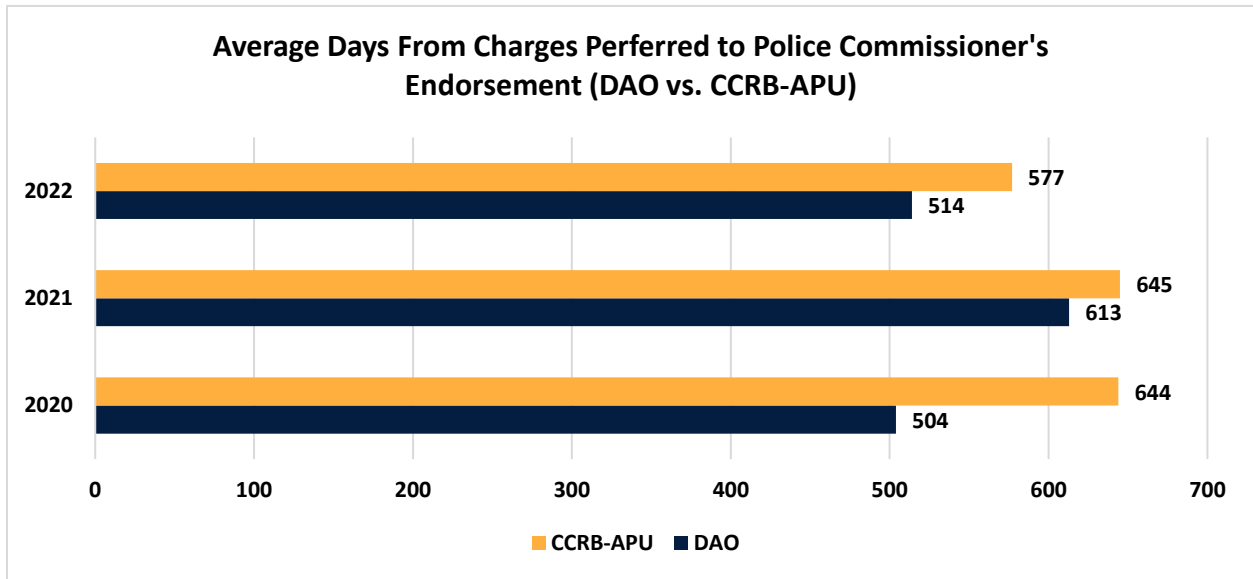
Cases reach their ultimate conclusion when the Police Commissioner grants final approval, and discipline is imposed. Over the three year period including: 2020, 2021, and 2022, on average, cases prosecuted by the Department Advocate’s Office involving uniformed members of the service were resolved in 460 days (on average) for disciplinary matters that did not have a parallel criminal investigation against the subject officer, and in 539 days (on average) for cases that did have parallel criminal investigations against the subject officer. Over the same period, cases involving civilian members of the service (CMOS) were resolved in an average of 588 days for disciplinary matters that did not have parallel criminal investigations and 729 days for disciplinary matters that did involve a parallel criminal investigation. The following chart disaggregates the average number of days from when charges were preferred to when they were submitted for the Police Commissioner’s endorsement, for uniformed and civilian members of the service in criminal and non-criminal cases in 2020, 2021, and 2022.





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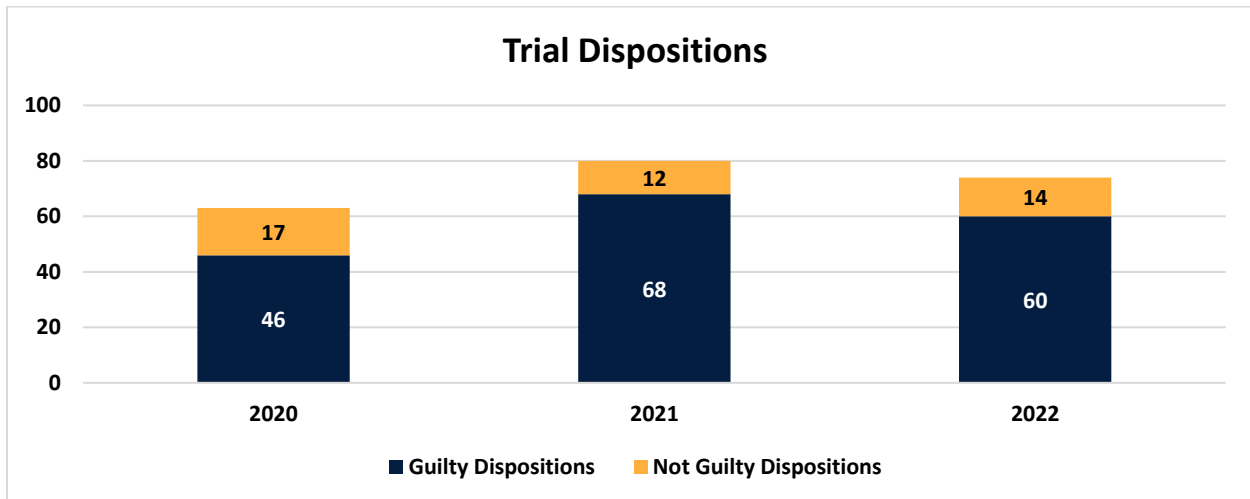
The following chart shows the average number of days from the date charges were served on a Department employee (“preferred”) to the date the Police Commissioner granted final approval, disaggregated by prosecuting entity.



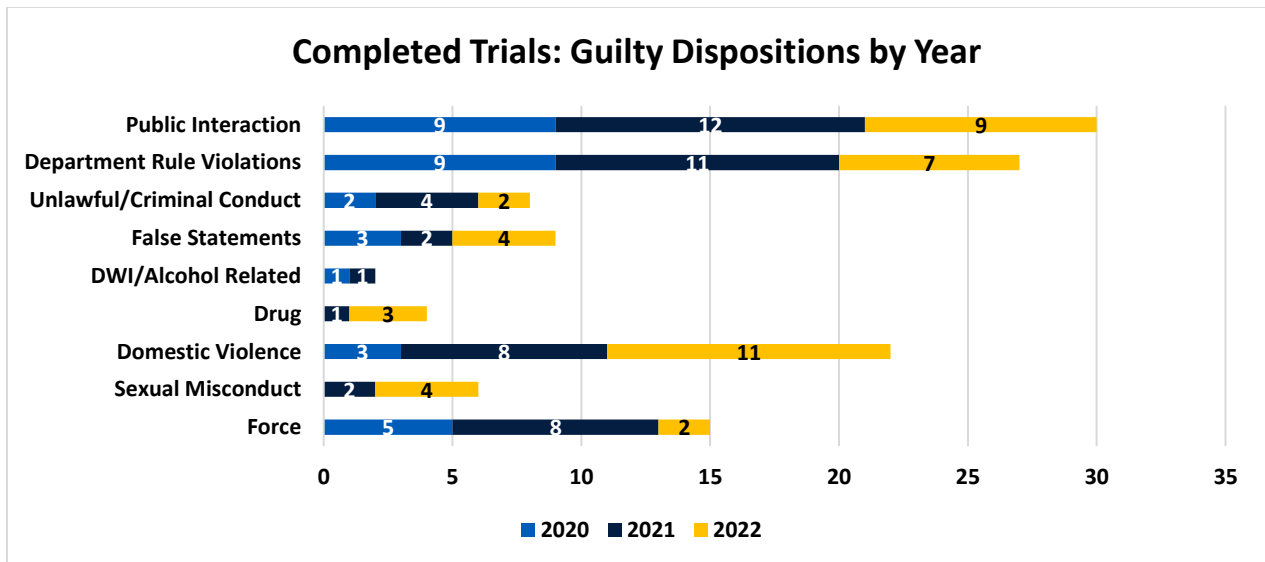
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### Trial Dispositions

When members of the service receive charges, they may enter into a settlement agreement or elect to have a Department trial. The Office of the Deputy Commissioner of Trials is responsible for administering Department trials in accordance with applicable laws, regulations, and policies. These trials are open to the public and the trial calendar is published on the Department’s public website<sup>4</sup>. Trial decisions are also published on the NYPD Online website<sup>5</sup>.



In 2022, the number of disciplinary cases resolved at trial decreased by 7.5% as compared to 2021 (74 vs. 80). The conviction rate, which includes findings and mitigated pleas, for cases that went to trial in 2022 was 81.1%.



*Note: the above chart does not contain guilty pleas; the chart only reflects cases in which UMOS were found guilty after trial.*

Force misconduct trials decreased by 75.0% (2 vs. 8), compared to 2021, while false statement trials and sexual misconduct/harassment trials both increased by 100.0% (both 4 vs. 2).

<sup>4</sup> <https://www.nyc.gov/site/nypd/bureaus/administrative/trials.page>

<sup>5</sup> <https://nypdonline.org/>

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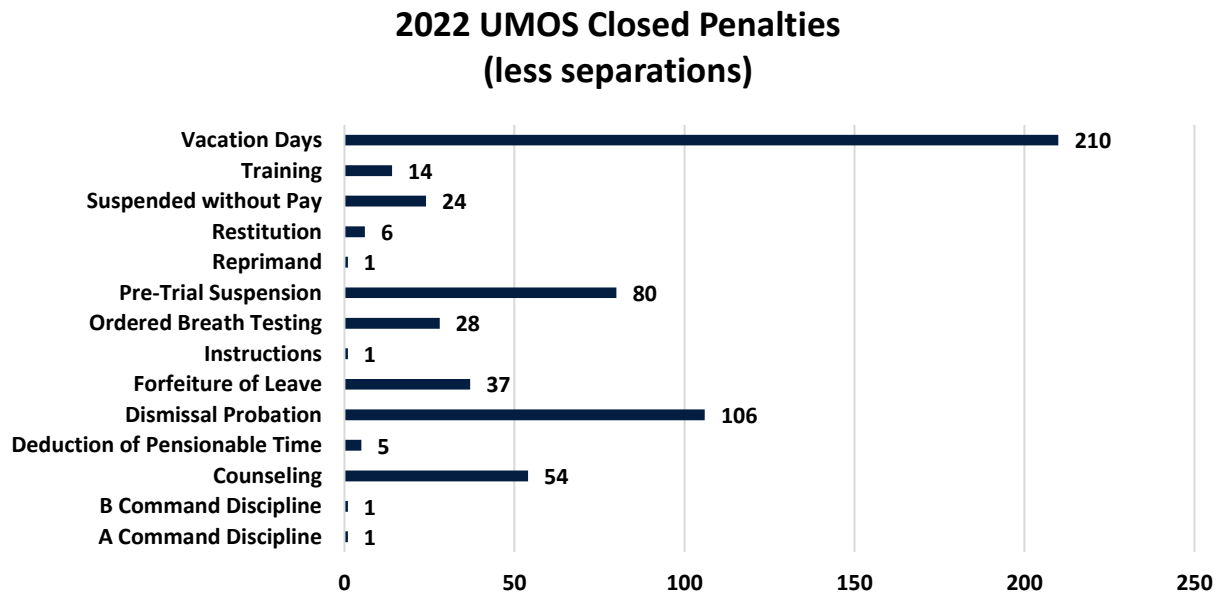
| UMOS Trials Completed by Misconduct Category 2022 |           |            |              |             |                                |                                    |              |             |
|---|-----------|------------|--------------|-------------|--------------------------------|------------------------------------|--------------|-------------|
| Misconduct Category                               | Total     | Not Guilty | Found Guilty | Pled Guilty | Termination /Forced Separation | Dismissal Probation & Penalty Days | Penalty Days | Instruction |
| Force   | 6         | 3          | 2            | 1           | 2                              | 0                                  | 1            | 0           |
| Sexual Misconduct                                 | 4         | 0          | 4            | 0           | 3                              | 1                                  | 0            | 0           |
| Domestic Violence                                 | 14        | 1          | 11           | 2           | 7                              | 3                                  | 3            | 0           |
| Drug  | 3         | 0          | 3            | 0           | 3                              | 0                                  | 0            | 0           |
| DWI/Alcohol Related                               | 1         | 0          | 0            | 1           | 1                              | 0                                  | 0            | 0           |
| False Statements                                  | 8         | 0          | 4            | 4           | 3                              | 4                                  | 1            | 0           |
| Unlawful/ Criminal Conduct                        | 4         | 0          | 2            | 2           | 4                              | 0                                  | 0            | 0           |
| Department Rule Violations                        | 13        | 2          | 7            | 4           | 2                              | 1                                  | 7            | 1           |
| Firearms  | 0         | 0          | 0            | 0           | 0                              | 0                                  | 0            | 0           |
| Public Interaction                                | 21        | 8          | 9            | 4           | 0                              | 2                                  | 11           | 0           |
| <b>Totals</b>                                     | <b>74</b> | <b>14</b>  | <b>42</b>    | <b>18</b>   | <b>25</b>                      | <b>11</b>                          | <b>23</b>    | <b>1</b>    |

*Note: the majority of cases in which charges and specifications were preferred (against a uniformed member) that were adjudicated in 2022, were through a negotiated settlement (approximately 198 cases). The remaining cases either went to trial, were dismissed, or the respondents separated from the Department (either voluntarily or forced). The above table only illustrates misconduct categories in regard to completed trials.*

## Penalties

### 2022 Closed Cases

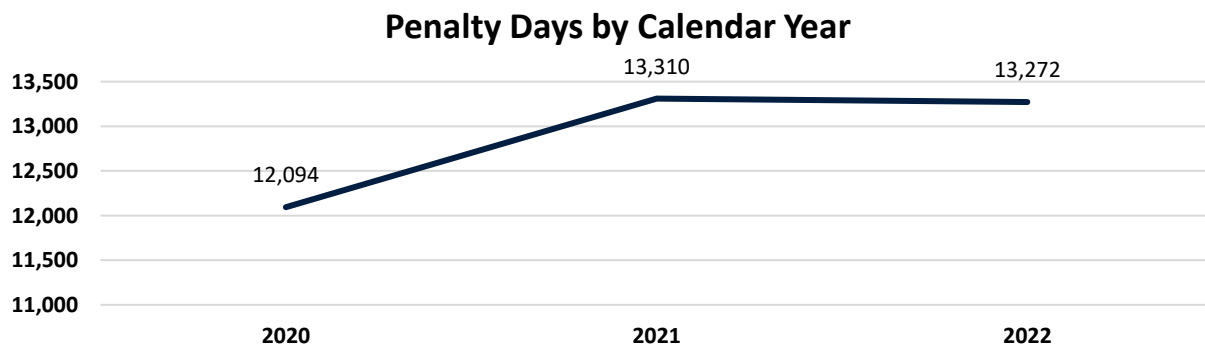
In 2022, 376 cases (in which charges were preferred against uniformed members) were adjudicated. Each of these cases potentially had more than one set of charges. It should be noted that although the cases were closed in 2022, it does not necessarily mean the cases originated in 2022. The following chart illustrates categories of penalties associated with these closed cases (not including separations).



Note: The above chart represents a count of how many times each type of penalty was imposed. It should be noted that often, more than one type of penalty is imposed for a single case (e.g., a suspension followed by counseling and ordered breath testing).

### Penalty Days Taken in Disciplinary Cases

The difference in suspension days,<sup>6</sup> for all members of the service, in 2022 compared to 2021 (an increase of 9.5%) and 2020 (an increase of 18.5%) represent significant increases. However, in 2022, the Department recorded a decrease of 5.3% (8,337 vs. 8,803) in vacation days taken compared to 2021, and an increase of 5.2% (8,337 vs. 7,928), compared to 2020. The following graph is an aggregate of all penalty days (i.e., suspension, pretrial suspension, and vacation days) that were taken by year.

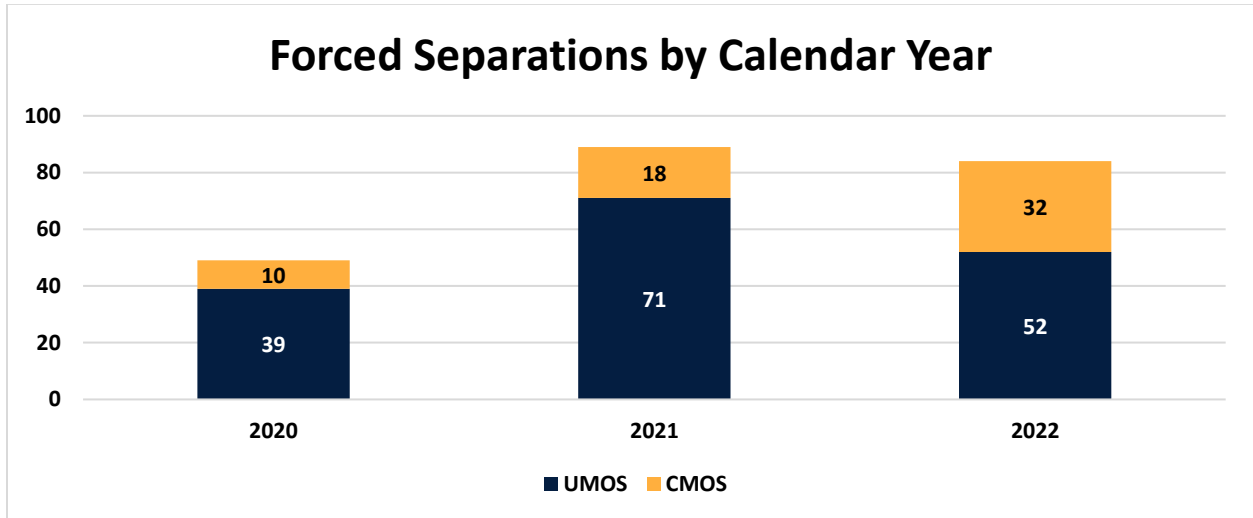


<sup>6</sup> This includes days on suspension without pay, days on suspension with pay, and pre-trial suspension days.

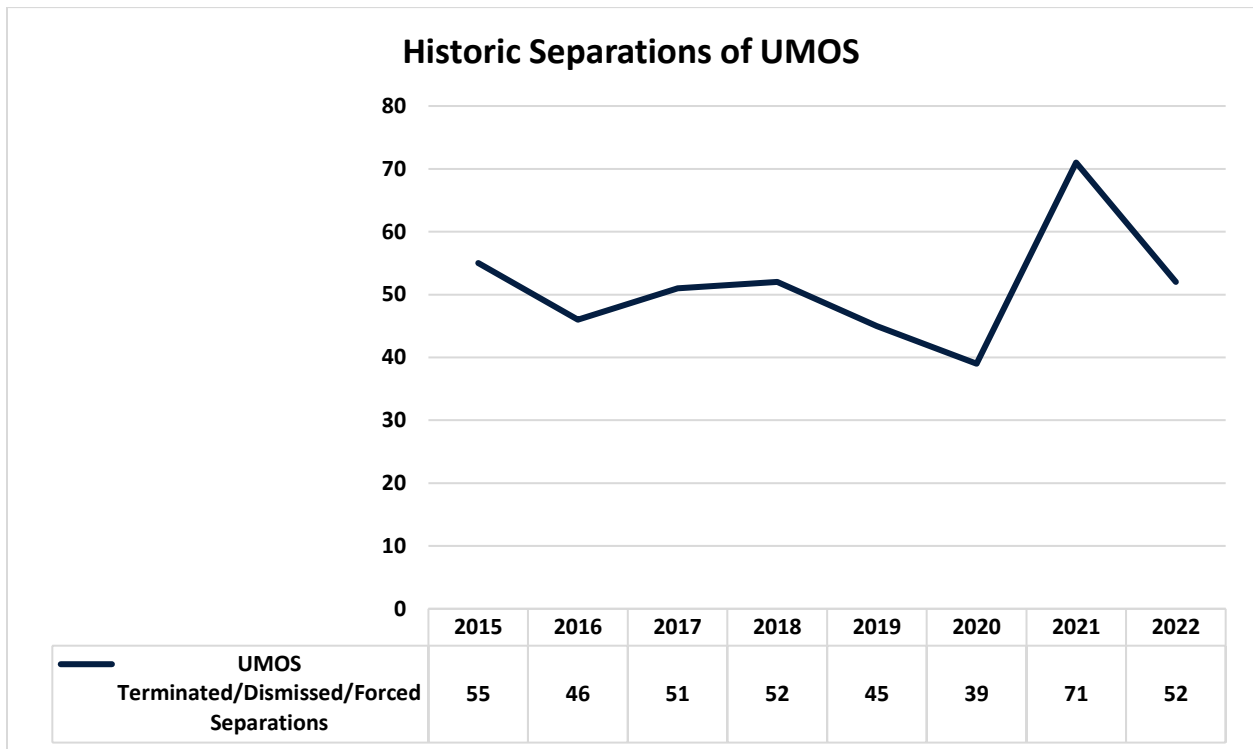
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### Separations

The Department saw 84 forced separations of members of the service in 2022, a decrease of 5.6% compared to the 89 separated in 2021, and an increase of 71.4% compared to the historic low of 49 separated in 2020.

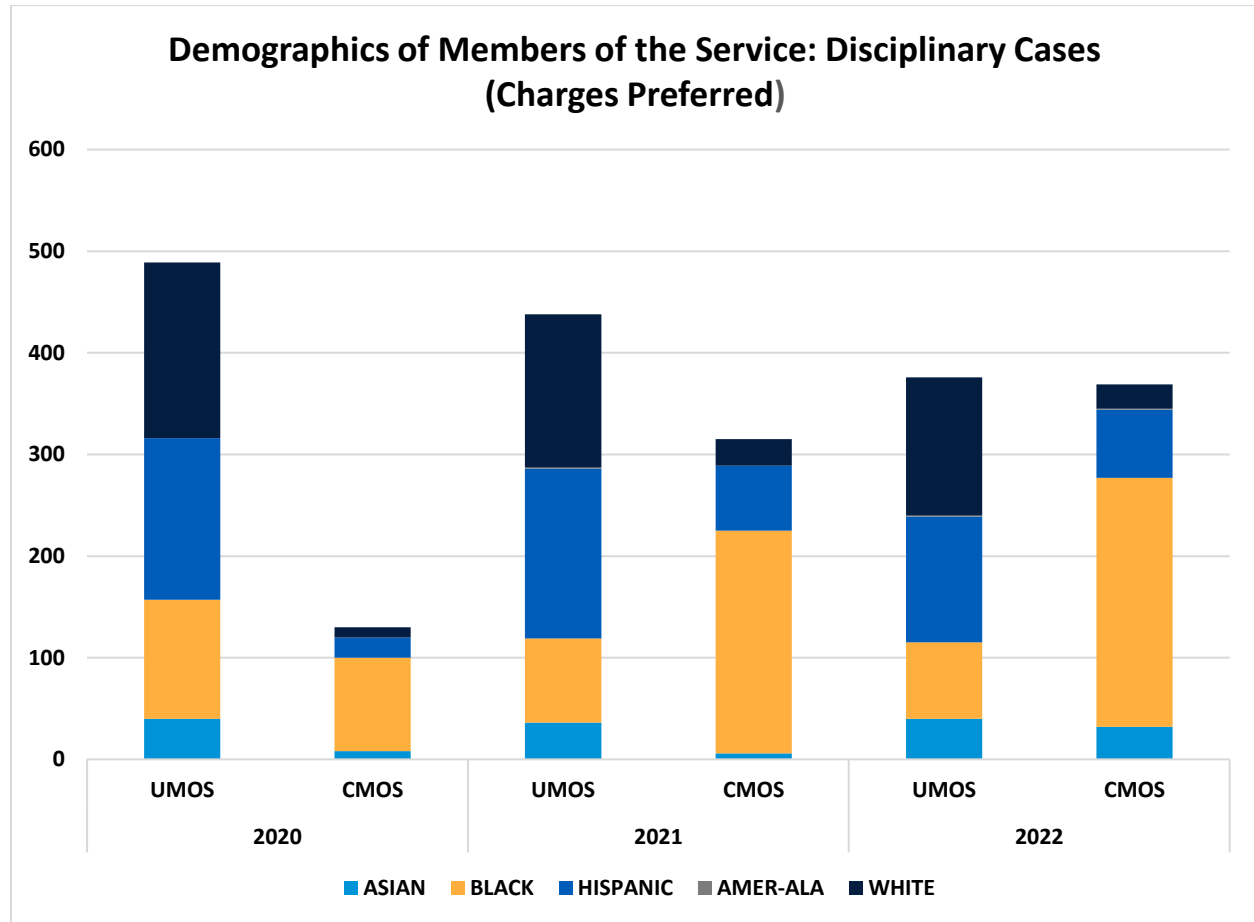


On average (from 2015-2022), there were approximately 51 terminations, dismissals, or forced separations of uniformed members of the service per year.



## Personnel Demographics

The following data illustrates disciplinary cases in which charges were preferred. A case may have more than one charge associated with it and is counted in the year in which the case is closed, as cases may span more than one calendar year. Additionally, a respondent may have more than one case.



The following table depicts the total number of UAMOS in the Department (by race), the percentage of UAMOS that race represents within the Department, the number and percent of individual closed cases (when charges were preferred) associated with a member of that race, and the percentage that group makes up of their race.

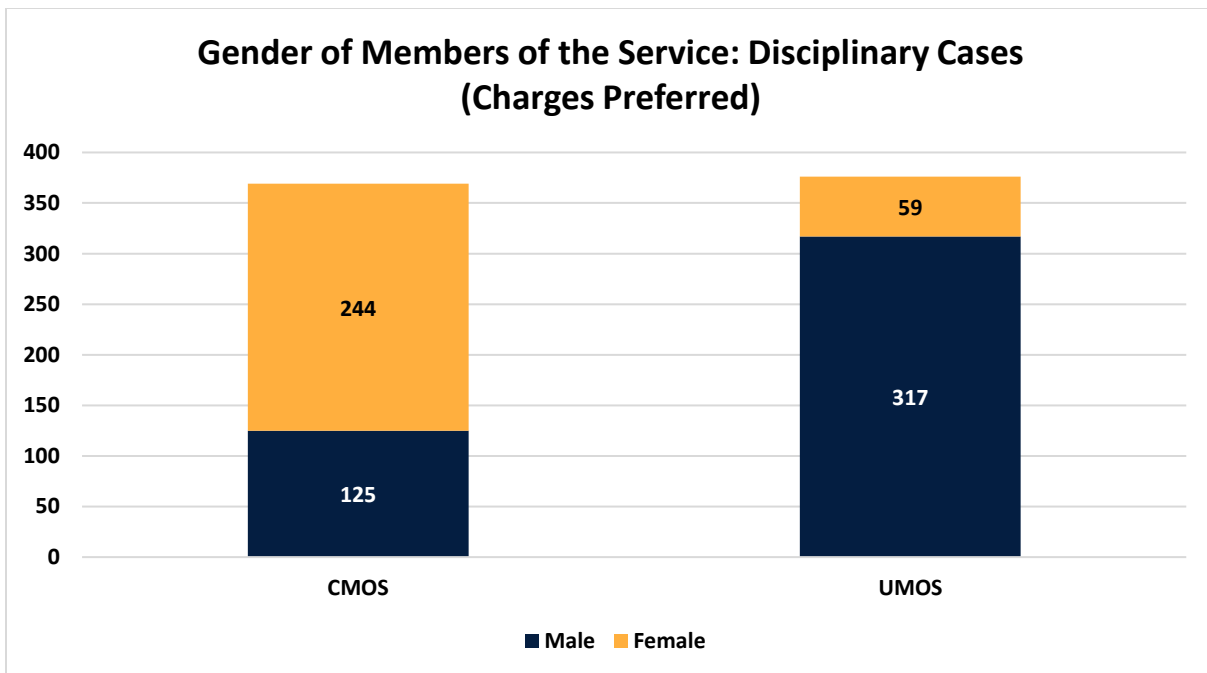
| UMOS 2022 Disciplinary Case Demographics |               |               |                   |            |               |
|--|---------------|---------------|-------------------|------------|---------------|
| Race                                     | # of UAMOS    | % of UAMOS    | # of Closed Cases | % of Race  | % of Cases    |
| White                                    | 15,047        | 43.6%         | 136               | 0.9%       | 36.2%         |
| Black                                    | 5,353         | 15.5%         | 75                | 1.4%       | 19.9%         |
| Hispanic                                 | 10,565        | 30.6%         | 124               | 1.2%       | 33.0%         |
| Asian-Amer-Pac-Isl                       | 3,509         | 10.2%         | 40                | 1.1%       | 10.6%         |
| Amer-Ind-Alaskan                         | 27            | 0.1%          | 1                 | 3.7%       | 0.3%          |
| <b>Total</b>                             | <b>34,501</b> | <b>100.0%</b> | <b>376</b>        | <b>N/A</b> | <b>100.0%</b> |

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The following table depicts the total number of CMOS in the Department (by race), the percentage of CMOS that race represents within the Department, the number and percent of individual closed cases (when charges were preferred) associated with a member of that race, and the percentage that group makes up of their race.

| CMOS 2022 Disciplinary Case Demographics |               |               |                   |            |               |
|--|---------------|---------------|-------------------|------------|---------------|
| Race                                     | # of CMOS     | % of CMOS     | # of Closed Cases | % of Race  | % of Cases    |
| White                                    | 2,613         | 15.3%         | 24                | 0.9%       | 6.5%          |
| Black                                    | 8,058         | 47.3%         | 245               | 3.0%       | 66.4%         |
| Hispanic                                 | 3,804         | 22.3%         | 67                | 1.8%       | 18.2%         |
| Asian-Amer-Pac-Isl                       | 2,519         | 14.8%         | 32                | 1.3%       | 8.7%          |
| Amer-Ind-Alaskan                         | 39            | 0.2%          | 1                 | 2.6%       | 0.3%          |
| <b>Total</b>                             | <b>17,033</b> | <b>100.0%</b> | <b>369</b>        | <b>N/A</b> | <b>100.0%</b> |

In 2022, male uniformed members of the service constituted 84.3% of the closed disciplinary cases (when charges were preferred). Males comprise 80.4% of all uniformed Department employees. In juxtaposition to uniformed members, females made up the majority (66.1%) of closed disciplinary cases (when charges were preferred) involving civilian members. Females comprised 64.2% of all CMOS.



The following table depicts the total number of UMOS in the Department (by gender), the percentage of UMOS represented by that gender, the number and percent of individual closed cases (when charges were preferred) associated with a member of that gender within, and the percentage this group makes up of their gender.

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| UMOS 2022 Disciplinary Cases by Gender |                |               |                   |                   |             |
|--|----------------|---------------|-------------------|-------------------|-------------|
| Gender                                 | # of UMOs      | % of Dept     | # of Closed Cases | % of Closed Cases | % of Gender |
| Male                                   | 27,727         | 80.4%         | 317               | 84.3%             | 1.1%        |
| Female                                 | 6,763          | 19.6%         | 59                | 15.7%             | 0.9%        |
| <b>Total</b>                           | <b>34,501*</b> | <b>100.0%</b> | <b>376</b>        | <b>100.0%</b>     | <b>1.1%</b> |

\*In 2022, 11 uniformed members of the service identified as non-binary, other, or unspecified.

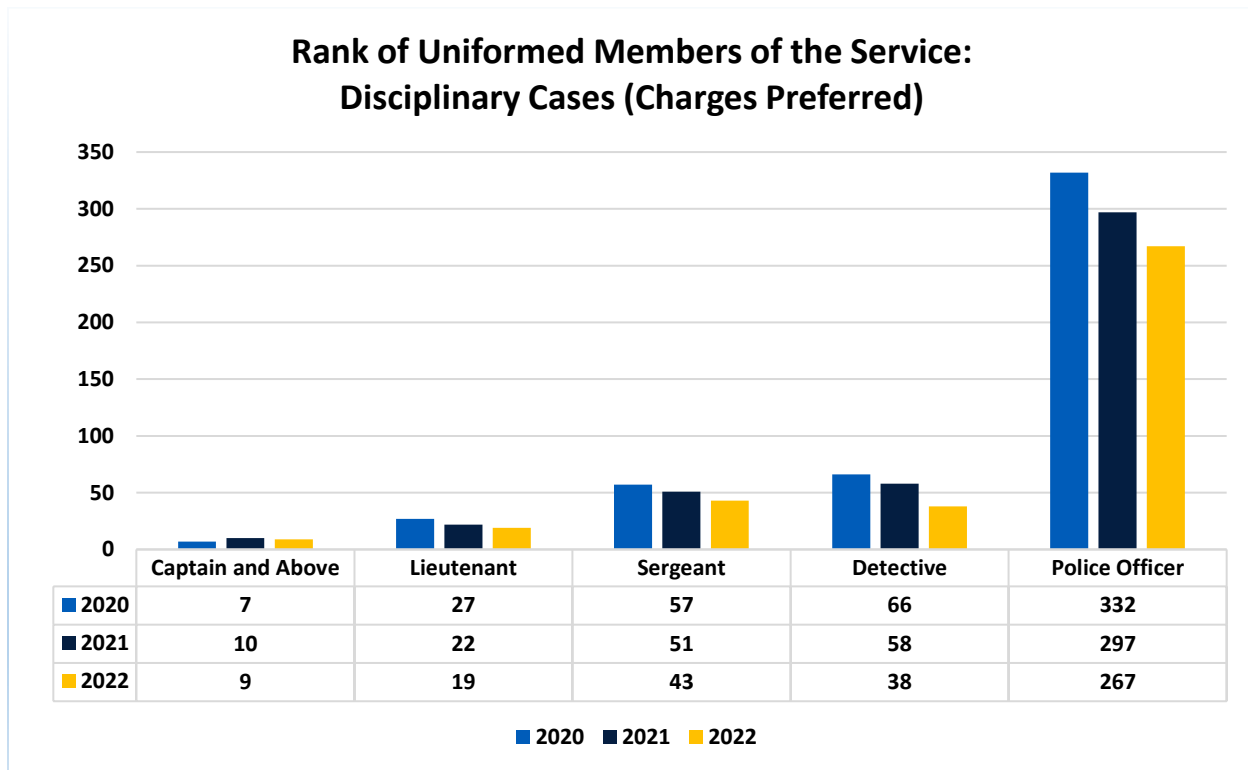
The following table depicts the total number of CMOS in the Department (by gender), the percentage of CMOS represented by that gender within the Department, the number and percent of individual closed cases (when charges were preferred) associated with a member of that gender, and the percentage this group makes up of their gender.

| CMOS 2022 Disciplinary Cases by Gender |               |               |                   |                   |             |
|--|---------------|---------------|-------------------|-------------------|-------------|
| Gender                                 | # of CMOS     | % of Dept     | # of Closed Cases | % of Closed Cases | % of Gender |
| Male                                   | 5,601         | 32.9%         | 125               | 33.9%             | 2.2%        |
| Female                                 | 11,432        | 67.1%         | 244               | 66.1%             | 2.1%        |
| <b>Total</b>                           | <b>17,033</b> | <b>100.0%</b> | <b>369</b>        | <b>100.0%</b>     | <b>2.2%</b> |



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In 2022, uniformed members of the service in the rank of police officers comprised 71.0% of the UMOS who had charges preferred. This is consistent with 2020 and 2021 (67.8% and 67.9%, respectively).



The following table depicts the number of uniformed members (by rank), the number and percent of individual closed cases (when charges were preferred) associated with a member of that rank, and percentage that group makes up of their rank.

| 2022 UMOS Disciplinary Cases Per Rank |               |               |              |                   |             |
|---------------------------------------|---------------|---------------|--------------|-------------------|-------------|
| Rank                                  | # of UMOS     | % of UMOS     | Closed Cases | % of Closed Cases | % of Rank   |
| Captain and Above                     | 766           | 2.2%          | 9            | 2.4%              | 1.2%        |
| Lieutenant                            | 1,678         | 4.9%          | 19           | 5.1%              | 1.1%        |
| Sergeant                              | 4,303         | 12.5%         | 43           | 11.4%             | 1.0%        |
| Detective                             | 5,214         | 15.1%         | 38           | 10.1%             | 0.7%        |
| Police Officer                        | 22,540        | 65.3%         | 267          | 71.0%             | 1.2%        |
| <b>Total</b>                          | <b>34,501</b> | <b>100.0%</b> | <b>376</b>   | <b>100.0%</b>     | <b>1.1%</b> |

## Appendix

### Glossary of Terms

**Charges and Specifications:** Formal discipline. Penalties range from additional training to termination. “charges preferred” refers to a member of the service being served with charges and specifications in a disciplinary matter.

**CCRB:** The New York City Civilian Complaint Review Board (CCRB) is an independent agency. It is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board’s investigative staff, composed entirely of civilian employees, conducts investigations in an impartial fashion. The Board forwards its findings to the Police Commissioner.

**CCRB-APU:** On April 2, 2012, the NYPD and the CCRB signed a memorandum of understanding (MOU) which conferred on the CCRB the power to prosecute substantiated cases where the board recommended charges and specifications. As a result, the CCRB’s Administrative Prosecution Unit (APU) now prosecutes nearly all these cases, with limited exceptions.

**Department Advocate:** The Department’s bureau composed of attorneys and uniformed members responsible for analyzing and prosecuting disciplinary matters involving uniformed and civilian members of the service.

**Disciplinary System Penalty Guidelines/Discipline Matrix:** An array of disciplinary charges correlated with defined penalties utilized by the Department and the CCRB.

**Dismissal:** A penalty (ordered by the Police Commissioner) of forced separation without a trial (i.e., a member is convicted of a felony, commits certain infractions or is arrested while on probation/dismissal probation).

**Forced Separation:** The Police Commissioner, upon a finding or admission of wrongdoing in a disciplinary matter, may require that a member of the service separate (resignation, retirement, or vested interest retirement) from the Department, in lieu of termination, as part of a negotiated settlement agreement. Forced separation may also include the forfeiture of penalty days, all time and leave balances, and any terminal leave to which the member of the service may be entitled. A member of the service who retires may be entitled to all or part of their accrued pension benefits in accordance with local law and New York State pension laws.

**Penalty Days:** The term penalty days refers to the forfeiture of vacation days and/or the imposition of suspension without pay for a specified time period. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. For some of the most serious categories of misconduct in these guidelines, suspension has been identified, in whole or in part, as the presumptive penalty. A member of the service who is found guilty after an administrative hearing may be suspended without pay for a period

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not exceeding 30 days for any offense. A member of the service may agree to a longer term of suspension as part of a negotiated settlement agreement. If a member of the service was immediately suspended from duty during the pendency of an investigation, the forfeiture of suspension days, imposed prior to the disposition of the case, may be applied as part of the final disciplinary penalty. When the deduction of vacation days is the imposed penalty, a member of the service may elect suspension in lieu of vacation days if consistent with the needs of the Department.

**Termination:** The Police Commissioner, upon a finding or admission of wrongdoing in a disciplinary matter, has the authority to dismiss a member of the service from their employment with the Department. Additionally, upon criminal conviction of a felony, or a misdemeanor that constitutes a violation of a member's oath of office, the member vacates their civil service title and is terminated as a matter of law. A member of the service may be entitled to all or part of their accrued pension benefits in accordance with local law and New York State pension laws.

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### The Disciplinary Process

When an allegation of misconduct against a member of the service is investigated and evidence is found to show that the event did occur, that the member in question engaged in the action, and that the act itself was a violation of Department guidelines, the allegation is deemed by the investigator to be “**substantiated**.” Substantiated allegations of misconduct may result in disciplinary action.

Discipline in the NYPD is imposed in a variety of ways, largely determined by the seriousness of the substantiated misconduct allegation. The least serious violations result in “**training**” which is either conducted by a commanding officer who instructs a member on proper procedures (informal), or by members assigned to the Training Bureau (formal re-training). A “**reprimand**,” is where members are admonished for low level violations. Other less serious violations of Department policies can also be addressed through discipline imposed at the command level, called “**command discipline**.” Command disciplines allow a commanding officer to impose discipline without resorting to filing formal disciplinary charges.

The types of violations subject to punishment by command discipline are outlined in “Administrative Guide 318-01,” and include behavior such as improper uniform, reporting late for duty, and loss of Department property. Depending on the severity of the violation, commanding officers may impose penalties that range from ‘warn and admonish’ to revoking up to twenty days of vacation time.

Most substantiated allegations of serious misconduct are managed by the **Department Advocate’s Office (DAO)**. Staffed by civilian attorneys, and augmented by a complement of uniformed and civilian personnel, the Department Advocate’s Office evaluates substantiated allegations of serious misconduct, files administrative charges known as “**Charges and Specifications**,” recommends appropriate disciplinary penalties, and prosecutes disciplinary matters. Members who face disciplinary charges and specifications may elect to resolve the matter by entering into a **settlement agreement**. They also have the right to decline a settlement agreement and have the case heard at a **Department Trial**. Both settlement agreements and trial decisions are subject to the Police Commissioner’s approval.

When an NYPD employee is charged criminally with a violation of the New York State Penal Law, the Department also files internal disciplinary charges. Criminal conduct always includes a corresponding violation of the Department’s internal rules.

Faced with disciplinary charges and specifications for substantiated allegations of misconduct or violations of Department rules, members of service may agree to take responsibility for the charged misconduct, and accept a penalty by entering into a **settlement agreement**, negotiated between the attorney for the member of service and the Department. Cases falling under the jurisdiction of the CCRB go through a similar settlement process. The agreed-upon penalty is subject to the Police Commissioner’s approval. Settlement terms are based on prior case precedent and the Department Disciplinary Penalty Guidelines. Also taken into account is the employee’s disciplinary history as past discipline may affect final penalty outcomes. Settlements benefit all parties involved by resolving and imposing penalties quickly and efficiently.

## 2022 Discipline Report

If a member contests the charges, or does not agree to the proposed penalty, he or she has the legal right to a full *de novo* administrative hearing known as a **Department Trial**, a process overseen by the **Office of the Deputy Commissioner of Trials**. All employees are entitled to be represented by counsel, and the trial proceedings are open to the public. At trial, the Department Advocate's Office, or where applicable the CCRB Administrative Prosecution Unit, has the burden of proving the charges and is required to present evidence against the MOS. The member is entitled to cross-examine prosecution witnesses, present a defense to the charges, and/or present evidence in mitigation of the proposed penalty.

The Office of the Deputy Commissioner of Trials conducts Department Trials in a fair and impartial manner, consistent with the rules and regulations governing administrative hearings, as well as the due process rights of the Department's members. At the conclusion of a trial, the Trial Commissioner issues a report that includes an analysis of the evidence presented, a determination on witness credibility and a recommendation as to findings on each charge. Where there is a finding of guilt, the Office of the Deputy Commissioner of Trials recommends an appropriate penalty. All parties review the Trial Commissioner's report and are given an opportunity to submit written comments. The Trial Commissioner's report, and the written comments of the parties, are then submitted to the Police Commissioner for his review.

Regardless of the manner in which a Department disciplinary case is resolved, be it by settlement agreement or Department Trial, the Police Commissioner, by law, makes the final disciplinary determination and penalty finding.



THE POLICE COMMISSIONER  
CITY OF NEW YORK

## MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM THE DISCIPLINARY SYSTEM PENALTY GUIDELINES

**Re:** Disciplinary Case No. 2021-23340 regarding Police Officer Catherine Lamonica

**Date:** February 18, 2022

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This disciplinary matter was investigated by Police Department investigators, who substantiated a sole allegation of being unfit for duty against Police Officer Catherine Lamonica.

In this case, Police Officer Lamonica acknowledged being unfit for duty while on vacation in California. Officer Lamonica committed no other misconduct in connection with this incident, made timely notifications to the Department, and was cooperative with the Department's subsequent investigation. Additionally, Officer Lamonica has received commendable reviews and has no prior or subsequent alcohol-related incidents and has no formal disciplinary history.

After reviewing the facts and circumstances of this matter, I have determined that the limited scope of the misconduct in this matter calls for a penalty less than the presumptive penalty provided in the Department's Disciplinary System Penalty Guidelines.

Therefore, a penalty to consist of the forfeiture of thirty (30) vacation days and cooperation with counseling will be imposed in this matter.

  
Keechant L. Sewell  
Police Commissioner



THE POLICE COMMISSIONER  
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM  
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

**Re:** Disciplinary Case No. 2020-22717 regarding Police Officer Ariel Castillo

**Date:** March 15, 2022

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This disciplinary matter was investigated by Police Department investigators, who substantiated allegations that Police Officer Ariel Castillo engaged in a physical altercation with his brother and that he failed to remain at the scene of the altercation and request a Police Department supervisor to respond.

In this case, Police Officer Castillo was involved in a physical altercation with his brother while at a family dinner. After Officer Castillo left, his brother requested a police response. Police Officer Castillo fully cooperated in the investigation and has completed all required counseling. The investigation determined that there were no prior documented altercations between Officer Castillo and his brother, and based on the evidence, it appears that the likelihood of reoccurrence is minimal. The investigation also determined that Officer Castillo's brother's actions contributed to the altercation. It must also be noted that Office Castillo has over seventeen years of service with the Police Department, with no formal disciplinary history and he has consistently received excellent reviews from his supervisors.

After reviewing the facts and circumstances of this matter, I have determined that, while the underlying incident does fall within the sphere of domestic violence, its unique nature and the corresponding unlikelihood of its repetition, along with Officer Castillo's brother's contribution to the situation, and Officer Castillo's otherwise commendable record, warrant a mitigated penalty that does not include dismissal probation.

Therefore, a penalty consisting of the forfeiture of thirty (30) pre-trial suspension days already served, and five (5) vacation days, will be imposed in this matter.

  
Keechant L. Sewell  
Police Commissioner





THE POLICE COMMISSIONER  
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM  
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

**Re:** Disciplinary Case Nos. 2018-18747 and 2018-18748 regarding Police Officer Domezia Agard and Police Officer Gesly Jean

**Date:** June 24, 2022

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The facts and evidence presented in the Report and Recommendation from Assistant Deputy Commissioner Trials, Jeff S. Adler has been carefully considered. In this matter, Police Officers Jean and Agard testified that Police Officer Agard was present during the initial stop of an individual who was in possession of a firearm. After reviewing the facts and circumstances of this matter, I have determined that separation from the Department is not appropriate.

At the time of the underlying incident, Police Officers Agard and Jean had just three years of service in the rank of police officer. I took into consideration, that despite their short tenure, the officers had been otherwise model officers and received letters of commendation and various awards. Police Officer Jean received a medal for integrity and Police Officer Agard received community awards as both a police officer and as a school safety agent, exemplifying her commitment to the community. It was noted that both officers continued to perform commendably after they were placed on modified assignment and were awaiting their disciplinary fate.

I further considered that both officers fully accepted responsibility and were contrite, wholly acknowledging their misconduct. In his decision, Assistant Deputy Commissioner Adler noted that the officers were genuine in valuing this Department and in their desire to continue working for the Department. It is my belief that these officers can continue to be productive members of this Department and will continue to serve the community in an exemplary manner.

While their length of service, their otherwise excellent career history, and their acceptance of responsibility does not excuse their misconduct, it can, in this extraordinary instance, be utilized to mitigate their penalty. As part of the mitigated penalty, I will impose a period of dismissal probation in addition to penalty days to ensure that the officers can be properly monitored and evaluated.



It should be noted that the cited misconduct in this matter occurred in calendar year 2016. Since then, the Department has identified deficiencies in testimony preparation and has instituted new training to properly prepare officers when documenting arrests and testifying at trial. Specifically, the Department recognized that officers required additional training in the area of reassigning arrests from an officer who observed the crime to an officer who ultimately processed the arrest. The implementation of such training has brought about a real shift in how officers handle reassignment of arrests, especially in felony cases. Additionally, a more robust testimony course has been instituted in order to prepare officers for the rigors of testifying in open court. Taken together, these seismic changes have produced appreciable changes in the culture and daily operations of the Department.

Therefore, Police Officer Agard and Police Officer Jean shall forfeit thirty (30) vacation days and be placed on one (1) year dismissal probation, as a disciplinary penalty.



Dechant L. Sewell  
Police Commissioner



THE POLICE COMMISSIONER  
CITY OF NEW YORK

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THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

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