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Police Commissioner Spurned Over Lack of Discipline Recommendations - The New York Times

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N.Y.P.D. Rejected Over Half of Review Board's Discipline Recommendations

In 2022, Commissioner Keechant Sewell declined to discipline more than 300 New York officers who an independent agency said had perpetrated misconduct.

By Maria Cramer

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Commissioner Keechant Sewell of the New York Police Department rejected more than half the disciplinary recommendations sent to her last year by an independent civilian panel that examines misconduct, according to the group's figures.

Commissioner Sewell, who took office in December 2021, closed more than 400 of the 754 cases sent to her by the panel, the Civilian Complaint Review Board, which released the numbers during testimony before the City Council's public safety committee this month.

The accusations, which involved about 330 officers, included infractions such as inordinate use of force and abuse of authority, like failing to provide a badge number or wrongly threatening arrest. The board's disciplinary recommendations ranged from verbal reprimands to the loss of up to 10 vacation days, according to the Legal Aid Society, which analyzed the dismissed cases and planned to release its findings on Thursday.

Commissioner Sewell's rejections "threaten to create resentment among members of the communities the N.Y.P.D. serves," the Legal Aid Society said in a letter sent to Mayor Eric Adams on March 15.

"We respectfully call on you to uphold your promise to take police accountability seriously and tackle the N.Y.P.D.'s longstanding culture of impunity," the society wrote. "We ask that you instruct the commissioner to develop and publish new guidelines to govern the exercise of her discretion."

The board received a record number of allegations of police misconduct in 2022. Still, Commissioner Sewell's 46 percent rate of punishment was lower than that of previous commissioners.

In 2018, Commissioner James P. O'Neill imposed discipline in 83 percent of the cases in which the board recommended it. In 2021, under Commissioner Dermot F. Shea, the rate was 80 percent.

The Police Department said in a statement on Wednesday that most cases at issue were closed because the board had failed to provide the recommendations "within a reasonable time period."

"It is in the interest of the public, and all stakeholders, to resolve all disciplinary investigations, and cases, in a timely and transparent manner," the department said in a statement, adding that it "will continue to make tremendous efforts to evaluate cases provided by the C.C.R.B."

Mr. Adams, a Democrat who appointed Commissioner Sewell, said in a statement that he disagreed with Legal Aid's conclusions.

"The police commissioner thoroughly reviews each disciplinary matter and has acted under her authority," he said.

Arva Rice, chairwoman of the Civilian Complaint Review Board, said in a statement that the recommended penalties followed a matrix developed by the Police Department.

"Our board diligently reviews the underlying evidence of every fully investigated complaint," she said. "We stand behind every case where the board found misconduct and recommended discipline."

Commissioner Sewell provided written explanations for rejecting discipline in about 70 cases, according to the Civilian Complaint Review Board.

In one case in February 2020, a detective acknowledged using physical force against a “small, skinny” 14-year-old boy who he said was attacking a girl. The detective, who is 6 feet tall and 240 pounds, grabbed the boy, picked him up and forced him to the ground before handcuffing him, according to a board report. The board recommended that he lose up to 10 days of paid vacation.

In a letter to the board, an inspector in the commissioner’s office wrote that the commissioner would not take disciplinary action because the detective believed that he had to act quickly to keep the teenager from hurting the girl.

In more than 340 cases, Commissioner Sewell’s administration decided against discipline on the grounds that the Civilian Complaint Review Board had informed the department too close to the state’s deadline for imposing discipline, according to both the board and the Police Department.

But in many of those cases, the department had 20 to 50 days to decide on discipline, said Corey Stoughton, the lawyer in charge of law reform at the Legal Aid Society.

The Policemen’s Benevolent Association, the city’s largest police union, said that in many other cases, however, the commissioner had two weeks or less to make a decision about whether to take disciplinary action.

The disparity between the board’s recommendations and the commissioner’s rejections highlights the tension between the police and the agency charged with reviewing officers’ conduct.

The Civilian Complaint Review Board, which was established as an independent panel in 1993, is one of the few such bodies in the United States.

In New York, any resident can file a complaint with the board, which investigates allegations of excessive force, abuse of authority, discourtesy and offensive language. If the board’s members believe a complaint has merit, the board has the authority to begin an investigation. Its investigators then conduct interviews and collect evidence to see whether to recommend discipline.

The decision to impose discipline is ultimately up to the commissioner.

Police unions have long criticized the board’s reach and dismissed its investigators as civilians with little understanding of police work who seek to punish officers without taking into account the complexities and pressures of their job.

On Wednesday, union leaders praised the commissioner’s decisions, describing them as an act of faith.

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Patrick Lynch, president of the Police Benevolent Association, said the commissioner was “pushing back” against meritless allegations that had become a “major factor” in driving officers from the department.

“C.C.R.B. has been harvesting as many nonsensical complaints as it can and hammering cops with frivolous disciplinary recommendations,” he said in a statement.

Paul DiGiacomo, president of the Detectives’ Endowment Association, said Commissioner Sewell “is supporting her police when she thinks they acted appropriately.”

“C.C.R.B. brings charges unnecessarily against members of the police,” he said. “I think the commissioner sees through that.”

But Christopher Dunn, legal director of the New York Civil Liberties Union, said that even under prior commissioners the department regularly downgraded recommended discipline.

The group studied cases of discipline going back to 2000 and found that serious discipline — from loss of vacation days to termination — occurred in only 1 percent of cases.

In 2020, The New York Times found that from 2014 to 2020 the Police Department reduced or rejected recommendations for stiff discipline of officers in about 71 percent of 6,900 serious misconduct charges.

“It’s not like this is some new phenomenon,” Mr. Dunn said. “What’s happening here is that this is a particularly dramatic example of their history of undermining the C.C.R.B.”