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*****FOR IMMEDIATE RELEASE*****

City Data: NYPD Commissioner Sewell Flouted CCRB Discipline Recommendations in 2022 More Times than Previously Disclosed, Allowed Hundreds of Disciplinary Cases to Expire

(NEW YORK, NY) - The Legal Aid Society released an [analysis](#) of New York City Civilian Complaint Review Board (CCRB) data and reports and documents obtained via Freedom of Information Law request, which revealed that New York City Police Department (NYPD) Commissioner Keechant Sewell [set aside or modified CCRB discipline recommendations](#) on at least 425 civilian complaints in 2022, hundreds higher - 346 - [than previously disclosed](#) by the NYPD last December.

The analysis revealed that Commissioner Sewell allowed the statute of limitations to expire for hundreds of cases where the CCRB recommended discipline without providing a publicly available “departure letter” explaining her decision to not discipline officers. For the small subset of cases where Commissioner Sewell did explain her reasons for departing from the CCRB’s disciplinary recommendation, she displayed a disregard for civilian oversight, independent factual findings, and the stated goals of the NYPD’s Disciplinary Matrix.

Following Commissioner Sewell’s December 2022 [announcement](#) to NYPD members of service that she departed from CCRB recommendations “over 70 times” that year, Legal Aid began a review of the [departure letters published on the CCRB’s website](#). Departure letters are required explanations of the Commissioner’s decision to depart from the disciplinary recommendation of the CCRB or the mitigated penalty prescribed in the NYPD’s Disciplinary Matrix.

Legal Aid’s review of the Commissioner’s departure letters for these cases revealed a tendency to reject independent findings of fact reached after thorough investigation and a clear disregard for principles set out in the NYPD’s disciplinary matrix, including the principle of progressive discipline, where officers are disciplined more severely for repeated misconduct.

An analysis of other publicly available CCRB data revealed an additional 346 instances in which Commissioner Sewell refused to discipline officers found guilty of misconduct by the CCRB and did not write a departure letter explaining why.

“The frequency of these departures and their biased reasoning suggest a disregard for the primary goals of the NYPD’s Disciplinary Matrix mandated by the New York City Council — that is, transparent, fair, and predictable accountability for officer misconduct,” said **Maggie Hadley, legal fellow in the Criminal Defense Practice’s Special Litigation Unit at The Legal Aid Society**. “This further erodes public trust in the NYPD’s disciplinary system, and we demand immediate action by City Hall to ensure that Commissioner Sewell ceases to abuse her discretion to undermine discipline.”

Case Examples

In a letter concerning case [#202101995](#), Commissioner Sewell wrote, “there is insufficient evidence to support a finding” that the accused officer violated the Right to Know Act but did not elaborate on the circumstances of the case, the CCRB’s findings, or her reasons for disagreeing with the CCRB’s conclusions.

Where Commissioner Sewell does explain her rejection of the CCRB’s factual conclusions, that explanation often reveals a selective and possibly biased account of the facts.

For example, the CCRB’s closing report for case [#202001702](#) found that a 240 pound officer approached a 14-year-old boy having an altercation with another child, lifted the boy into the air “so that his head [was] above” him, and brought his “small, skinny” body “rapidly” to the ground, injuring his back and elbow, without having issued him a verbal warning beforehand.

Despite the fact that the officer admitted in his CCRB interview that the boy stopped fighting and did not resist as soon as the officer placed his arm on him, the Commissioner Sewell denied that the subsequent takedown amounted to excessive force, noting that the officer “described his actions as controlled,” and did not penalize the officer.

In other cases, the Commissioner substituted her own credibility assessment for that of the on-the-ground factfinder. Concerning case [#202100619](#), Commissioner Sewell wrote that the complainants’ accounts of misconduct, coupled with the officer’s denial, amounted to insufficient evidence that the officer was discourteous.

In fact, the CCRB’s closing report revealed that the accused officer both contradicted himself and claimed he could not remember whether he [screamed profanities at the complainants](#).

Meanwhile, the complainants’ accounts remained consistent. The CCRB reached its conclusions after interviewing the relevant parties directly to assess credibility, something the Commissioner did not do.

Read more examples here: <https://tinyurl.com/3svfbnd7>.

List of 2022 discipline departures not reported by the Commissioner: <https://tinyurl.com/muaf6r47>.

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