



**Office of the New York State
Attorney General Letitia James**

Law Enforcement Misconduct Investigative Office

Annual Report Pursuant to Executive Law 75

December 29, 2023

Introduction

This is the third annual report of the New York Attorney General’s Law Enforcement Misconduct Investigative Office (LEMIO). LEMIO, which is established by Executive Law 75, is tasked with helping to prevent and address misconduct at local law enforcement agencies in New York State. Our statutory goals are “enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state and federal laws, and increasing the public’s confidence in law enforcement.”¹

To advance these important goals, Executive Law 75 provides LEMIO with authority to investigate misconduct at more than 500 covered agencies across the state, examine policies and procedures, issue reports on the office’s findings, and recommend reforms. These recommendations can include legislation, policy changes, disciplinary action, and other remedial steps.

On an annual basis, LEMIO is required to submit a report “summarizing the activities of the office and recommending specific changes to state law to further [its] mission.”² Section II of this report provides an overview of Executive Law 75 and the duties that it imposes on local law enforcement agencies. It also describes LEMIO’s structure and our priority areas. Section III discusses LEMIO’s online portal. Members of the public and employees of covered agencies may use this portal to report allegations of misconduct to LEMIO. Section IV summarizes LEMIO’s activities over the past year, including our investigative activity and review of Executive Law 75(5)(b) referrals (and Appendix A, at the end of this report, provides a list of closed referrals). Finally, Section V identifies a series of recommended legislative changes that would further the goals of effective and accountable law enforcement.

One crucial reform would be the adoption of legislation banning bias-based profiling and requiring increased data collection and reporting on law enforcement activity. Such a bill would bring New York State in line with established best practices in other states, promote transparency, and help LEMIO and the public ensure that law enforcement is operating fairly and effectively.

1. N.Y. Exec. Law § 75(2)(d).

2. N.Y. Exec. Law § 75(3)(h).

Other recommendations include legislation that would:

- » Facilitate access by the OAG, and other law enforcement oversight agencies, to sealed records in connection with law enforcement accountability investigations;
- » Facilitate civilian oversight of law enforcement agencies;
- » Limit negative outcomes from non-public-safety related traffic stops;
- » Encourage alternative public health approaches for people in mental health crisis to minimize the risks of police involvement; and
- » Require the use of body-worn cameras.

Overview of LEMIO and Executive Law 75

Executive Law 75 was enacted in June 2020 following state- and nation-wide protests regarding high-profile law enforcement abuses and a perceived lack of accountability. Its passage reflected the legislature's recognition of the need for a stronger system of independent statewide oversight to preserve civil rights and civil liberties, protect public safety, and help increase public trust in law enforcement.

A. Executive Law 75

Under Executive Law 75, LEMIO's jurisdiction extends to more than 500 local enforcement agencies (known as "covered agencies") across New York State, ranging from the New York City Police Department (NYPD) to county sheriffs to smaller police departments in towns and villages. Every agency that employs police officers as defined in N.Y. Crim. Proc. Law 1.20 is a covered agency for purposes of Executive Law 75, other than agencies under the jurisdiction of the Metropolitan Transportation Authority Inspector General, the Port Authority Inspector General, and the State Inspector General.³

Executive Law 75 empowers LEMIO to "receive and investigate complaints from any source, or upon [its] own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse in any covered agency," to review policies and procedures of covered agencies with regard to the prevention and detection of misconduct, and to "investigate patterns, practices, systemic issues, or trends identified by analyzing actions, claims, complaints, and investigations."⁴

The statute also authorizes LEMIO to determine whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state, or local agency is warranted, to prepare and release written reports of investigations, and to recommend remedial action.⁵ LEMIO and other units within the Office of the Attorney General (OAG) also may bring civil litigation against covered agencies, as appropriate, to address patterns of misconduct and seek structural changes to protect civil rights.⁶

3. N.Y. Exec. Law § 75(l).

4. N.Y. Exec. Law § 75(3)(a),(e) & (g).

5. N.Y. Exec. Law § 75(3)(c),(d) & (f).

6. See *In re: New York City Policing During Summer 2020 Demonstrations*, No. 20-cv-8924, 2021 WL 2894764, at *6-7 (S.D.N.Y. Jul. 9, 2021) (finding OAG has parens patriae power to pursue Section 1983 claims against the New York City Police Department); *New York v. Town of Wallkill*, No. 01-cv-0364, 2001 U.S. Dist. LEXIS 13364, at *9 (S.D.N.Y. Mar. 16, 2001).

LEMIO is required to inform the New York State Division of Criminal Justice Services (DCJS) and the heads of covered agencies of allegations of misconduct and the progress of its investigations unless special circumstances require confidentiality.⁷ This statutory requirement is crucial to ensuring that covered agencies can investigate and address potential misconduct involving their personnel, as is the case when accountability systems are working properly.

Executive Law 75 also imposes new reporting duties on covered agencies and their personnel, including the Section 75(5)(b) requirement that covered agencies refer to LEMIO instances in which an officer or employee has been the subject of “at least five complaints from five or more individuals relating to at least five separate incidents ... within two years.” Upon receiving such a referral, LEMIO is required to “investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, excessive force, or acts of dishonesty.” These referrals are discussed in more detail in Section IV.C below.

B. Overview of LEMIO

LEMIO has dedicated personnel in the OAG’s New York City, Albany, and Buffalo offices. Our team includes assistant attorneys general, investigative analysts, a senior data analyst, and support staff. We also work closely with other units within the OAG, including the Civil Rights Bureau, the Research and Analysis Department, the Office of Special Investigation, and staff across the OAG’s regional offices.

C. LEMIO priority areas

With its broad scope and mandate, Executive Law 75 is a powerful vehicle for identifying and addressing misconduct, improving policies and practices, and enhancing trust in law enforcement, all of which are crucial to the safety and well-being of New Yorkers.

Yet with coverage over more than 500 agencies employing more than 80,000 personnel, LEMIO is not a substitute for effective local accountability mechanisms, which must be the first line of review of allegations of misconduct.⁸ Police chiefs and sheriffs, internal affairs and professional standards units within covered agencies, civilian review boards, district attorneys, and legislative oversight are key players when it comes to effective and accountable policing. Community and advocacy groups and other stakeholders also have a crucial role.

Given the scope of Executive Law 75, LEMIO will focus on taking action where there is reason to believe that existing accountability procedures may be insufficient. Our aim is to ensure accountability where it is lacking, strengthen local oversight, increase transparency, and improve policies and practices. We will prioritize investigations of potential patterns and practices of misconduct and systemic issues that impact significant numbers of community members or are directed towards marginalized groups.

7. N.Y. Exec. Law § 75(3)(b) & (b-1).

8. Executive Law 75 emphasizes the importance of local accountability mechanisms. For example, Section 3(b) requires LEMIO to inform covered agencies of allegations involving their personnel and Section (5)(b) states that referral investigations “shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.”

Our areas of focus for the coming year include:

- » Policing practices that have a discriminatory impact on the basis of race, gender, and other protected classes, including racial disparities in police stops, searches, ticketing, and uses of force and systemic failures to appropriately respond to sexual assault and domestic violence;
- » Traffic enforcement for non-safety-related violations that result in punitive ticketing or unlawful search and detention, or escalate into the unreasonable or excessive use of force, particularly involving racial disparities and patterns of pretextual stops;
- » Retaliation in connection with First Amendment-protected activity, including inappropriate or unlawful responses to protests and to individuals making critical comments to police;
- » Responses to people in mental health crisis;
- » False testimony and other instances of dishonesty; and
- » Inadequate complaint procedures, internal investigations, and other lapses in accountability and disciplinary processes.

We will also focus on outreach to covered agencies, community groups, and others to help guide our activity.

Finally, a number of LEMIO intakes and referrals have involved traffic stops for vehicle and traffic violations that then led to searches based on the purported smell of marijuana. In some cases, no contraband was recovered, and in others, the municipality had a policy not to arrest people for possessing small amounts of marijuana. These situations raise questions as to whether the officers actually smelled or were looking for marijuana, or instead were using marijuana as a justification to search for other contraband. Following New York's legalization of marijuana in 2021, the use of its smell as a pretext for searches should no longer occur, and this will be an issue that LEMIO will monitor going forward.

Online portal for reporting misconduct to LEMIO

Executive Law 75 authorizes LEMIO to investigate complaints received from members of the public and to investigate police misconduct on our own initiative.⁹ The law also imposes a duty on personnel of covered agencies to report information concerning certain types of misconduct to LEMIO.

To these ends, the OAG has created an online portal for members of the public and personnel of covered agencies to report misconduct, which can be accessed at <https://ag.ny.gov/law-enforcement-misconduct-investigative-office>.

Every report of alleged misconduct that we receive is carefully considered by LEMIO staff. We use the information that is reported to guide our investigative and enforcement activity.

We are not able to fully investigate and resolve every report of misconduct that we receive through the portal, but every submission is valuable in helping us shape our oversight.

LEMIO is required by statute to inform covered agencies of reports of misconduct involving their personnel unless special circumstances require confidentiality. We may also share submissions with other local, state, or federal agencies when appropriate.

9. N.Y. Exec. Law § 75(3)(a), (e) & (g).

Summary of activities

This section summarizes LEMIO's work, including our ongoing investigations and litigation, completed investigations, the Executive Law 75(5)(b) referral process, and our outreach and engagement.

A. Ongoing investigations and litigation

LEMIO has a number of ongoing investigations into potential misconduct pursuant to Executive Law 75(3)(a) and (g). Investigations may be prompted by reports received through the online portal, referrals or notifications from other government agencies, media reports, contacts with community groups and nonprofits, data analysis, and other sources.

Some of these investigations relate to individual instances of alleged misconduct, particularly where the covered agency's internal accountability and disciplinary process does not appear to have properly addressed the incident.

In other cases, including matters conducted jointly with the OAG's Civil Rights Bureau, LEMIO investigations focus on potential patterns and practices of misconduct. These broader investigations involve potential discriminatory policing, including racially-motivated stops, seizures, and enforcement of low-level violations, and the use of excessive force, including against vulnerable groups such as young people and people in mental health crisis. Retaliation by police against people engaging in First Amendment-protected activity, particularly in connection with racial justice protests, is another issue of statewide concern to the OAG and is the subject of ongoing investigations.

The OAG has also sued the New York City Police Department (NYPD) in federal court seeking to end the department's pattern of excessive force and false arrests against New Yorkers during First Amendment-protected protests, including the summer 2020 racial justice protests. In September 2023, the OAG, several groups of private plaintiffs, the City of New York, and two police unions reached an agreement that will require NYPD to fundamentally reform its policies and practices with respect to how it polices First Amendment activities. Following its approval by the Court, the settlement will require NYPD to, among other things, adopt a graduated, multi-tiered system of protest response that emphasizes de-escalation, implement new restrictions on use of force and the practice of "kettling" at protests, and establish new protections surrounding treatment of members of the press. The agreement also establishes a collaborative oversight committee to assess NYPD's ongoing compliance during the term of the agreement and provides funding for engagement with community stakeholders during the oversight period.¹⁰

10. See *In re: New York City Policing During Summer 2020 Demonstrations*, No. 20-cv-8924, 2021 WL 2894764, at *6-7 (S.D.N.Y. Jul. 9, 2021); see also OAG Press Release: Attorney General James, The Legal Aid Society, NYCLU Announce Agreement with NYPD to Reform Policing of Protests, Attorney General James, The Legal Aid Society, and NYCLU Announce Agreement with NYPD to Reform Policing of Protests: <https://ag.ny.gov/press-release/2023/attorney-general-james-legal-aid-society-and-nyclu-announce-agreement-nypd>

B. Completed investigations

This section provides brief summaries of completed LEMIO investigations. Investigations pursuant to Executive Law 75(5)(b) are discussed in the following section (Section C).

» **Access to Reproductive Health Care at the Jefferson County Jail:** On September 14, 2023, the OAG entered into an agreement with the Jefferson County Sheriff's Office to institute new policies and require additional training to protect the rights of incarcerated individuals to reproductive health care. This agreement follows an investigation regarding the treatment of a pregnant woman who initially was denied access to an abortion. The investigation was conducted jointly with OAG's Civil Rights Bureau, Watertown Regional Office, and Special Counsel for Reproductive Justice.¹¹

» **Excessive Force and Wrongful Arrest by an Officer of the Niagara Falls Police Department:** On October 23, 2023, LEMIO issued a report concluding that an NFPD officer arrested a Niagara Falls woman without probable cause in retaliation for making a critical comment and used excessive force to effectuate the arrest. The report includes recommended remedial actions, including policies and training to prevent such conduct in the future, and LEMIO is in discussions with NFPD regarding the implementation of those recommendations.¹²

» **Excessive Force and Wrongful Arrest by an Officer of the City of Tonawanda Police Department:** On December 29, 2023, LEMIO issued a report concluding that a TPD officer (who subsequently became the chief) arrested two minors without probable cause and used excessive force, including an impermissible neck restraint, when arresting one of the minors. The report includes recommended remedial actions, including disciplinary action, updating the TPD use of force policy so that it complies with New York State law, training, and adopting a policy on how to interact with young people.¹³

11. Press release: Attorney General James Protects Abortion Access at Jefferson County Jail (ny.gov); Assurance of Discontinuance: <https://ag.ny.gov/sites/default/files/settlements-agreements/jefferson-county-abortion-aod.pdf>.

12. Press release: <https://ag.ny.gov/press-release/2023/attorney-general-james-law-enforcement-misconduct-investigative-office-0> ; Report: <https://ag.ny.gov/sites/default/files/reports/lemio-nfpd-report.pdf>.

13. Press release: <https://ag.ny.gov/press-release/2023/attorney-general-james-law-enforcement-misconduct-investigative-office-release>; Report: <https://ag.ny.gov/sites/default/files/reports/753report-tonawandacity-pd.pdf>

C. Section 75(5)(b) referrals

Executive Law 75(5)(b) requires covered agencies to refer to LEMIO incidents in which an officer or employee has “receiv[ed] at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years.” Upon receiving such a referral, LEMIO is required to “investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty.” LEMIO’s Executive Law 75(5)(b) investigations are focused on determining whether the referred complaints indicate a pattern of misconduct, although the investigations may include a review of other incidents when appropriate.

At the conclusion of an Executive Law 75(5)(b) investigation, the OAG notifies the head of the referring agency whether a pattern of misconduct has been identified. If a pattern has been identified, LEMIO will describe the conduct that makes up the pattern and recommend remedial actions to the referring agency, which may include discipline, monitoring, training, and policy or other changes.¹⁴ In certain investigations that do not result in a finding of a pattern of misconduct, LEMIO may identify specific incidents or issues to the employing agency and recommend remedial action. The results of concluded Executive Law 75(5)(b) referrals are made public on the OAG’s website, as noted below.

Importantly, the Executive Law 75(5)(b) process does not replace or supersede the covered agency’s duty to monitor the conduct of its officers and to identify those who require guidance, correction, further support, or discipline to perform their duties effectively and legally. To that end, Executive Law 75(5)(b) makes clear that the “referral and investigation ... shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.”

In cases in which a referred officer has left the referring agency before the investigation has concluded, the referral will be administratively closed without a determination as to whether the officer has engaged in a pattern of misconduct. In these cases, LEMIO will cooperate with DCJS with respect to information regarding whether the officer’s departure may be considered a “removal for cause” for purposes of New York State’s police officer registry.¹⁵ The investigation may be reopened if the officer subsequently is re-employed as a police officer.

As of publication, LEMIO has received 252 referrals pursuant to Executive Law 75(5)(b). We have resolved 40 referrals to date, four of which resulted in a finding of a pattern or practice of misconduct. In addition, 16 referrals have been administratively closed due to an officer’s separation from their agency after the referral was made. Investigations regarding the remaining referrals are ongoing.

14. The Civil Service Law imposes an eighteen-month statute of limitations for disciplinary proceedings for police officers absent evidence of criminal conduct. Due to this statute of limitations, discipline may not be available in all instances in which LEMIO identifies misconduct.

15. See Executive Law 845; N.Y.C.R.R. Part 6056.

A list of concluded Executive Law 75(5)(b) referrals is set forth in Appendix A to this report, and the letters or reports notifying the agency of the conclusion of the investigation can be accessed on the OAG website.

To protect ongoing investigations, LEMIO does not identify the referred officer or agency before the conclusion of the referral. Importantly, a higher rate of referrals from a particular agency should not be viewed as an indication of bad performance or misconduct, and may be a positive sign that the agency is promoting and tracking feedback from the public.

D. Engagement and outreach

To effectively fulfill our statutory mandate, LEMIO must build strong and productive relationships with those who are affected by our work, from law enforcement agencies to impacted community members. To that end, we have focused on engaging and working with stakeholders, including community groups, covered agencies, law enforcement associations, experts, academics, and other oversight practitioners. Over the past year, LEMIO personnel met with representatives of covered agencies, community groups and nonprofits, experts on policing, and other police accountability agencies, among others.

Continuing and expanding upon these outreach efforts will be a priority in the year ahead.

Legislative recommendations

Executive Law 75(3)(h) requires LEMIO to “recommend[] specific changes to state law to further [its] mission.” The following legislative recommendations would promote civil rights and civil liberties, enhance public confidence in law enforcement, and improve public safety.

A. Pass legislation that increases transparency and bans profiling

Law enforcement officers are empowered with broad authority to stop people, conduct searches, make arrests, and use force to do so. Yet despite these sensitive and sometimes dangerous activities, community members have limited access to data concerning interactions between law enforcement and the public.

While New York has taken initial steps to improve law enforcement transparency, our laws do not cover many important indicators. With hundreds of law enforcement agencies in New York State, to the extent that some individual agencies separately collect and track data, the data are often inconsistent and hard to access.¹⁶ As a result, community members and the state and local governments that represent them may be left in the dark when it comes to key information about policing and its impact.¹⁷

The data that is available, both in New York State and across the country, suggests that enforcement often disproportionately falls on people of color.¹⁸

There is a growing movement towards transparency, with nearly half of U.S. states now requiring data collection when an individual is stopped by law enforcement and most states prohibiting bias-based profiling.¹⁹ New York should join these states by mandating uniform statewide data collection and by banning bias-based profiling by law enforcement.

16. See, e.g., Empire Justice Center, *Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color* (Jan. 2003), available at <https://empirejustice.org/wp-content/uploads/2023/04/Stop-the-Stops-Empire-Justices-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf> (“Because there is no required conformity in data collection between states, counties, towns, cities, and villages, we have no way of comparing the racial disparities in police stops and searches between jurisdictions. While New York State Police collect data, many county, city, town and village police departments in New York, either do not, or do not make it transparent and available.”).

17. While there has been progress in New York, it has often come piecemeal and at times due to litigation rather than legislation. For example, in 2023 Suffolk County entered into a settlement agreement after years of class action litigation alleging racially discriminatory policing that will require the Suffolk County Police Department to collect data about traffic and pedestrian stops. See *Plaintiffs 1-21 v. Suffolk County Police Department*, 2:15-cv-02431 Docket #443 (E.D.N.Y. July 14, 2023); <https://www.latinjustice.org/en/press/federal-judge-approves-settlement-lawsuit-against-suffolk-county-police-racial-discrimination>.

18. See, e.g., NYCLU, *NYPD Traffic Stop Data*, available at <https://www.nyclu.org/en/nypd-traffic-stops-data> (analyzing NYPD stops and searches by race, outcome, and location).

19. See *Traffic Stop Data*, National Conference of State Legislatures, available at <https://www.ncsl.org/civil-and-criminal-justice/traffic-stop-data>.

One important component of such legislation would be to prohibit agencies from relying on race and other protected characteristics in initiating or determining the scope of law enforcement action, including pedestrian and traffic stops, searches, and arrests. This prohibition not only would bring New York in line with most other states, but also would permit New York to access a federal funding program to help support the collection and analysis of police traffic stop data as a means of reducing profiling.²⁰ To provide just a few examples, states like California,²¹ Connecticut,²² and Kansas²³ have all banned bias-based profiling in this manner.²⁴

In addition, law enforcement agencies should track and report a standardized set of data on traffic and pedestrian stops including the duration and location of each encounter, the reason the encounter was initiated and its result, the perceived race, gender, and age of the person stopped, and actions taken by the officer during the encounter such as ordering a person out of a vehicle, handcuffing, searching people and vehicles, seizing property, making arrests, and using force.

Law enforcement agencies should also make their policies publicly available online, except for policies that, if disclosed, would substantially undermine ongoing investigations or endanger officers or members of the public. They also should be required to publish collective bargaining agreements and disclose the amount they spend on settlements relating to alleged misconduct.

Given the logistical challenges involved, data collection should be facilitated by a centralized state agency such as DCJS. DCJS would also periodically collect and publish key data reported by law enforcement agencies. These efforts could be supported by the federal funding that would be made available by the anti-profiling provision of the legislation.

20. See Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. No. 109-59, 119 Stat. 1144, §1906 Grant Program to Prohibit Racial Profiling (2005) (providing resources to states that ban bias-based profiling to collect, maintain, and analyze data on traffic stops).

21. See Cal. Penal Code § 13519.4.

22. See Alvin W. Penn Racial Profiling Prohibition Act, Conn. Gen. Stat. Ann. § 54-1l, § 54-1m.

23. See Kan. Stat. Ann. § 22-460E6, § 22-4609, § 22-4610, § 22-4611.

24. In the last year, Louisiana passed HB 89, requiring the state police to collect & report traffic stop data, and Minneapolis entered a settlement with the state of Minnesota to reduce discriminatory policing, including a requirement that the city record and publish pedestrian and traffic stop data, including officer name, perceived race of the pedestrian, duration of stop, whether a weapons frisk occurred, whether a search was conducted, the type of search, whether weapons were found, and the outcome of the stop.

Data collection and reporting systems have been implemented in states such as New Jersey²⁵ and California²⁶ and were recommended for police departments in the 2015 Final Report of the President’s Task Force on 21st Century Policing.²⁷

In sum, legislation that bans profiling and requires agencies to track and publicize important data and policies would advance public accountability, help agencies manage and evaluate their own performance, and further LEMIO’s statutory mission to enhance the effectiveness of law enforcement and protect civil liberties and civil rights.

B. Pass legislation to explicitly facilitate access by the OAG, and civilian oversight agencies, to sealed records

New Yorkers are protected by laws that restrict access to—or “seal”—certain criminal justice records maintained by law enforcement agencies and the courts. While these sealing laws serve important functions, they can unintentionally hinder investigations of police misconduct conducted by the OAG and police oversight bodies.

LEMIO and oversight entities such as civilian review boards often require access to sealed criminal justice records to fully investigate allegations of misconduct. For example, investigators may need to review body-worn footage, arrest records, and other documents related to incidents involving police interaction with young people or cases in which charges were dismissed—yet access to these records by the OAG and other oversight entities may be blocked by sealing laws (although Executive Law 75 permits the OAG to access sealed records maintained by covered agencies). Improved access to sealed records is particularly important in cases of systemic or widespread misconduct, including investigations of patterns of discriminatory policing.

The laws that require the sealing of arrest records were created to help protect young people and those whose charges were resolved favorably (in other words, who were not convicted) from long-term consequences from their contact with the criminal justice system. Yet ironically, those same sealing laws can end up preventing oversight agencies from investigating potential misconduct that led to the arrest and charges in the first place.

25. New Jersey law requires that the Office of the Attorney General publish aggregate data regarding N.J. State Police motor vehicle stops, including the reason for the stop, the actions the trooper took during and after the stop, the driver’s race, and whether any evidence was seized. This information is available on a database that is updated every 6 months and includes a public feedback mechanism. See N.J.S.A. 52:17B-222 et.seq., “The Law Enforcement Professional Standards Act of 2009”; see also New Jersey Office of the Attorney General, *State Police Traffic Stop Dashboard*, <https://www.njoag.gov/trafficstops>. The N.J. A.G. also promulgated a new Use of Force policy requiring covered law enforcement agencies to report involved officers’ names, the age, race, and gender of the victim of each use of force, whether injuries were sustained, the underlying circumstances of the incident, and the kind of force used, within 24 hours of the incident. See Office of the Attorney General, *Use of Force Policy*, Dec. 2020, <https://www.nj.gov/oag/force/docs/UOF-2020-1221-Use-of-Force-Policy.pdf>.

26. See Cal. Gov’t Code § 12525 (use of force data), § 12525.2 (deaths in custody and arrest-related deaths), § 12525.5 (stops), Cal. Pen. Code § 13010-13012 and § 13020-13021 (arrests), and Cal. Pen. Code § 13012(a)(5) (civilian complaints against peace officers). All of this data and more, including crimes and clearances and officer staffing, are publicly downloadable and viewable on regularly updated dashboards at California Department of Justice, “Open Justice Data Portal,” <https://openjustice.doj.ca.gov/data>. See also Cal. Sen. B. 16 (2020-2021), Chapter 402 (Cal. Stat. 2021), making sustained findings of excessive or unreasonable force and of failures to intervene in such force subject to disclosure.

27. President’s Task Force on 21st Century Policing, Final Report of the President’s Task Force on 21st Century Policing, (2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

Legislation to address this problem should amend various provisions of the Criminal Procedure Law, Civil Rights Law, and Family Court Act to make clear that the OAG, as well as other agencies investigating misconduct, can access sealed records as needed.

C. Facilitate civilian oversight of law enforcement

Other legislation to remove obstacles to strong independent civilian oversight could improve accountability and help prevent misconduct, particularly in the wake of the Court of Appeals' recent ruling in *Rochester Police Locust Club, Inc. v. City of Rochester*.

In 2020, Rochester residents voted to create a civilian Police Accountability Board (PAB) authorized, among other things, to discipline Rochester police officers for misconduct. In the *Rochester Police Locust Club* ruling, the Court of Appeals stripped the PAB of its disciplinary authority, holding that a 1985 change to municipal law in Rochester meant that, from that point forward, the discipline for Rochester police would be subject to collective bargaining with the local police union, regardless of any future municipal law-making or referenda. This ruling followed other Court of Appeals decisions in which the Court had concluded that the specific local legislative history of other municipalities (in particular, New York City, Schenectady, and Walkill) meant that those other municipalities, unlike Rochester, retain control over discipline without union approval. Both the majority and dissent noted that the ultimate resolution of these complex issues rests with the state legislature.²⁸

Over the past several decades, many jurisdictions have established external civilian-led entities designed to provide independent oversight of law enforcement agencies.²⁹ The development of these civilian oversight entities generally has resulted from concerns over inadequate internal accountability processes and resulting breaches of public trust. Recently, prompted by increased scrutiny in the wake of high-profile incidents of police misconduct, civilian oversight entities have expanded—both in number and in the extent of their authority—in New York State and across the country.³⁰

28. *Rochester Police Locust Club, Inc. v. City of Rochester*, --- N.E.3d ---- (2023), 2023 N.Y. Slip Op. 05959, 2023 WL 8007121, at * (Nov. 20, 2023) (explaining that “[t]he Legislature may therefore act to articulate a public policy that would prevail over the ‘strong and sweeping’ one favoring collective bargaining that it has already adopted in the Taylor Law”); see also *id.* at *15 (Chief Justice Wilson, stating in dissent that “[f]ortunately, the legislature has the power to break the cycle.... If Rochester’s desire to establish an independent disciplinary commission is in fact consistent with state policy, the legislature may easily correct our error).

29. See generally, Michael Vitoroulis, Cameron McElhiney, & Liana Perez, *The Evolution and Growth of Civilian Oversight: Key Principles and Practices for Effectiveness and Sustainability*, Office Of Community Oriented Policing Services (2021); Michael Vitoroulis, Cameron McElhiney, & Liana Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, Office Of Community Oriented Policing Services (2021).

30. See, e.g., Cheryl Corley, *Across The Country, Voters Approve More Civilian Oversight for Police*, NPR, Nov. 7 2020, <https://www.npr.org/2020/11/07/931806105/across-the-country-voters-approve-more-civilian-oversight-for-police>; Sharon R. Fairley, *Survey Says?: U.S. Cities Double Down On Civilian Oversight of Police Despite Challenges and Controversy*, *Cardozo L. Rev. De Novo* (2020).

As the ruling in *Rochester Police Locust Club* makes clear, despite the trend towards local oversight, certain provisions of state law have had the unintended consequence of restricting the development of civilian oversight entities. The civil service laws at issue in *Rochester Police Locust Club* are one example. As another example, Unconsolidated Law § 891 has been interpreted to prevent non-police personnel from presiding over police disciplinary hearings, unlike disciplinary hearings for other municipal employees.³¹

In the coming session, the legislature should address these issues and, more generally, facilitate civilian oversight by removing restrictions that prevent localities from determining the best way to establish police oversight and accountability mechanisms that serve the needs of their communities.³²

D. Develop legislation to reduce negative outcomes from traffic stops

Law enforcement officers make more than a million traffic stops each year in New York.³³ These stops may involve speeding and safety-related issues, but many stops are based on vehicle and traffic law (VTL) violations that have less of a connection to safety, such as an expired registration or equipment violations like a broken taillight or tinted windows.

Under current law, these traffic stops can be “pretextual” in nature. In other words, the primary reason for the stop may not be the potential VTL violation, but rather the officer’s hunch—which on its own would not meet the constitutional standard—that stopping the car might lead to evidence of another offense.³⁴ Given the wide range of potential VTL violations, it is not hard to find a reason to stop a car and hold its owner on the side of the road.

Traffic stops may seem commonplace, but they can have serious consequences that range from the financial burdens of tickets to lengthy roadside detentions and searches. The racial disparities are significant. Black drivers are far more likely to be pulled over than white drivers.³⁵ While most New York agencies do not track searches and their outcomes, analyses from other states that do track data show that while drivers of color are more likely to be searched, the likelihood of officers finding contraband from those searches is much lower than for white drivers who are searched.³⁶ And, tragically, some of the high-profile deaths of individuals at the hands of police

31. See, e.g., *Lynch v. Giuliani*, 301 A.D.2d 351, 359 (1st Dep’t 2003) (holding that Unconsolidated Law § 891 required disciplinary hearings to be conducted by employees of the NYPD Commissioner, rather than the Office of Administrative Hearings and Trials).

32. Resources on police accountability and oversight include *What Does Police Oversight Look Like?*, Policing Project (2020), <https://www.policingproject.org/oversight#chart>; Udi Ofer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 Seton Hall L. Rev. 1033 (2016).

33. While precise data is not available for all New York state law enforcement agencies (see Section IV.A above), in 2022, NYPD officers alone made more than 670,000 traffic stops.

34. See *Whren v. U.S.*, 517 U.S. 806 (1996); *People v. Robinson*, 97 N.Y.2d 341 (2001).

35. See, e.g., *CitiStat*, Buffalo Open Data (2020), <https://data.buffalony.gov/stories/s/ftkr-cpvn> (showing traffic stop data in Buffalo); *New York Police Department Traffic Stops Data*, New York Civil Liberties Union (2023), <https://www.nyclu.org/en/nypd-traffic-stops-data>.

36. See, e.g., Empire Justice Center, *Stop the Stops* (Jan. 2023) at 12-17, <https://empirejustice.org/wp-content/uploads/2023/04/Stop-the-Stops-Empire-Justices-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf> (summarizing analyses from several states and municipalities).

over the past decade originated with simple traffic stops that escalated into violence or high-speed pursuits.³⁷

Some states and localities have attempted to mitigate the disparities and harmful outcomes from traffic stops by limiting stops for low-level equipment violations, implementing voucher programs to help fix equipment issues, repealing excess fees, restricting high-speed pursuits to stops involving specific serious offenses, and expanding data collection and transparency. New York should consider legislation that adopts these reforms across the state.

E. Develop alternative public health approaches for people in mental health crisis to minimize the risks of police involvement

In our previous annual reports, we called for legislation to help localities establish specialized mental health units to de-escalate situations involving people experiencing mental health crises instead of relying on armed police officers as first responders, and we reiterate that call here. Sobering statistics demonstrate that the status quo has resulted in tragic outcomes. Studies indicate that people with mental illness generate one in ten calls for police service, and account for at least one in four fatal police encounters.³⁸ People with serious mental illness are more than 11 times as likely to experience police use of force, more than ten times as likely to be injured, and 16 times more likely to be killed by law enforcement as those without serious mental illness.³⁹

Recognizing the problems resulting from relying on police as the default first responders to mental health crises, more and more local governments are turning to co-responder models (in which civilian specialists pair with police responders) or alternative first responder models (in which armed police are not involved in the response).⁴⁰ A 2022 study by the Brennan Center for Justice shows that, among the 50 jurisdictions with the largest law enforcement agencies, more than half had adopted a co-responder program by 2020, and since 2020, 15 of these jurisdictions created new co-responder programs. Of those same 50 jurisdictions, 19 have

37. See, e.g., Elisha Fieldstadt, *Newly aired Sandra Bland cellphone video shows traffic stop from her vantage point: Sandra Bland was pulled over for failing to use her turn signal and was found dead in her Texas jail cell a few days later. Her death was ruled a suicide.*, NBC News (May 7, 2019), <https://www.nbcnews.com/news/us-news/newly-aired-sandra-bland-cellphone-video-shows-traffic-stop-her-n1002756>; Philip Heisel and Jacquellena Carrero, *Philando Castile, Killed By Police During Traffic Stop, Remembered as Gentle Man: Philando Castile was a kitchen supervisor for Saint Paul Public Schools, where those who knew him were shocked and saddened by his death*, NBC News (July 7, 2016), <https://www.nbcnews.com/news/us-news/philando-castile-killed-police-during-traffic-stop-remembered-gentle-man-n605581>; New York State Office of the Attorney General: Attorney General James' Office of Special Investigation Announces Indictment of New York State Trooper on Murder Charge (October 27, 2021), <https://ag.ny.gov/press-release/2021/attorney-general-james-announces-indictment-new-york-state-trooper-murder-charge>.

38. See Doris A Fuller et al., *Overlooked in the Undercounted, The Role of Mental Illness in Fatal Law Enforcement Encounters*, Treatment Advocacy Center (2015), <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>

39. See Ayobami Lanionyu and Phillip Atiba Goff, *Measuring Disparities in Police Use of Force and Injury Among Persons with Serious Mental Illness*, BMC Psychiatry (2021) <https://bmcp psychiatry.biomedcentral.com/counter/pdf/10.1186/s12888-021-03510-w.pdf>

40. See Ashley Krider et al., *Responding to Individuals in Behavioral Health Crisis via Co-responder Models: The Role of Cities, Counties, Law Enforcement, and Providers*, Policy Research Inc. & National League of Cities (Jan. 2020), <https://www.theiacp.org/sites/default/files/SJCResponding%20to%20Individuals.pdf>; Amy C. Watson et al., *Crisis Response Services for People with mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models*, Vera Institute of Justice (Oct. 2019), <https://www.vera.org/downloads/publications/crisis-response-services-for-people-with-mental-illnesses-or-intellectual-and-developmental-disabilities.pdf>

adopted alternative first responder programs since 2020, including New York City.⁴¹

Alternative first responder models are taking root across the State. For example, in 2021, New York City launched B-HEARD (Behavioral Health Emergency Assistance Response Division), a pilot program that diverts 911 mental health calls to a specialized division that dispatches mental and physical health professionals.⁴² Also in 2021, Albany implemented the ACCORD (Albany County Crisis Officials Responding and Diverting) program, which provides an alternative response unit comprised of County social workers and paramedics from the Sheriff's Office to assist with nonviolent calls for emergency assistance.⁴³ Earlier this year, Albany city and county officials pledged to expand ACCORD across the city of Albany.⁴⁴ The city of Rochester continues to dispatch its "Person in Crisis" team of professionals trained in crisis intervention, de-escalation, and social work, which it launched in 2021.⁴⁵

While the programs described above are promising, several remain at the pilot level, and have yet to provide alternatives at scale, whether due to lack of resources or difficulties in implementation, particularly in routing mental health calls to specialist responders.⁴⁶ This suggests a role at the state level to assist communities with funding and technical assistance in establishing these programs.

Accordingly, we strongly recommend legislation to help localities establish specialized mental health units that are specifically trained and equipped to provide assistance to those in mental health crisis, including by providing funding and technical support. Such legislation could also require training for emergency dispatchers and potentially create regional mental health councils to provide structure and oversight to local responses. Building up non-law enforcement responses to people struggling with mental illness has the potential to better allocate resources towards helping people in need of mental health assistance and decrease the risk of harm from police encounters.

41. Ram Subramanian and Leily Arzy, *Rethinking How Law Enforcement is Deployed*, Brennan Center for Justice (Nov. 2022), <https://www.brennancenter.org/our-work/research-reports/rethinking-how-law-enforcement-deployed?s=03>.

42. See B-Heard, City of New York, <https://mentalhealth.cityofnewyork.us/b-heard>

43. *Albany County launches ACCORD pilot program to modernize dispatch response for mental health crises* (June 11, 2021, 1:30 PM), <https://www.albanycounty.com/Home/Components/News/News/1204/59>.

44. See Rachel Silbertsein, *Albany officials pledge to expand mental health, homeless services*, Times Union (Sept. 20, 2023), <https://www.timesunion.com/news/article/albany-officials-pledge-expand-mental-health-18377555.php>.

45. See Person In Crisis Team, City of Rochester, <https://www.cityofrochester.gov/person-in-crisis-team/>; Dan Schrack, *City Leaders Launch New 'Person in Crisis' Team*, WHAM (Jan 21, 2021), <https://13wham.com/news/local/city-leaders-launch-new-person-in-crisis-team-for-mental-health-substance-abuse-calls>

46. See Greg B. Smith, *Non-Cop Response Teams Handled Just 16% of 911 Mental Health Crisis Calls*, The City (Jul. 18, 2022), <https://www.thecity.nyc/2022/7/18/23267193/mental-health-911-b-heard-teams> (noting that EMS operators referred less than 1 in 4 mental health calls to B-HEARD teams).

F. Require the use of body worn cameras

Video footage of interactions between law enforcement and the public can promote accountability for misconduct that might otherwise go undetected and protect officers who are wrongly accused. As recommended in the October 1, 2023 Annual Report of the OAG's Office of Special Investigation, the legislature should require by statute that all police and sheriff's departments deploy and use body-worn cameras and dashboard cameras in all encounters with members of the public. The statute should provide smaller departments with funding from the state as needed for such deployment and training by DCJS as needed for such use. The statute should permit departments to create exceptions to such deployment or use, but exceptions must be limited to specific and clearly articulated and justified law enforcement need.⁴⁷

Conclusion

Executive Law 75 provides a first-of-its-kind framework for improving law enforcement practices, increasing accountability, and promoting public trust—all of which are crucial to enhancing the safety of New Yorkers. We look forward to the work ahead.

47. See Office of the New York State Attorney General, Office of Special Investigation Third Annual Report (Oct. 1, 2023), <https://ag.ny.gov/sites/default/files/2023-10/20230929f-third-ann-rpt.pdf>.

Appendix A

Closed Executive Law 75(5)(b) investigations as of December 31, 2023

Agency	Last name	First name	Closing date	OAG finding
Utica City Police Department	Aiello	Joseph	5/11/2022	No finding of a pattern of misconduct based on referred complaints ⁴⁸
Syracuse City Police Department	Anthony	Mitchell	3/23/2023	No finding of a pattern of misconduct based on referred complaints ⁴⁹
New York City Police Department	Aquino	Danny	12/15/2023	No finding of a pattern of misconduct based on referred complaints ⁵⁰
Walkill Town Police Department	Ashworth	Julia	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁵¹
Syracuse City Police Department	Atkins	Thomas	3/23/2023	No finding of a pattern of misconduct based on referred complaints ⁵²
Syracuse City Police Department	Bach	Brian	7/10/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁵³
Syracuse City Police Department	Bebernitz	Reed	12/13/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁵⁴
Syracuse City Police Department	Blauvelt	Jeffrey	8/24/2023	No finding of a pattern of misconduct based on referred complaints ⁵⁵
New York City Police Department	Bomparola	Anthony	12/21/2023	Administrative closure ⁵⁶

48. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-aiello-upd.pdf>

49. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-anthony-spd.pdf>

50. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-d-aquino-nypd.pdf>

51. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-ashworth-wtpd.pdf>

52. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-t-atkins-spd.pdf>

53. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-b-bach-spd.pdf>

54. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-r-bebernitz-spd.pdf>

55. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-blauvelt-spd.pdf>

56. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-a-bomparola-12.21.23-nypd.pdf>

Nassau County Police Department	Boyce	Michael	12/13/2023	No finding of a pattern of misconduct based on referred complaints ⁵⁷
Syracuse City Police Department	Briedis	Aylan	12/21/2023	Administrative closure ⁵⁸
Buffalo City Police Department	Briggs	Lawrence	11/28/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁵⁹
Syracuse City Police Department	Buske	Christopher	12/18/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁶⁰
Nassau County Police Department	Cincotta	John	12/20/2023	Administrative closure ⁶¹
Syracuse City Police Department	Coleman	William	12/13/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁶²
New York City Police Department	Connell	Tearle	12/21/2023	Administrative closure ⁶³
Nassau County Police Department	Cracchiolo	Anthony	11/15/2022	No finding of a pattern of misconduct based on referred complaints ⁶⁴
Yonkers Police Department	Deane	Liam	11/17/2022	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁶⁵
New York City Police Department	Diorio	Christopher	10/6/2023	No finding of a pattern of misconduct based on referred complaints ⁶⁶

57. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-boyce-ncpd.pdf>

58. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-a-briedis-spdpdf>

59. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-l-briggs-bpd.pdf>

60. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-c-buske-spdpdf>

61. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-cincotta-ncpd.pdf>

62. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-w-coleman-spdpdf>

63. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-t-connell-12.21.23-nypd.pdf>

64. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-a-cracchiolo-ncpd.pdf>

65. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-l-deane-ypd.pdf>

66. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-c-diorio-nypd.pdf>

Syracuse City Police Department	DiPuccio	Gregory	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁶⁷
Syracuse City Police Department	Duval	Devin	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁶⁸
New York City Police Department	Dym	Eric	12/21/2023	Administrative closure ⁶⁹
Syracuse City Police Department	Falise	Brandon	12/13/2023	No finding of a pattern of misconduct based on referred complaints ⁷⁰
Syracuse City Police Department	Ferris	Melissa	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁷¹
New York City Police Department	Ferrufino	James	12/21/2023	Administrative closure ⁷²
New York City Police Department	Francesquini	Annette	12/21/2023	Administrative closure ⁷³
Nassau County Police Department	Gaudio	Matteo	4/11/2023	No finding of a pattern of misconduct based on referred complaints ⁷⁴
New York City Police Department	Gengo	John	12/21/2023	Administrative closure ⁷⁵
Nassau County Police Department	Green	Jason	6/28/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁷⁶
Nassau County Police Department	Guest	Sherry	12/27/2023	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁷⁷

67. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-g-dipuccio-spd.pdf>

68. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-d-duval-spd.pdf>

69. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-e-dym-12.21.23-nypd.pdf>

70. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-b-falise-spd.pdf>

71. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-ferris-spd.pdf>

72. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-j-ferrufino-12.21.23-nypd.pdf>

73. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-a-francesquini-12.21.23-nypd.pdf>

74. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-gaudio-ncpd.pdf>

75. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-j-gengo-12.21.23-nypd.pdf>

76. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-green-ncpd.pdf>

77. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-s-guest-ncpd-.pdf>

Syracuse City Police Department	Heider	Joseph	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁷⁸
New York City Police Department	Howard	Joseph	12/21/2023	Administrative closure ⁷⁹
Syracuse City Police Department	Hughes	Kristin	12/27/2023	No finding of a pattern of misconduct based on referred complaints ⁸⁰
Nassau County Police Department	Ibanez	Daniel	11/15/2022	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁸¹
Saugerties Town Police Department	Johnson	Dion	7/7/2023	Officer engaged in a pattern of misconduct ⁸²
New York City Police Department	Lee	Steven	12/21/2023	Administrative closure ⁸³
Syracuse City Police Department	Linnertz	Ryan	5/4/2023	No finding of a pattern of misconduct based on referred complaints ⁸⁴
New York City Police Department	Martinez	Robert	12/21/2023	Administrative closure ⁸⁵
New York City Police Department	McCurry	Matthew	12/27/2023	Officer engaged in a pattern of misconduct ⁸⁶
Nassau County Police Department	McMullen	James	11/15/2022	No finding of a pattern of misconduct based on referred complaints ⁸⁷
Walkill Town Police Department	Medina	Michael	9/14/2023	No finding of a pattern of misconduct based on referred complaints ⁸⁸

78. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-heider-spd.pdf>

79. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-j-howard-12.21.23-nypd.pdf>

80. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-k-hughes-spd.pdf>

81. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-d-ibanez-ncpd.pdf>

82. <https://ag.ny.gov/sites/default/files/lemio-report/755b-report-d-johnson-spd.pdf>

83. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-s-lee-12.21.23-nypd.pdf>

84. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-r-linnertz-spd.pdf>

85. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-r-martinez-12.21.23-nypd.pdf>

86. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-mccurry-nypd.pdf>

87. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-mcmullen-ncpd.pdf>

88. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-medina-wtpd.pdf>

New York City Police Department	Mestre	Gina	12/21/2023	Administrative closure ⁸⁹
Nassau County Police Department	Nadel	Brian	12/20/2023	Officer engaged in a pattern of misconduct ⁹⁰
Buffalo City Police Department	Ottey	Davon	12/28/2023	Officer engaged in a pattern of misconduct ⁹¹
Syracuse City Police Department	Pastorello	James	8/24/2023	No finding of a pattern of misconduct based on referred complaints ⁹²
Endicott Village Police Department	Quinn	Jennifer	5/9/2022	No finding of a pattern of misconduct based on referred complaints ⁹³
New York City Police Department	Radoncic	Adnan	12/21/2023	Administrative closure ⁹⁴
Nassau County Police Department	Romano	Matthew	11/15/2022	No finding of a pattern of misconduct based on referred complaints; issue(s) noted ⁹⁵
Suffolk County Police Department	Searles	Christopher	9/18/2023	No finding of a pattern of misconduct based on referred complaints ⁹⁶
Nassau County Police Department	Sierzant	Michael	11/15/2022	No finding of a pattern of misconduct based on referred complaints ⁹⁷
Buffalo City Police Department	Slawek	Mark	9/13/2023	No finding of a pattern of misconduct based on referred complaints ⁹⁸
Syracuse City Police Department	Smith	Michael	8/24/2023	No finding of a pattern of misconduct based on referred complaints ⁹⁹

89. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-g-mestre-12.21.23-nypd.pdf>

90. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-b-nadel-ncpd.pdf>

91. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-d-ottey-bpd.pdf>

92. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-pastorello-spd.pdf>

93. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-quinn-evpd.pdf>

94. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-a-radoncic-12.21.23-nypd.pdf>

95. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-romano-ncpd.pdf>

96. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-c-searles-scpd.pdf>

97. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-sierzant-ncpd.pdf>

98. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-slawek-bpd.pdf>

99. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-smith-spd.pdf>

New York City Police Department	Tantillo	Philip	12/21/2023	Administrative closure ¹⁰⁰
Syracuse City Police Department	Ternosky	Jacob	8/24/2023	No finding of a pattern of misconduct based on referred complaints ¹⁰¹
New York City Police Department	Terrell	Shante	12/21/2023	Administrative closure ¹⁰²
Buffalo City Police Department	Thomas	Mitchell R.	12/21/2023	Administrative closure ¹⁰³

100. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-p-tantillo-12.21.23-nypd.pdf>

101. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-j-ternosky-spd.pdf>

102. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-admin-closures-s-terrell-12.21.23-nypd.pdf>

103. <https://ag.ny.gov/sites/default/files/lemio-report/755b-letter-m-r-thomas-bpd.pdf>