



**THE POLICE COMMISSIONER**  
**CITY OF NEW YORK**

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

**Re:** CCRB Case No. 202003715 regarding Detective Kyle Calenda

**Date:** June 16, 2023

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated a single allegation against Detective Calenda for wrongfully using force during a protest in May of 2020. The complainant in this matter was involved in a physical altercation with another protestor. When officers intervened and tried to place him under arrest, the complainant jumped, punched, kicked and attempted to evade the officers. Amongst the chaos, Detective Calenda used his baton and delivered multiple strikes to the complainant, in an effort to stop the physical resistance and achieve compliance.

After its investigation, the CCRB recommended the forfeiture of ten (10) penalty days. While CCRB's recommended penalty is a downward deviation from the NYPD's Disciplinary System Penalty Guidelines for wrongfully using less lethal force/device (baton) against an individual resulting in an injury, CCRB believed that the "penalty is appropriate given the circumstances surrounding the chaotic situation," as well as the officer's employment history, minimal disciplinary history, and excellent evaluations. It should be further noted that the alleged injury remains uncorroborated and the complainant was uncooperative with the CCRB investigation.

The CCRB's recommended downward deviation is altogether appropriate in this case. As such, the Department is adopting the reasoning outlined by the CCRB in their recommendation. Therefore, the forfeiture of ten (10) penalty days, as recommended by the CCRB, will be imposed in this matter.

  
Keechant L. Sewell  
Police Commissioner