



**THE POLICE COMMISSIONER  
CITY OF NEW YORK**

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

**Re:** Disciplinary Case No. 2023-29030 / PODS Case No. C-031545 regarding  
Detective Damien Clarke

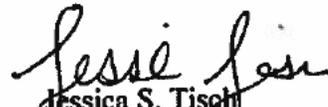
**Date:** October 21, 2025

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This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB") which involved allegations that Detective Clarke spoke discourteously and conducted a retaliatory arrest. CCRB has determined that a downward deviation from the Disciplinary System Penalty Guidelines is warranted.

I concur with the downward deviation for the reasons articulated by CCRB in the attached correspondence.

Therefore, Detective Clarke will receive Training, as negotiated by CCRB.

  
Jessica S. Tisch  
Police Commissioner



ERIC L. ADAMS  
MAYOR

**CIVILIAN COMPLAINT REVIEW BOARD**  
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April 3, 2025

The Honorable Jessica S. Tisch  
Police Commissioner  
New York City Police Department  
One Police Plaza  
New York, NY 10038

Re: CCRB v. Detective Damien Clarke (Tax Reg #933698, DADS #2023-29030)

Commissioner Tisch:

A negotiated settlement of a dismissal of the charge along with a penalty of Training was agreed upon and signed by all parties on February 25, 2025. Assistant Deputy Commissioner Vanessa Facio-Lince endorsed the negotiated settlement on March 25, 2025.

On May 13, 2022, Detective Clarke and other officers stopped a vehicle on Clinton Street in Brooklyn. A civilian named [REDACTED] was driving the vehicle. The interaction with Mr. [REDACTED] was caught on body-worn camera. The officers discovered that Mr. [REDACTED] was committing a number of violations – including the fact that the car was not registered or insured, and did not have an inspection sticker.

Detective Clarke stated to the Mr. [REDACTED] that he was not going to arrest him, that he was just going to issue him a summons. In response Mr. [REDACTED] asks a number of times why the officers stopped him. The body-worn camera then captures Detective Clarke saying, “Fuck it”. He then orders Mr. [REDACTED] out of the car, after which he was placed under arrest. The statement “Fuck it” was discourteous and the arrest of Mr. [REDACTED] was retaliatory. Even though Detective Clarke could have arrested the civilian, he had clearly decided to use his discretion and just issue a summons but then changed his mind when Mr. [REDACTED] asked why it was that he was stopped.

For the charge of an enforcement action involving an abuse of discretion, the disciplinary matrix lists a mitigated penalty of the forfeiture of ten (10) vacation days, a presumptive penalty of the forfeiture of twenty (20) vacation days, and an aggravated penalty of Termination.

The negotiated settlement deviates from NYPD disciplinary guidelines as to an enforcement action involving an abuse of discretion for the following reasons:

Detective Clarke's extensive service over twenty-one years and the fact that he received a score of 8 out of 10, above standards, in his most recent evaluation.

Respectfully submitted,

*Brian Arthur*

**Brian Arthur, Esq.  
Deputy Chief Prosecutor  
Civilian Complaint Review Board**