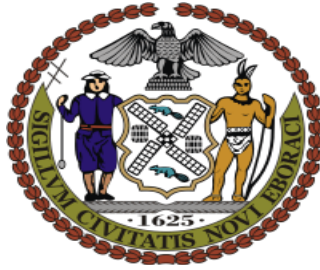


JOHN C. LIU
COMPTROLLER

CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
CLAIMS REPORT
FISCAL YEAR 2011

December 27, 2012



December 27, 2012

TO THE PEOPLE OF THE CITY OF NEW YORK:

I am pleased to present you with the New York City Comptroller's Office Claims Report for Fiscal Year 2011. Under the New York City Charter, the Comptroller is responsible for settling and adjusting claims for and against the City.

To better support efforts to control claim costs, this report will analyze claim activity for one year rather than two years, as was generally done in the past. Much like the biennial publication that was issued last year, this report provides New Yorkers with a detailed look at data and trends relating to claims filed against the City of New York in the past fiscal year. Claims range from medical malpractice to slips, trips and falls and the dedicated staff in the Comptroller's Bureau of Law and Adjustment works tirelessly to ensure that settlements are in the best interest of the City, its residents and taxpayers.

We continue to seek ways to maximize our effectiveness when investigating claims and when settling and adjusting meritorious claims.

As we have seen in recent years, the settlement of claims and payments of judgments cost the City more than half a billion dollars annually. As the financial steward of the City, and in working with our partners at other agencies, including the courts, my goal is to ensure that we strike a delicate balance between making those with meritorious claims whole while maintaining sound fiscal practices.

Sincerely,

John C. Liu
New York City Comptroller

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I. EXECUTIVE SUMMARY

Under the New York City Charter, the Comptroller is responsible for settling and adjusting claims for and against the City of New York (the “City”).¹ This task is carried out by the Bureau of Law and Adjustment, which is comprised of a dedicated team of attorneys, claims professionals, and administrative staff.

For Fiscal Year (“FY”) 2011, the City paid out \$550.4 million in personal injury and property damage tort settlements and judgments; five percent more than the \$522 million paid out in FY 2010.² The City spent \$70 for each resident to fund the cost of tort claims in FY 2011. These tort claims ranged from slip and falls to medical malpractice, police actions, and motor vehicle property damage claims.

In addition to tort claims, the City paid out \$135.9 million in non-tort claims in FY 2011, a decrease from the \$165.1 million paid in FY 2010. These claims consist primarily of contract disputes between City agencies and their contractors, as well as alternative dispute-resolution claims, equitable claims, employment-related claims, Department of Education (“DOE”) tuition-reimbursement claims and sidewalk-assessment claims.

¹ See City Charter Chapter 5 § 93(i).

² New York City’s tort claims costs are paid from the judgment and claims account established annually in the City’s General Fund on a “pay as you go basis.”

This report examines claims filing data from FY 2011 and reports recent claim trends. Claim settlements continue to cost the City more than half a billion dollars annually.³ Pursuing an aggressive effort to contain settlement costs, the Comptroller's Office has adopted a number of strategies to settle claims earlier and reduce overall costs; this report recommends more initiatives to facilitate further reductions in settlement costs.

The Comptroller's Office is augmenting its efforts to pursue affirmative claims against individuals who have caused damage to City property. The Property Damage/Affirmative Claims Unit collected a record high of \$1.5 million in FY 2011. Additionally, through the Comptroller's Recovery Program, more than \$9.3 million was collected in FY 2011 from claimants with outstanding child-support or public-assistance obligations. This includes \$3.6 million in child support, which represents a record annual collection.

The Comptroller's Office is committed to the fair and early settlement of meritorious claims in which an individual was injured or their property was damaged as a result of the City's negligence. Early settlement of meritorious claims allows injured parties to be compensated relatively quickly when compared to litigation. In addition, studies have indicated that early settlement reduces payout amounts, as well as administrative and litigation costs. By settling

³ The Comptroller's Office maintains claims data on its Omnibus Automated Image Storage and Information System (OAISIS). There exists a time lag between when settlements occur and when settlements and other updates are entered into the system. The data may not include all claims against the City that ultimately will be settled and attributed to a particular year. For the purpose of this report, "settlement and judgment costs," "liabilities," "expenditures," "amounts paid," or "payout" will be used interchangeably with "recorded settlements and judgments."

claims early, we estimate that in FY 2011 the City saved more than \$20 million in future payouts .

Claim Trends

The Police Department (“NYPD”) , the New York City Health and Hospitals Corporation (“HHC”), and the Department of Transportation (“DOT”) are consistently responsible for the highest total dollar amounts paid by the City, accounting for approximately 55 percent of total tort claims filed and 70 percent paid out in FY 2011.

In a positive development, since FY 2001, HHC has been pro-active in the areas of risk and litigation management, with impressive results. The number of tort claims against HHC has dropped 28 percent since FY 2001. Medical malpractice claim filings have dropped from a high of 889 in FY 2000 to 609 in FY 2011, the lowest number of new filings in the last 12 years. Settlement/judgment costs have also decreased significantly. In FY 2003, the City paid a high of \$195.4 million for medical-malpractice claims. By comparison, the City paid \$130 million in FY 2011, the second lowest payout since FY 2000. One likely reason that HHC has succeeded so well in containing claim costs is that, unlike other City entities, HHC is responsible for its own claim costs. So HHC has invested in risk management and other initiatives that have led to a significant reduction in claim costs.

An area of concern is the growing number of claims filed against the NYPD, with an historical high of 8,882 claims filed in FY 2011.⁴ The NYPD has seen the number of claims rise 55 percent over the last five years. In FY 2011, the City settled \$185.6 million in claims involving the NYPD, an increase of 35 percent over the \$137.3 million settled in FY 2010. We note that, although the Mayor's Management Report (FY 2012) indicates a drop in complaints filed against the police at the Civilian Complaint Review Board (CCRB), the drop in CCRB filings, when viewed next to the steady rise in claim filed against the NYPD, indicates that individuals are simply bypassing the CCRB and directly filing claims and civil actions.

Recommendations

The City must carefully examine the trend of more claims filed against the NYPD. Although there are no easy ways to reverse the trend, clearly more must be done. Many lawsuits brought against the NYPD also involve policies and actions of other agencies, including prosecutors. For example, a prosecutor may decline to prosecute or a case may be dismissed, potentially giving rise to claims against the police. Better communication between prosecutors and police with regard to these incidents would obviate some claims.

Another recommendation is to create a task force of representatives from the NYPD, prosecutorial offices, the Corporation Counsel, the Civilian Complaint Review Board and the Comptroller's Office. The task force would identify areas that are high-risk in terms of claim

⁴ In FY 2010 there were 8,110 claims filed against the NYPD.

activity and create an action plan to better control those risks. A multi-disciplinary task force could then monitor the implementation of cost effective recommendations across agency lines to reduce claim costs.

Tracking trends of claims by type filed by precinct could also be a valuable tool in determining whether certain management practices are successful in limiting the City's liability exposure while insuring that law enforcement meets its goals. This strategy is similar to NYPD's CompStat⁵ crime prevention methods. The Comptroller's Office is well aware that a claim represents only an allegation. Nonetheless, the NYPD should explore a unified method to track the individual officers named in claim suits and the payouts, including the nature of the payout (i.e., a settlement or a judgment) that are associated with those officers. (See P. 47 in this report for a breakdown of the number of claims by precinct.)

Other avenues that could be explored include: on-going training regarding police vehicle chases that balance both law enforcement goals and liability concerns (the 5th largest settlement in FY 2011 costing \$6.2 million, involved injuries resulting from a chase); and for the NYPD and other agencies to establish early response protocols to requests for documentation in order to settle meritorious claims before litigation, thereby mitigating costs.

⁵ NYPD's abbreviation for their Computer Statistics program wherein commanding officers meet with NYPD executives to discuss crime rates by type and the allocation of resources to contain and/or prevent crime in their precincts.

Regarding initiatives to reduce claim costs across all agencies, the Comptroller's Office strongly urges the Administration to replicate in other agencies the kinds of risk management tools implemented at HHC, adapted to the operations of the particular agency. In particular, given HHC's impressive results in controlling claim costs, the Comptroller's Office again recommends that the City implement a process whereby agencies bear some financial accountability for claim activity. The Comptroller's Office further recommends that each agency carefully review its risk management practices and report to appropriate entities on specific steps it can take to reduce risk.

II. OVERVIEW OF THE COMPTROLLER'S INITIATIVES TO MANAGE RISK AND IMPLEMENT BEST PRACTICES

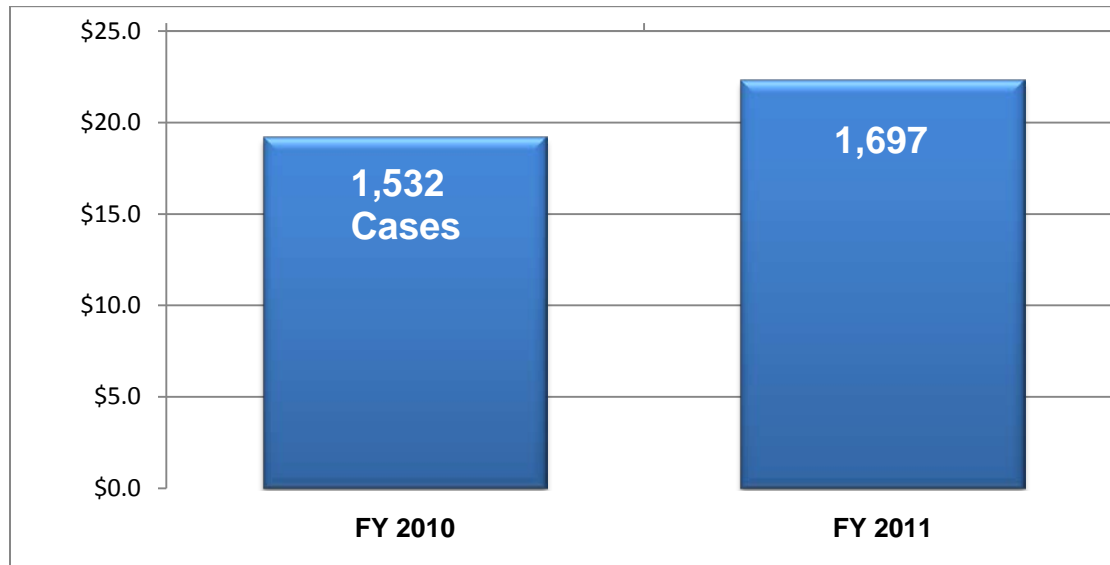
Pre-Litigation Settlements

In FY 2011, the Comptroller's Bureau of Law and Adjustment ("BLA") settled 1,697 personal injury claims before litigation as compared to 1,532 pre-litigation settlements in FY 2010. The 11 percent increase in settlements can be attributed to several factors: reallocating resources; streamlining processes; leveraging technology to allow early investigation and negotiation of claims, and partnering with other agencies. This effort saved the City approximately \$20.6 million in settlement costs in FY 2011 and \$20.7 million in FY 2010.

In FY 2010, the average pre-litigation personal injury settlement was \$12,433, while the average settlement for similar personal injury claims once litigation commenced was \$24,821. In FY 2011, the average pre-litigation settlement was \$13,109, while the average settlement for similar claims once litigation commenced was \$24,520.

Chart 1

Pre-Litigation Personal Injury Settlements



Re-organization of BLA

The Bureau of Law and Adjustment (BLA) had not gone through a major re-organization in about 15 years. In April 2011, after reviewing the organizational structure, the bureau re-deployed and re-aligned resources to meet organization goals. Overall, the re-organization has allowed us to expedite settlements of meritorious claims and increase productivity.

Recovery Program

In FY 2011 and FY 2010, the Comptroller's Office collected \$9.3 million and \$5.4 million, respectively, from claimants with outstanding obligations to the City and from individuals with child support orders in arrears—a 72 percent increase. By using sophisticated automated City systems and by working closely with other agencies—particularly with the Human Resources Administration — the Office collected reimbursements for public assistance and Medicaid

benefits, as well as child support obligations from claimants who received settlements from the City.

Property Damage Affirmative Claim Expansion Efforts

The Comptroller's Office is expanding efforts to collect monies from individuals who have damaged City property. Most of these claims involve damage to the City's motor vehicles and infrastructure. As a result of the BLA's efforts, a record \$1,471,299 in affirmative claims was collected in FY 2011. This represents an increase of 57 percent in collections since FY 2001, when \$934,079 in affirmative claims was collected. In FY 2010, \$1,387,467 in affirmative claims was collected.

Son of Sam Law (New York State Executive Law § 632-a)

The BLA works with the New York State Office of Victims Services ("Victims Services") and the New York State Attorney General's Office ("AG's Office") to identify settlements made to convicted persons from whom victims can recover money. New York State's "Son of Sam" law requires that before a settlement of more than \$10,000 is paid to a convicted person, the City or the Comptroller's Office must report the unpaid settlement to Victims Services. Identification of those claims that need to be reported is accomplished using an automated process.

The settlement funds are held for 30 days by the Comptroller's Office while Victims Services and the AG's Office investigate whether there is a victim of a crime who can sue the perpetrator of the crime in Civil Court.

As of July 2012, the Comptroller is holding \$107,590, pending the outcome of crime victims' civil actions against the convicted persons' settlements. The Comptroller's Office has paid out \$125,200 to crime victims since the program began.

Electronic Claim Filing

In accordance with State legislation adopted in March 2010, the BLA and Comptroller's Bureau of Information Systems ("BIS") successfully designed, developed, and implemented the *eClaim* system, which allows claimants to electronically file a tort claim and attach supporting documentation. As of July 2012, approximately 4,500 tort claims have been filed electronically, providing the public with a convenient way to file claims via the internet (<http://www.comptroller.nyc.gov/bureaus/bla/>) and allowing the Comptroller's Office to efficiently process these claims.

Medicare Reporting

Section 111 of the Federal Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Extension Act of 2007 requires the City to report to the federal government settlements being paid to Medicare eligible claimants. The Comptroller's Office is now required to report

pre-litigation and no-fault claim activity involving Medicare eligible claimants to the Centers for Medicare and Medicaid Services (“CMS”). The reporting requirements are extensive and require the gathering and inputting of data not previously collected. The failure to comply with Section 111’s requirements can result in severe financial penalties.

To comply with the reporting requirements, the BLA established policies and procedures to gather and input the required data. Existing technological systems were modified to collect new data and file the required reports. The BLA and BIS provided training for staff in order to carry out this mission.

The Comptroller’s Office met CMS’ filing requirements, including implementing pre-litigation payment reporting requirements a year prior to CMS’ deadline of January 2012.

Streamlining the Hearing Process

The New York General Municipal Law, §50(h) allows the City to conduct hearings (“50[h] hearings”) of individuals who have filed claims against the City in order to investigate their allegations before they commence an action.

The Comptroller has leveraged and modified existing technology to streamline the assignment and the completion of hearings.

A. Re-negotiation of 50(h) Hearing Contract Fees

The original 50(h) contracts for this term were executed under the previous Comptroller. BLA successfully re-negotiated the contract fees to benefit from lower costs before renewing them on July 1, 2012. As a result of BLA's negotiations and the cooperation of our contractors, the City will save at least \$1 million in expenses through June 30, 2013.

B. On-line Hearing Abstracts

BLA staff designed a standardized "on-line hearing abstract"⁶ that as a requirement for individual attorneys conducting 50(h) hearings. Hearing abstracts contain key information obtained during the hearing by the attorney and his or her legal assessment of the case. The on-line abstract allows the production of a consistent confidential attorney work-product for all hearings that are conducted on behalf of the City and HHC. The information on this attorney work-product is directly uploaded to the Comptroller's automated claim system and is immediately available to Comptroller's claims professionals and attorneys. In addition, key data included in the document automatically populates fields in the Comptroller's claim database, saving data-entry time.

C. Paperless Hearing Transcripts

As stated above, the Comptroller's Office is entitled to conduct 50(h) hearings before the commencement of a lawsuit. These hearings were traditionally transcribed, printed, and sent to

⁶ The abstracts are protected by Sections 1058 and 1059 of the New York City Charter and other applicable laws.

the Comptroller's Office. In an effort to lower the cost of handling, processing, and storing paper copies of these transcripts, the BLA established procedures requiring transcripts to be electronically transferred and stored. As a result of this environmentally beneficial initiative, the Comptroller and those who conduct hearings on behalf of the City eliminated the production, handling, and storage and of an estimated 280,000 pages of transcripts annually.

FDNY Ambulance Services Collections

The FDNY is responsible for collecting payments for ambulance services it provides. The Comptroller's Office worked with FDNY to facilitate collection of these payments, resulting in net collections of \$218,735 since January 2012.

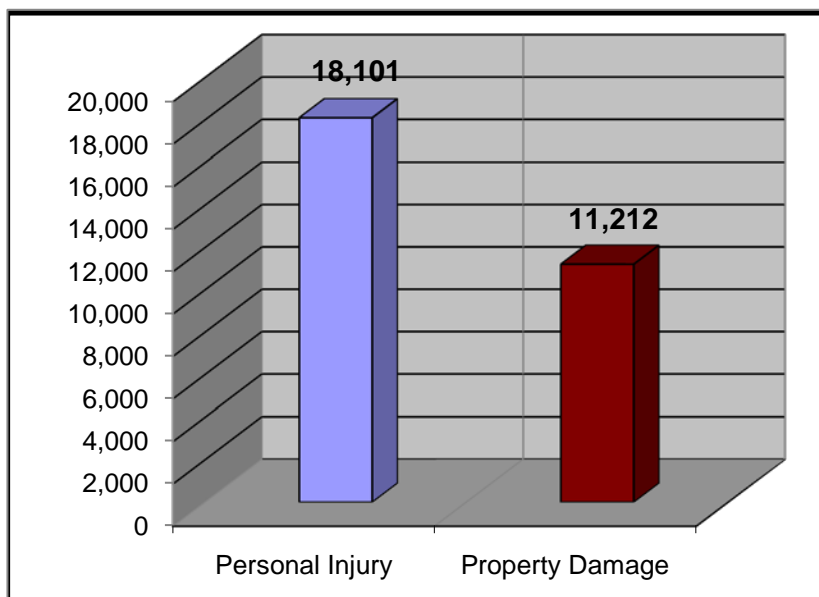
III. TORT CLAIM TRENDS (FYs 2010 - 2011)

In FY 2011, 29,313 new personal injury and property damage claims were filed, a 19 percent decrease from the 34,768 filed in FY 2010.⁷

The overall cost to the City for personal injury and property damage claim payouts was \$550.4 million in FY 2011. This represents a five percent increase from the cost of tort claims in FY 2010 (\$522 million).

Chart 2

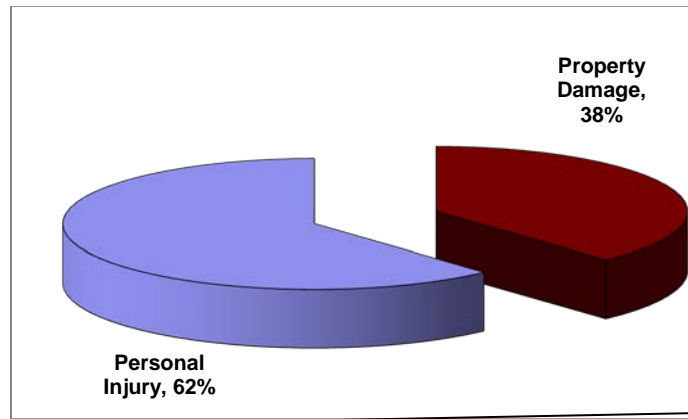
**Number of Tort Claims Filed by Category
Fiscal Year 2011**



⁷ See appendix for a description of claim types.

Chart 3

**Percentage of Tort Claims Filed by Category
Fiscal Year 2011**



A. PERSONAL INJURY CLAIMS

Personal injury claims are the most frequently filed and the most costly to resolve. Personal injury claims include medical malpractice, civil rights violations and injuries that happen in schools or from defective sidewalks or motor vehicle accidents or from the actions of police or uniform services employees.

- Personal injury claims accounted for \$535.1 million, or 97 percent, of the \$550.4 million paid for tort claims in FY 2011. During FY 2010, personal injury claims accounted for \$511.9 million, or 98 percent of the \$522 million paid for tort claims.

- There were 82 personal injury payouts \$1 million or more in FY 2011. For those 82 cases, a total of \$204.4 million was paid out. This amounted to 39 percent of the total personal injury claim payout for FY 2011.
- In FY 2011, the costliest personal injury claims category was medical malpractice, which cost the City \$130 million. The second costliest category was civil rights claims, at \$84 million. Motor vehicle claim (PI) settlements and judgments were the third costliest, at \$83.9 million. The fourth costliest category was police action claims, at \$59.6 million.
- The average settlement/judgment for all personal injury cases in FY 2011 was \$72,975, four percent lower than the \$76,033 average paid in FY 2010.

Chart 4

**Percentage of Total Personal Injury Expenditures Recorded by Claim Type
2011**

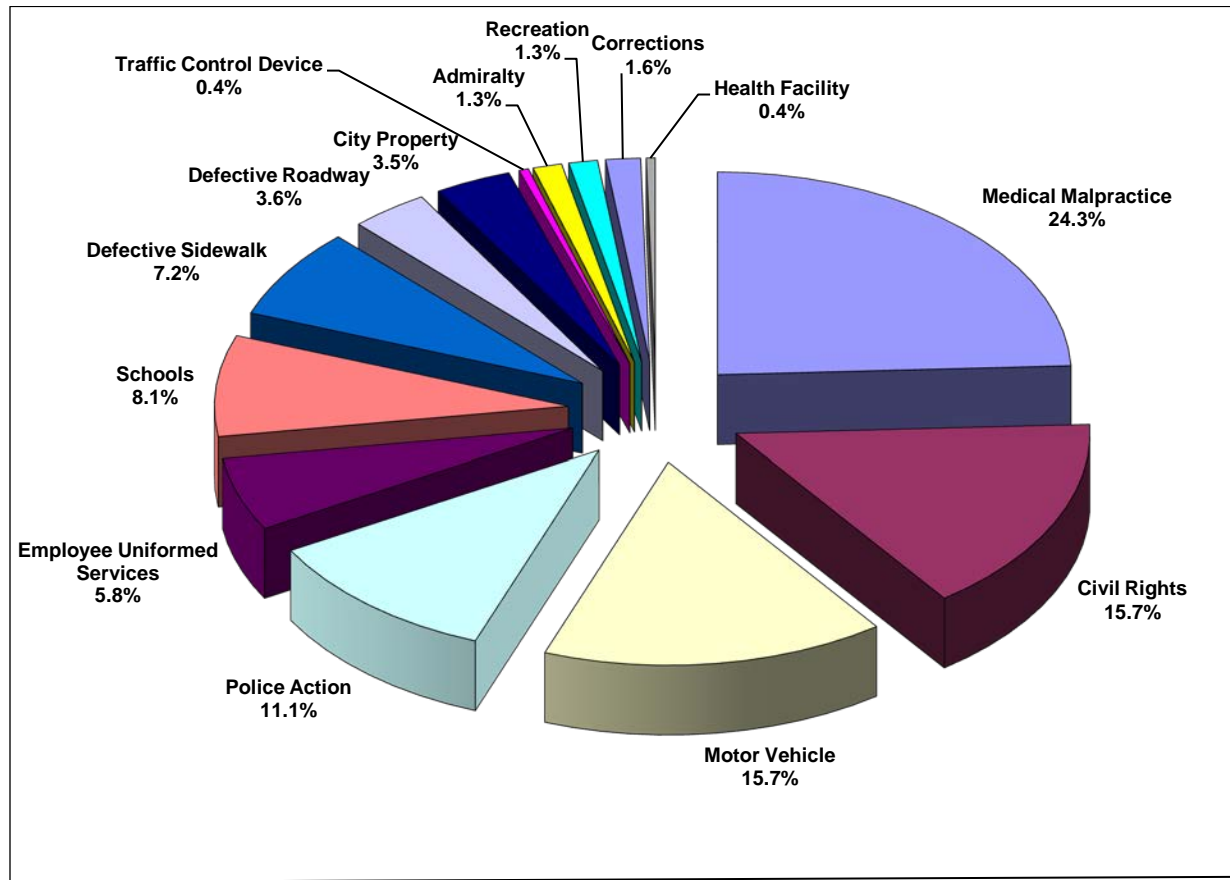


Chart 5

**Percentage of Total Personal injury Expenditures Recorded
by Claim Type 2010**

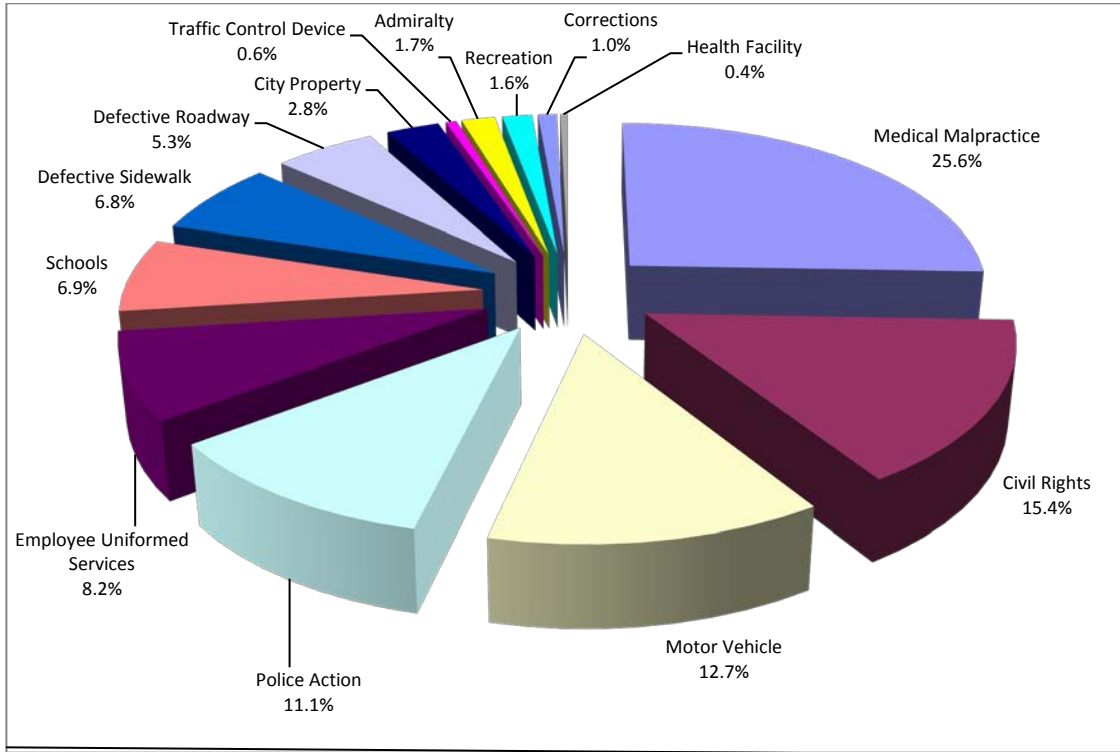
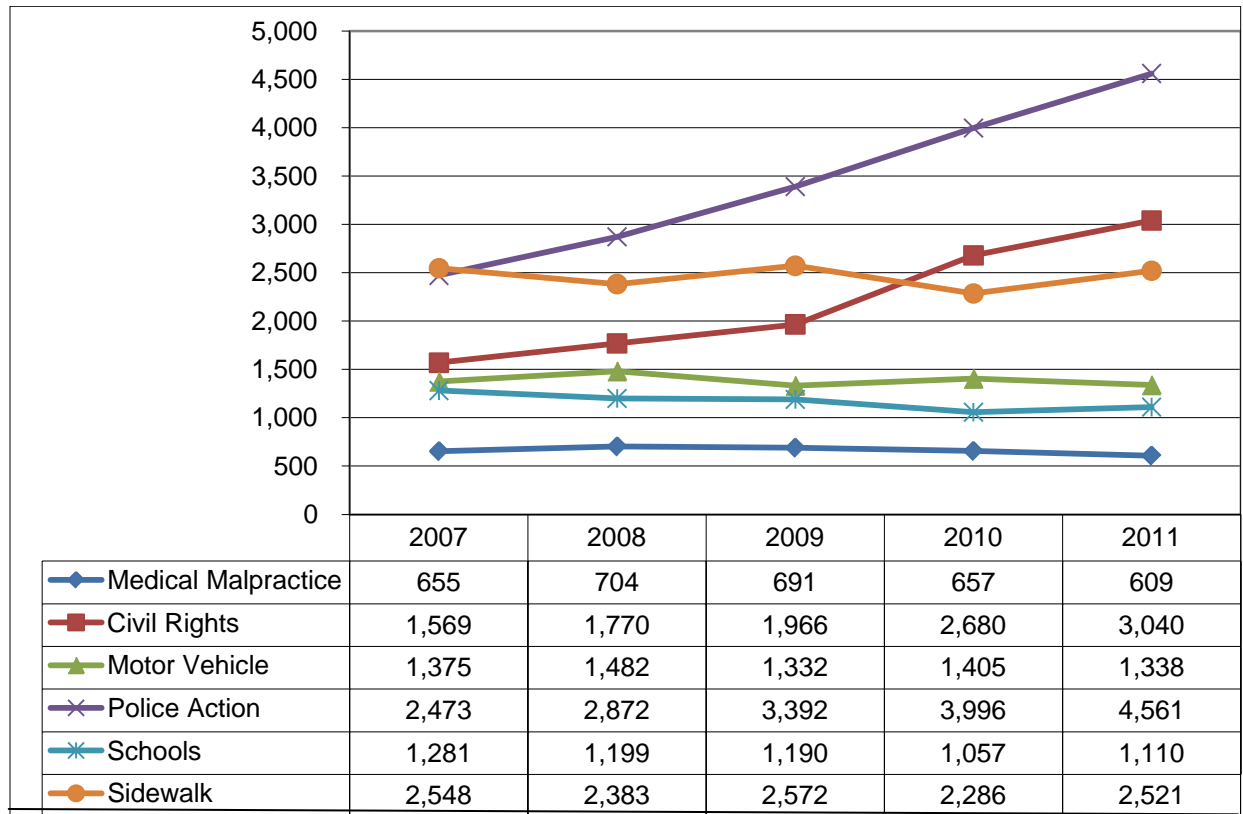


Chart 6

**Number of Claims Filed by Major Claim Type
FYs 2007 - 2011**



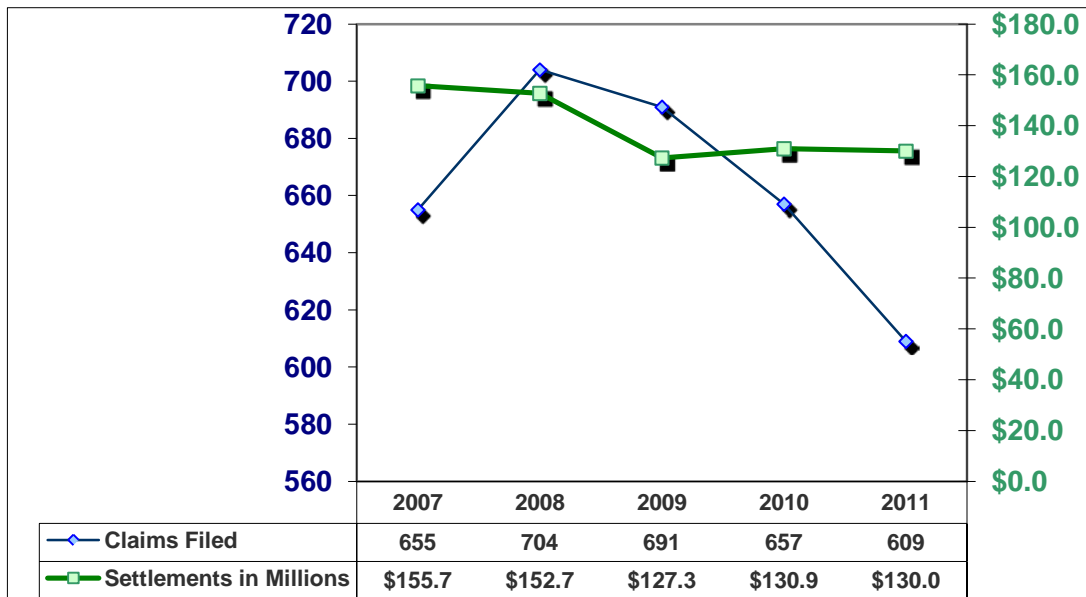
1. MEDICAL MALPRACTICE CLAIMS

Medical malpractice claims are claims filed against the City or an HHC facility that allege malpractice during treatment. Unlike all other City agencies, HHC assumes financial responsibility for medical malpractice liabilities, up to a “capped limit” set by the Office of Management and Budget.

- Although medical malpractice claims comprise a comparatively small percentage of personal injury claims filed, they were the costliest type of personal injury claim during each of the past 10 fiscal years. Medical malpractice claims accounted for 24 percent of the total \$535.1 million paid out for personal injury claims in FY 2011; in FY 2010 medical malpractice claims were 26 percent of the total \$511.9 million paid in for personal injury claims. It should be noted that medical malpractice claims often take between five to ten years to resolve because of their complexity. As a result, the number of claims filed is a better indicator of how HHC has addressed current hospital claim activity than the dollar amount paid out in any one year.
- The number of new medical malpractice claims filed in FY 2011 was 609, the lowest number in the last 10 years and six percent lower than in FY 2010.

- Medical malpractice cases cost HHC \$130 million in settlements/judgments for 263 cases in FY 2011, which is virtually identical to the cost in FY 2010, when \$130.1 million was paid for 311 cases.

Chart 7
Medical Malpractice
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



- In FY 2011, 83 tort cases were each resolved for \$1 million or more. Medical malpractice settlements/judgments accounted for 33 of the 83 tort cases that settled for \$1 million or more.

- In FY 2011, the five HHC acute care hospitals for which the City paid the highest total amount for medical malpractice claims were Lincoln Hospital (\$24.9 million); Kings County (\$23.2 million); Jacobi Medical Center (\$21.4 million); Elmhurst Hospital Center (\$13.4 million) and Coney Island Hospital (\$9.4 million).
- From FY 2010 to FY 2011, seven hospitals saw a decrease in the number of claims filed against them, and four hospitals saw an increase (see Table 2). The seven hospitals which saw a drop in the number of medical malpractice claim filings were Elmhurst; Coney Island; Metropolitan; Jacobi/Bronx Municipal; Lincoln; Harlem and Kings County. The four hospitals that experienced an increase in filings were Bellevue; Queens Hospital Center; North Central Bronx and Woodhull.
- Overall, the number of medical malpractice claims filed against HHC's acute care hospitals decreased by 20 claims from FY 2010 to FY 2011 (see Table 2).

TABLE 1
HHC MEDICAL MALPRACTICE SETTLEMENT ACTIVITY BY ACUTE CARE HOSPITALS

Hospital	Number Resolved FY 2010	Amount Paid FY 2010 (millions)	Average Amount Per Claim FY 2010 (millions)	Number Resolved FY 2011	Amount Paid FY 2011 (millions)	Average Amount Per Claim FY 2011 (millions)
Bellevue	32	\$6.5	\$203,000	25	\$5.8	\$232,000
Coney Island	26	\$5.3	\$204,000	23	\$9.4	\$409,000
Elmhurst	27	\$12.8	\$474,000	28	\$13.4	\$479,000
Harlem	20	\$8.3	\$415,000	11	\$5.7	\$518,000
Jacobi / Bronx Municipal	44	\$14.2	\$323,000	31	\$21.4	\$690,000
Kings County	49	\$19.3	\$394,000	38	\$23.2	\$611,000
Lincoln	29	\$14.7	\$507,000	34	\$24.9	\$732,000
Metropolitan	15	\$4.5	\$300,000	7	\$5.1	\$729,000
North Central Bronx	13	\$12.9	\$992,000	9	\$3.1	\$344,000
Queens Hospital Center	19	\$16.0	\$842,000	18	\$5.0	\$278,000
Woodhull	24	\$15.0	\$625,000	25	\$4.3	\$172,000
Total	298	\$129.5	Overall Average \$435,000	249	\$121.3	Overall Average \$487,000

TABLE 2**HHC MEDICAL MALPRACTICE CLAIM FILING ACTIVITY BY ACUTE CARE HOSPITALS**

Hospital	Claims Filed FY 2010	Claims Filed FY 2011	Increase/ (Decrease)
Bellevue	55	74	+19
Coney Island	40	25	(15)
Elmhurst	78	49	(29)
Harlem	45	42	(3)
Jacobi / Bronx Municipal	69	63	(6)
Kings County	77	76	(1)
Lincoln	66	61	(5)
Metropolitan	26	15	(11)
North Central Bronx	18	28	+10
Queens	27	43	+16
Woodhull	47	52	+5
Total	548	528	(20)

2. CIVIL RIGHTS CLAIMS

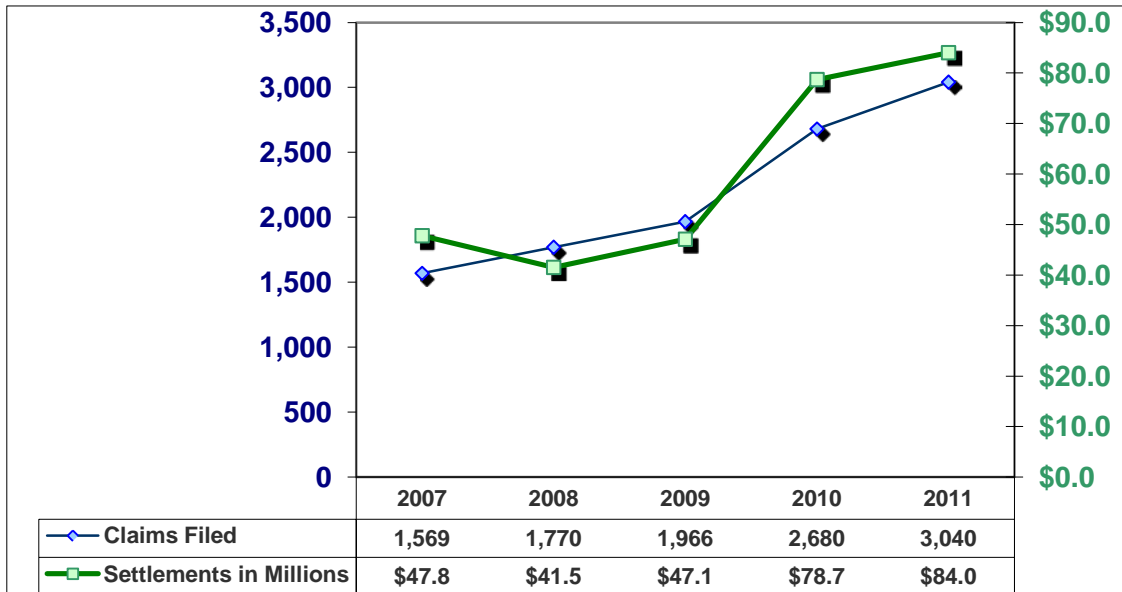
Civil rights claims generally arise from alleged statutory or constitutional violations such as discrimination based on sex, race, religion, disability, sexual preference, or age.

Claims in this category also allege violations of civil rights by law enforcement.

- There were 3,040 civil rights claims filed in FY 2011. This is a 13 percent increase from FY 2010 when 2,680 claims were filed.
- The cost of civil rights claims was \$84 million in FY 2011; an increase of seven percent from the \$78.7 million paid out in FY 2010 and 78 percent increase from the \$47.1 million paid in FY 2009. Civil rights claims remain the second most expensive claim type.
- Civil rights claims have become the second most frequently filed personal injury claims filed in FY 2011 up from third in FY 2010.

Chart 8

Civil Rights
FYs 2007 – 2011
Number of Claims Filed & Settlements (In Millions)



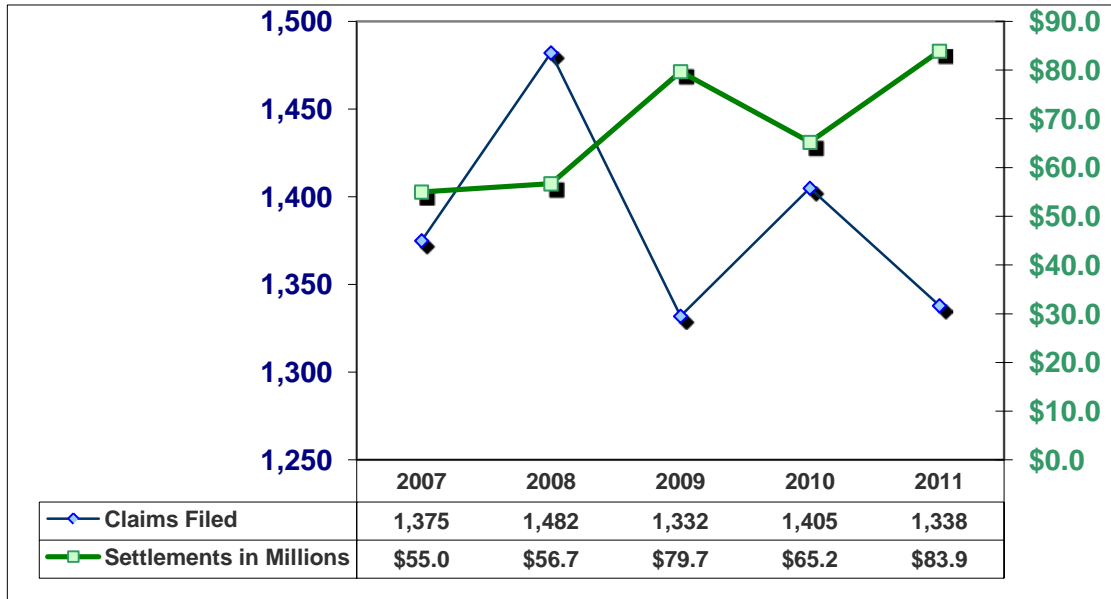
3. MOTOR VEHICLE ACCIDENT CLAIMS

Personal injury motor vehicle accident claims consist of accidents involving vehicles owned by the City of New York in which claimants are injured.

- There were 1,338 new personal injury motor vehicle accident claims filed in FY 2011, five percent fewer than FY 2010 when 1,405 claims were filed.
- Personal injury motor vehicle accidents cost \$83.9 million in FY 2011; a 22 percent increase from FY 2010 when the City paid \$65.2 million in settlement/judgment costs on this type of claim. Motor vehicle accidents accounted for the third highest claim type payout in FY 2011.
- Motor vehicle accident personal injury claims were the fourth most frequently filed personal injury claim.

Chart 9

**Motor Vehicle
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)**



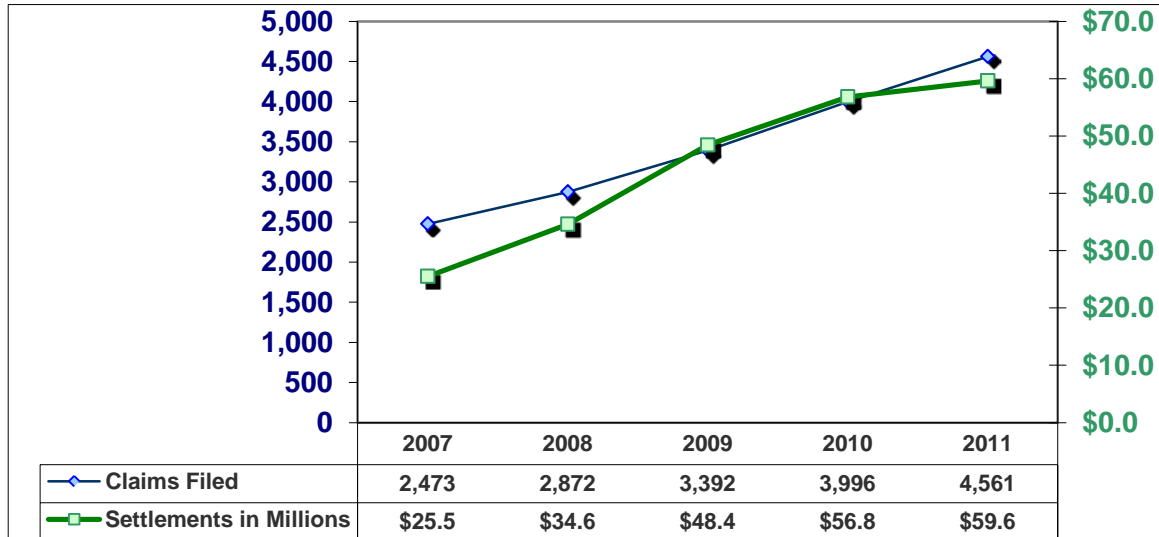
4. POLICE ACTION CLAIMS

Police action claims result from alleged improper police conduct, such as false arrest or imprisonment, shooting of a suspect, excessive force or assault, or failure to provide police protection.

- There were 4,561 new police action claims filed in FY 2011. This represents an increase of 14 percent from the 3,996 claims filed in FY 2010. This is the largest number of new police filings during the last five fiscal years.
- The cost of police action claims was \$59.6 million in FY 2011, an increase of five percent from FY 2010, when we paid \$56.8 million.
- Police action claims are the most frequent type of personal injury claim filed in FY 2011 and accounted for the fourth highest claim payout in FY 2011.

Chart 10

**Police Action
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)**



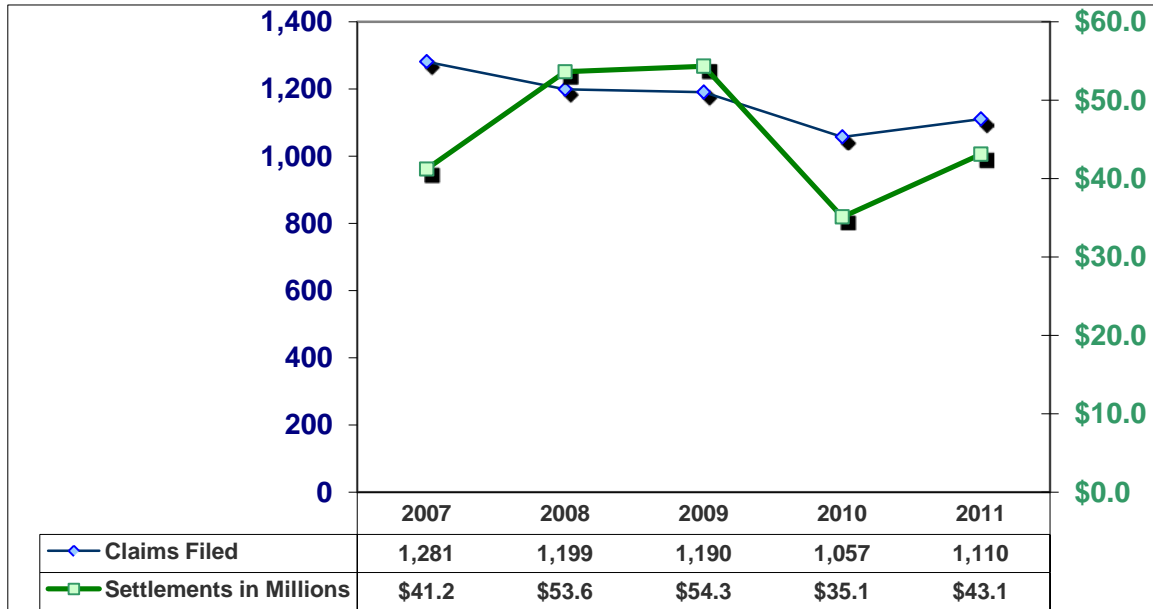
5. SCHOOL CLAIMS

School claims are those filed against the DOE by students, teachers, other DOE staff and parents or visitors to DOE facilities. School claims were the fifth costliest claim category.

- The number of new school claims filed in FY 2011 rose to 1,110, 53 more than in FY 2010.
- The cost of school claims in FY 2011 was \$43.1 million, which reflects an increase of 18 percent from FY 2010 when the City paid \$35.1 million.
- School claims were the eighth most frequently filed personal injury claims.

Chart 11

School
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



6. DEFECTIVE SIDEWALK CLAIMS

Sidewalk claims arise from alleged defects, such as cracked or uneven surfaces on public sidewalks. This type of claim includes personal injuries for “trip and fall” accidents resulting from such alleged defects, as well as incidents on snow and ice-covered sidewalks. Legislation enacted in 2003 has limited the City’s liability for injuries due to sidewalk defects. Local law 49 (NYC Administrative Code section 7-210) generally limits the City’s liability to sidewalks adjoining City owned property or to owner-occupied residential property having no more than three units.

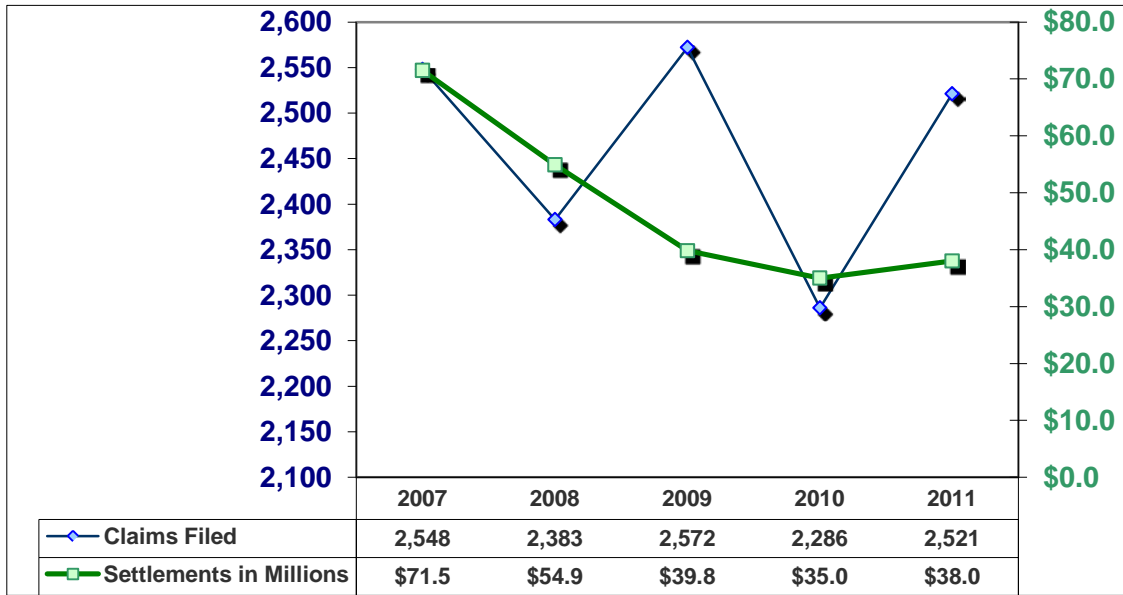
- In FY 2011, 2,521 sidewalk claims were filed against the City. This represents a nine percent increase from FY 2010, when 2,286 sidewalk claims were filed.
- The total cost of sidewalk claims was \$38.6 million, which is 10 percent higher than the \$35 million paid in FY 2010.
- Defective sidewalk claims were the third most frequently filed personal injury claim and sixth most expensive.

Chart 12

Sidewalk

FYs 2007 - 2011

Number of Claims Filed & Settlements (In Millions)



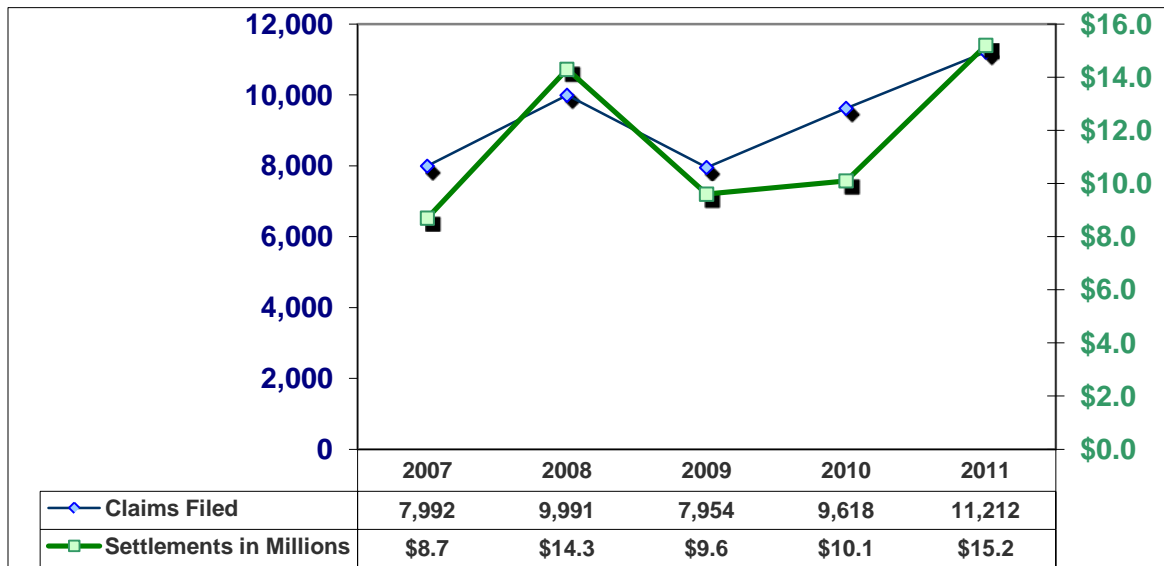
B. PROPERTY DAMAGE CLAIMS

Property damage claims are claims that allege damage to personal property or loss as a result of the City's negligence, including motor vehicle accidents, defective roadway claims, water-main breaks and sewer back-ups.

- The number of property damage claims filed in FY 2011 was 11,212, a 17 percent increase from the 9,618 filed in FY 2010.
- Property damage claims cost \$15.2 million in FY 2011, a 50 percent increase from the \$10.1 million paid in FY 2010.
- Resolved property damage claims comprised three percent of the total tort claims payout in FY 2011.
- One property damage claim settled for \$2.5 million in FY 2011, which represents 17 percent of the entire amount paid for all property damage claims. That claim involved the alleged negligent design of the City's back-up generator system for the Office of Emergency Management located within 7 World Trade Center which allegedly resulted in the collapse of the building.

Chart 13

**Property Damage
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)**



IV. TORT CLAIM TRENDS BY AGENCY

- The NYPD and DOT accounted for the highest number of tort claims filed in each of the last five fiscal years. These two agencies, along with HHC, accounted for the highest cost of claims in each of the last five fiscal years.
- In FY 2011, the agencies that experienced the highest number of claims filed were: the NYPD, DOT, Department of Sanitation (“DSNY”), Department of Correction (“DOC”) and the DOE.
- Of the top five agencies listed above, both the DOC and the DOE saw a decrease in the number of claims filed: 1,973 in FY 2010 versus 1,822 in FY 2011 for the DOC; and 1,878 in FY 2010 versus 1,649 in FY 2011 for the DOE.
- DSNY experienced the highest increase in the number of filings: 2,204 in FY 2010 versus 3,539 in FY 2011. It appears that the increased filings were due to the particularly severe winter weather experienced in FY 2011.
- The NYPD, HHC and DOT accounted for the highest cost of settlements and judgments in FY 2011.

Chart 14

**New Claims Filed by Agencies with Highest Claim Costs in FY 2011
FYs 2007 - 2011**

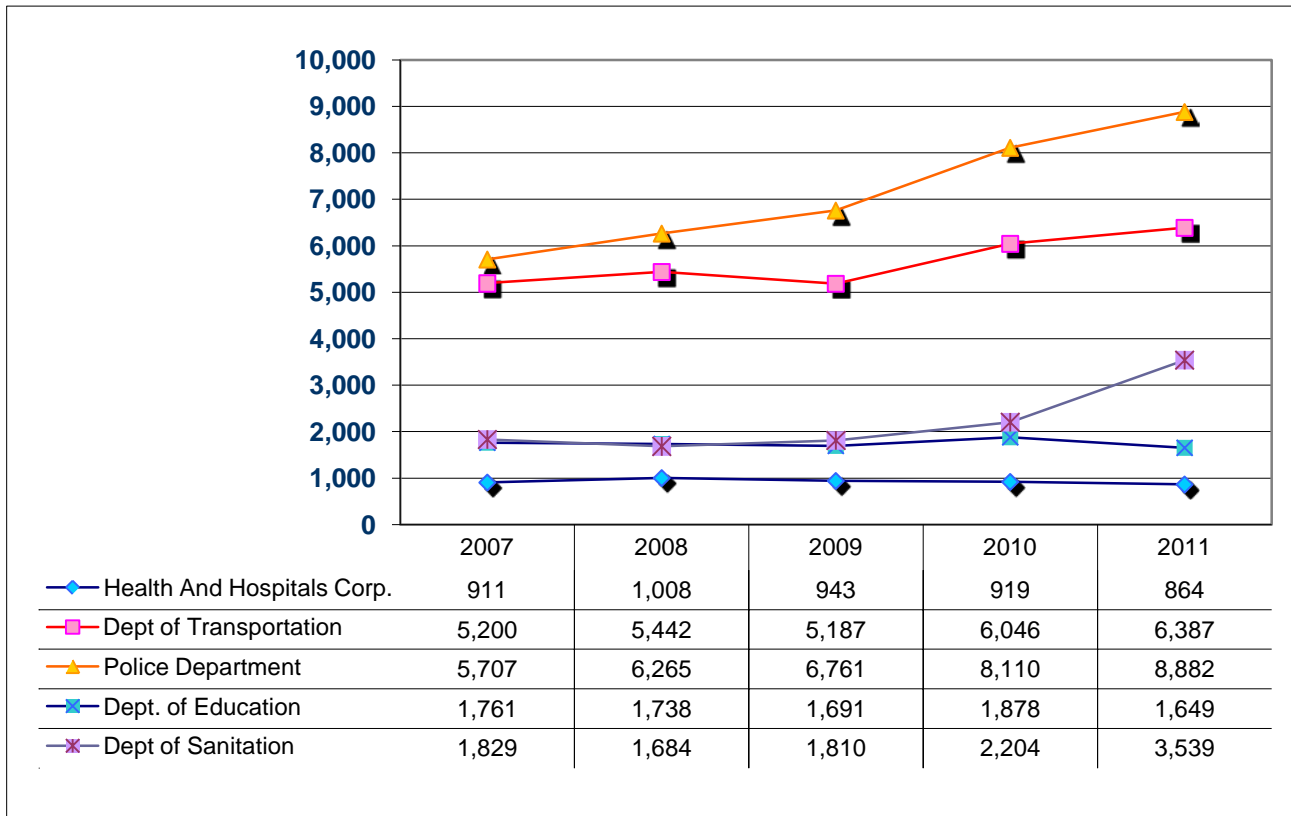


Chart 15

Dollar Value of Settlements by Agencies with Highest Claim Costs in FY 2011
FYs 2007 – 2011
(in Millions)

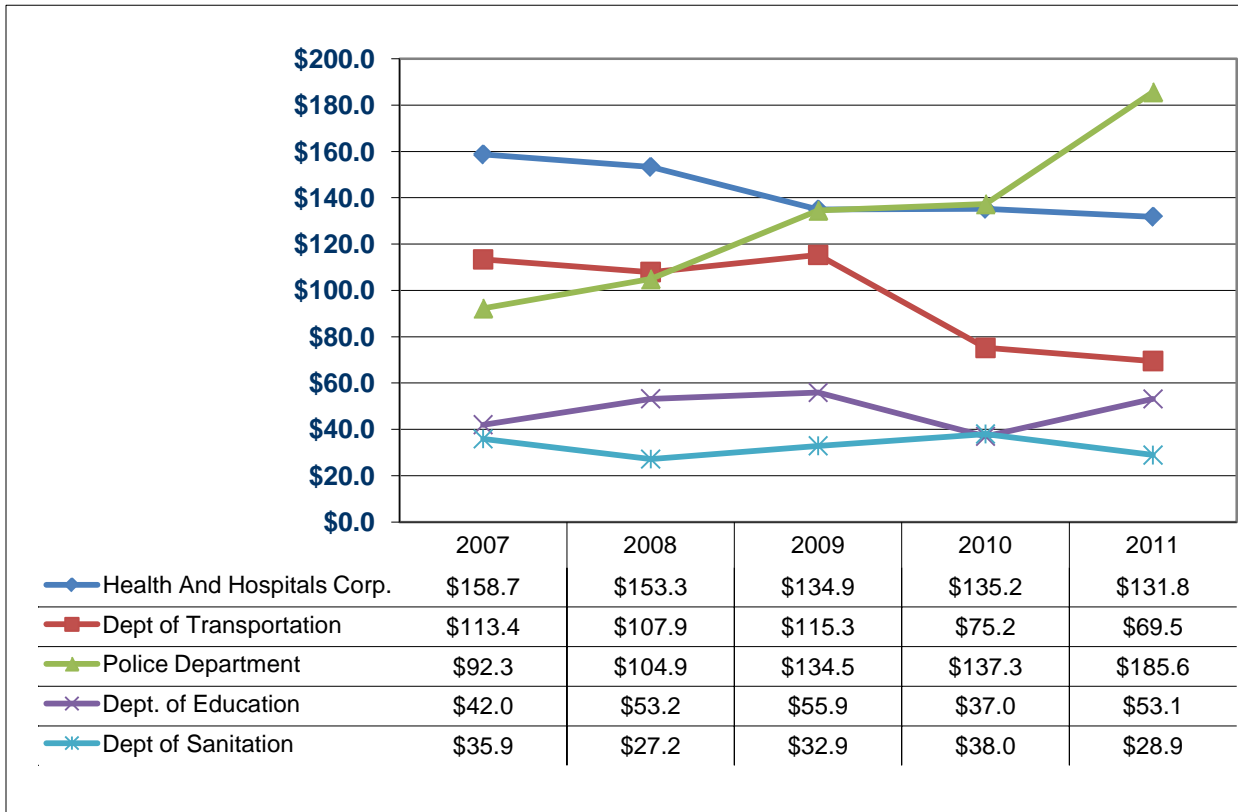
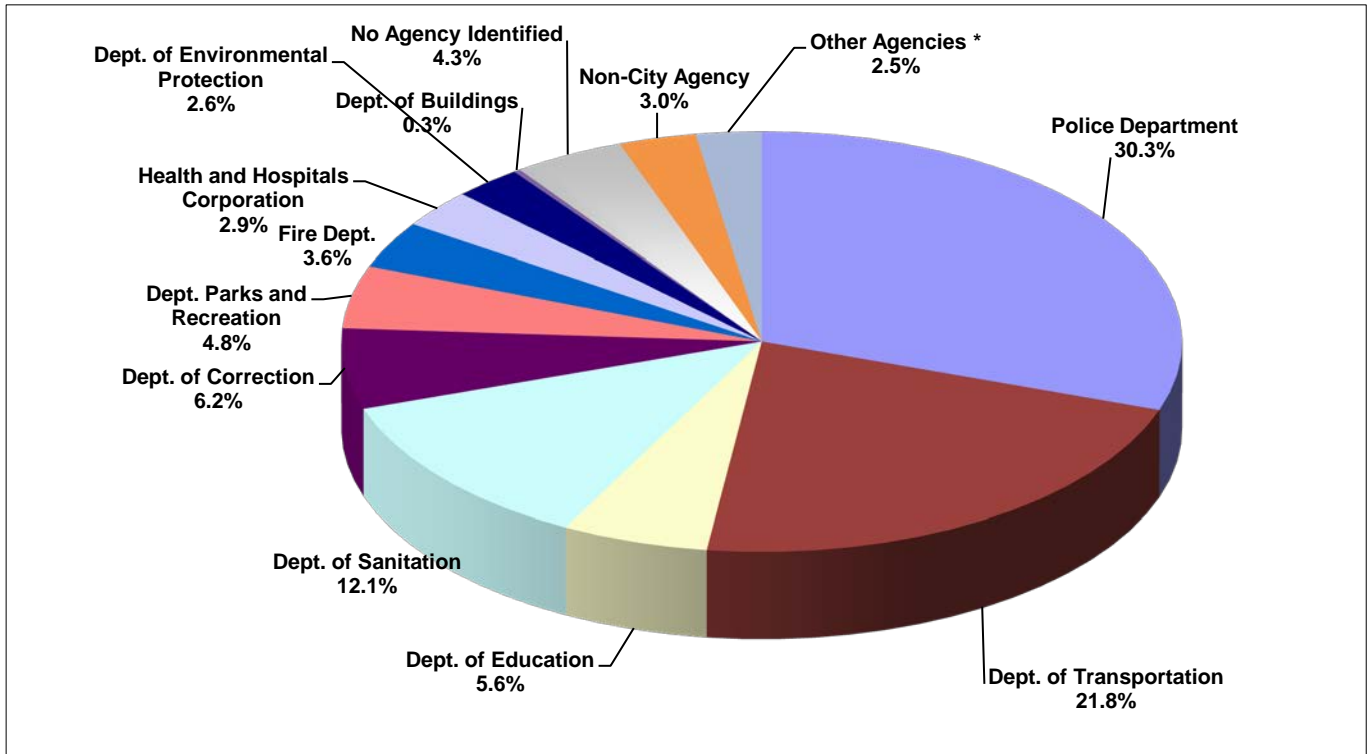


Chart 16

**Agency Claims Activity
Percent of Claims Filed FY 2011**



* Agencies having less than 1% each of the total Personal injury and Property Damage claims filed. These include: The Administration for Children Services, Board of Corrections, Board of Elections, Brooklyn Public Library, Boro President-Bronx, Boro President-Brooklyn, Boro President-Manhattan, Boro President-Queens, Boro President-Staten Island, City Clerk, City Clerk Kings, City Council, City Planning Commission, City Register, City Sheriff, City University (CUNY), Comptroller, Dept. for the Aging, Dept. of Citywide Admin. Svcs., Dept. of Consumer Affairs, Dept. of Cultural Affairs, Dept. of Design and Construction, Dept. of Finance, Dept. of Health, Dept. of Homeless Services, Dept. of Info. Technology and Telecom., Dept. of Investigations, Dept. Juvenile Justice, Dept. of Probation, Dept. of Small Business Services, Dept. of Social Services, Dept. of Youth and Comm. Development, District Attorney - Bronx, District Attorney - Kings, District Attorney - New York, District Attorney - Queens, District Attorney - Staten Island, FISA, Housing Preservation and Development, Human Resources Administration, Human Rights Commission, Law Dept., Mayor's Office, NY Public Library, NYC Employee Retirement System, Office of Municipal Labor Relations, Office of the Chief Medical Examiner, Office of Payroll Administration, Office of Management and Budget (OMB), Queens Public Library, School Construction Authority, Taxi and Limousine Commission

Six of the nine agencies accounting for the most tort claims filed in FY 2011 showed increases in the number of personal injury personal injury and property damage claims filed: DSNY (38 percent), FDNY (12 percent), NYPD (nine percent), DEP (six percent), DOT (five percent), and Parks (three percent).

Three of the nine agencies accounting for the most tort claims filed in FY 2011 showed decreases in the number of personal injury and property damage claims filed: DOE (14 percent), Department of Correction (eight percent) and HHC (six percent).

Chart 17

Agencies with Increase in Claim Filings

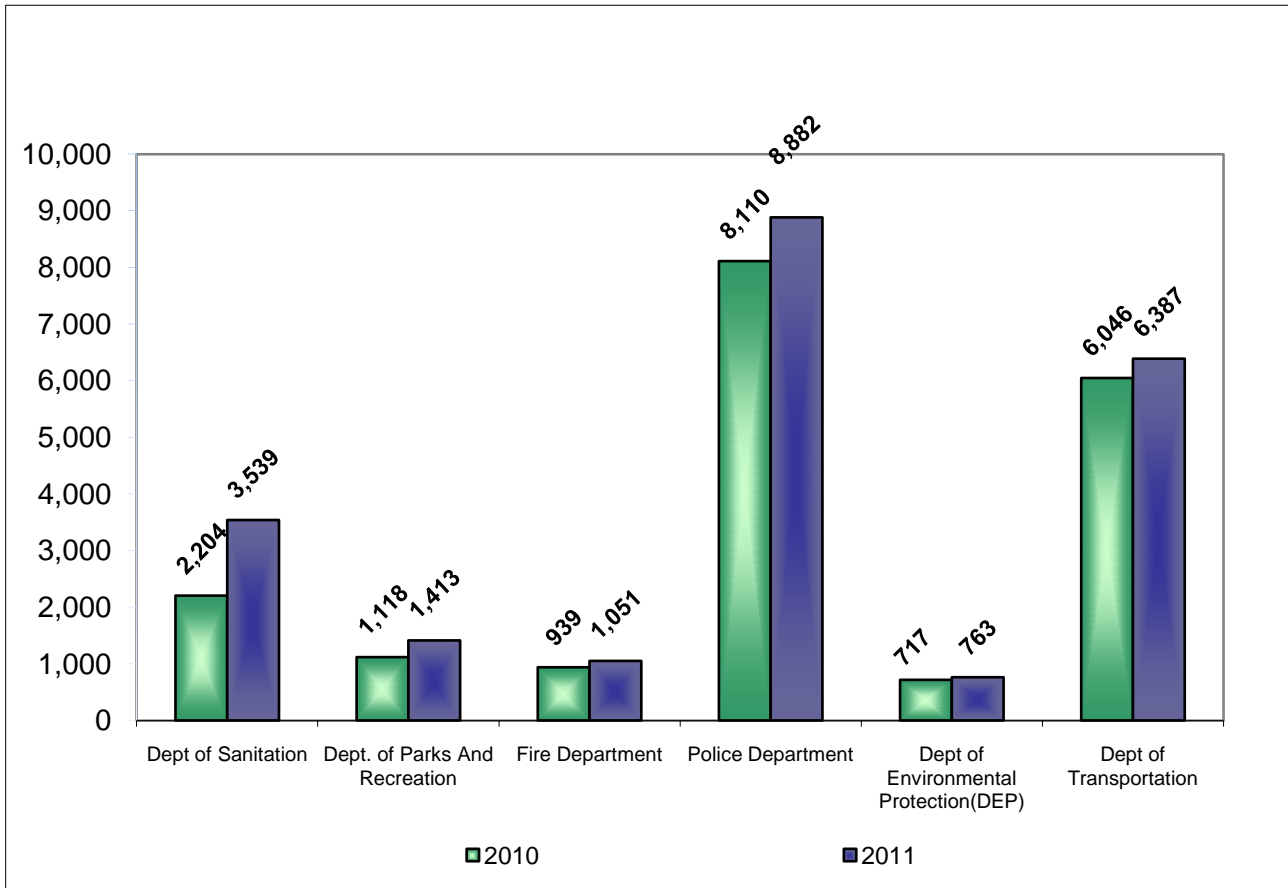
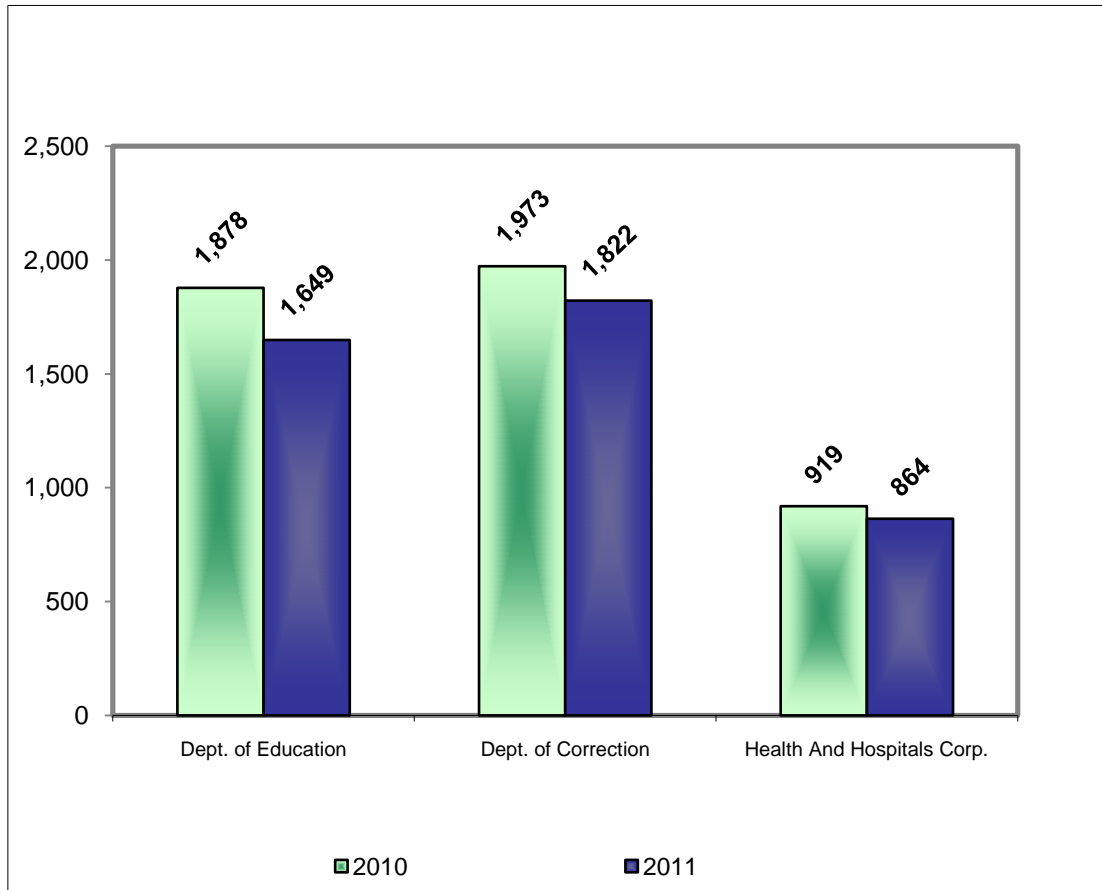


Chart 18

Agencies with Decrease in Claim Filings



THE FIVE AGENCIES WITH THE MOST COSTLY CLAIMS

The five agencies with the highest tort claim costs in FY 2011 were the NYPD, HHC, DOT, DOE and DSNY.

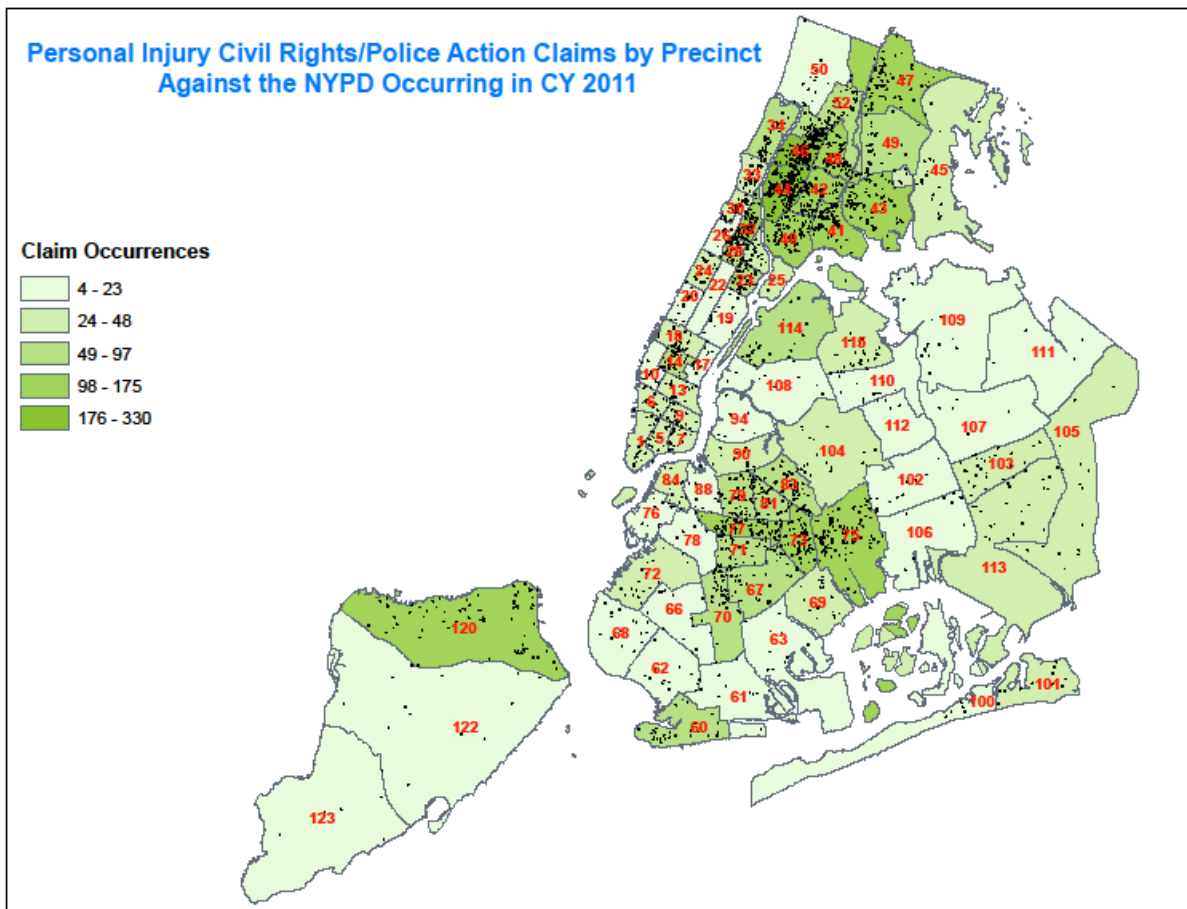
1. Police Department

Tort claims against the NYPD include, but are not limited to, allegations of police misconduct, civil rights violations, and personal injury and/or property damage arising out of motor vehicle accidents involving police vehicles. In FY 2011, there was an increase to 8,882 new claims filed, compared with 8,110 filed in FY 2010. This represents the highest number of claims filed against any agency in FY 2011. Claims filed against the NYPD constituted 30 percent of total tort claim filings in FY 2011. Over the past 11 years (FY 2001 – FY 2011) claims against the NYPD have increased by 73 percent.

Cases against the NYPD cost the City \$137.3 million in FY 2010. In FY 2011, they cost the City \$185.6 million—a 35 percent increase. The NYPD accounted for 34 percent of total FY 2011 personal injury and property damage claims expenditures. For both FY 2010 and FY 2011, NYPD's tort claim annual expenditure was the highest of any agency.

The following map shows the distribution of civil rights and police action claims which occurred in calendar year 2011 by police precinct of occurrence:⁸

⁸ Due to inaccuracies or incomplete street addresses reported on notices of claim and federal lawsuits by claimants/plaintiffs, only 71 percent of the claims in the civil rights and police action category could be accurately mapped for calendar year 2011.



A review of civil rights and police action claim occurrences by precinct as compared to crime complaints reported by the NYPD in calendar year 2011 by precinct, indicates that some precincts seem to be more successful in limiting claim activity than others. For example, as can be seen from the following table, for the 44th precinct in the Bronx, there were 330 claim occurrences as compared to 2,076 crime complaints recorded in CY 2011. This represents 16 claim occurrences for every 100 crimes reported during CY 2011. This claim activity can be contrasted to the 13th precinct in Manhattan which had a similar number of crime complaints reported (2,043) for the period, but only 30 claim occurrences. This precinct had approximately one claim for every 100 crime complaints reported.

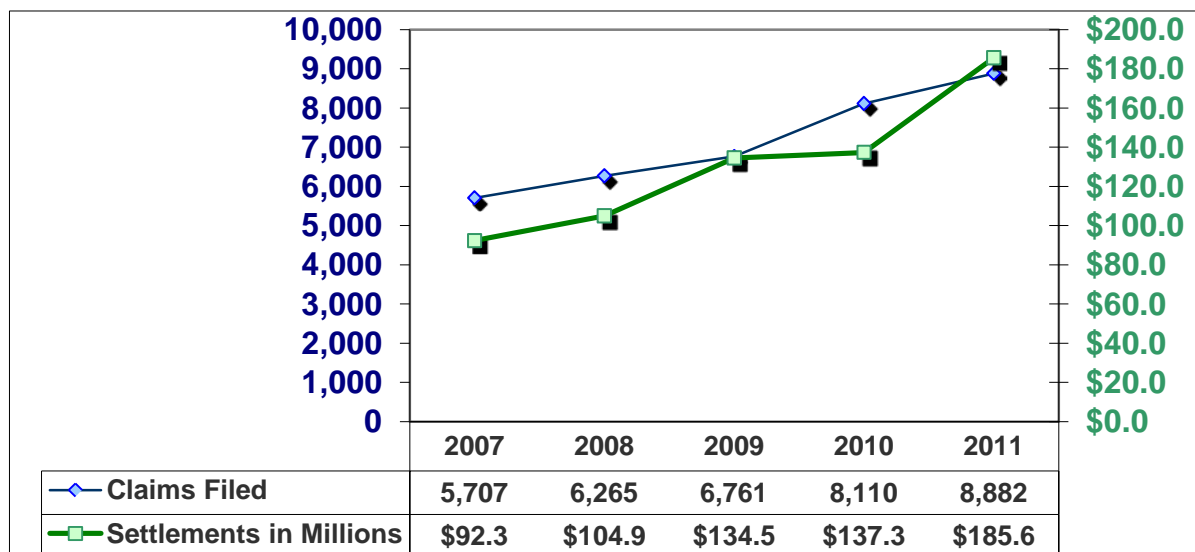
Personal injury Civil Rights/Police Action Claim Occurrences by Precinct as Compared to Crime Complaints January 1, 2011 - December 31, 2011				
Borough	Precinct	Claims Occurred	Crime Complaints*	Claim Occurrences per 100 Crime Complaints
Manhattan South	001	31	1,407	2
Manhattan South	005	27	965	3
Manhattan South	006	35	1,521	2
Manhattan South	007	38	709	5
Manhattan South	009	29	1,349	2
Manhattan South	010	14	1,048	1
Manhattan South	013	30	2,043	1
Manhattan South	014	62	2,899	2
Manhattan South	017	12	946	1
Manhattan South	018	34	2,227	2
Manhattan North	019	18	1,835	1
Manhattan North	020	19	865	2
Manhattan North	022	4	101	4
Manhattan North	023	66	875	8
Manhattan North	024	25	914	3
Manhattan North	025	48	886	5
Manhattan North	026	18	622	3
Manhattan North	028	68	918	7
Manhattan North	030	48	799	6
Manhattan North	032	108	1,110	10
Manhattan North	033	38	883	4
Manhattan North	034	51	1,293	4
Bronx	040	173	1,679	10
Bronx	041	175	1,352	13
Bronx	042	139	1,245	11
Bronx	043	135	2,388	6
Bronx	044	330	2,076	16
Bronx	045	39	1,282	3
Bronx	046	223	1,614	14
Bronx	047	119	1,982	6
Bronx	048	127	1,493	9
Bronx	049	53	1,737	3
Bronx	050	22	1,013	2
Bronx	052	97	2,175	4
Brooklyn South	060	55	1,325	4

Brooklyn South	061	11	1,238	1
Brooklyn South	062	18	1,218	1
Brooklyn South	063	14	1,346	1
Brooklyn South	066	18	1,284	1
Brooklyn South	067	63	2,502	3
Brooklyn South	068	21	959	2
Brooklyn South	069	25	1,089	2
Brooklyn South	070	67	1,914	4
Brooklyn South	071	58	1,456	4
Brooklyn South	072	26	1,222	2
Brooklyn North	073	140	2,145	7
Brooklyn North	075	161	3,407	5
Brooklyn South	076	17	636	3
Brooklyn North	077	123	1,623	8
Brooklyn South	078	23	873	3
Brooklyn North	079	93	1,860	5
Brooklyn North	081	73	1,467	5
Brooklyn North	083	79	1,827	4
Brooklyn North	084	29	1,057	3
Brooklyn North	088	15	1,120	1
Brooklyn North	090	27	1,739	2
Brooklyn North	094	22	817	3
Queens South	100	12	538	2
Queens South	101	25	638	4
Queens South	102	12	1,530	2
Queens South	103	36	1,724	2
Queens South	104	30	1,723	2
Queens South	105	25	2,028	1
Queens South	106	15	1,493	1
Queens South	107	20	1,298	2
Queens North	108	11	1,273	1
Queens North	109	18	1,902	1
Queens North	110	23	1,616	1
Queens North	111	6	833	1
Queens North	112	4	925	<1
Queens South	113	38	2,370	2
Queens North	114	53	2,013	3
Queens North	115	38	1,842	2
Staten Island	120	151	1,637	9
Staten Island	122	14	1,017	1
Staten Island	123	8	413	2
*Source NYPD CompStat				

An analysis of these numbers and the circumstances giving rise to them may provide a key as to why some precincts seem to have limited civil litigation related to their operation as opposed to others that have a greater incidence of litigation as compared to crime activity.

Chart 19

**Police Department
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)**



2. Health and Hospitals Corporation

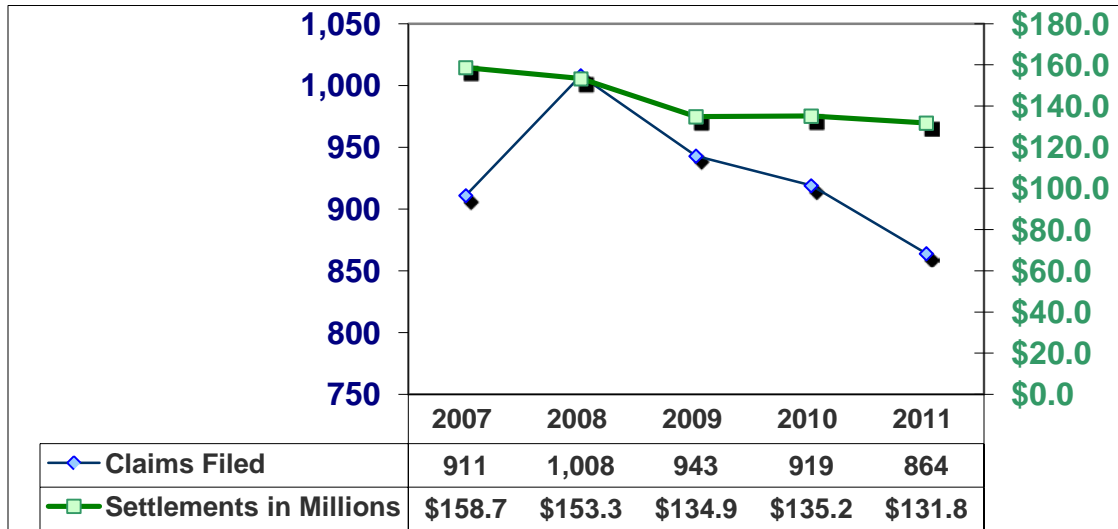
Claims against HHC include claims for medical malpractice as well as claims for personal injuries, or property damage sustained on hospital property.

- In FY 2011, 864 claims were filed against HHC, approximately 70 percent of which (609 claims) were for medical malpractice. In FY 2010 medical malpractice cases accounted for 72 percent (657 claims) of the 919 claims filed against HHC.
- As noted earlier in this report, many medical malpractice claims are typically not resolved for five to ten years from the date of filing due to their complex nature. Thus, the number of claims filed is a better indicator of current hospital activity than the amount paid out in any one year.

HHC cases constituted three percent of the total number of tort claims resolved in FY2011, but accounted for the second highest expenditure or 24 percent of the total amount paid for tort claims in FY 2011.

Chart 20

Health & Hospitals Corporation
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



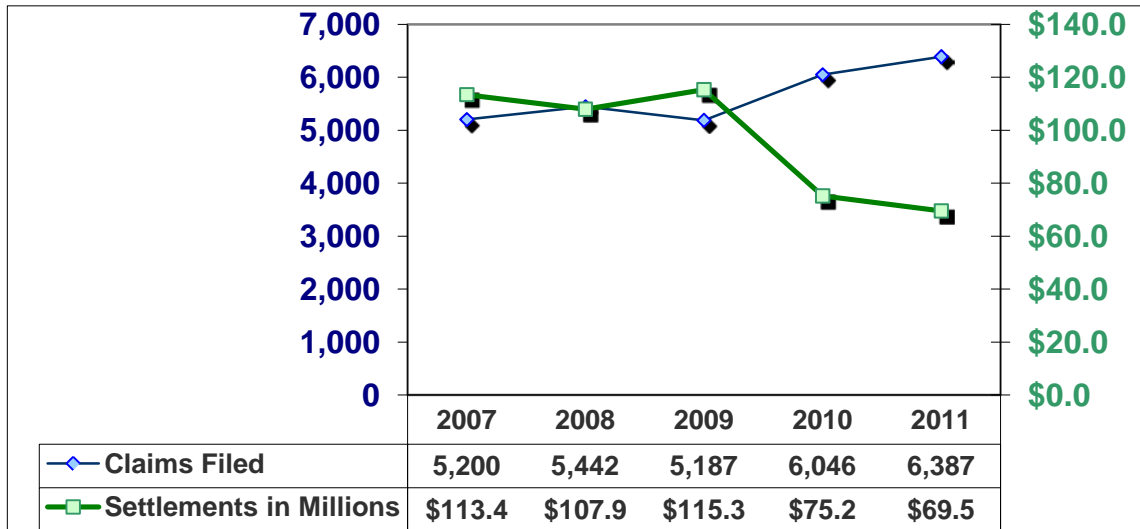
3. Department of Transportation

Claims against DOT consist primarily of personal injury claims due to sidewalk “trip and fall” accidents; or personal injury or property damage due to defective roadways, defective traffic signals, or motor vehicle accidents involving DOT vehicles. In FY 2011 the 6,387 claims filed against DOT accounted for 22 percent of all new tort claims filed, representing a six percent increase from the 6,046 claims filed against DOT in FY 2010. The number of tort cases against DOT that were resolved by settlement or judgment increased from 1,946 in FY 2010 to 1,987 in FY 2011.

In FY 2011, the total dollar amount paid for DOT cases was \$69.5 million, a one percent decrease from the \$ 75.2 million paid in FY 2010. DOT cases accounted for 13 percent of the total expenditure for personal injury and property damage claims in FY 2011.

Chart 21

Department of Transportation
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



4. Department of Education

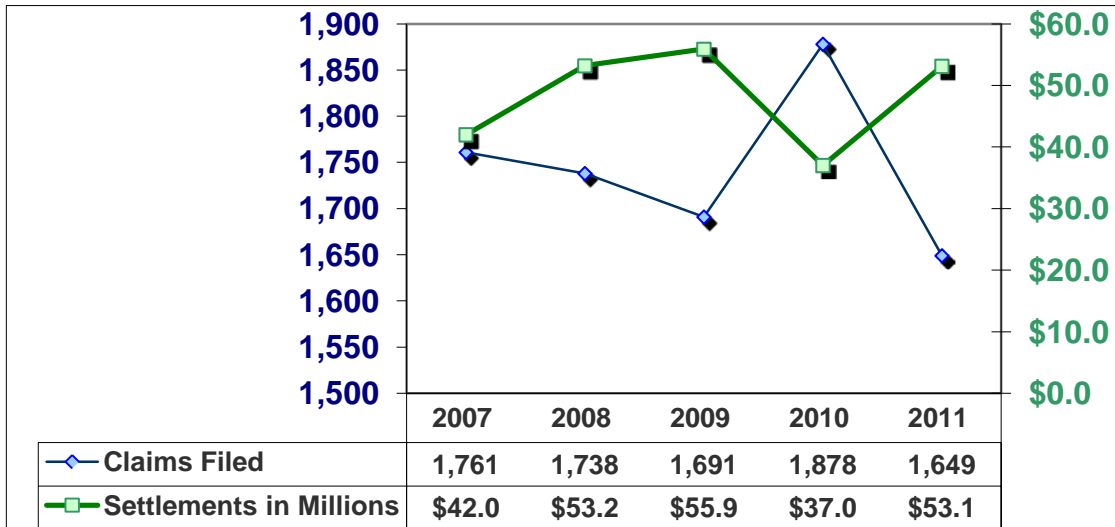
Claims against the DOE include personal injury claims involving alleged lack of supervision, defective maintenance, or motor vehicle accidents involving DOE vehicles. The number of new personal injury and property damage claims filed against the DOE decreased by 12 percent from 1,878 in FY 2010 to 1,649 in FY 2011. Tort claim filings against the DOE accounted for six percent of the total tort claims filed in FY 2011.

The total tort expenditure for DOE cases increased by 44 percent; from \$37 million in FY 2010 to \$53.1 million in FY 2011. The aggregate increase was due to a number of large settlements in FY 2011. The most expensive claim settled involved tragic injuries suffered by a child during a football practice. The claim settled for \$8 million.

DOE claims accounted for 10 percent of the total claim expenditure for personal injury and property damage claims in FY 2011.

Chart 22

Department of Education
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



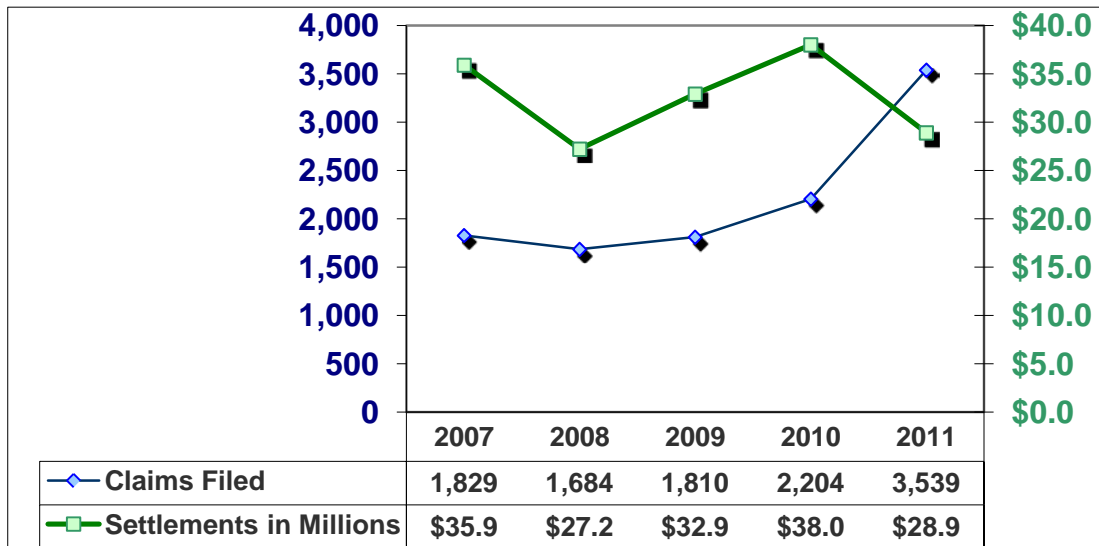
5. Sanitation Department

Claims are filed against the Department of Sanitation primarily for alleged personal injury and property damage caused by DSNY vehicles. The number of new claims filed against the DSNY increased from 2,204 in FY 2010 to 3,539 in FY 2011 an increase of 61 percent. The large number of new claim filings was due to particularly severe winter weather in FY 2011. New claim filings against the DSNY constituted 12 percent of total personal injury and property damage claim filings in FY 2011.

In FY 2011, there were 2,104 DSNY tort claims resolved for \$28.9 million. DSNY claims accounted for five percent of the total tort claims expenditure. In FY 2010, 1,378 cases were resolved for \$38.0 million.

Chart 23

**Sanitation Department
FYs 2007 – 2011
Number of Claims Filed & Settlements (In Millions)**



V. TORT CLAIM TRENDS BY BOROUGH ⁹

For FY 2011, the borough with the largest number of personal injury claims was Brooklyn (4,933) . The borough with the largest number of property damage claims was Queens (3,425).

**Number of Claims Filed By Borough
Fiscal Year 2011**

Borough	Personal injury (PI) Claims	Property Damage (PD) Claims
Brooklyn	4,933	2,533
Bronx	4,820	1,581
Manhattan	4,016	1,770
Queens	2,550	3,425
Staten Island	749	968

⁹ Personal injury (PI) and property damage (PD) claim patterns were analyzed by borough, based on the location of each incident. Claim-resolved information must be carefully considered because Staten Island has no City hospitals and thus no relatively expensive medical malpractice claim payouts.

**Number of Claims Resolved and Amounts Paid by Borough
FISCAL YEAR 2011**

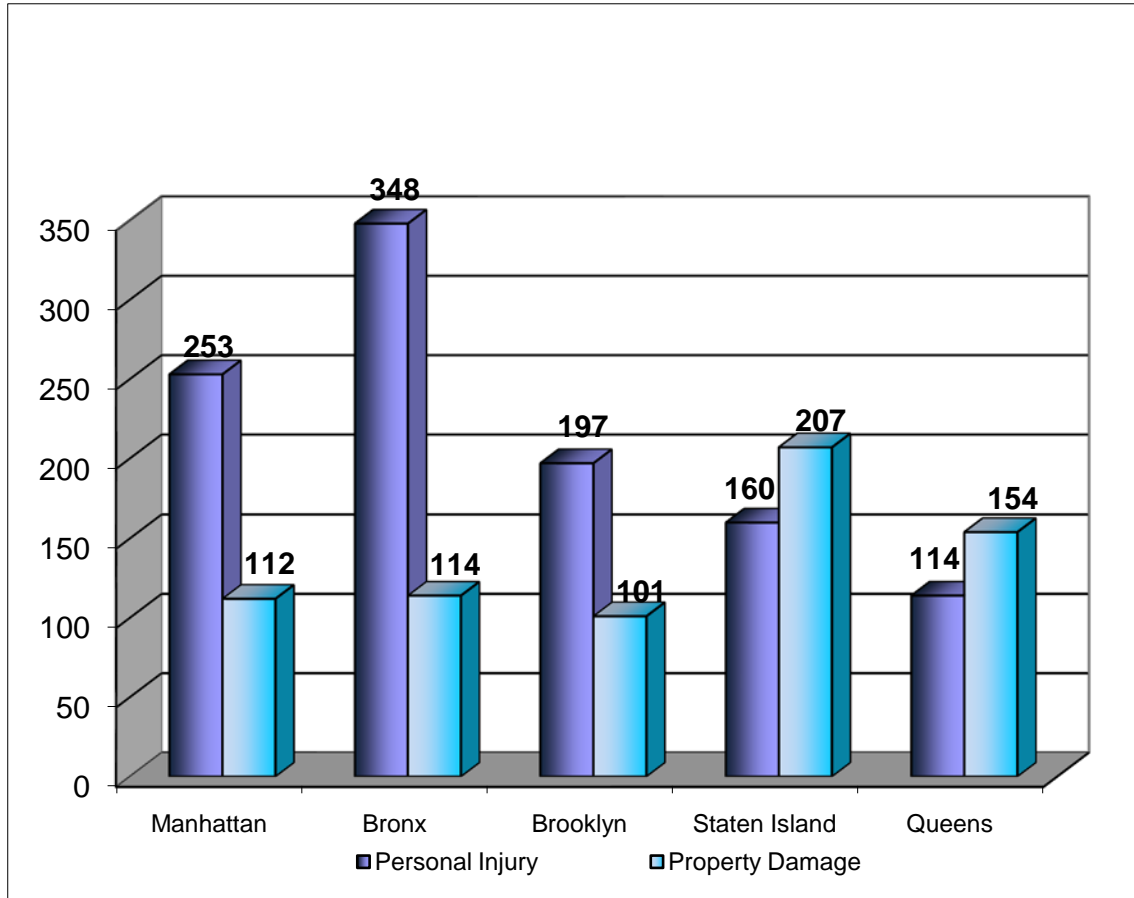
Borough	Number of PI Claims Resolved	Amount Paid for PI Claims (millions)	Number of PD Claims Resolved	Amount Paid for PD Claims (millions)	Total PI and PD Claims Resolved	Total PI and PD Claim Payouts (millions)
Brooklyn	2,284	\$148.5	1,152	\$3.8	3,436	\$152.2
Bronx	2,021	\$154.6	455	\$1.1	2,476	\$155.6
Manhattan	1,461	\$92.3	744	\$5.0	2,205	\$97.3
Queens	919	\$79.9	1,235	\$3.3	2,154	\$83.2
Staten Island	368	\$13.6	429	\$1.3	797	\$14.9

As the following chart illustrates, the Bronx had the most personal injury claims filed per 100,000 residents with 348. Queens had the least (114). Staten Island had the highest ratio of property damage claims filed (207). Brooklyn had the least (101).¹⁰

¹⁰ According to the United States Census Bureau, as of July 1, 2010, the total population for New York City was 8,175,133 residents. In order of population the boroughs are: Brooklyn (2,504,700 or 30.6% of the total population); Queens (2,230,722 or 27.2% of the total population); Manhattan (1,585,873 or 19.3% of the total population); Bronx (1,385,108 or 16.9% of the total population); and, Staten Island (468,730 or 5.7% of the total population). Statistics do not take into account commuters and tourists.

Chart 24

**Claims Filed by Borough Per 100,000
Residents**

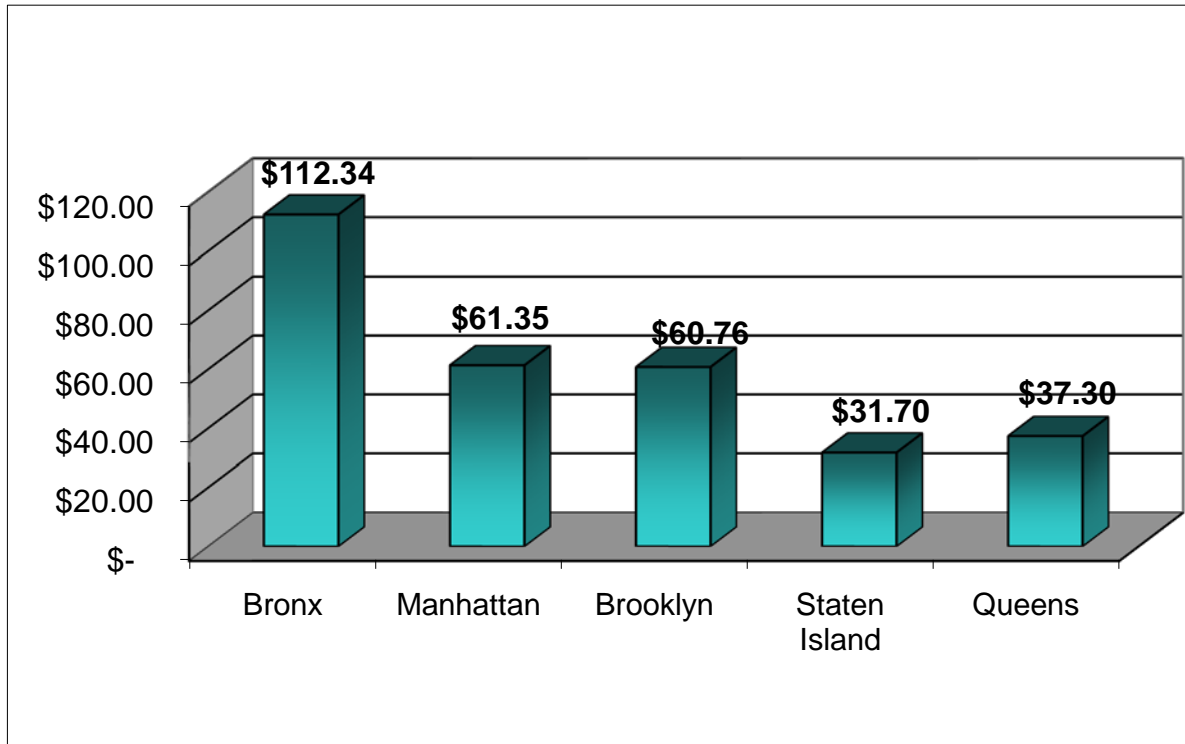


In FY 2011, the total highest aggregate personal injury and property damage claim costs were paid for claims that occurred in the Bronx.

- Claim settlements and judgments for personal injury and property damage cost each City resident approximately \$70 in FY 2011.
- In FY 2011, the borough with claims representing the highest claim expenses per resident was the Bronx. The borough with the lowest claim expenses per resident was Staten Island.

Chart 25

**Total 2011 Claims Expenses for both Personal
Injury and Property Damage by Borough Per
Resident**

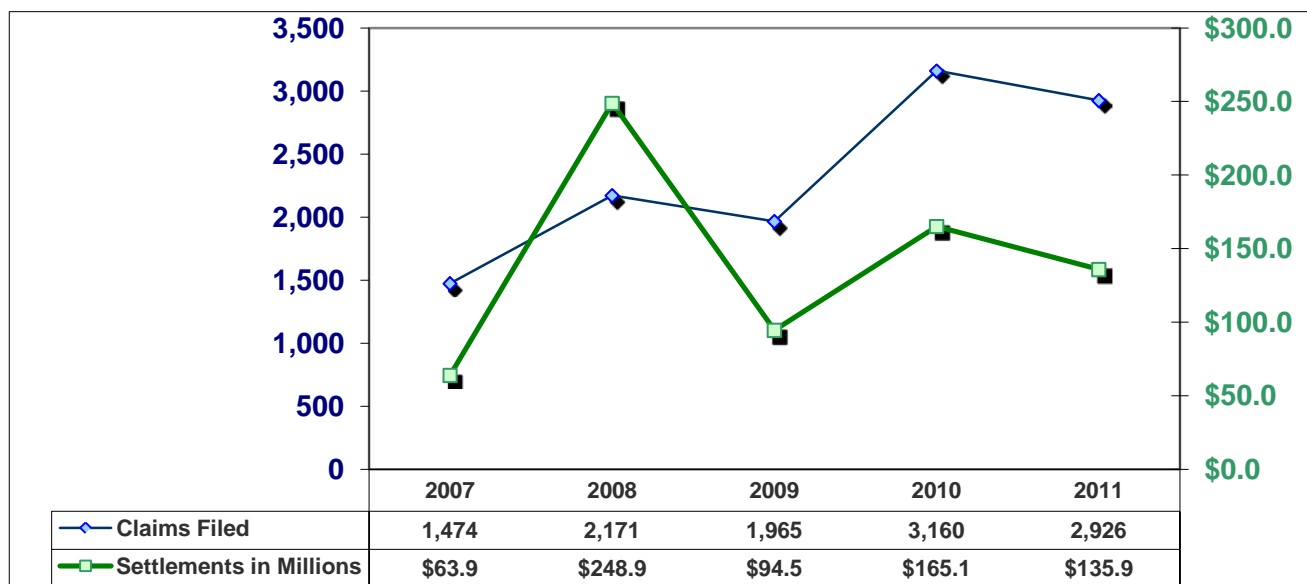


VI. LAW CLAIMS (Non-Tort)

Law claims arise primarily from disputes concerning contracts between City agencies and their contractors. Law claims include, among others, breach of contract claims, alternative dispute resolution claims, equitable claims, refund claims, employee salary claims, claims involving DOE Special Education matters, sidewalk assessment claims, and New York City Department of Health and Mental Hygiene property cleanup claims.

Chart 26

Law
FYs 2007 - 2011
Number of Claims Filed & Settlements (In Millions)



The increase in FY 2008 payments was primarily due to a \$160 million settlement of a lawsuit brought by the United Federation of Teachers regarding the way in which certain teachers' pension benefits were calculated.

A. Overall Law Claim Trends

- For FY 2011, there was a 7.4 percent decrease in the overall number of Law claims filed as compared to FY 2010.

In FY 2011, 2,926 Law claims were filed as compared to 3,160 filed in FY 2010. The decrease is primarily due to the number of Special Education related claims filed, or referred by the DOE. In FY 2011, there were 2,120 Special Education related claims as compared to 2,761 claims in FY 2010. This represents a 23.2 percent decrease in the number of Special Education related claims. However, the 2,761 claims submitted for approval in FY 2010 was a 176 percent increase from the 999 Special Education related claims submitted in FY 2009. Thus, the significant decrease in FY 2011 Special Education claims may be a normalization of the trend in yearly increases.

- For FY 2011, there was an overall 11 percent decrease in the payouts on Law claim settlements/judgments as compared to FY 2010.

For FY 2011, the total amount of settlements/judgments paid was \$135,888,872 as compared to \$165,143,908 in FY 2010. The primary reason for the decrease was the DOE Special Education related settlements/judgments, which totaled

\$132,917,106 in FY 2010 as compared to \$102,382,638 in FY 2011, a decrease of 17.7 percent.

Law¹¹
Number of Claims Paid and Amounts
FY 2011

TYPE	Number	Paid Amount
BREACH of CONTRACT	23	8,968,538
CONTRACT DISPUTE	37	3,667,018
EQUITABLE	11	381,218
OTHER	119	10,201,209
REFUND	16	68,360
SALARY	4,415	10,219,891
SPECIAL EDUCATION	2,012	102,382,638
Total	6,632	\$135,888,872

- Excluding the DOE Special Education related payments, which were made by the DOE, total Law claim payments increased 18.4 percent from \$28,304,963 in FY 2010 to \$33,506,234 in FY 2011.
- While there were 23 Breach of Contract/Lease claims settled, six of them involved either lease modifications and set-offs or contractual interpretation decisions, which would subsequently result in future negotiations between the

¹¹ "Other" claims are those that do not fit into any of the defined claim types and are too few to justify a new category of claim. Examples include a claim brought on behalf of public assistance beneficiaries seeking injunctive relief and compensatory damages for having their benefits improperly terminated or reduced and a religious house of worship claiming that noise generated by a City sponsored event interfered with its services.

agency and contractor/owner. The costs resulting from those negotiations are not reflected as claim payments.

- Contract Disputes are separate from Breach of Contract claims as the disputes typically involve issues, such as the amounts to be paid for extra work, quality of the vendor's work, and the scope of the contract documents. Seven of the FY 2011 Contract Dispute settlements involved an interpretation of the contract documents in favor of the contractor. The amounts of the subsequent costs involved are not reflected as claim payments.
- In FY 2011, there were 4,390 settlements/judgments involving the NYPD. The vast majority of those payments, 4,385, were the result of a judgment entered in federal court regarding a class action brought under the Federal Fair Labor Standards Act.
- With the exception of the DOE, the agency with the largest claims payout was the FDNY. Of the \$6,081,050 paid, \$6,074,000 resulted from a class action brought by Emergency Medical Services personnel due to alleged violations of the Federal Fair Labor Standards Act with respect to the handling of overtime.

APPENDICES

APPENDIX A

Description of Claim Types

Claims that are filed against the City are classified into categories to facilitate analysis by the Comptroller's Office and other interested parties.

Under the present classification structure, claims are categorized initially by the City agency involved and by general category of claim: personal injury, property damage, and law. Each general category has subtypes, and it is at this level that claims are analyzed. For example, personal injury claims may include "slip and fall" accidents on sidewalks (sidewalk claims), or injuries that occurred in school (school claims), or in a City park (DPR claims).

Claim classifications has also been designed to ensure that descriptive information about a claim can be captured. Thus, four additional sub-classifications are used for every claim so that, by reviewing the codes, one can obtain a clearer picture of the specifics of the claim. These four additional sub-classifications are:

1. **Claimant.** Describes the claimant and, if appropriate, the activity the claimant was involved in, for example: "bicyclist," "jogger," "pedestrian," "driver of vehicle," "passenger," "vendor," etc.

2. **Location.** Describes the location of an accident, for example: "boardwalk," "sidewalk," "driveway," "swimming pool," "hospital," "school," etc.

3. **Accident Agent.** Describes the catalyst for the accident, for example: "building construction," "debris/glass," "improper lighting," "City vehicle," "defective maintenance," "improper supervision," etc.

4. **Interaction.** Describes the physical action that the claimant experienced, for example: "collision/struck by," "slip/fall," "assault," etc.

A typical personal injury claim involving a "slip and fall" accident on a cracked defective sidewalk would be classified as follows:

Claim type: Defective Sidewalk

Claimant: Pedestrian

Location: Sidewalk

Accident Agent: Crack

Interaction: Slip/fall

The present coding system classifies claim types as follows:

I. Personal injury Claims

A. Admiralty

Admiralty claims include claims by passengers or other persons injured on the water, either on City vessels or ferries, gangplanks, or piers.

B. Defective Roadway

Defective Roadway claims include pedestrians, motorists, or others injured as a result of defects in a street or roadway, such as potholes, cracked, wet or snow-covered roadways, sewer gratings, raised, missing or exploding manhole covers, or roadways under repair.

C. Defective Sidewalk

Defective Sidewalk claims include pedestrians or others injured because of a defective sidewalk such as, broken, wet or uneven sidewalks, broken curbstones, protruding bolts, grates, or parking meter or traffic sign stubs, defective boardwalks, and snow and ice claims.

D. Traffic Control Device

Traffic control device claims are filed by pedestrians or motorists injured in accidents because of malfunctioning traffic signals, defective or missing traffic devices, or downed or missing traffic signs.

E. Police Action

Police action claims result from alleged improper police action, such as false arrest or imprisonment, shooting of a suspect, excessive force or assault, or failure to provide police protection.

F. School

School claims are those filed against the DOE by students, teachers, other staff, and parents or other visitors to DOE facilities.

G. Medical Malpractice

This category of claim derives from medical malpractice in the diagnosis, treatment, or care at a City or HHC facility or EMS treatment.

H. Health Facility/Non-Medical Incidents

These claims involve non-medical acts involving a City or HHC facility or employee, such as injuries sustained by visitors due to wet floors, assaults of patients or visitors, or abuse or assaults of senior citizens by home care workers.

I. Motor Vehicle Accident

Motor vehicle accident claims involve accidents with City vehicles. Included in this category are cases of pedestrians, motorists, or passengers of other vehicles being struck by a City vehicle, and operators or passengers of City vehicles involved in a collision.

J. Employee Uniformed Services

Included in this category of claims are those filed by City employees of the uniformed services, such as NYPD, FDNY, DOE teachers, or DSNY employees who are not subject to Workers' Compensation laws and may sue the City for on-the-job personal injuries.

K. Recreation

Recreation claims include claims by persons allegedly injured because of defective equipment or negligent maintenance of property under the jurisdiction of the Department of Parks and Recreation. This includes incidents that occur in Parks Department buildings or on playground equipment and grounds, and incidents involving falling trees or limbs, whether on a street, sidewalk, or in a park.

L. City Property

This category of claims includes those by tenants or others injured by a defect or the negligent maintenance of City owned land or a City-owned or City administered building or facility.

M. Catastrophe

This claim type includes claims filed as a result of natural disasters, such as floods or earthquakes, environmental accidents, such as leaking gas tanks, power failures, such as blackouts, and civil disturbances, such as riots.

N. Civil Rights

Civil rights claims involve alleged Federal, State or City statutory or constitutional violations, such as discrimination based on sex, race, religion, disability, sexual preference, or age.

O. Correction Facility

Corrections claims involve claims by inmates or employees of City correction institutions or facility conditions who were allegedly injured by the actions of City employees or inmates.

II. Property damage Claims

A. Admiralty

These claims include property damaged on the water, either on City vessels, ferries, gangplanks, or piers.

B. Sewer Overflow

Sewer overflow claims include flooding or water damage to real or personal property caused by inadequate sewer repairs or clogged/obstructed City sewers.

C. Water Main Break

Water main break claims include water damage to real or personal property as a result of leaking or broken water mains or fire hydrants.

D. Defective Roadway

This claim type includes claims for vehicles that are damaged by defective roadways, or from objects that have fallen from bridges or overpasses. Also included are claims made by pedestrians who sustained damage to personal property as a result of a fall on a defective roadway.

E. Defective Sidewalk

Defective sidewalk claims are made by individuals who sustain damage to personal property as a result of defective sidewalks.

F. Traffic Device

This claim type includes vehicles or other personal property damaged in accidents allegedly caused by defective, obstructed, or missing traffic lights or stop signs.

G. Police Action

Police action claims relate to vehicles or other personal property that is stolen, damaged, sold, or destroyed while in police custody.

H. School

School claims include lost, stolen, or damaged personal property that belongs to students, teachers, or DOE staff while on DOE property.

I. Health Facility

These claims include the personal property of patients or others that has been lost, stolen, or damaged while on hospital property.

J. Motor Vehicle Accidents

Motor vehicle accident claims include vehicles or other personal property that is damaged in accidents with City vehicles. Included are parked cars hit by City vehicles and vehicles damaged while being towed.

K. Uniformed Services/City Employees

This claim type includes claims for personal property that is lost, damaged, or stolen from City employees while at work.

L. Recreation

Claims in this category include personal property that is lost, stolen, or damaged in the City's parks. Damage occurs from vandalism, poor maintenance, or unmarked fresh paint, and from accidents involving grounds and equipment.

M. Public Buildings and Property

This claim type includes claims for personal property damaged or stolen as a result of a defect or negligence in maintaining City owned land or a City owned building or facility.

N. Catastrophe

These claims include property damage caused by the City's response to a natural disaster (such as a flood or earthquake), an environmental accident (such as a leaking gas tank), power failures (blackouts), or civil disturbances (such as riots).

O. Damage City Action/Personnel

These claims include property damaged by City vehicles or equipment, such as a City vehicle damaging a homeowner's fence or other property, or damage caused by a traffic light falling onto a vehicle.

P. DOC

Correction facility claims include claims by prisoners, inmates, or detainees whose personal property is lost, stolen, or damaged while in a correction institution.

III. Law Claims

A. Contract/Lease

Claims in this category arise from disputes between the City and private contractors (construction or non-construction) and in instances where the City is a lessee or lessor of property.

B. Alternative Dispute Resolution

Contracts between the City and vendors solicited after September 1990 have included an Alternative Dispute Resolution (ADR) provision designed to provide a speedy alternative to litigation. When the disputes arise, contractors may attempt to resolve them directly with the agency involved. If no agreement is reached, a claim can then be filed with the Comptroller's Office. If the claim is denied, the contractor may appeal to the Contract Dispute Resolution Board.

C. Illegal but Equitable

These claims typically allege that work was performed at the direction of the City and/or the City accepted services, but the appropriate contract and other approval were not obtained. These claims, though invalid at law, may be recognized as equitable and proper if it can be determined that the City received a benefit and that the public interest would be served by payment or compromise.

D. Employment

Employment claims are those by prospective, current, or former City employees alleging employment related disputes. These disputes include claims for discrimination, out-of-title work, pay differential, annual leave, and suspension.

E. Refund

Refund claims include claims by private individuals seeking refunds for alleged overpayments and unjust fines.

F. Change of Grade

These claims are made by commercial or residential property owners or lessees. The claims arise from changes in grade to a sidewalk that impair access to property and drainage. Claims typically are made for loss of business due to walkway or driveway repairs.

APPENDIX B

Legal Background

I. Municipal Liability

The decision of the New York Court of Appeals in Bernadine v. New York City, issued in 1945, exposed the City for the first time to liability for torts committed by the City's officers, agents, and employees.¹²

In Bernadine, the Court held that "the civil divisions of the State are answerable equally with individuals and private corporations for wrongs of officers and employees -- even if no separate statute sanctions that enlarged liability in a given instance."¹³ The Court, in effect, abolished the doctrine of sovereign immunity for municipalities, but did not provide municipalities any of the protections accorded to the State by the Court of Claims Act.¹⁴ In particular, claimants seeking to recover from municipalities for their agents' negligent and wrongful acts are entitled to a jury trial.

Municipal liability is also governed by local law. Under their home rule authority, municipalities can limit liability to some extent through limitations on the right to sue. An example is New

¹² Bernadine v. City of New York, 294 N.Y. 361 (1945)

¹³ *Id.* p. 365.

¹⁴ Court of Claims Act of 1920, L. 1920, ch. 922, and L. 1929, ch. 467, § 1.

York City's prior notice law, enacted in 1979 in an effort to limit the City's liability in "slip and fall" cases on City sidewalks and streets.

II. Claims Process

To commence an action against the City, a claimant typically must first notify the City by filing a Notice of Claim with the Office of the Comptroller.¹⁵ In some instances, however, the claim must be filed with the agency involved. In most instances, the notice of a personal injury or property damage claim must be filed within 90 days of an alleged injury or wrong.¹⁶ The City Charter grants the Comptroller the power to settle and adjust all claims in favor of or against the City.¹⁷

The Comptroller has the power to investigate claims, evaluate liability and damages, and reach a settlement prior to litigation.¹⁸ If the Comptroller denies liability or is unable to arrive at a settlement with a claimant, the claimant may commence suit. Actions regarding tort claims must generally be filed within a year and 90 days after the loss.¹⁹ The City's Law Department,

¹⁵ General Municipal Law, Article § 50-e. Effective September 2010 claimants can file personal injury and property damage claims electronically through the Comptroller's website (<http://www.comptroller.nyc.gov/bureaus/bla/>).

¹⁶ General Municipal Law, Article 4, § 50-e. One notable exception is a claim under 42 U.S.C. § 1983, the Federal Civil Rights Act; a § 1983 action can be filed directly in court without filing a notice of claim.

¹⁷ City Charter, Chapter 5, Section 93 (i)

¹⁸ The Comptroller's Bureau of Law and Adjustment ("BLA") investigates claims filed against the City; obtains and evaluates accident reports and other documents provided by agencies; conducts field visits, interviews witnesses, and conducts hearings; evaluates liability and damages; and attempts to settle appropriate cases. The Office's Bureau of Engineering investigates construction contract claims and negotiates claim settlements, together with BLA and, if litigation is pending, the Law Department.

¹⁹ General Municipal Law, Article 4, § 50-i. A significant exception to this requirement is in the area of medical malpractice, in particular, claims for injuries to newborn infants.

under the direction of the Corporation Counsel, defends the City in most actions. No litigation can be settled without the approval of the Comptroller.²⁰

²⁰ City Charter, Chapter 17, Section 394 (c).

Appendix C

TOP TEN TORT CLAIMS ADJUDICATED IN FY 2011

1. In 1986, claimant alleges false arrest and wrongful incarceration for nineteen years as a result of the actions of former detective, Louis Eppolito. Settlement: \$9.9 million
2. In 2007, claimant alleges failure to diagnosis and treat an infection which led to her quadriplegia. She is now ventilator dependent and needs round the clock care. Settlement: \$8 million
3. In 2007, claimant was injured while playing high school football sustaining paraplegia and incomplete quadriplegia. He is in need of round the clock care and currently resides in a nursing home. Settlement: \$8 million
4. In 2001, claimant alleges false arrest and wrongful imprisonment for sixteen years due to the alleged coercion of witnesses by a police officer. Settlement: \$7.5 million
5. In 2001, claimant, a 25 year old passenger in a motor vehicle allegedly being chased by the police, sustained traumatic brain injury when the driver of the car lost control and struck a pole. He requires round the clock care. Settlement: \$6.2 million
6. In 2004, claimant alleges the failure to properly diagnose and treat him in the emergency room resulted in him experiencing a full blown stroke which caused serious neurological deficits. He alleges a need for significant assistance with everyday care. Settlement: \$5.5 million
7. In 2008, claimant sustained a crush injury to his left foot after a snow plow accidentally ran over his foot while he was working. He is unable to work and has significant orthopedic and neurological consequences. Settlement: \$5.2 million
8. In 2001, claimant, a pedestrian, was struck by an SUV driven by an underage, unlicensed boy. It is alleged that a police officer ordered the boy to move the SUV. Claimant sustained multiple injuries resulting in, traumatic head injury, memory loss, collapsed lung, internal bleeding, respiratory failure, and kidney failure. Claimant is confined to a wheelchair and has also lost the use of his hands. Settlement: \$5 million
9. In 2009, claimant alleges an improperly performed medical procedure and subsequent delay in diagnosis and treatment resulted in paralysis of her lower extremities as well as urinary and bowel incontinence. She is wheelchair dependent and requires daily assistance with her personal care. Settlement: \$4.9 million

10. In 2005, claimant brought suit for excessive force in which he alleges a police officer pushed him from a rooftop, resulting in paraplegia. Settlement: \$4.7 million

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APPENDIX E

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Table 1
Number of Tort Claims Filed by Claim Type

Fiscal Years 2007-2011

Personal injury	2007	2008	2009	2010	2011
Admiralty	19	29	28	55	47
Catastrophe	5	69	0	0	0
City Property	4,694	836	639	9,520	1,124
Civil Rights	1,569	1,770	1,966	2,680	3,040
Corrections	1,003	1,073	1,054	1,214	1,216
Defective Roadway	1,126	1,115	1,163	1,073	1,149
Defective Sidewalk	2,548	2,383	2,572	2,286	2,521
Health Facility	117	97	118	102	118
Medical Malpractice	655	704	691	657	609
Motor Vehicle	1,375	1,482	1,332	1,405	1,338
Recreation	247	239	263	229	276
Police Action	2,473	2,872	3,392	3,996	4,561
School	1,281	1,199	1,190	1,057	1,110
Traffic Control Device	168	118	106	115	73
Uniformed Services	190	166	145	165	166
Unknown Claim Type	655	542	611	596	753
Total	18,125	14,694	15,270	25,150	18,101
Property Damage					
Admiralty	0	2	2	2	0
Catastrophe	0	298	18	0	4
City Property	105	238	152	136	137
Corrections Facility	213	275	298	444	317
Damage by City Personnel	1,147	1,180	1,193	1,329	1,762
Defective Roadway	1,124	1,521	1,277	2,338	2,815
Defective Sidewalk	28	14	20	19	14
Health Facility	123	161	132	128	104
Motor Vehicle	3,962	3,823	3,724	4,108	4,852
Police Action	334	395	311	315	385
Recreation	10	14	11	6	5
School	237	202	193	182	191
Sewer Overflow	283	1,513	197	192	213
Traffic Control Device	91	96	71	73	40
Uniformed Services	0	0	66	2	1
Unknown Claim Type	120	93	130	145	217
Water Main	215	166	159	199	155
Total	7,992	9,991	7,954	9,618	11,212
Grand Total	26,117	24,685	23,224	34,768	29,313

Table 2
Number of Tort Claims Filed by Agency
Fiscal Years 2007 - 2011

Agency	2007	2008	2009	2010	2011
Administration for Children's Services	87	114	135	114	95
Board of Corrections	1	0	1	1	0
Board of Elections	0	2	3	2	5
Brooklyn Public Library	2	0	6	1	1
Boro President-Bronx	1	0	0	0	1
Boro President-Brooklyn	1	1	1	0	1
Boro President-Manhattan	2	0	1	1	-
Boro President-Queens	0	0	1	0	0
Boro President-Staten Island	0	0	0	1	3
City Clerk	0	0	0	2	-
City Clerk Kings	0	0	1	0	0
City Council	2	3	0	2	1
City Planning Commission	0	0	1	0	1
City Register	0	0	1	0	0
City Sheriff	8	6	8	8	6
City University (CUNY)	63	33	38	26	24
Comptroller	5	5	1	4	7
Department for the Aging	3	2	5	3	4
Department of Buildings	46	228	152	963	76
Department of Citywide Admin. Svcs.	58	52	63	105	70
Department of Consumer Affairs	10	2	6	12	1
Department of Correction	1,480	1,629	1,611	1,973	1,822
Department of Cultural Affairs	9	5	5	5	2
Department of Design and Construction	24	29	31	22	33
Department of Education	1,761	1,738	1,691	1,878	1,649
Department of Environmental Protection	768	2,330	748	717	763
Department of Finance	13	29	6	6	7
Department of Health	36	31	40	49	42

Department of Homeless Services	113	102	120	142	173
Department of Info. Technology and Telecom.	2	3	3	5	5
Department of Investigations	7	1	2	3	3
Department Juvenile Justice	13	12	18	15	14
Department Parks and Recreation	1,030	1,033	1,029	1,118	1,413
Department of Probation	6	13	13	14	11
Department of Sanitation	1,829	1,684	1,810	2,204	3,539
Department of Small Business Services	21	22	16	20	0
Department of Social Services	10	8	9	13	5
Department of Transportation	5,200	5,442	5,187	6,046	6,387
Department of Youth and Comm Development	2	5	2	3	1
District Attorney - Bronx	3	4	6	6	5
District Attorney - Kings	12	15	7	6	9
District Attorney - New York	5	13	5	9	9
District Attorney - Queens	9	10	4	8	16
District Attorney - Staten Island	4	1	0	1	0
Fire Department	940	969	1,009	939	1,051
FISA	0	1	0	0	0
Health and Hospitals Corporation	911	1,008	943	919	864
Housing Preservation and Development	106	83	77	87	72
Human Resources Administration	43	54	51	59	61
Human Rights Commission	3	0	1	0	1
Law Department	4	4	5	7	3
Mayor's Office	7	4	2	6	6
No Agency	4,976	896	789	8,366	1,255
Non-City Agency/Improper Service	739	752	761	723	871
NY Public Library	3	3	7	2	4
NYC Employee Retirement System	0	0	1	1	0
Office of Municipal Labor Relations	1	0	0	1	0
Office of the Chief Medical Examiner	6	13	3	7	5
Office of Payroll Administration	0	0		0	0

	2				
Office of Management and Budget (OMB)	1	0	0	2	0
Queens Public Library	2	0	0	3	2
Police Department	5,707	6,265	6,761	8,110	8,882
School Construction Authority	9	7	14	12	15
Taxi and Limousine Commission	13	19	11	16	17
Grand Total	26,117	24,685	23,224	34,768	29,313

Table 3

Dollar Amount of Tort Settlements & Judgments by Claim Type

Fiscal Years 2007-2011

Personal injury	2007		2008		2009		2010		2011	
Admiralty	\$	18,671,422	\$	12,154,678	\$	48,945,336	\$	8,918,593	\$	7,058,960
City Property	\$	34,130,604	\$	26,011,521	\$	30,444,952	\$	14,176,063	\$	18,666,199
Civil Rights	\$	47,754,889	\$	41,534,007	\$	47,069,234	\$	78,672,455	\$	84,019,495
Corrections	\$	8,857,503	\$	8,199,183	\$	5,938,403	\$	5,025,429	\$	8,504,000
Defective Roadway	\$	19,348,176	\$	36,164,033	\$	24,621,499	\$	27,224,126	\$	19,093,573
Defective Sidewalk	\$	71,511,708	\$	54,870,423	\$	39,764,227	\$	34,982,912	\$	38,589,603
Employee Uniformed Services	\$	33,551,471	\$	38,389,850	\$	30,108,500	\$	41,971,283	\$	31,039,500
Health Facility	\$	2,034,457	\$	3,747,700	\$	4,720,058	\$	2,056,377	\$	2,169,435
Medical Malpractice	\$	155,727,867	\$	152,664,578	\$	127,288,634	\$	130,866,188	\$	129,999,866
Motor Vehicle	\$	55,038,680	\$	56,735,117	\$	79,746,916	\$	65,228,870	\$	83,891,291
Police Action	\$	25,533,667	\$	34,616,512	\$	48,422,383	\$	56,788,953	\$	59,551,689
Recreation	\$	12,755,261	\$	7,888,926	\$	5,724,315	\$	7,950,906	\$	7,023,606
School	\$	41,205,083	\$	53,601,915	\$	54,293,099	\$	35,109,262	\$	43,135,245
Traffic Control Device	\$	3,027,925	\$	3,318,000	\$	1,120,750	\$	2,883,300	\$	2,381,350
Total	\$	529,148,713	\$	529,896,443	\$	548,208,306	\$	511,854,717	\$	535,123,812
Property Damage										
Admiralty	\$	-	\$	-	\$	10,289	\$	-	\$	75,000
City Property	\$	198,888	\$	515,162	\$	15,863	\$	8,569	\$	2,814,610
Corrections Facility	\$	2,801	\$	1,919	\$	14,960	\$	1,551	\$	18,195
Damage by City Personnel	\$	1,450,981	\$	3,298,638	\$	573,368	\$	878,452	\$	1,178,846
Defect Traf/Light/Stop Sign	\$	12,663	\$	41,430	\$	55,727	\$	7,699	\$	22,679
Defective Roadway	\$	274,973	\$	820,666	\$	271,099	\$	295,277	\$	424,290
Defective Sidewalk	\$	500	\$	-	\$	2,125,285	\$	3,335	\$	122
Employee Uniformed Services	\$	-	\$	-	\$	-	\$	2,785	\$	1,224
Health Facility	\$	2,866	\$	21,559	\$	18,071	\$	19,648	\$	13,037
Motor Vehicle	\$	5,643,075	\$	5,691,702	\$	5,464,346	\$	5,865,927	\$	8,168,778
Recreation	\$	201	\$	575	\$	1,578	\$	-	\$	25
Police Action	\$	188,699	\$	160,451	\$	120,028	\$	513,676	\$	135,899
School	\$	7,589	\$	7,604	\$	11,627	\$	24,157	\$	12,454
Sewer Overflow	\$	307,720	\$	1,915,311	\$	272,679	\$	383,619	\$	792,808
Water Main	\$	639,425	\$	1,823,962	\$	664,588	\$	2,142,514	\$	1,577,070
Total	\$	8,730,381	\$	14,298,979	\$	9,619,508	\$	10,147,209	\$	15,235,037
Grand Total	\$	537,879,094	\$	544,195,422	\$	557,827,814	\$	522,001,926	\$	550,358,849

Table 4
Dollar Amount of Agency Tort Settlements & Judgments

Fiscal Years 2007-2011

Agency	2007	2008	2009	2010	2011
Administration for Children's Services	\$3,693,115	\$527,871	\$532,286	\$671,422	\$910,528
Board of Elections	\$0	\$275,000	\$42,500	\$0	\$2,278,636
Boro President-Bronx	\$75,930	\$45,000	\$0	\$0	\$0
Boro President-Brooklyn	\$0	\$0	\$0	\$468	\$0
Boro President-Manhattan	\$814	\$0	\$2,000	\$0	\$0
Boro President-Queens	\$0	\$0	\$0	\$98,000	\$0
Boro President-Staten Island	\$0	\$0	\$0	\$0	\$2,750
City Clerk	\$0	\$0	\$0	\$0	\$820
City Council	\$300,000	\$138,774	\$0	\$4,879	\$0
City Sheriff	\$55,083	\$22,321	\$2,210	\$90,000	\$31,000
City University (CUNY)	\$469,000	\$480,250	\$282,575	\$155,000	\$659,500
Comptroller	\$7,610	\$1,439	\$17,200	\$2,000	\$1,000
Department for the Aging	\$0	\$125,000	\$208,000	\$0	\$0
Department of Buildings	\$854,544	\$1,413,458	\$380,236	\$112,152	\$2,941,818
Department of Citywide Admin. Svcs.	\$1,694,013	\$791,838	\$395,667	\$914,187	\$1,458,042
Department of Consumer Affairs	\$0	\$19,863	\$664,976	\$1,010	\$504,353
Department of Correction	\$14,189,635	\$21,381,522	\$16,404,404	\$43,592,956	\$15,389,618
Department of Cultural Affairs	\$1,745	\$25,000	\$0	\$0	\$3,105
Department of Design and Construction	\$5,190	\$80,366	\$56,897	\$131,454	\$29,613
Department of Education	\$41,959,592	\$53,228,706	\$55,920,463	\$37,013,943	\$53,129,831
Department of Employment	\$15,000	\$8,375	\$0	\$0	\$0
Department of Environmental Protection	\$3,783,506	\$8,478,133	\$8,109,061	\$7,613,296	\$7,637,931
Department of Finance	\$593,500	\$679,500	\$0	\$42,807	\$46,020
Department of Health	\$879,282	\$1,750,529	\$217,751	\$431,118	\$1,697,300
Department of Homeless Services	\$265,930	\$716,360	\$622,549	\$1,605,028	\$192,779
Dept. of Info. Technology and Telecom.	\$25,000	\$40,000	\$637,479	\$48,750	\$7,930
Department of Investigations	\$2,845	\$168,900	\$22,000	\$7,877	\$1,455
Department Juvenile Justice	\$8,412	\$161,850	\$161,412	\$56,556	\$101,850
Department Parks and Recreation	\$15,817,606	\$12,145,661	\$9,425,871	\$16,089,444	\$17,594,228
Department of Probation	\$84,325	\$32,476	\$72,500	\$295,745	\$35,309
Department of Sanitation	\$35,877,754	\$27,236,884	\$32,859,946	\$38,024,148	\$28,860,468
Department of Small Business Services	\$0	\$550	\$0	\$22,388	\$4,000
Department of Social Services	\$30,407	\$0	\$0	\$23,845	\$30,000
Department of Transportation	\$113,404,992	\$107,862,987	\$115,265,070	\$75,166,765	\$69,488,190
Department of Youth and Comm. Dev.	\$4,069	\$20,000	\$0	\$2,751	\$0
District Attorney - Bronx	\$1,330,000	\$109,940	\$70,000	\$214,433	\$0

District Attorney - Kings	\$130,759	\$23,444	\$91,234	\$128,800	\$3,193
District Attorney - New York	\$0	\$10,411	\$250,705	\$3,000	\$120,000
District Attorney - Queens	\$26,755	\$41,500	\$3,640,000	\$79,044	\$82,809
Fire Department	\$22,570,959	\$18,602,877	\$16,310,705	\$20,007,262	\$16,254,050
Health and Hospitals Corporation	\$158,720,210	\$153,306,559	\$134,946,576	\$135,223,151	\$131,799,318
Housing Preservation and Development	\$18,179,508	\$21,783,261	\$15,727,510	\$5,126,366	\$4,891,356
Human Resources Administration	\$4,840,071	\$865,095	\$1,482,725	\$387,636	\$1,278,134
Law Department	\$13,250	\$45,000	\$0	\$6,679	\$17,636
Mayor's Office	\$0	\$1,352	\$1,198	\$21,200	\$0
No Agency	\$5,351,888	\$6,267,189	\$8,009,048	\$1,059,691	\$7,002,043
Office of the Chief Medical Examiner	\$52,595	\$2,178	\$265,000	\$160,000	\$271,864
Office of Payroll Administration	\$0	\$0	\$0	\$482	\$0
Office of Management and Budget (OMB)	\$1,800	\$40,000	\$0	\$0	\$0
Police Department	\$92,335,230	\$104,902,319	\$134,466,772	\$137,314,585	\$185,585,372
Public Administrator - NY	\$1,550	\$0	\$0	\$0	\$0
Taxi and Limousine Commission	\$225,620	\$335,684	\$263,288	\$51,608	\$15,000
Grand Total	\$537,879,094	\$544,195,422	\$557,827,814	\$522,001,926	\$550,358,849

Table 5
Number of Tort Settlements & Judgments by Claim Type
Fiscal Years 2007 - 2011

Personal injury	2007	2008	2009	2010	2011
Admiralty	53	33	56	49	47
City Property	162	170	138	107	109
Civil Rights	832	884	1,140	1,281	1,658
Corrections	144	159	227	195	266
Defective Roadway	713	749	558	513	544
Defective Sidewalk	1,489	1,317	1,042	927	875
Health Facility	46	43	53	36	31
Medical Malpractice	00	310	292	314	263
Motor Vehicle	965	1,043	908	895	824
Recreation	176	189	154	136	153
Police Action	711	980	1,139	1,300	1,534
Schools	978	1068	845	824	915
Traffic Control Device	95	72	55	38	30
Uniformed Services	105	123	91	117	84
Total	6,769	7,140	6,698	6,732	7,333
<u>Property Damage</u>					
Admiralty	0	0	1	0	1
Damage by City Personnel	351	331	263	354	332
City Property	27	17	10	10	15
Corrections Facility	9	9	6	5	21
Defective Roadway	244	300	275	307	438
Defective Sidewalk	1	0	3	2	1
Health Facility	19	44	36	33	25
Motor Vehicle	2,704	2,513	2,340	2,492	3,210
Police Action	55	52	61	45	44
Recreation	2	5	2	-	1
School	53	42	39	83	55
Sewer Overflow	57	55	60	50	88
Traffic Control Device	10	13	8	6	5
Uniformed Services	0	0	0	8	1
Water Main	76	97	88	77	94
Total	3,608	3,478	3,192	3,472	4,331
Grand Total	10,377	10,618	9,890	10,204	11,664

Table 6
Number of Tort Settlements and Judgments by Agency
Fiscal Years 2006-2010

Agency	2007	2008	2009	2010	2011
Administration for Children's Services	15	26	23	18	10
Board of Elections	0	2	1	0	4
Boro President-Bronx	2	1	0	0	0
Boro President-Brooklyn	0	0	0	1	0
Boro President-Manhattan	1	0	1	0	0
Boro President-Queens	0	0	0	1	0
Boro President-Staten Island	0	0	0	0	1
City Clerk	0	0	0	0	1
City Council	1	1	0	2	0
City Sheriff	6	3	2	2	2
City University (CUNY)	7	13	5	5	8
Comptroller	2	1	2	1	0
Department for the Aging	0	1	3	0	0
Department of Buildings	25	25	13	16	20
Department of Citywide Admin. Svcs.	37	25	23	29	22
Department of Consumer Affairs	0	3	1	1	3
Department of Corrections	289	301	392	366	440
Department of Cultural Affairs	2	1	0	0	1
Department of Design and Construction	4	10	7	7	6
Department of Education	1,055	1,138	941	963	1,009
Department of Employment	1	1	0	0	0
Department of Environmental Protection	296	333	303	284	375
Department of Finance	4	4	0	5	2
Department of Health	24	28	13	19	18
Department of Homeless Services	22	28	35	20	14
Department of Info. Technology and Telecom.	1	1	4	3	2
Department of Investigations	2	7	3	1	1
Department of Juvenile Justice	2	6	10	10	7
Department of Parks and Recreation	417	437	356	374	389
Department of Probation	4	2	2	13	7
Department of Sanitation	1,499	1,311	1,252	1,378	2,104
Department of Small Business Services	0	1	0	3	2
Department of Social Services	3	0	0	3	1
Department of Transportation	2,717	2,551	2,066	1,946	1,987
Department of Youth and Comm. Dev.	2	1	0	1	0
District Attorney - Bronx	3	4	2	5	0

District Attorney - Kings	2	5	10	3	1
District Attorney - New York	0	3	2	1	1
District Attorney - Queens	4	2	3	4	6
DOITT	0	0	0	3	0
Fire Department	579	652	623	642	596
Health and Hospitals Corporation	398	432	413	417	343
Housing Preservation and Development	97	93	55	30	32
Human Resources Administration	30	30	17	21	13
Law Department	2	1	0	4	3
Mayor's Office	0	1	1	3	0
No Agency	140	161	143	25	114
NY Public Library	0	0	0	0	1
Office of the Chief Medical Examiner	2	2	2	1	6
Office of Payroll Administration	0	0	0	1	0
Office of Management and Budget (OMB)	1	1	0	0	0
Police Department	2,667	2,958	3,151	3,570	4,111
Public Administrator	1	0	0	0	0
Taxi and Limousine Commission	11	11	10	2	1
Grand Total	10,377	10,618	9,890	10,204	11,664