

CCRB Overview of NYPD Discipline Matrix

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CCRB implemented a Discipline Framework

The image features a horizontal blue timeline bar with four key dates: Jan. 2018, Feb. 2019, Apr. 2019, and Aug. 2020. Dotted lines connect these dates to their respective events. The events are: CCRB implemented a Discipline Framework (Jan. 2018), Blue Ribbon Commission issued a Report recommending the creation of a Discipline Matrix (Feb. 2019), CCRB begins participation in NYPD Discipline Working Group (Apr. 2019), and NYPD Issued Draft Discipline Matrix (Aug. 2020). The timeline is set against a white background with a decorative blue and grey graphic on the left side.

Jan. 2018

Feb. 2019

Apr. 2019

Aug. 2020

CCRB begins participation in
NYPD Discipline Working Group

Blue Ribbon Commission issued a
Report recommending the
creation of a Discipline Matrix

NYPD Issued Draft Discipline
Matrix

FADOs in the Matrix

Matrix organized into 11 categories

3 Categories cover CCRB allegations

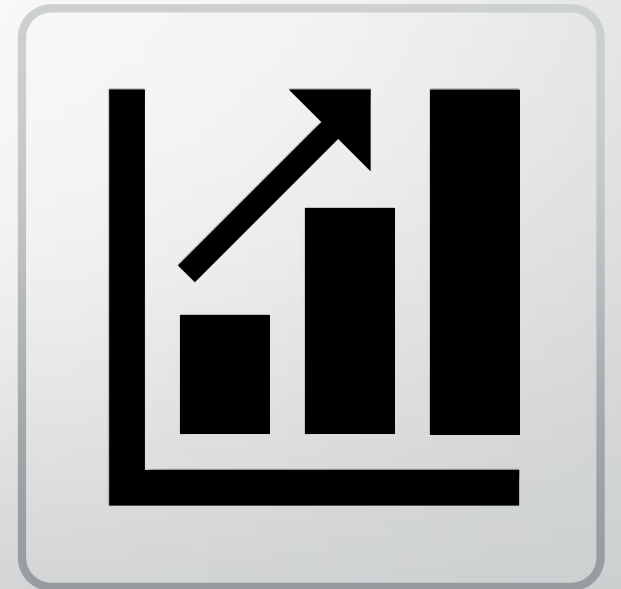
Force

Abuse of Authority /
Discourtesy /
Offensive Language

False / Misleading /
Inaccurate
Statements

Progressive Discipline

All presumptive penalties are appropriate for the first instance of a specific proscribed act.



Serious Misconduct in Progressive Discipline

Several serious acts of misconduct allow for termination even if that act is the officer's first allegation of misconduct

Aggravating and Mitigating Factors



General factors



Allegation specific
factors



Subjective – leave room
for interpretation

Relationship of CCRB Disciplinary Recommendations to Matrix Penalty Days

CCRB Discipline	Matrix Penalty Days
Command Level Instructions	Training
Training	Training
Schedule "A" Command Discipline	0-5 Days
Schedule "B" Command Discipline	6-10 Days
Charges and Specifications	> 10 Days

Force

“...when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody”



De-escalation


Not required but strongly encouraged

Force – Prohibited Acts



15 Specified Acts

Many FADOs



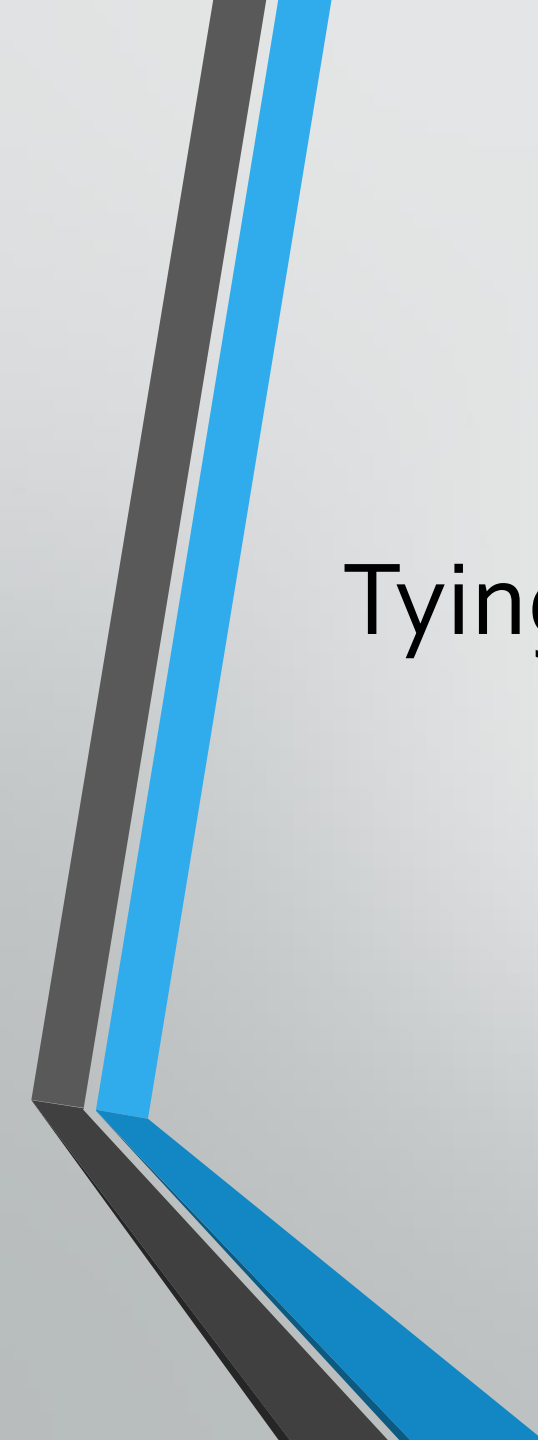
Force – Prohibited Acts

Chokehold

Force - Prohibited Acts

Any level of force on a handcuffed or otherwise restrained subject





Force – Prohibited Acts

Tying rear-cuffed hands to cuffed or restrained ankles or legs

Force – Prohibited Acts

Transporting a civilian facedown



Force –
Presumptive
Penalties

Equal to, or greater than CCRB
Framework

Abuse of
Authority /
Discourtesy /
Offensive
Language

Majority of FADOs

Abuse of Authority / Discourtesy / Offensive Language - Intent

Intent of officer explicitly considered now



Abuse of
Authority –
Objectively
Reasonable
Mistake of Fact
or Law

“Objectively reasonable mistake of
fact/law” = No Discipline

False /
Misleading /
Inaccurate
Statements



November
2019 Ballot
Initiative

Many
Exceptions



False Statement

An intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made.



Misleading Statement

A statement that is intended to misdirect the fact finder,
and materially alter the narrative by:

Misleading Statements



INTENTIONALLY OMITTING A MATERIAL FACT OR FACTS



UNREASONABLE "I DO NOT REMEMBER" OR "I DON'T KNOW"



ALTERING A PRIOR STATEMENT WHEN CONFRONTED WITH INDEPENDENT EVIDENCE

Inaccurate Statement

A statement that a member of the service knows, or should know, includes incorrect material information.

There is no intent to deceive, but rather the member's actions are grossly negligent.



Impeding an Investigation

Making false, misleading, and/or inaccurate statements, or engaging in an impeding action (e.g., failing to produce records as directed by a competent authority, etc.).

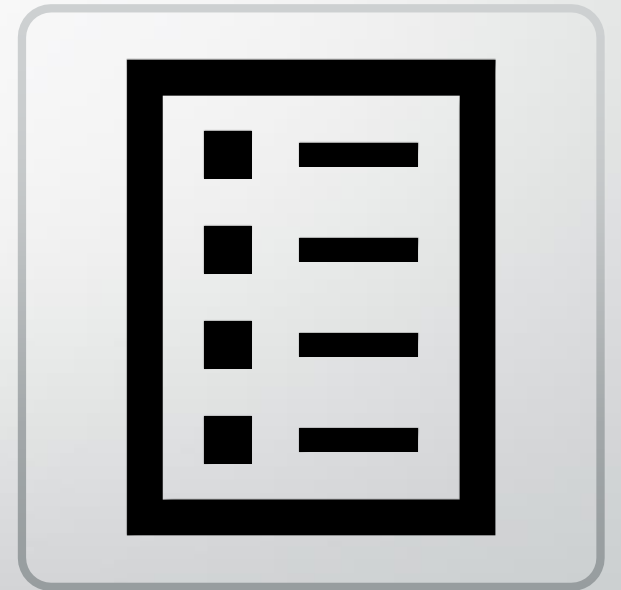
Officer History




Matrix considers:

Officer History

The number of prior disciplinary events





Officer History

The nature and seriousness of the prior event(s)

Officer History



The same misconduct was repeated



Similarities between prior and current acts of misconduct



Officer History

Pattern of behavior demonstrating an inability or unwillingness to conform to the Department's expectations

Officer History



The time elapsed between prior event(s) and current misconduct

Moving
Forward

Should CCRB adopt all or part of the Matrix?

- Factors to consider:
 - CPI at the Board stage
 - Clarification of:
 - Training
 - Concurrent v. consecutive penalties
 - Justification
 - RTKA
 - Continuous and timely access to any updates

Additional Issues



Deviations from presumptive penalties
must be in writing

Additional Issues

Address improper Taser use



Additional Issues



BWC presumptive penalties
don't do enough to encourage
compliance with policies

Additional Issues

Discourtesy and Offensive

Language defined in general terms

but no guidance when language

can be considered both



Additional Issues

Availability
of witnesses

Credibility
of witnesses



QUESTIONS?