



NYC CIVILIAN COMPLAINT REVIEW BOARD (CCRB)

*October Update on the
NYPD Disciplinary Matrix*

The Adoption of the NYPD Disciplinary Matrix

On **February 4, 2021** the CCRB signed an MOU with the NYPD agreeing to adopt the use of the NYPD Disciplinary Matrix that went into effect on January 15, 2021.

The CCRB's first Board Panel Meeting using the new Disciplinary Matrix took place on **April 8, 2021**.

Since then, the Board has used the Matrix 123 times.

The Adoption of the NYPD Disciplinary Matrix

After the CCRB adopted the Matrix, the Agency took the next two months to:

- **automate and incorporate** the Discipline Matrix into our Case Tracking System;
- **train the Board Members** on how to use the new features in the Case Tracking System and the new Matrix;
- **train the Administrative Prosecution Unit (APU) prosecutors** on how to use the Matrix.

CCRB's Use of the Disciplinary Matrix

Since April 2021, the CCRB Board has substantiated misconduct against 123 officers in 70 complaints, and applied the Matrix accordingly. They have recommended:

Charges	96 officers
Command Discipline B	11 officers
Command Discipline A	13 officers
Training	3 officers

The Board deviated from the Matrix 2 times, recommending Training for officers where the Panel felt the officers who was on the force for less than two years would benefit more from receiving Training than a Command Discipline.

NYPD's use of the Disciplinary Matrix in APU Cases

Since January 15, 2021 there have been **19 APU cases** where the NYPD has imposed final discipline.

For the CCRB Board 17 of those cases were decided before the implementation of the Matrix.

In the two cases where the Board voted and applied the Matrix, **the officers retired before discipline was imposed.**

NYPD's use of the Disciplinary Matrix in APU Cases

In the remaining 17 cases:

- **One** was **Closed Other**
- **One** was closed as **Previously Adjudicated** with discipline
- **One** was **retained**, without discipline
- **14** cases went to **trial**

NYPD's use of the Disciplinary Matrix in APU Cases

In the remaining **14 cases that went to trial:**

- **Two** resulted in not guilty verdicts
- **Seven** where the NYPD applied the Disciplinary Matrix
- **Five** where the NYPD did not apply the Disciplinary Matrix

NYPD's use of the Disciplinary Matrix in APU Cases

The NYPD **applied the Matrix**, in the following seven cases:

Case Number	Allegations	APU Pre-Matrix Penalty Recommendation	PC Penalty Imposed
Case One (PO)	<ol style="list-style-type: none"> 1. Threat of arrest 2. Retaliatory summons 3. Vehicle stop 4. Discourtesy 	dismissal probation	PC imposed the aggravated Penalty of 10 days
Case Two (PO)	<ol style="list-style-type: none"> 1. Physical force 2. Physical force 	25 days and dismissal probation	PC imposed the presumptive penalty of 10 days
Case Three* (PO)	<ol style="list-style-type: none"> 1. Vehicle stop 2. Vehicle search 3. Retaliatory summons 	2 days	PC overturned ADCTs presumptive penalty of 10 days and gave 2 days
Case Four* (PO)	<ol style="list-style-type: none"> 1. Physical force 2. Discourtesy 	20 days	PC imposed the presumptive Penalty of 10 suspension and 10 vacation days

NYPD's Deviation From the Discipline Matrix

In case three, although the Police Commissioner agreed with the ADCT that the police officer was guilty of the charges, he deviated from the ADCT's penalty recommendation and the Matrix due to the officer's:

- excellent **employment history**
- **limited intrusion** of the search
- search and issuance of summons were conducted in the **presence of a supervisor**
- **same penalty** originally sought by CCRB

NYPD's use of the Disciplinary Matrix in APU Cases

The NYPD **applied the Matrix**, in the following seven cases:

Officer Name	Allegations	APU Pre-Matrix Penalty Recommendation	PC Penalty Imposed
Case Five* (INS)	<ol style="list-style-type: none"> Two search of premises Two entry of premises Four retaliatory arrests 	25 days	PC overturned ADCT's improperly applied penalty of 15 days and applied aggravated penalty of 45 days
Case Six (PO)	<ol style="list-style-type: none"> Three discourtesies Threat of force Nightstick as a club Physical force Threat of arrest 	20 days suspension days and 30 vacation days	PC endorsed the ADCT's improperly applied aggravated penalty of 10 suspension + 15 vacation
Case Seven* (SGT)	<ol style="list-style-type: none"> Strip search 	20 days and Dismissal probation	PC imposed presumptive penalty 20 days and dismissal probation

NYPD's use of the Disciplinary Matrix in APU Cases

The **NYPD did not apply the Disciplinary Matrix** in the following five cases:

Officer Name	Allegations	APU Penalty Recommendation	PC Penalty Imposed
Case One (PO)	1. Nightstick as club 2. Physical force	20 days	12 days
Case Two (SGT)	1. Physical force	15 days	10 days
Case Three* (SGT)	1. Stop 2. Frisk	8 days	8 days
Case Four (SGT)	1. Vehicle stop 2. Vehicle search 3. Threat off summons 4. Search of person	20 days	10 days
Case Five (DET)	1. Stop 2. Frisk	7 days	6 days

NYPD's use
of the
Disciplinary
Matrix in
CCRB(non-
APU) Cases

Since January 15, 2021 the NYPD has imposed discipline against **188 officers in non-APU complaints.**

The concurrence rate non-APU complaints since January 15, 2021 is 75%.

That is up slightly from 73% in 2020, which was an improvement on the 51% concurrence rate in 2019.

Conclusion

- The Matrix has been in effect for 10 months now, but the data is still coming in on how effective it is.
- Preliminary data does indicate that the Matrix has had **a positive impact** on the PC implementing CCRB's penalty recommendations.
- The Agency will continue to report on the impact of the Matrix in the Quarterly APU Reports, as well as the Semi-Annual and Annual Reports.

