



# NYC CIVILIAN COMPLAINT REVIEW BOARD (CCRB)

## *NYPD Proposed Revisions to Discipline Matrix*

*By: Heather Cook, Assistant General Counsel*

---

# NYPD's Proposed Revisions

---

- November 5, 2021 the NYPD issued proposed revisions to the Matrix for public comment.
- 6 page document updates 4 sections.

# NYPD's Proposed Revisions

---

## Abuse of Authority

- 5 additional allegations of misconduct
  - Stop & Question or Question of a person
  - Refuse to show arrest/search warrant
  - Improper/wrongful question of person's immigration status
  - Fail to provide language interpretation service
  - Improper/wrongful damage person's property

# NYPD's Proposed Revisions

---

## Progressive Discipline

- Clarifying language

# CCRB's Proposed Revisions

---

CCRB submitted the following proposed revisions:

- Clarifying language of Progressive Discipline
- One-time penalty deviation option for junior officers
- 7 additional allegations for Abuse of Authority
- 1 additional allegation for Improper Use of Force
- Training and compliance by DCT Trial Commissioners

# Progressive Discipline Calculation

---

- Confusing
- Discretionary Ranges
- Calculations based on penalties imposed pre-Matrix
  - Offensive Language
- NYPD attempted to address with footnote
- CCRB suggests that days enhance recommended penalty for current act of misconduct

# One-Time Penalty Reduction for Junior Officers

---

- MOS on the force for less than 2 years; and
  - Commits an act of misconduct where the mitigated is a penalty of a CD-A
  - One-time penalty reduction to Training
- X Not incorporated in the November 2021 proposed Matrix revisions

# CCRB's Additional Allegations Abuse of Authority

---

- Property Damage
- Refusal to Show Arrest/Search Warrant
- Failure to Obtain Language Interpretation Services
- Question
- Question About Immigration Status
- Body Cavity Search
- Gun Drawn



# CCRB's Additional Allegations Improper Use of Force

---

Gun Pointed

# Property Damaged

---

Presumptive Penalty	Aggravated Penalty	Mitigated Penalty
10 days	20 days	5 days

- ✓ Incorporated in the November 2021 proposed Matrix revisions

# Refusal to Show Arrest/Search Warrant

---

Presumptive Penalty	Aggravated Penalty	Mitigated Penalty
3 days	5 days	Formalized Training

- ✓ Incorporated in the November 2021 proposed Matrix revisions

# Failure to Obtain Language Interpretation Services

---

Presumptive Penalty	Aggravated Penalty	Mitigated Penalty
3 days	5 days	Formalized Training

- ✓ Incorporated in the November 2021 proposed Matrix revisions

# Question

Presumptive Penalty	Aggravated Penalty	Mitigated Penalty
3 days	5 days	Formalized Training

- ❑ Partially incorporated in the November 2021 proposed Matrix revisions
  - Question incorporated into Stop
  - Penalty will always run concurrent with a Stop
  - Unlike Stop, Frisk, Search which all run consecutive

# Question About Immigration Status

---

Presumptive Penalty	Aggravated Penalty	Mitigated Penalty
5 days	15 days	Training

- Partially incorporated in the November 2021 proposed Matrix revisions
  - Lower penalties than requested (10/20/5)

# Body Cavity Search

---

- X Not incorporated in the November 2021 proposed Matrix revisions
  - Could have been addressed like Entry allegations (by severity/wellness)

# Gun Drawn

---

X Not incorporated in the November 2021  
proposed Matrix revisions



# Gun Pointed

---

X Not incorporated in the November 2021  
proposed Matrix revisions

# Moving Forward

---

- CCRB should comply with the MOU
- Staff will continue to track issues / missing allegations
- Staff will continue to review DCT decisions for Matrix implementation
- Staff will continue to monitor the concurrence rate of penalty impositions
- Public comment through 12/5/2021
  - <https://www1.nyc.gov/site/nypd/about/about-nypd/public-comment.page>

The End