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CCRB Submits Public Feedback on NYPD’s Proposed Disciplinary Matrix
Summary document includes feedback and testimony from the oversight agency, elected officials, advocacy groups and members of the public

New York, NY – On Thursday, September 17, 2020, the New York City Civilian Complaint Review Board (CCRB) held a special Board meeting to collect feedback on the New York City Police Department’s (NYPD) proposed disciplinary matrix. The meeting was the only public hearing held on the proposal. Today, the CCRB submitted a summary of the public testimony—along with the agency’s own analysis of the matrix—to the NYPD.

CCRB Chair Fred Davie:

“The implementation of the disciplinary matrix—which will guide disciplinary recommendations when a member of the NYPD violates the law or the Patrol Guide—is a major change for New York City and a positive step toward greater transparency and accountability. I urge the NYPD to consider the feedback shared at our meeting, and I remain hopeful that the Department’s final disciplinary matrix will help close gaps between the discipline the CCRB recommends, and the discipline the Police Commissioner imposes.”

The issues identified in the CCRB’s summary document include:

- The frequent use of “objectively reasonable mistake of fact or law” as justification for a lower presumptive penalty for substantiated misconduct
- The analysis of use of force incidents based on the outcome or injuries sustained by the civilian(s), rather than the conduct of the officer
- The use of subjective or vague aggravating or mitigating factors
- Low presumptive penalties for infractions related to body-worn cameras
- Not every one of the 15 prohibited acts of force specified in the proposed matrix carries a presumptive penalty of termination
- Lack of specific penalties for unlawful taser use
- Failure to address violations of all aspects of the Right to Know Act

The CCRB noted the difficulty it will have in using the matrix without access to the Central Personnel Index (CPI), or a summary of the CPI, of every member of service who is the subject of a case being voted on by the Board, in order to have a sufficient understanding of an officer's disciplinary history before making a recommendation.

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The New York City Civilian Complaint Review Board (CCRB) is the largest police oversight entity in the nation and is empowered to investigate, mediate, prosecute, and recommend disciplinary action for complaints alleging misconduct by NYPD officers. See NYC Charter § 440(c)(1). The agency's jurisdiction includes excessive and unnecessary force, abuse of authority, discourtesy, and use of offensive language. To further this mission, CCRB issues monthly, biannual, and special statistical and qualitative reports analyzing trends and recurring issues arising from the many thousands of civilian complaints it receives each year.