



THE POLICE COMMISSIONER
CITY OF NEW YORK

MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM THE DISCIPLINARY SYSTEM PENALTY GUIDELINES

Re: CCRB Case No. 201706354 regarding Police Officer Jose Cordero

Date: July 30, 2021

This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated two allegations against Police Officer Jose Cordero of an improper search of a vehicle and improper issuance of two summonses. As its penalty, the CCRB recommended that Police Officer Cordero forfeit two (2) Vacation Days. I agree that this proposed penalty is wholly appropriate for the reasons enumerated below.

During its investigation, the CCRB reviewed the facts and circumstances of the misconduct committed by Police Officer Cordero who, together with his partners, one of whom was a Sergeant, conducted a vehicle stop during which a front passenger in the vehicle became irate. After the male passenger was removed from the vehicle, Police Officer Cordero momentarily entered the vehicle in order to retrieve an envelope that contained the individual's identification and miscellaneous papers.

Police Officer Cordero failed to obtain permission from the vehicle's operator to search the vehicle. Nonetheless, the intrusion by Police Officer Cordero into the vehicle's passenger compartment was *minimal* and was only conducted in order to enable the officers to identify the male passenger who was ultimately issued two (2) Disorderly Conduct summonses.

The NYPD's Disciplinary System Penalty Guidelines ("Disciplinary Matrix") serves as a guide for the level of penalties to be imposed in certain acts of misconduct. According to the Disciplinary Matrix, the mitigated penalty for an enforcement action involving abuse of discretion or authority is forfeiture of ten (10) penalty days while the mitigated penalty for an improper search of a vehicle is Training.

Although the CCRB's recommendation for forfeiture of two (2) vacation days is below the one prescribed in the Disciplinary Matrix, I find such penalty to be altogether appropriate given the extraordinary facts and circumstances in this case, including the fact that the search of the vehicle was conducted and the summonses were issued in the presence and with approval of a supervisor.

Therefore, though the penalty originally sought by the CCRB deviates from the Disciplinary Matrix, it is overall commensurate with the level of misconduct committed in this case and I find no reason to depart from that original penalty.



Dermot Shea
Police Commissioner