

PERA–PPD Disciplinary Recommendation Matrix

Created by the Providence External Review Authority (PERA) in coordination with the Providence Police Chief

Purpose & Scope

This Matrix was created by the Providence External Review Authority (PERA), in coordination with the Providence Police Chief, to guide PERA's recommendations for discipline in sustained misconduct cases. It promotes consistency and proportionality while allowing for case-by-case judgment using mitigating and aggravating factors. It is a recommendation tool only; final discipline remains with the Department consistent with applicable law, contracts, and policy. Adapted structure and concepts (e.g., presumptive penalties, factor balancing, progressive discipline) draw on the NYPD Disciplinary System Penalty Guidelines (effective Sept. 9, 2024).

How to Use

- Start at the Normal (presumptive) column for the sustained offense, then adjust down or up based on mitigating/aggravating factors and prior history.
- Treat this as a rubric, not a mandatory minimum. Document factor application in the case memorandum.

Mitigating & Aggravating Factors (Quick Reference)

Mitigating (examples): limited training/novel policy area; rapidly unfolding event; meaningful de-escalation; candor and early acceptance of responsibility; limited harm; subordinate acting under close direction; strong rehabilitative potential.

Aggravating (examples): time for reflection; intent/reckless disregard; bias/retaliation; failure to de-escalate where feasible; lack of candor/impeding inquiry; injury or serious risk; adverse community impact; supervisory role; pattern of similar conduct; willful misuse of technology.

Progressive Discipline (Apply to Repeat Offenses)

- Prior training/instruction → look-back 3 yrs → next incident: 1–3 days; third: 5 days.
- Prior 1–5 days → look-back 3 yrs → next: 5–10 days; third: 10–15 days.
- Prior 5–15 days → look-back 5 yrs → next: 10–20 days; third: 15–30 days.
- Prior >15 days → look-back 10 yrs → next: 20–30 days + dismissal probation (DP); third: termination/forced separation.

- If a prior case had a presumptive termination but was mitigated or included DP, there's no time limit—repeat misconduct may warrant separation/termination.
- Patterns or serious categories (e.g., false statements, DWI, domestic violence, excessive force) are not time-limited; a third sustained excessive force case may presumptively reach termination.
- Supervisory status is generally aggravating; patterns may trigger stronger escalation. If the progressive “next step” would be lower than the offense’s presumptive penalty, use the aggravated range or a higher appropriate penalty.

Penalty Types (Shorthand)

Instr. = instruction/counseling/retraining;

Reprimand = written reprimand;

Days = suspension days or forfeiture of leave;

DP = dismissal probation;

Sep./Term. = forced separation or termination.

PERA Offense Matrix (Examples & Presumptive Ranges)

Category	Example Violations	Mitigated	Normal (Presumptive)	Aggravated	Notes
Excessive Force – non-deadly	Unreasonable strikes/takedown; force on compliant subject	1–5 Days + retraining	10–15 Days	20–30 Days + DP / Sep.	Injury, vulnerable victim, or bias motive → aggravate. A third sustained force case may presumptively reach termination.
Excessive Force – less-lethal device	Unreasonable OC/CEW/impact use	5–10 Days	15–20 Days	30 Days + DP / Sep.	If serious injury → consider Sep./Term. ranges analogous to major force guidance.
Excessive Force – duty to intervene/report	Failure to intervene in obvious excessive force; failure to promptly report	1–5 Days	10–15 Days	20–30 Days + DP	Heightened if supervisor on scene.
First Amendment – retaliation/interference	Retaliating against protected speech; detaining to chill recording; ordering unlawful stop for criticism	Reprimand–3 Days	5–10 Days	15–30 Days + DP	Evidence of intent/retaliation or chilling effect → aggravate.
Fourth Amendment – unlawful stop/search/arrest	Stop without reasonable suspicion; warrantless search w/o exception; retaliatory arrest	1–5 Days	10–15 Days	20–30 Days + DP / Sep.	Injury, prolonged detention, or pattern → aggravate.
Abuse of Authority / Discourtesy / Offensive language	Bias-based policing; slurs; profanity directed at public; threats of enforcement absent basis	Instr.– Reprimand	1–5 Days	10–20 Days	Bias indicators/targeting protected classes are aggravating.
False statements / false reports / impeding investigation	Knowingly false statement to PERA/OPR; material omission; coaching/pressuring witnesses; altering reports	10–15 Days	20–30 Days + DP	Sep./Term.	Integrity offenses are serious; expect top-end penalties.

Body-Worn Camera (BWC) policy violations	Failure to activate; improper muting; intentional deactivation; failure to upload/tag; unauthorized sharing; false statement about BWC status	Instr.– Reprimand (minor, unintentional single lapse)	1–5 Days + remedial BWC training	10–20 Days (intentional misuse), 20–30 Days + DP if coupled with false statement/impeding	Treat intentional disablement or dishonesty as integrity/impeding misconduct and aggregate accordingly.
Failure to render/request medical aid	Not requesting timely EMS; ignoring evident injury during/after force	1–5 Days	10–15 Days	20–30 Days + DP	Injury severity and delay drive aggravation.
Retaliation/Interference with complaint process	Retaliating against complainant/witness; discouraging complaint; contacting complainant improperly	5–10 Days	15–20 Days	30 Days + DP / Sep.	Integrity/impact on oversight aggravates.
Violation of Providence Ord. 18½-4(2)(c)	Assisting solely civil immigration enforcement (e.g., setting perimeters)	Reprimand–3 Days	5–10 Days	15–30 Days	Clear policy notice → aggravate for willful or supervisory involvement.
Misuse of databases/technology / privacy breaches	Unauthorized queries; doxxing; non-law-enforcement purpose	1–5 Days	10–15 Days	20–30 Days + DP / Sep.	Willful misuse of technology is aggravating.
Supervisory failures	Failure to supervise, correct, or report subordinates’ misconduct on scene	Instr.– Reprimand	3–10 Days	15–30 Days	Supervisory role is generally aggravating; escalate vs. subordinate.
Non-enumerated offenses		Instr.- 1 day	2-30 Days	30 days - Term	

Implementation Notes

- This Matrix is tailored to PERA-reviewable areas (force, First/Fourth Amendment, abuse of authority/EO, honesty/integrity, BWC, medical aid, retaliation, immigration-only assistance, misuse of tech, supervision).
- Where multiple categories apply (e.g., intentional BWC disablement + false statement), recommend stacking within proportionality and elevate toward aggravated/DP.
- Always document specific mitigating/aggravating factors and progressive-discipline logic used.