THIRD REPORT ASSESSING SETTLEMENT AGREEMENT
COMPLIANCE BY SUFFOLK COUNTY POLICE DEPARTMENT

April 18, 2016

I. INTRODUCTION

In January 2014, the United States Department of Justice ("DOJ") and the Suffolk County Police Department ("SCPD" or the "Department") entered into a Settlement Agreement ("Settlement Agreement" or "Agreement") to ensure that police services are provided to all members of the Suffolk County community, including the Latino community, in a manner that complies with the Constitution and laws of the United States.[1] DOJ, as part of its responsibilities for oversight of SCPD's implementation of the Settlement Agreement, periodically reports on its assessment of SCPD's compliance with the Agreement. This is the third such Assessment Report.

Since we issued our last Assessment Report in December 2015 (the "Second Assessment Report"), DOJ representatives from both the Civil Rights Division and the United States Attorney's Office for the Eastern District of New York reviewed documents and materials provided by SCPD, including revised policies and procedures, copies of internal affairs investigations, a sample of entries in SCPD's community relations daily activity reporting system, and other reports completed during the time period covered by this report. We also met with SCPD officials, including Commissioner Timothy Sini, SCPD command staff and other supervisors, and SCPD officers, toured six precincts and met with officers at each of those precincts, participated in ride-alongs with on-duty officers, attended three different training courses, and met with members of specialized units, including the Hate Crimes Unit, the Internal Affairs Bureau, and the Community Response Bureau. In addition, we directly engaged the Suffolk County community, including the Latino community, both by interviewing community members about their specific experiences with SCPD and by meeting with community advocates. In conducting these activities, we consulted with police practice experts with significant expertise in the areas of policing covered by the Settlement Agreement.

We thank the SCPD officials with whom we met during this assessment period, and we appreciate the cooperation and effort that SCPD and Suffolk County leadership continue to show in addressing the requirements of the Agreement. We also thank the many members of the Suffolk County community who have met with us and provide us with invaluable feedback.

This Assessment Report is divided into two sections. First, we provide a compliance rating for each provision of the Settlement Agreement: substantial compliance, partial compliance, or non-compliance. Second, we provide a more detailed analysis of SCPD's successes and challenges to date in each main area of the Agreement: 1) bias-free policing; 2) hate crimes and hate incidents; 3) language assistance; 4) allegations of police misconduct; and 5) community engagement. As set forth in detail below, while SCPD has made real progress in implementing the requirements of the Settlement Agreement, there remains considerable work to be done in each of these areas.

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[1] This Agreement is available in both English and Spanish at https://www.justice.gov/crt/special-litigation-section-cases-and-matters0#police.

II. CURRENT COMPLIANCE RATINGS

Section IX of the Settlement Agreement provides that, every six months, the United States will assess and report on SCPD's compliance with the Agreement. *See* Agreement at 20. The compliance ratings below represent the United States' current assessment of SCPD's compliance with each area of the Agreement. While Section III of this Report provides more detailed analysis of SCPD's compliance with the Agreement, these ratings are included to provide SCPD and the Suffolk County community with a clear and accurate summary of progress to date, as well as areas that remain most in need of attention.

The definition of each rating type is as follows:

- "Substantial Compliance" indicates that the County has achieved compliance with most or all components of the relevant provisions of the Agreement.
- "Partial Compliance" indicates that the County has achieved compliance on some of the components of the relevant provisions of the Agreement, but significant work remains.
- "Non-Compliance" indicates that the County has not met most or all of the components of the Agreement.
- "Compliance Rating Pending" indicates that there is insufficient information to make an assessment or the provision is not yet ripe for evaluation.

Settlement Agreement Area	**Status of Compliance**
III. BIAS-FREE POLICING	Partial Compliance
a. Continued Delivery of Bias-Free Policing	Partial Compliance
b. Policies and Procedures	Partial Compliance
c. Traffic Stop Data	Partial Compliance
d. Training	Noncompliance
IV. HATE CRIMES AND HATE INCIDENTS	Partial Compliance
a. Training	Partial Compliance
b. Tracking and Reporting	Partial Compliance
c. Quality Assurance	Partial Compliance
V. LANGUAGE ASSISTANCE	Partial Compliance
a. Policy	Partial Compliance

b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Partial Compliance
d. Spanish-language access to SCPD website	Substantial Compliance
e. Incentives for Interpreters	Noncompliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Partial Compliance
h. Community Survey	Partial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	Partial Compliance
a. Reporting Misconduct	Partial Compliance
b. Investigation of Misconduct	Partial Compliance
VII. COMMUNITY ENGAGEMENT	Partial Compliance
a. Maintaining Community Relationships	Partial Compliance
b. Community Liaison Officers	Substantial Compliance
c. Community Oriented Policing Enforcement ("COPE")	Substantial Compliance
d. Community Response Bureau	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social media and notification systems	Substantial Compliance
VIII. POLICIES AND TRAINING GENERALLY	Partial Compliance
IX. MONITORING OF THE AGREEMENT	Partial Compliance

III. ANALYSIS OF SCPD'S COMPLIANCE TO DATE

A.   BIAS-FREE POLICING

III. BIAS-FREE POLICING	Partial Compliance
a. Continued Delivery of Bias-Free Policing	Partial Compliance
b. Policies and Procedures	Partial Compliance
c. Traffic Stop Data	Partial Compliance
d. Training	Noncompliance

The Settlement Agreement contains specific provisions designed to ensure that SCPD delivers police services that are "equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department." Agreement at 4. The Agreement requires that "members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, or sexual orientation, and in accordance with the rights, privileges, and immunities secured or protected by the Constitution and laws of the United States." *Id.*

SCPD continues to take steps towards compliance with this section of the Agreement. As set forth below, SCPD has made considerable progress in drafting appropriate policies and procedures in this area. However, continued progress is needed to ensure those policies and procedures are actually implemented. Further, in light of significant shortcomings in the bias-free training highlighted in the last Assessment Report, SCPD has put a temporary hold on conducting any additional bias-free training until the curriculum can be revised. While we believe this action was appropriate given the deficiencies in that training, it is critical that appropriate curricula are developed in order to allow training to recommence. To that end, the Office of Justice Programs of the United States Department of Justice has agreed to provide SCPD with a newly developed bias-free training module, which SCPD should tailor to its particular needs over the next few months. Finally, with respect to data collection, SCPD has made significant progress in remedying the inaccuracies within collected traffic stop data that were highlighted in our last Assessment Report. Nonetheless, the data collected by SCPD continues to be insufficient to allow for a meaningful statistical analysis of SCPD's enforcement practices.

Ultimately, although SCPD has worked to develop policies that are largely consistent with the bias-free policing requirements of the Agreement, these measures alone are insufficient to address the depth and breadth of the deficiencies that persist in this area. The Department must make bias-free policing one of SCPD's highest priorities, and must communicate to all SCPD officers—through training, supervision, and accountability mechanisms—that law enforcement duties must be performed free of impermissible bias in order for the Department to function lawfully and effectively.

1. Policies and Procedures

SCPD has made considerable progress in adopting appropriate policies and procedures in this area. Nonetheless, SCPD must continue to take steps to ensure that these policies and procedures are properly implemented.

For example, Rules & Procedures Chapter 1, Section 11 unequivocally prohibits officers from "us[ing] race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity when engaging in routine or spontaneous law enforcement activities, except when engaging in appropriate suspect-specific activity to identify a particular person or persons." The policy also emphasizes the importance of building community trust, and requires SCPD members who become aware of biased-based policing to immediately report the matter to a supervisor, who in turn must convey the information to Internal Affairs. In this way, the policy provides a strong foundation for SCPD to ensure policing free from unlawful bias. Nonetheless, as discussed throughout this section, implementation of this policy will require training, supervision, and accountability beyond what is currently in place.

SCPD has also made clear in policy that, within five days of receipt, SCPD will refer any complaint of discriminatory policing to the Internal Affairs Bureau for a full investigation. *See* Rules & Procedures Chapter 5, Section 2. While the adoption of this policy represents significant progress, we continue to have concerns regarding the processes actually used for investigating allegations of discriminatory policing. As set forth in detail in Part III, Section D of this report, a large number of misconduct investigations do not proceed in a timely manner, which results in delays that leave the complainant, accused officer, and SCPD without a resolution for far longer than necessary. This delay can undermine both officer and public confidence in the complaint process. There have been some positive developments in the area of investigating allegations of discriminatory policing. SCPD continues to consistently forward such investigations to the United States as required by the Agreement. Agreement at 5. Further, enhanced implementation of the Department's computerized notification system has the potential to improve the complaint investigation process. Nonetheless, the recommendations set forth in Part III, Section D below must be implemented in order for SCPD to achieve substantial compliance.

Similarly, SCPD has made significant progress in the area of ensuring adherence to the principles of bias-free policing and equal protection within SCPD's hiring, promotion, and performance assessment processes through the revisions made to Chapter 26, Section 1 of the Rules and Procedures. The policy appropriately provides that "[a]ll recruitment efforts will focus on providing equal opportunity for all applicants," irrespective of membership in a protected class "or any other factor not directly related to job performance." The policy also directs officers to, *inter alia*, "maintain positive and productive relationships with community leaders, educational institutions and religious organizations" and make continuous efforts to "recruit eligible applicants at high schools and colleges." *Id.* Further, on August 24, 2015, SCPD issued Applicant Investigations Command General Order 15-01, prohibiting the hiring of any candidate who "has committed any discriminatory act or . . . evinces a biased perspective based upon race, color, ethnicity, national origin, religion, or sexual orientation that indicates such candidate is not be able [sic] to perform the duties of police officer in a non-discriminatory

manner." But while the adoption of these directives is significant progress, as SCPD acknowledges in its Self Assessment Report, additional work is needed to ensure that these policies are adhered to in practice. *See* Compliance Report Assessing Implementation of the 2014 Settlement Agreement between the United States and the Suffolk County Police Dep't (Feb. 15, 2016) ("SCPD Self Assessment Report") at 8. SCPD must demonstrate that it is conducting the investigations, reviews, and screenings targeting a history of bias and/or biased policing, and that equal protection measures are being enforced.

It is important to note that, in the course of SCPD's ongoing efforts to ensure that bias-free related policies and procedures are fully implemented, it is likely that SCPD or the United States will identify needed modifications to policies that have already been adopted. In our last Assessment Report, for example, we recommended minor modifications to Chapter 1, Section 11 of the Rules and Procedures, as well as to Chapter 26, Section 1. We appreciate the Department's willingness to adopt those recommendations. The United States is committed to continuing to work with SCPD to evaluate and provide feedback regarding policies and procedures as they are implemented.

   2.   Traffic Stop Data

A key requirement of the Settlement Agreement is the collection of meaningful and accurate traffic stop data. *See* Agreement at 6. Meeting this requirement is critical, as ensuring that policing services are delivered in a manner free from bias requires the collection and analysis of accurate information regarding SCPD's practices. Significant steps remain necessary to ensure the collection and analysis of this data.

SCPD has made strides in improving its collection of traffic stop data. Officers now record critical information in their mobile data terminals. Officers report that the data collection interface on the mobile data terminals functions well, and that they are able to input necessary data in a timely and efficient manner. Precinct supervisors have also increased the attention placed on ensuring these reports are filled out completely. During this rating period, there has been a notable reduction in the proportion of traffic stop data that is left incomplete.

Nonetheless, the data collected by SCPD continues to be inadequate to allow for the needed assessments of SCPD's enforcement practices. Most significantly, the data collected by SCPD omits critical variables that are necessary for meaningful analysis. For example, SCPD does not collect any meaningful data regarding why a traffic stop was initiated. Without detailed data regarding the reason for a stop—e.g., speeding violation, equipment violation, etc.—it is impossible to determine whether the outcomes of traffic stops are based upon the severity of the violation, or are instead impermissibly influenced by bias. By enhancing SCPD's current data collection practices to include detailed information regarding why a stop was initiated, SCPD will be able to evaluate whether similar offenses result in similar outcomes independent of the race, ethnicity, or other protected characteristic of the driver or passenger, or are instead influenced by unlawful bias. As another example, while SCPD collects data regarding whether an officer conducts a search during a traffic stop, critical data regarding conducted searches is omitted. As an example, SCPD does not track whether a search was conducted of the driver alone or instead the passenger or the entire vehicle; SCPD does not track the duration of the search; and, most significantly, SCPD does not consistently track whether a search yielded a

finding of contraband such as weapons or controlled substances. Without this data, SCPD is unable to meaningfully assess whether there are disparities in search practices that suggest those practices are influenced by unlawful bias. Further, collection of such data is not only necessary to ensure bias-free policing; such data also serves as an effective management tool and has the potential to promote efficiency by showing which law enforcement strategies are most effective.

In a June 22, 2015 letter to SCPD's counsel regarding language access, bias-free policing, and accountability policies and practices, we noted these and other shortcomings in the range of data collected by SCPD, and made specific recommendations regarding additional data that should be collected and analyzed. Additionally, during our on-site meetings with SCPD officials between March 10 and March 15, 2016, we discussed in detail the need for enhanced data collection. Implementing these recommendations and expanding SCPD's data collection practices should be of the highest priority for the Department over the next several months. We will continue to provide any assistance we can as the Department undertakes those efforts.

Furthermore, as noted in our last Assessment Report, SCPD identified flaws in its procedures that made the collection of traffic stop data unreliable prior to July 2015. SCPD notes in its Self Assessment Report that these flaws resulted in approximately 7,000 incomplete records. *See* SCPD Self Assessment Report at 10. While the Department has taken measures to correct the systemic errors that lead to these problems, including by improving the retrieval software used by the Department, it is critical for SCPD to continue to monitor collected data in order to quickly identify and correct any future errors that may arise.

SCPD must take meaningful steps to ensure that collected data is analyzed and that appropriate measures are taken when this analysis reveals problematic conduct. The Settlement Agreement requires that, at least annually, SCPD provide the United States with a report containing this analysis and a summary of the remedial measures taken, if any. Agreement at 6. Given the shortcomings within the data collected by SCPD, including the technical errors that resulted in unreliable data prior to July 2015, SCPD has not yet been able to comply with this provision of the Agreement. SCPD's immediate priority must be to ensure that appropriate data is collected and accurately recorded during each traffic stop. To that end, SCPD must work to develop appropriate benchmarks that are required for certain types of analysis. The United States will work with SCPD to assist in the development of these benchmarks.

Finally, SCPD supervisors must incorporate a substantive review of traffic stop data into their regular supervisory activities. While it is clear that SCPD supervisors are making a concerted effort to ensure traffic stop data is consistently and completely entered, supervisors' use of this data is entirely inconsistent. Many supervisors do not regularly review traffic stop data collected by their officers likely stems, at least in part, from the fact that supervisors have not received appropriate training regarding how to best make use of this data. Indeed, SCPD fails to provide any specific, recurring supervisory training; instead, supervisors are trained regarding how to perform supervisory functions only when they are promoted to the rank of sergeant. SCPD should strongly consider developing and implementing specific, recurring training for supervisors that includes instruction on how to use collected data to ensure officers are performing effectively and lawfully.

3. Training

Ensuring bias-free policing requires that officers receive effective training in how to conduct law enforcement activities in an equitable manner. The Settlement Agreement requires that all sworn officers receive training on bias-free policing at least annually. *See* Agreement at 6-7. The Agreement provides that SCPD's training on bias-free policing "will emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, is prohibited by policy and will subject officers to disciplinary action." *Id.* The Agreement also sets forth specific elements that must be incorporated into bias-free training. *Id.*

As explained in detail in our last Assessment Report, SCPD's revised bias-free policing training was both pedagogically and substantively deficient. *See* Second Assessment Report at 16-19. Acknowledging these deficiencies, SCPD has elected to suspend delivery of its bias-free policing training until the curriculum can be comprehensively revised to comport with the requirements of the Settlement Agreement and best practices in the field. SCPD's efforts will be assisted by the Office of Justice Programs of the United States Department of Justice, which has agreed to provide SCPD with technical assistance in the form of a train-the-trainer bias-free policing training module. To be clear, SCPD will need to shape this module to be consistent with its specific rules and procedures and to fit its particular needs. Nonetheless, this assistance promises to aid SCPD in fulfilling its obligation to provide effective training on bias-free policing.

SCPD has also developed and begun the delivery of cultural sensitivity training. As set forth in Part III, Section C, this training also has significant pedagogical and substantive shortcomings. As SCPD works to adopt and implement bias-free policing training, the Department should also ensure that cultural sensitivity training is expanded and fully incorporated.

B.   HATE CRIMES AND HATE INCIDENTS

IV. HATE CRIMES AND HATE INCIDENTS	Partial Compliance
a. Training	Partial Compliance
b. Tracking and Reporting	Partial Compliance
c. Quality Assurance	Partial Compliance

SCPD has made significant strides in the area of hate crimes and hate incidents since entering into the Agreement, most notably in its hate crimes training and investigations, and we commend the progress. The Department successfully implemented many of the recommendations in our last Assessment Report, including restructuring the format of the hate

crimes training and implementing more rigorous data analyses for quality assurance purposes. *See* Second Assessment Report at 20-24. However, substantial improvements are still required, particularly in how officers identify potential hate crime offenses and refer them to the Hate Crimes Unit ("HCU"), and in the hate crime mapping process. Accordingly, SCPD continues to be in partial compliance with the hate crime provisions of the Agreement.

1. Training

a. *Format*

The Department has made several changes to address the problems with SCPD's hate crimes training that we had identified in the last Assessment Report. A primary concern was that the training presentation needed better structure and organization. SCPD adopted our recommendations and has made the necessary changes. The training we observed in March 2016 opened with a road-map for the course, listed the objectives, and clearly detailed the topics to be covered. The introduction laid out the community policing philosophy behind the hate crimes training: to provide fair policing to all members of the community, foster positive community relations, and increase police legitimacy by properly dealing with and investigating potential hate crime offenses. *See* Rules & Procedures Chapter 1, Section 11. Nonetheless, while the training was effective overall, several concerning statements were made during the training that communicated mixed messages regarding the purpose and importance of ensuring appropriate hate crimes enforcement. We will communicate these specific concerns directly with SCPD's training coordinators, but overall, this training was markedly improved.

In our last Assessment Report, we had recommended pedagogical changes to the hate crimes training. *See* Second Assessment Report at 20-21. At the time, the training had been almost entirely lecture-based. Such an approach does not sufficiently engage students. Instead, the training should have elements of participatory and scenario-based learning. SCPD has embraced this approach. The training we saw in March incorporated a prepared lecture with slide and video presentations, small group discussions, and interactive role playing exercises in which participants reasoned through scenarios that raised points of law and proper police procedure. These changes are a significant improvement to the previous versions of the training and should increase its effectiveness in educating officers about the concepts underlying hate crimes laws. Indeed, the majority of those in attendance actively participated and seemed genuinely engaged with the material. The three-hour course was an appropriate length to cover the subject and provided sufficient time to incorporate group discussions and exercises in combination with the lecture.

b. *Curriculum Substance*

The training curriculum should teach officers how to identify hate crimes by providing instruction on the elements and proper charging of these offenses. Although the training was, overall, very good, we have concerns that the training lacked clarity regarding 1) the substance of the New York State Hate Crimes Statute, and 2) the process for determining whether an incident is a potential hate offense and its referral to HCU. The discussion of hate-based graffiti as aggravated harassment in the first degree also needs to be refined, especially given that it is the most common hate offense occurring in Suffolk County.

The instructor did not provide an accurate explanation of the legal standard under New York State Hate Crimes Law, NYSPL § 485.05(1a). The law requires that the perpetrator intentionally commit the offense against a person "in whole or substantial part" because of beliefs or perceptions about the victim's identity. *See id.* Rather, the instructor incorrectly stated that "in whole or substantial part" means fifty-one percent or more. The standard does not require this showing, but rather that a considerable part of the perpetrator's motivation in committing the offense is based on his or her belief or perception that the victim is a member of a protected class. *See, e.g.*, *People v. Fox*, 844 N.Y.S.2d 627, 638 (N.Y. Sup. Ct. 2007) (noting that "any person of ordinary intelligence would understand that the words 'in whole' mean completely or entirely and the words . . . 'substantial part' mean a considerable portion or amount") (citation omitted). This portion of the presentation must be changed as it misstates the law and will result in the under-identification of potential hate crimes.

The instructor also needs to revise his description of the process by which an incident is flagged as a potential hate crime or hate incident and then referred to HCU for investigation. The instructor stated that when officers suspect that an incident could be a hate crime, they should conduct the legal analysis and notify their supervisors or HCU if they conclude the incident may have been hate motivated. The instructor explained that the supervisors then should conduct the same analysis and decide whether to refer the case to HCU. It was unclear who has the discretion to decide whether an incident warrants notifying HCU. The instructor seemed to suggest that both the officer and the supervisor have discretion to decide whether to refer the incident to HCU. However, the instructor also stated that when there is any indication of racial bias, such as the uttering of a racial epithet during a road rage incident, HCU should automatically be notified, thus implying the officer and supervisor do not have any discretion. The training must be revised so that officers have a clear understanding of this process.

Our interviews with officers and supervisors confirm the lack of clarity about this process. Officers at different ranks do not seem to have a consistent understanding of when HCU should be notified. The training instructor, supervisors, and officers seemed to believe to some extent that "when in doubt, notify the supervisor or the Hate Crimes Unit." However, the supervising officers do not seem to agree on the appropriate criteria to use when deciding whether to notify HCU. For example, when given a hypothetical of an event that, at first glance, did not appear to be racially motivated, but in which the victim said "I feel like this was done to me because I am black," one supervisor remarked that he would not call HCU if he felt that the act was not racially motivated. Another supervisor said that given the victim's allegation, he would refer the case to HCU for investigation and a final determination. Our recommendation is that officers should notify HCU anytime there has been a racial slur during the commission of a crime to allow HCU detectives to investigate and track such incidents as they may, in the aggregate, show a pattern of animus that police can then monitor. In sum, the process for analyzing potential hate offenses and the levels of discretion are unclear, and the training set forth contradictory standards. SCPD should revise the hate crimes training to establish clear guidelines for identifying and referring potential hate offenses to HCU, which has the expertise to properly evaluate potential hate crimes.

Lastly, the training's instruction on swastika graffiti should be refined to avoid confusion about New York's hate crimes statutes. Swastikas, burning crosses, and nooses are images that

epitomize religion- and race-based hate. However, these incidents are not prosecuted under Section 485.05 of the penal law. Instead, they fall under Section 240.31of the penal law—aggravated harassment in the first degree. *See* NYPL § 240.31(3*); see also id.*, § (4) (cross burning), § (5) (noose displays or images). The instructor first covered Section 485.05, and properly noted that swastika drawing is not a chargeable offense under the statute, without discussing that it is, however, aggravated harassment in the first degree, and Section 240.31 was covered later in the course. We recommend that the two statutes be presented together to emphasize that while these offenses might intuitively appear to be hate crimes under New York Penal Law Section 485.05, they are actually prosecuted as aggravated harassment in the first degree. It is critically important that officers understand this because SCPD has identified hate-based graffiti as the number one hate-based offense in Suffolk County.

c. *Course Examples and Scenarios*

It is important that the hate crimes training use examples and scenarios to reinforce the concepts being taught. There were several examples that were effective in illustrating successful investigations of potential hate offenses; for example, the trainers described a case in which a pig head was thrown at a Jewish family's home and the subsequent investigation finding that the incident was not hate-motivated, but rather the result of a teenage break-up. The presentation also included an example of a minority-perpetrated hate crime to illustrate that hate crimes can be committed by members of protected classes. However, certain examples included elements that could mislead officers when trying to evaluate potential hate offenses. For example, in one hypothetical, the perpetrator of a potential hate offense was described as "from Tennessee," and the instructor implied that this might be evidence of a propensity toward racial discrimination. But the perpetrator's home state is immaterial and presenting this fact as relevant to a hate crimes analysis undercuts the message that officers should not generalize about individuals based upon individual traits. The training should not encourage officers to rely on stereotypes of any kind, including geographic stereotypes, in evaluating hate offenses.

At certain points there was a lack of cultural sensitivity in remarks that appeared to be intended as light humor. For example, when discussing a case about a woman who was supposedly promiscuous, the instructor stated that he did not think "slut" is a protected class. When discussing the various protected classes the instructor stated that "transgender is a protected class, believe it or not." These statements send the wrong message in a hate crimes training where the purpose of the course is animated by the belief that people should not be victimized on the basis of an individual trait.

2. Tracking, Reporting, and Pattern Analyses

Preventing hate crimes requires police to track, analyze, and identify patterns and trends of hate crimes and incidents. SCPD's tracking of hate crimes has improved significantly since entering into the Settlement Agreement. HCU is responsible for investigating, tracking, reporting, and analyzing hate crimes and their patterns. It relies primarily on 911 notifications that an incident might be a hate crime, and upon officers or supervisors to notify HCU about potential hate-based offenses. These are obvious and necessary methods for tracking hate crimes. HCU also conducts a daily audit of SCPD's crime log to identify potential hate offenses that might have been missed by 911 dispatchers or officers. While manual searches of the crime

log provide a check on the system for flagging potential hate offenses, HCU would benefit from a more systematic method of trend analysis to ensure none are slipping through the cracks.

We have a significant concern with the methodology that SCPD employees use for data reporting and analysis—in particular, the manner of sharing of information between HCU and the Criminal Intelligence Unit ("CIU"), and the pattern mapping process. Both units map hate offenses and there is not a clear protocol regarding who has primary responsibility for this task. Indeed, in talking with members of these units, it is apparent that a clearer understanding of each unit's respective role should be developed. Without a clear delineation of responsibilities between HCU and CIU, critical data is likely to be omitted. More coordination is needed among the precinct analysts, HCU, and CIU. Further, establishing clear procedures will ensure that these units are not duplicating efforts. Finally, regardless of who is conducting the analysis, analysts do not consistently track trends over time, nor do they employ quantitative methods to understand correlations between particular types of crimes and other variables such as the demographic characteristics of victims and suspects and the locations of incidents.

3. Quality Assurance

In our Second Assessment Report, we recommended that SCPD expand the Hate Crimes Reports required under the Agreement by including, for example, the legal analysis for determining whether a particular incident was a hate crime, and providing the case progress. *See* Second Assessment Report at 25-26. HCU has done an impressive job of auditing and analyzing those hate crimes that it has identified. SCPD's most recent Hate Crimes Report included detailed descriptions of nine hate crime investigations. Each case description included the fact pattern, analysis of the fact pattern, the steps undertaken in the investigation, and the status of the case. The Hate Crimes Report then provided an overall conclusion, finding that: 1) the majority of hate crimes in Suffolk County are religion-motivated; and 2) crimes involving the deception of elderly persons are a trend. It also provided information about the efforts SCPD is taking to address hate-based crime through community outreach. We also had recommended analyzing data to identify the prevalence and breakdown of hate crimes. SCPD has included a table indicating the number of HCU investigations with the number that were found to be hate offenses, a pie chart showing the break-down of hate offenses by protected class, and maps of crime patterns. In sum, the Hate Crimes Report evidences HCU's thorough review and analysis of its investigations and hate crime tracking.

The Hate Crimes Report also details how HCU detectives proactively canvass communities that may be targets of hate offenses to create open lines of communication, encourage the reporting of hate crimes, and collect hate crime information. Community Oriented Policing Enforcement (COPE) officers conduct community outreach for the same purposes, and we commend these outreach and investigative efforts.

We have a minor recommendation for the signs that HCU posts in the community to solicit leads about hate crimes. HCU posts a general crime reporting sign to encourage reporting potential hate offenses. *See* Hate Crimes Report, Attachment 5. The Department should consider also posting a hate crimes specific sign, explaining what a hate crime is, because it might have better results in getting information about hate crimes. Lastly, the Spanish version of

the sign should not use script, as it is harder to read, especially when it is publicly posted and thus meant to be read quickly. *See id.*, Attachment 6.

C.   LANGUAGE ASSISTANCE

V. LANGUAGE ASSISTANCE	Partial Compliance
a. Policy	Partial Compliance
b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Partial Compliance
d. Spanish-language access to SCPD website	Substantial Compliance
e. Incentives for Interpreters	Noncompliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Partial Compliance
h. Community Survey	Partial Compliance

One of the cornerstone elements of the Settlement Agreement is the requirement that SCPD develop a robust Language Assistance program, to ensure that police officers and others in the Department are able to communicate effectively with individuals in the community who have Limited English Proficiency ("LEP"). *See* Agreement at 8-11. Such communication is vital for ensuring that LEP crime victims are able to receive appropriate police services, protecting the civil and constitutional rights of LEP individuals who are arrested or otherwise charged with criminal conduct, and, more broadly, developing a closer relationship with LEP communities and thereby strengthening SCPD's ability to address and prevent crime in those communities.

As noted below, although SCPD has written an appropriate policy on language access, that policy is not yet being properly implemented. Language assistance is provided unevenly at best. We hope and expect that this will improve with enhancements to the Language Access training program and as more Department personnel receive the training, along with improved review and enforcement of language assistance in the field.

1. Language Access Policy

SCPD has made strides towards developing and implementing appropriate policies and practices with respect to LEP individuals over the last two years. It now has in place a strong, integrated Language Access Plan ("LAP"). Rules & Procedures Chapter 26, Section 5. The

LAP is helpful in its detail, but we recommend that SCPD prepare a distilled version of the policy, one to two pages long, to assist officers to understand and effectively implement the policy. During our tour, several Department members expressed support for this idea. Such a document would also help the community understand the policy. In fact, a postcard sized information card on the rights of an individual to request translation services could be developed and translated into the five primary languages.

The LAP has been appropriately translated into Spanish and the other priority languages. SCPD has consistently distributed the Spanish version of the LAP at SCPD facilities and maintains a copy on its website in five of the priority languages. However, the LAP was not always available in precincts during our review, and if it was available, not all desk officers were aware of this. One desk officer at a precinct did not know where the LAP was kept or whether it was available to the public.

Moreover, now that the policies have been translated into languages other than Spanish, these should be reviewed by community stakeholders to ensure that the translations are appropriate for local linguistic communities. For example, the Chinese translations are not consistent—the policy is written in Simplified Chinese and the complaint/compliment form is written in traditional Chinese. We also encourage the Department to continue to widen its distribution of the LAP, and ensure that LEP communities have the opportunity not only to access the policy but to review and comment on it to ensure accuracy. The Department also must ensure that precincts have appropriate posted signs translated into the priority non-English languages.

2. Training

Unlike in the past, SCPD is now providing four hours of language access training, including an hour of cultural competency training. Pedagogically, the language access training program has some excellent features, but requires additional revisions. There was mixed use of videos in this training. Some were effective; the use of video that was most effective included pausing the video to have a larger group discussion about the issues the video raised. The discussion itself needed further development, however. There was some resistance from students to the lesson that language assistance could lead to better outcomes, because the example video included policing mistakes unrelated to language access—one student said "the example was a stupid cop." The instructors did not effectively address the importance of language access policy in response to this critique.

Additionally, more could be done to create opportunities for interactive discussion in small groups after the video presentations. There was a short video training on basic Spanish phrases, but instructors left the room for the video and, without further dialogue, this video alone was not effective. Many officers appeared to stop paying attention and were checking their phones during this part of the training. Overall, the training should include more scenarios and role play, focusing on common encounters with LEP individuals. For example, the demonstration for using the Language Line was good, but the same should be done with teaching the four stated "How Tos" in the LAP. Incorporation of the LAP into scenarios in other training would serve to reinforce that LEP individuals may be encountered in any situation; i.e., domestic violence training in a scenario where the only one present who speaks English is a young child.

With regard to substance, the program started with an hour of Cultural Competency training. This part of the training did not meet the minimum standards for teaching this subject. The stated objectives for the program were unclear and, as a result, the program lacked focus. For the most part, culture and the need to be aware of cultural differences were discussed only in a general sense. Little of what was discussed was integrated into a discussion of how culture can affect how officers should do their jobs. The program did not define culture, nor did it explain how cultural orientation can affect the interpretation of events. It also did not present any information regarding how people of different cultures respond differently to external stimuli. Nor did the program lay out any strategies to help officers navigate challenges of dealing with people with different cultural practices. This critical portion of the training needs to be completely revamped.

The Language Assistance Tracking forms were covered in detail, and people were trained regarding how to complete them. The purpose and process of these forms were also explained in detail. However, there was no discussion of the role of third parties in reporting and complaint situations, and how even in cases where an advocate or other third party is capable of interpreting, a neutral interpreter is still required (Language Line or Department Authorized Interpreters ("DAIs")). SCPD needs to better instruct officers about when and why they are required to use department-authorized language assistance services, including Language Line. Officers have expressed concern about the time and effort it takes to access those services; they need to understand why it is in their best interests to do so. More detailed discussion of different scenarios on the use of interpretation at the precinct, in the field, and in exigent circumstances, would serve to enhance officers' understanding. For example, the training should contain more discussion of the exigency exception so that officers can understand when and for how long they can stray from using DAIs, qualified bilingual officers, or Language Line. Greater discussion of the use of either children or an unauthorized interpreter is important because these have been the most relied upon sources of language assistance for years, and they are no longer permitted, except during an exigency. Some attendees also had concerns about the use of Language Line in taking statements and other testimony for court. Instructors did not have an adequate answer to alleviate this concern.

Students should be given a copy of the LAP, and it should be discussed, section by section, to learn what the policy requires. A distilled version of the LAP, which must be developed, should be reviewed at the end of the program as final takeaways. Merely referencing the LAP is insufficient. SCPD instructors also should receive procedural justice training and incorporate the principles of procedural justice into the Effective Communication lesson. (See here for some police training podcasts on the topic: http://www.cops.usdoj.gov/default.asp?Item=2656).

3. Implementation of LAP in the Field

As more officers are trained in Language Assistance, we expect the use of Language Assistance tools, including DAIs and Language Line, to become more widespread. At present, however, officers appear to continue to lack recognition of the need for use of language access services. Some officers appear to believe that Language Line interpretation services should be used only in connection with calls for service, but not used for non-crime calls. Many calls for

service that are not crimes are also serious (e.g., traffic accident with serious injuries), and may require the use of an interpreter. Moreover, this is not an accurate reflection of the policy. (Rules and Procedures, Chapter 26, Section 5, II.B notes "Department personnel shall provide free language assistance services to LEP individuals, and shall inform members of the community that language assistance services are available to them free of charge.") Training and supervision should directly address this issue.

Likewise, officers still appear to be improperly relying upon bystanders and children for language assistance. Some officers have been in the practice of using bystanders and children and see no reason not to continue to do so because they have never had a problem doing so in the past. Others see no need to use language assistance tools because they believe that people who would require them do not call the police due to language barriers. Yet others appear to believe that children can be helpful in giving officers a good idea of what is happening. These misapprehensions must be addressed, in training sessions, roll call, and during direct supervision of officers.

4. Tracking Use of Language Access Assistance

SCPD has now implemented a language assistance tracking program using CAD computers in patrol cars. Any call that a 911 dispatcher receives for which language assistance is indicated is assigned a "Lima" code. Before an officer is able to close out a call with a Lima designation, the officer must complete a Language Assistance Tracking form in the CAD system that indicates, among other things, what language assistance, if any, was provided on the call. This requirement serves two purposes: first, to prompt officers to use language assistance services, and second, to ensure that they record the services provided. This has led to increased numbers of completed forms than in the past. The forms provide valuable information to the Department on compliance with the policy, gaps in service, and other emerging needs. In precincts, the front desk officer and civilian staff also provide language assistance to people, but complete the language assistance forms by hand, and administrative personnel input the information into the CAD system. This raises a concern that these kinds of services are less likely to be fully documented in SCPD's data. Precinct personnel should be able to input their use of language access services directly into the CAD system.

The development of Lima codes and use of the CAD system to document interactions with LEPs is a very positive development. However, supervisory review of Lima data is inconsistent. SCPD must develop procedures to ensure: 1) the accuracy of Lima data; and 2) that officers are appropriately assessing language needs and appropriately using language services. This would include comprehensive review of the language assistance tracking forms, 911 calls, and Language Line data, and developing an analytical plan to ensure proper adherence to the policy and emerging language needs.

5. Language Assistance in the 911 Call Center

The Communications Section has developed excellent systems to identify and respond to calls it receives from LEP individuals. In addition to employing bilingual operators, all operators have instant access to Language Line, and reported using it frequently. The Department also employs a number of Spanish-speaking operators who should, consistent with developing

department policy, become certified as bilingual employees. However, SCPD does not employ enough Spanish-speaking operators to ensure coverage on every shift, and this should be remedied.

The Communications Section has also developed a variety of information about the community to better identify and respond to LEP calls for service. In addition to these efforts, we recommend that SCPD develop and use the detailed demographic information available on Suffolk County's LEP population to assist it in identifying language assistance needs in the field as calls come in. Review of the 911 interface in the Communications Section appeared to show that Lima codes were incorporated into the system by changing the values in an existing field, rather than adding a new field for tracking LEP callers to the database. This creates a dropdown list twice as long as before, with code options that are nearly identical, differing only in the L designation. This may be resulting in some data entry error, in both directions—over-identification and under-identification of LEP calls. We recommend that SCPD seek a programming solution that reduces this error and improves the usability of the 911 interface.

Finally, one additional concern, shared by SCPD, is that a large number of forms were closed as "THE VICTIM/COMPLAINANT SPOKE SUFFICIENT ENGLISH TO COMMUNICATE" (65 percent of no language assistance given cases) and "NON-LIMA CALL" (7 percent of no language assistance given cases). This percentage has increased over the last few months. Further inquiry into this data is required to ensure that it is accurate, and to better understand if LEP individuals are receiving necessary police services.

6. Qualification of DAIs and Bilingual Officers

A cornerstone of a successful language access plan is to ensure that personnel who provide language access services have the necessary skills to effectively communicate with LEP individuals. The Settlement Agreement requires that before bilingual personnel engage in monolingual conversation in a language other than English or provide interpretation services through DAIs, they must pass an appropriate test and be deemed qualified. *See* Agreement at 10. SCPD has only begun to implement these requirements. Only a few individuals have been tested and certified as DAIs or bilingual officers. This process must be accelerated. Further, no one within the Department has yet been certified as to translate documents.

Further, officers need to better understand the appropriate role of bilingual personnel and DAIs. As noted, officers remain unclear about when they are permitted to use bystanders and family members, and when and how to employ the services of DAIs, Language Line, and bilingual personnel. Training, both at the Academy and at roll call, needs to clearly articulate these matters.

7. Translation of Critical Documents

SCPD has translated many critical documents, including, importantly, the complaint/ compliment form, into Spanish, Traditional Chinese, Haitian Creole, Italian, Polish, and Portuguese. The Department is still in the process of developing online submission capability for compliments and complaints, as well as the translation of the form into other non-English languages, as appropriate. However, review of SCPD's website provides no evidence of the

compliment and complaint phone line on the "contact us" page, and the line is not mentioned on the "Información en Español" page (the number for the community response bureau is provided). This could be one reason that SCPD reports that it has received only one piece of correspondence in a language other than English.

SCPD should reassess barriers to receiving correspondence in languages other than English. There may be a need to publicize that the Department will accept correspondence in languages other than English and that it will translate the written communications. Indeed, community advocates noted that the public is not aware of this complaint line. Likewise, the Spanish version of the compliment/complaint form does not have a note that the phone operators speak Spanish or any other language.

Finally, we recommend that SCPD add a footer to each translated document identifying (in English) the foreign language in which the document has been translated and the date of the last update to the translation. This best practice makes it easy for officers to access appropriate translations of forms and documents and ensure up-to-date information is available to the public.

D.   ALLEGATIONS OF POLICE MISCONDUCT

VI. ALLEGATIONS OF POLICE MISCONDUCT	Partial Compliance
a. Reporting Misconduct	Partial Compliance
b. Investigation of Misconduct	Partial Compliance

SCPD has made significant structural reforms to its Internal Affairs Bureau ("IAB") within the past year, and the Police Commissioner, other SCPD leadership, and the new command staff at IAB have expressed a serious commitment to enhancing the stature of IAB and reducing the backlog of cases under investigation by IAB. We are encouraged by these changes and hope that they will lead to significant improvements in the timeliness and effectiveness of SCPD's internal investigations—and that this, in turn, will help to bolster the community's confidence in the Department. These structural changes are still relatively new and untested, however, and we continue to have concerns with SCPD's accountability procedures, as well as the Department's ability and willingness to support members of the community filing complaints about officer misconduct. We describe SCPD's areas of improvement and our outstanding concerns in more detail below.

1. Reporting Misconduct

Although we recognize that SCPD has made significant efforts to increase the community's awareness of and accessibility to means of submitting complaints of officer misconduct, we continue to believe that SCPD needs to do more work with the community and with its precincts in order to fully enable community members to file complaints. We continue to hear troubling stories about members of the community encountering problems with submitting complaints, both in person at their local precincts and directly to IAB, and about

community advocates facing significant resistance to the submission of third-party complaints. We note that, although SCPD has established a variety of means by which individuals outside of the Department may file complaints, there continue to be significant gaps in the community's awareness of how to submit complaints and in the community's level of confidence that external complaints will be accepted and handled in a fair and timely manner.

We recommend that SCPD assess how, when, and from where external complaints are submitted to the Department, to identify where there continue to be gaps in the community's access to complaint procedures and to develop strategies for closing those gaps. For example, SCPD appears to be planning to rely heavily on online procedures for receiving complaints; while useful, we are concerned that over relying on online methods may result in the process not being accessible to segments of the community that either do not have easy access to computers or that tend to access the Internet through their phones, which may not be conducive to submitting a complaint. An assessment of when the Department learns of complaints against its officers also may help IAB identify problem areas in its outreach to and relations with the community. If, for example, IAB learns of an individual's complaint only when the individual files a lawsuit against SCPD, then there has been a delay in the information reaching SCPD that is likely to seriously compromise the Department's ability to work cooperatively with the complainant or to conduct an effective investigation of the allegations. If SCPD were to identify a trend of IAB learning of allegations of officer misconduct well after the occurrence of the underlying incidents, it should suggest to SCPD that IAB would benefit from doing more to encourage and enable complaints being filed soon after the occurrence of an incident – and, at least indirectly, this would help SCPD avoid more complicated and more contentious responses from the community, such as litigation against SCPD. Although we heard and recognize that members of SCPD and IAB in particular feel as if they have adequately engaged the community in order to facilitate complaints, it is critical—as much for SCPD's compliance with these provisions as for the integrity of its IAB and the restoration of the community's trust in IAB and SCPD—that persistent deficiencies are identified and addressed. SCPD should continue to assess and improve the methods available for submitting a complaint, including by assessing trends in the methods actually used by complainants, and the timing of those complaints, in order to identify processes that may not be accessible or well known.

Related to the above concern, we urge SCPD to increase and improve its communication with complainants outside the Department. We are concerned that external complainants continue to receive little to no information about the progress of the investigations of their complaints, and in particular, little to no notice of and information about the resolution of those investigations. Indeed, this concern was highlighted by SCPD's own audit of IAB cases completed between July 1, 2015, and January 1, 2016, which identified a case in which the complainant did not recall ever speaking to an IAB investigator and had never been informed about the resolution of the investigation of his complaint. SCPD needs to develop and implement a regular process for informing the complainant, and ideally, the community, about the outcomes of its internal affairs investigations. Furthermore, we renew our recommendation that supervisors include appropriate complainant contact as one of the bases for their review of investigations—both for IAB's review and for the chain of command above IAB. *See* Second Assessment Report at 45.

Finally, we recommend that SCPD and IAB continue to develop and expand upon their work measuring and assessing trends in their internal affairs investigations. We were pleased to see, as evidenced by SCPD's "IAB Patterns and Trends of Biased Policing 2015" Report, that SCPD has started to identify and assess trends in their internal investigations. However, SCPD needs to continue to develop and expand upon this assessment. For example, we recommend that SCPD and IAB look at trends over a longer time period than they have done to date and that they measure and analyze the time periods between different stages in the life cycle of an internal affairs investigation. SCPD and IAB should use this analysis to support the Department's consideration of the effectiveness of their investigations and law enforcement procedures, overall; for example, SCPD and IAB should consider looking at their internal affairs cases to consider whether the use of body-worn cameras or dashboard cameras would have allowed for an easier or more effective resolution of the investigation. We further note that this type of data analysis may be complemented by the implementation of the traffic stop data analysis measures discussed in connection with the bias-free policing provisions of the Settlement Agreement, and recommend that SCPD look for and consider ways in which these procedures may support one another. *See* Settlement Agreement at 6-7.

2. Investigating Misconduct

SCPD has made significant structural reforms to its IAB within the past year, including adding more and higher-ranking officers to its command structure, and modifying IAB's organizational structure so that it is now composed of three teams of six investigators, each of which is led by a captain. To the extent that these organizational changes speak to SCPD's commitment to enhancing the stature and credibility of IAB within SCPD and in the community, as we believe they do, we are encouraged by these changes. Moreover, it is our expectation that these structural changes will encourage earlier, more frequent, and more substantive supervisory review of investigations, as well as more consultation and collaboration between investigators and their supervisors. These are changes that were needed in IAB and that we expect will improve both the quality and the timeliness of SCPD's internal investigations.

Similarly, we were encouraged by the expressed commitments of the Police Commissioner, SCPD leadership, and the new command staff at IAB to reducing the backlog of cases handled by IAB. It is our hope and expectation that their prioritization of enhancing IAB's resources will send a message to the Department and to the community that officer accountability is a core value of SCPD. Furthermore, we expect that the new IAB command staff's focus on reducing the clearing the backlog of cases will mean that many long-standing investigations will be resolved, and we hope that it will prompt IAB to develop measures for improving the timeliness of future investigations.

In addition, we were encouraged to find that IAB investigative officers are receiving specialized training relating to conducting internal affairs investigations. It is important not only to identify training opportunities for investigative officers, but also to create an environment in which officers feel that their supervisors actually support them receiving such training. We were encouraged to find that both are happening with greater regularity than in the past. At the same time, we are concerned that sergeants, lieutenants, and other supervisors at the precinct level do not receive specific training for how to conduct a misconduct investigation given the significant number of complaints that are assigned to the precinct for a chain of command investigation. As

noted above, SCPD does not provide any specific, recurring training regarding supervisory duties. While supervisory functions are a component of training delivered upon an officer's promotion to sergeant, SCPD should strongly consider developing recurring training for supervisors, with a component specifically dedicated to investigating allegations of misconduct.

We continue to have serious concerns about the long time periods between the opening of an internal investigation and the final resolution of the investigation. Although we are encouraged by SCPD's and IAB's stated commitment to reducing the backlog of cases, we did not find that IAB had developed concrete plans for how to prevent such a backlog from developing in the future. As we have in our past Assessment Reports, we recommend, for example, that IAB develop interim timelines for the progress of an investigation and institute a way of measuring their adherence to those timelines. Similarly, we recommend that the new IAB command staff develop and implement case management guidelines, for example, to guide investigating officers in determining how to allocate their time between the investigations they are handling. We are concerned, for example, that investigating officers may allow cases perceived as "easier" or less important to linger if and when they are assigned to investigate a higher priority case. IAB command staff needs to develop and implement procedures for dealing with this situation if they hope to improve the timeliness of their investigations and prevent backlogs from amassing in the future.

Related to this concern, we renew our earlier recommendation that the IAB develop and implement a method for tracking the progress of their investigations. *See* Second Assessment Report at 44-46. We are concerned that neither IAB command staff nor its investigating officers were able to describe the time periods for IAB's current investigations. We believe that IAB should have a process to determine how long each stage of an investigation takes, for example, between the assignment of an investigation to an investigating officer and the first supervisory review of the investigation. Moreover, IAB should have a means of identifying and assessing these time periods for individual cases, for individual investigative officers, and for IAB as a whole. Without the development and implementation of such measures, we are concerned that IAB's expressed commitment to reducing the backlog of its cases will not translate into improvements to the timeliness of its investigations in the future.

E.   COMMUNITY ENGAGEMENT

VII. COMMUNITY ENGAGEMENT	Partial Compliance
a. Maintaining Community Relationships	Partial Compliance
b. Community Liaison Officers	Substantial Compliance
c. Community Oriented Policing Enforcement ("COPE")	Substantial Compliance

d. Community Response Bureau	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social media and notification systems	Substantial Compliance

It is clear that SCPD, and in particular, its Community Liaison Officers ("CLO"), Community Oriented Policing Enforcement ("COPE") officers, and the command staff in its Community Response Bureau ("CRB"), has committed substantial time and energy into further developing its community engagement programs over the past year. These efforts have resulted in the expansion and improvement of the programs and services offered by SCPD to the community, as well as improvements to the communication and collaboration between CLOs and COPE officers in different precincts and between CLOs and COPE officers and CRB. Notwithstanding SCPD's commendable efforts and improvements, we continue to have concerns about the effectiveness of SCPD's implementation of the community engagement provisions of the Agreement, and we urge SCPD to heed our recommendations for expanding its community engagement efforts to reach throughout the Department and to access the more underserved parts of the Suffolk County community.

1. <u>Maintaining Community Relationships and Community Outreach</u>

We recognize the new Suffolk County Police Commissioner, and the leadership of SCPD's CRB, for their stated commitment to making community engagement a priority for SCPD, and for their efforts to meet with representatives of the community, including leaders of advocacy groups and service providers working with the Latino community in Suffolk County. It is clear that the Police Commissioner and CRB have made it a priority to schedule regular meetings with these community groups, and to have these meetings attended by high-ranking members of SCPD.

In addition, we note with approval that SCPD has implemented a survey of the community, has conducted some analysis of the survey results, and, based on that analysis, has made plans for revising the survey instrument and the method of distributing the survey. The community survey is an important means of soliciting feedback from the community, and analysis of the survey results should serve as a key data point for SCPD in determining how to improve its community engagement programs.

However, SCPD needs to think beyond its more traditional community engagement events when mapping out its future plans for community engagement, in order to continue to deepen the relationships and trust it is building with the community groups with which it is already involved and to forge new relationships with parts of the community with which it has yet to connect. For example, SCPD should meet with leaders of community groups to get their input about what types of community events SCPD should be involved with, about geographic areas, organizations, or parts of the community that SCPD should develop relationships with, and about how to staff and structure community events to encourage more robust and more

meaningful participation from the community. Toward the same ends, SCPD should consider conducting more outreach to the faith community and taking advantage of its existing School Resource Officers to get new ideas about community engagement. Although the development of the community relations daily activity reporting system is a positive step, the Department needs to use this system in a more effective and accurate way. As it stands, we have concerns that the system does not present an accurate or useful picture of how COPE officers and CLOs spend their time. Rather than having officers account for a particular community engagement event as a discrete event involving many different actions, for example, officers appear to be separately accounting for each action that they take relating to a particular community event. This may lead to an artificially inflated description of the extent of a particular officer's work, or even of SCPD's community engagement work at the precinct or department level. Having a more consistent and accurate means of tracking officers' community engagement work is an essential, and still missing, component of developing an effective community engagement program.

Finally, we note that SCPD should continue with its plans to revise the community survey, and should further refine and improve its analysis and use of the survey results. As SCPD acknowledged in its 2015 Community Relations Report, the survey instrument itself needs to be reformulated. For example, because many of the questions in the current version of the survey yielded few or no substantive responses, SCPD should consider rewriting those questions, and revisiting how and where the survey is distributed. In the same vein, as SCPD has acknowledged, the survey results strongly suggest that the survey is not reaching a significant proportion of the Latino or LEP populations in Suffolk County, and thus that SCPD is not yet getting useful information from the survey about how it is working with these segments of the population. SCPD thus needs to do more to get the survey to Latinos in the community, particularly LEP individuals. Indeed, our own assessment supports this finding from the survey: it remains evident to us, for example, that additional outreach with Latino and LEP community advocates is needed to ensure that they know about the compliment/complaint line and that they are informing their constituents to use it to provide feedback to SCPD. SCPD has stated that it will be reformulating and redistributing the report in 2016. We look forward to seeing the revised survey instrument and to hearing about the Department's efforts to improve distribution of the survey instrument.

2. <u>Community Liaison Officers, Community Oriented Policing Enforcement, and the Community Response Bureau</u>

We recognize both that CLO and COPE officers in different precincts are now working more closely with one another and that CLO and COPE officers are having more regular communication with their leadership in CRB. This enhanced communication and collaboration represents a notable improvement from the past, when it seemed that CLO and COPE officers had little to no familiarity with the community engagement programs in precincts outside of their own. Ensuring effective communication promises to better enable precincts to share with one another what they have learned about opportunities and challenges for developing and improving their own community engagement programs. We note, for example, that the soccer program organized through the Police Athletic League in the Fifth Precinct—which has, fairly, been held up to us as one of SCPD's most successful community engagement programs—will be replicated in the First Precinct, with the support of CLO and COPE officers who organized the soccer program in the Fifth Precinct. This is a clear example of the benefit of having more

regular and more meaningful information sharing between CLO and COPE officers in different precincts. While we are encouraged by the progress in this area, we urge SCPD to continue to foster this intradepartmental communication.

Beyond encouraging continued activities by and dialogue between its CLO and COPE officers, SCPD needs to take affirmative steps to involve the entire Department in community engagement.   It is essential that community engagement be perceived as relevant to, and part of the responsibility of, *all* police officers and command staff in SCPD—and it is the responsibility of the Police Commissioner, of SCPD leadership, and the CRB, to make sure that this culture change takes place. As it stands, SCPD continues to have its community engagement efforts handled almost exclusively by its COPE officers and CLOs, and to have decisions about what community engagement means for the Department determined by CRB. Although command staff and line officers attend community engagement programs, their involvement seems to be fairly minimal and to depend mostly on their individual availability and interest. SCPD leadership and command staff need to take concrete, affirmative steps to get patrol and investigative units involved in community engagement programs. For example, SCPD should encourage patrol officers to attend community events and make it clear that such activities are an integral part of their law enforcement responsibilities.