FIFTH REPORT ASSESSING SETTLEMENT AGREEMENT COMPLIANCE BY SUFFOLK COUNTY POLICE DEPARTMENT

June 23, 2017

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 fifth Assessment Report.

Since we issued our last assessment report in January 2017 (the "Fourth 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 since our last site visit in the fall of 2016. We also met with SCPD officials, SCPD command staff and other supervisors, and SCPD officers, toured precincts and participated in ride-alongs with on-duty officers, attended training courses, and met with members of specialized units, including the Hate Crimes Unit ("HCU"), the Internal Affairs Bureau ("IAB"), and the Community Response Bureau ("CRB"). We also held a conference call with SCPD command staff, including Commissioner Timothy Sini. In addition, we solicited the views of the Suffolk County community, including the Latino community, by meeting with community advocates. In conducting these activities, we consulted with police practice experts with 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 provided 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. 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, SCPD has made substantial progress in implementing the requirements of the Settlement Agreement during the previous rating period, particularly with respect to its hate crimes quality assurance and police misconduct investigations. In other areas, considerable work remains.

Over the coming year, we will focus our attention on the Department's efforts in the substantive areas of the Agreement with which the Department remains in partial compliance.

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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.

We will, however, continue to assess the Department's work in the areas where it already has achieved substantial compliance to ensure that the Department maintains its progress in those areas. In conducting our assessment work, we will continue to communicate with SCPD officers and command staff, both during regular phone calls and site visits. We also will continue to meet with community members, both during larger-scale community outreach meetings during our site visits and through ongoing meetings and communications with individual community members and representatives. We will publicly report on our observations of SCPD's implementation of the Agreement in the fall of 2017 and spring of 2018.

II. CURRENT COMPLIANCE RATINGS

Section IX of the Settlement Agreement provides that the United States will assess and report on SCPD's compliance with the Agreement. *See* Agreement at 19-20. 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 a 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	Substantial Compliance
c. Traffic Stop Data	Partial Compliance
d. Training	Compliance Rating Pending

IV. HATE CRIMES AND HATE INCIDENTS	Partial Compliance
a. Training	Substantial Compliance
b. Tracking and Reporting	Partial Compliance
c. Quality Assurance	Substantial 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	Partial Compliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Substantial Compliance
h. Community Survey	Partial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	Partial Compliance
a. Reporting Misconduct	Substantial 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

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	Substantial Compliance
c. Traffic Stop Data	Partial Compliance
d. Training	Compliance Rating Pending

Under the Agreement, the SCPD has committed to ensuring that its police services are "equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department" and that all "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." Agreement ¶ III(a) at 4. To bring these provisions to fruition, the Department must develop and implement a robust system of training, supervision, data collection, and accountability mechanisms that ensure its law enforcement duties are being performed free of impermissible bias. The SCPD has codified the principles of bias-free policing through its policies and procedures. This is a necessary first step, but as detailed below, the principles of bias-free policing must take root through the Department's data collection and analyses, and its training program. Because SCPD continues to develop the requirements of these provisions, the Department remains in partial compliance with the bias-free policing section of the Agreement.

1.   Policies and Procedures

We previously rated SCPD in substantial compliance with the policies and procedures provisions of the Agreement. *See* Fourth Assessment Report at 6; *see also*, Agreement ¶¶ III(a) - (b) at 4-5. As we noted then, ensuring that these policies are adhered to in practice will require

additional work, specifically, through the appropriate data collection and training practices required under the Agreement, discussed below. *See* Fourth Assessment Report at 6.

    2. <u>Traffic Stop Data</u>

To ensure bias-free policing, SCPD must collect accurate traffic stop data and analyze it for indications of bias. *See* Agreement ¶ III(c) at 6. Our last two assessment reports detailed the various shortcomings with SCPD's data collection practices. *See* Third Assessment Report at 7-8; Fourth Assessment Report at 6-7. During our site visit in September of 2016, SCPD had committed to a plan and timeline for developing appropriate data collection methods consistent with the substantive recommendations we had made about enhancing the data collected. *See* Fourth Assessment Report at 7. This plan involved transitioning from a computerized data terminal system designed by an outside company to one that is developed and maintained by SCPD's information technology department. We supported this approach since it would give SCPD greater control over the data collection and improve the Department's ability to analyze up-to-date data. At the time, the Department projected that the new system would be up and running and begin collecting data in early 2017. Unfortunately, SCPD was unable to meet this estimation, and the system was not operational at the time of our April 2017 visit. For this reason, the Department continues to be in partial compliance with the traffic stop provisions of the Agreement.

While the new system was not operational, the Department provided DOJ a mock-up of the re-designed interface. The current interface captures much of the pertinent data involved in a traffic stop, and we made suggestions for additional data fields that would allow SCPD to conduct more meaningful analyses of the data and the legality of the traffic stops. Several weeks after our visit, the Department provided further information regarding the new interface, in particular the drop-down values that officers will see as they input information into this system. Once the parties have agreed to the data fields and their drop-down values, the Department will finalize the interface design and implement the system. The Department estimated that it would be able to rollout the system within a month of finalizing the substantive fields.

As part of our comments to the traffic stop interface mock-up, we recommended linking the traffic-stop reports to use-of-force reports where a traffic stop led to a force incident. This is an important function that the Department should develop; by linking the two data sources, supervisors and command staff will be able to conduct thorough analyses of traffic stop and use of force incidents, and to determine whether any force incidents unnecessarily resulted from an illegal stop. There are technical difficulties to linking the two databases, however, since each uses its own unique identifier to track incidents. The Department suggested that it could issue a directive requiring that officers provide the traffic stop identifier ("CC number") in the "details" field of use of force reports when a traffic stop results in a force incident. This requirement will facilitate a more thorough and efficient review process for supervisors and command staff. By easily accessing related traffic stop reports, reviewers will be able to analyze the entire encounter to make determinations of the propriety of the traffic stop and force incident.

The Department will also code the traffic stop data so that any stop report with a related use of force incident will automatically require supervisor review and approval of the traffic stop. Relatedly, we renew our recommendation that SCPD supervisors develop specific protocols for the substantive review of traffic stop data as part of supervisors' regular

supervisory activities and that SCPD provide updated training for supervisors, many of whom have not received supervisor-specific training since attaining the rank of sergeant. *See id.* at 7.

We look forward to the next steps of this process and to the new implementation of the traffic stop data system. It is our hope that SCPD will be able to rollout the system soon so it can begin collecting and analyzing data, which would permit DOJ to review SCPD's analysis of several months' worth of data before our fall 2017 site visit to provide feedback and to ensure that the Department is properly analyzing the data.

3. Training

The Agreement requires that all sworn officers receive training on bias-free policing at least annually. *See* Agreement ¶ III(d) at 6-7. This training is to "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 the Department must incorporate into bias-free training. *Id.*

As detailed in our last assessment report, SCPD suspended its bias-free policing training after we determined that it was deficient. *See* Fourth Assessment Report at 8. To aid the Department in the development of a sound and effective training, the Office of Justice Programs (OJP) of the United States Department of Justice had agreed to provide SCPD with technical assistance in the form of training modules, specifically, with training programs on both procedural justice and bias-free policing. *See id.* Further, SCPD has agreed on a training schedule that will allow all SCPD officers to complete both procedural justice and bias-free policing within an initial two-year period, with bias-free policing training recurring annually thereafter for all officers.

The Department recently had a planning call with OJP to develop a work plan and timeline for the training. On the call, OJP explained that it uses a "train-the-trainer" model that involves having its personnel show SCPD trainers how to deliver bias-free policing and procedural justice trainings. Under this model, OJP will deliver a four-day training; debrief the Department after; work with SCPD to develop an implementation guide; provide support to SCPD during the rollout of the training; and develop data metrics for measuring whether the Department achieves the program's goals. SCPD enthusiastically opted for an in-depth partnership with OJP that includes customized technical assistance, subject matter expertise, and site-visits by OJP beyond the basic delivery, rollout, and implementation of the program.

The SCPD and OJP agreed to conduct the train-the-trainer training in November 2017. While the trainings has taken longer than anticipated to coordinate, we are encouraged by SCPD's desire to take full advantage of the resources OJP is able to provide. Once SCPD trainers begin to deliver the training, we will assess whether SCPD is appropriately tailoring and delivering the training modules in a manner that is consistent with the terms of the Agreement. We will review training curricula, observe training sessions, and meet with SCPD trainers and officers completing the training to assess effectiveness. We are hopeful that partnership with OJP is the Department's first step in the process toward substantial compliance with the bias-free policing training provisions of the Agreement.

B.   HATE CRIMES AND HATE INCIDENTS

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

SCPD has made significant strides in the area of hate crimes and hate incidents since entering into the Agreement. In our last Assessment Report, we found the Department's hate crimes training markedly improved and in substantial compliance with the requirements of the Agreement. *See* Fourth Assessment Report at 9-10. The Department has likewise now come into substantial compliance with the quality assurance provisions of the Agreement. Because SCPD is currently developing a new mapping system to track and analyze potential hate crimes and hate incidents, however, it continues to be in partial compliance with those provisions of the Agreement.

1. Training

Under the Agreement, SCPD must ensure that all officers receive annual hate crimes and hate incident training. Agreement ¶ IV(a) at 7. DOJ previously found SCPD to be in substantial compliance with these provisions Agreement. *See* Fourth Assessment Report at 9-10. While we will continue to monitor hate crimes trainings to ensure that SCPD maintains substantial compliance with this provision, we did not observe SCPD's training in this area during this visit. We will note, however, that the Hate Crimes Unit ("HCU") reported receiving more calls from officers for incidents that might be a hate crime or hate incident, which is reflected in the increase of incidents that were examined as potential hate crimes in 2016 (195) compared with 2015 (125). *See* SCPD Hate Crimes Report 2016 at 4; SCPD Hate Crimes Report 2015 at 13. The HCU reasonably attributes this increase, at least in part, to the training's effectiveness insofar as line officers are more familiar with this crime category and understand the importance of involving the HCU in investigations.

2. Tracking, Reporting, and Pattern Analyses

A critical factor for SCPD to adequately and effectively combat hate crimes and hate incidents is the Department's tracking and mapping of crime trends and crime patterns. Accordingly, the Agreement requires SCPD to "implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents," and to "produce a report mapping and analyzing for potential patterns and trends [of] of all hate crimes and hate incidents[.]" Agreement ¶ IV(b) at 7. A robust, up-to-date, tracking and reporting system that is widely shared within the Department will allow officers to engage in pattern analysis and potentially

identify hate crime patterns in their own precincts. Until SCPD develops and implements such a tracking system, the Department cannot ensure that it is tracking and analyzing crimes to identify patterns or trends of potential hate crimes or hate incidents.

The Department currently is developing a new mapping system, and it was not operational at the time of our visit in April 2017. Previously, the County had been administering SCPD's hate crime mapping. The SCPD's IT Department will now oversee and administer the new system, allowing SCPD greater control over the updating and analysis of data. The new mapping system will present crime data at the countywide level as well as the precinct-level. We commend this effort, especially because the precinct-level data will provide officers relevant information about crimes occurring in the areas they police. Indeed, COPE officers that we spoke with expressed that the precinct-level maps will be useful in helping them with targeted outreach to communities that are experiencing potential hate crimes or hate incidents.

In our Fourth Assessment Report, we raised the issue that SCPD's mapping system at the time did not provide an adequate visual representation of the volume of potential hate crimes and hate incidents because each dot represented a crime at the geolocation where the crime had occurred. *See* Fourth Assessment Report at 10. Where there had been several incidents, the map layered the dots, underrepresenting the number of incidents. SCPD informed us that they are integrating a "heat map" type feature into the maps to indicate the frequency of incidents at a given geolocation represented as colors. The maps will also have more underlying data that will be accessible by clicking on a particular dot. Additionally, the Department has implemented our recommendation to provide 12-month aggregate crime data on its maps, rather than data based on a 12-month calendar year beginning each January, and will continue this approach with the new mapping system. *See id*. at 10. These features will be useful in providing officers more accurate, meaningful data about crime patterns and potential hate crimes. We look forward to the launch of the new mapping system, and we are hopeful that it will aid the Department in its commitment to analyzing crime patterns to identify and prevent future hate crimes and hate incidents.

We renew our recommendation that the Department produce the annual report mapping and analyzing potential patterns and trends for all hate crimes and hate incidents on a bi-annual basis to maximize the utility of the crime data in identifying hate crime patterns. *See id*. at 10. Additionally, while we are mindful of the Department's desire not to overload officers with information, *see* SCPD Compliance Report (March 2017) at 5, we emphasize the importance of ensuring that officers have ready access to information about potential hate crimes and hate incidents. We appreciate SCPD's efforts to think strategically about the best means by which to disseminate the mapping data information efficiently and effectively within the Department. *See id*.

3. Quality Assurance

The Agreement requires SCPD to "implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures," and that SCPD will conduct random audits of HCU investigations and any corrective actions taken because of the audits. Agreement at 7-8. As we stated in our last report, SCPD's hate crime investigations policy aims to ensure the effective identification and

investigation of hate crimes, and this involves improving outreach and communication with community members. *See* Fourth Compliance Report at 11 (citing SCPD Hate Crimes GO 16-43). Previously, we had raised concerns that hate crimes might go unreported due to a lack of public awareness about what qualifies as a hate crime or hate incident. *See id*. SCPD is making significant efforts to improve its outreach to communities that have been targets of hate crimes or hate incidents. For example, representatives from the HCU spoke about the difference between hate crimes and hate incidents at the Islamic Association of Long Island in March 2017. The Unit attended another community engagement at a mosque that same month.

The HCU has also created public outreach materials including a poster providing information about how to report a hate crime and a flyer detailing the elements to a hate crime. The HCU will continue to disseminate these materials at businesses and other high-traffic areas where community members are likely to see them. It is important that the Department continue these outreach and public education efforts, particularly in light of community members' impression that the Department is not proactively investigating incidents against Latinos. Specifically, we heard from members of the Latino community who expressed concerns that the Department had not received any tips or investigated any crimes against Latinos in 2016. This raises concerns of an under- or non-reporting problem due to police mistrust or lack of cooperation. We conveyed these concerns to the HCU, and it promptly offered to hold informational meetings with interested community groups to discuss the legal standards for hate crimes and hate incidents, and the Unit's investigations of such incidents. We also recommended that the HCU develop a public service announcement for broadcast on Spanish-language radio. Vigorous outreach measures to inform and educate the public about hate crimes and the HCU's investigative process will allow community members to understand the scope of SCPD's efforts in this area. These efforts will also increase the likelihood of cooperation and collaboration in combatting hate crimes and hate incidents.

The Department has greatly improved its bi-annual hate crime audit and reporting. *See* Agreement ¶ IV(c)(ii) at 6-7. Our last assessment found that HCU's report provided summaries of the investigations audited but did not provide any analysis of the quality of the investigations or "any corrective actions planned or taken as a result of the audits" as required under the Agreement. *See* Fourth Assessment Report at 11. The HCU's most recent report, however, included information about the status of the cases, and what charges, if any, the Unit pursued. *See* SCPD Annual Report 2016. The report also provided thorough case and investigation narratives, facilitating a better and more accurate audit review process. The audit sample was a random 10% sample drawn from the Department's 2016 hate crimes investigations, which is a valid representative sample. The HCU, however, had also included a few other cases it deemed of interest in the audit report but had not noted this in the report. We suggested clarifying this methodology for the report. We find SCPD in substantial compliance with Section IV(c) of the Agreement. In the coming months, it remains imperative that the Department maintain substantial compliance with this provision and continue to strengthen its quality assurance methods. In subsequent site visits, we will continue to monitor this aspect of the Agreement. We commend the Department's progress in this area and we will continue to provide support in advancing its goal of ensuring that the Department follows proper techniques and procedures in investigating hate crimes.

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	Partial Compliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Substantial Compliance
h. Community Survey	Partial Compliance

As we have noted in our previous reports, Language Assistance is a cornerstone of the Agreement. *See* Agreement V at 8-11. Limited English Proficiency ("LEP") individuals are particularly vulnerable to victimization and marginalization. Police officers and other SCPD staff must be able to communicate effectively with them in order to provide appropriate police services, effectively investigate crimes, and protect arrestee's civil and constitutional rights. Since our last report, SCPD has improved aspects of its language access program. It has revised its already solid, comprehensive written language access policy; we offer a few suggestions below to strengthen it even more. SCPD also has developed an excellent training program. As a result, our compliance rating has improved for several components of the language assistance section of the Agreement. However, at this juncture, SCPD still falls far short of fully implementing the Language Access Plan ("LAP") and does not sufficiently track or monitor provision of language access services.

1.   Language Access Policy and Language Line Order

SCPD has a strong LAP rules and procedures manual, which includes all materials and directives that were previously separately set forth in its LAP and Language Line Order. *See* SCPD LAP, Rules & Procedures, Ch. 26, Sec. 5. The Department has recently improved its LAP even further, revising the role and responsibilities of certified bilingual staff, tweaking its tests for bilingual proficiency and Department Authorized Interpreters ("DAI") and strengthening requirements for documenting "Lima calls" (i.e., calls which may involve LEP individuals) on the Online Reporting System. However, SCPD needs to take additional steps to ensure that its

language assistance policies are adequate and provide the needed services to non-English speaking community members. Thus, while the Department continues to be in substantial compliance with the language line order provision of the Agreement, see Agreement ¶ V(b) at 9, it remains in partial compliance with the language assistance policy provisions for the reasons discussed below. *See id.* ¶ V(a).

In our last report, we recommended that SCPD authorize bilingual employees, not just DAI, to take LEP suspect, victim, witness, and complainant statements. SCPD has adopted this recommendation. We also suggested that SCPD develop a network of multi-lingual advisors to ensure that it translates documents accurately. SCPD has tried to establish such relationships, but has not yet fully executed this effort.

We recommend three additional changes to the LAP. First, it should include a strong message that officers should not use children as interpreters except in exigent circumstances when there is no other option. At present, the LAP is silent on this topic. Second, SCPD should revise the policy to clarify the order of preference of language assistance services that may be used. The LAP does not currently prioritize the available language assistance options. It should require that, unless an interaction with an LEP person is by telephone, SCPD personnel can use either a DAI or bilingual officer, and should use Language Line only if no in-person assistance is available. Third, the LAP needs to specify that written statements by LEP individuals should be transcribed in the person's language and subsequently translated into English. The LAP should further indicate who is authorized to translate a written statement.

Finally, we recommended previously that SCPD prepare a summary version of the LAP as a reference for officers. The SCPD has prepared a document summarizing the LAP, but it primarily informs community members of their rights. SCPD still needs to develop a simplified resource for officers that hones in on the key operational aspects of language access as it relates to their roles in the field, at precinct desks, during interviews, and in other settings.

2**.** Policy on Persons with LEP

Even though policies and training have improved, implementation of the LAP is still lacking. Officers still do not appear to understand when they are supposed to use language assistance services and too often fail to provide them at all. Supervisors and commanders do not know which officers under their command are qualified to provide language assistance. Contrastingly, the 911 Call Center provides language access services well.

Although the use of Language Line has increased every month and every year since 2013, there are still substantial barriers to using this telephone translation service. Officers report that using Language Line is too time consuming. Further, the cell phones SCPD provides officers to access Language Line are old, poor quality flip phones. We have received complaints from community members that it is difficult to understand interpreters because of poor audio quality. Officers often resort to using their personal phones instead. We recommend that SCPD invest in updated phones that ensure effective communication with interpreters when using Language Line.

We also commend the SCPD for modifying the Online Reporting System so that before officers can close out all calls, not just Lima calls, they must indicate in a designated computer field what, if any, language assistance services they provided. However, we note that the system automatically completes the field in non-Lima designated calls with "no language assistance required." We urge SCPD to eliminate this default. A need for language assistance can surface at the scene *after* the initial call, and it is important that officers do not fail to provide proper language assistance.

We repeat a tip from one of the supervisors we met during our visit. The supervisor suggested that every precinct desk operator be taught to say the simple phrase, "un momento," meaning "one moment," (and we would add "por español," meaning "for Spanish") before transferring a Spanish-speaking caller to Language Line. Apparently, it can take around a minute to connect a call with a Language Line interpreter, and callers are likely to hang up during that silence unless they are advised to wait.

Additionally, for the most part, the data SCPD is collecting regarding language access services are unhelpful and incomplete and its analysis is inadequate. The limited data collected shows that SCPD is frequently not providing language access services when needed. Far too many officers (upwards of 80%) report that they did not need to use language services on Lima calls. The Department has acknowledged that it is highly unlikely that only 20% of designated Lima calls require language access. Officers either are not using language access services when required, or at a minimum, are not adequately documenting their use. Limited internal affairs audits show that officers are not providing the mandated services.

Beyond the raw data which documents the use, or non-use, of language access services, there is little analysis identifying the root cause of the problem. IAB's review process, while useful, is limited. SPCD would be better served through use of a full data analysis that flags potentially problematic officers through an early warning system model and regular supervisory review of language access data. We recommend that SCPD hire or assign an analyst who can collect, review, and analyze data regarding Lima calls. Further, precinct supervisors need instruction on how to review the documentation of language assistance, to flag problems and ensure that officers provide language access services and accurately document their use.

SCPD seems to have overcome the difficulties it encountered identifying and implementing appropriate tests for DAIs and certified bilingual officers. The Department has begun using a telephonic Language Line test to certify bilingual officers, and has developed an appropriate law-enforcement based exam for DAI. During our visit, seven officers had scheduled times to take the new DAI test, and the number of certified bilingual officers has grown. We applaud these determined efforts and anticipate seeing a more robust bilingual and DAI corps during our next tour.

SCPD also can capitalize on the Spanish language test that is administered as part of the Police Academy entrance process. This test appears to be effective and more thorough than Language Line's test. Assuming that SCPD can confirm that the Academy test is consistent with

the results of Language Line testing,[2] and provides as robust an assessment of Spanish language ability, we recommend that SCPD automatically certify as bilingual new officers who have passed the Academy entrance language proficiency test.

In our past report, we recommended that SCPD conduct preparatory classes for individuals taking the bilingual certification or DAI tests. SCPD has not yet created such a program, and we reiterate this suggestion.

Finally, we note that SCPD still has not adequately addressed barriers to receiving correspondence, particularly complaints and compliments, in languages other than English. As we recommended in our last report, SCPD needs to better publicize its complaint/compliment system and inform the public, particularly LEP community members, that comments need not only be in English.

3. <u>Spanish Language Access to the SCPD Website</u>

SCPD has done an admirable job of providing access to its website to LEP individuals, particularly Spanish speakers. Important information is a click or two away from the homepage. The Department is in the process of overhauling its website, and we expect that this will make language assistance even more accessible.

SCPD also has done an excellent job of translating critical documents and providing access to them on the website. However, the Department needs to maintain better quality control over forms provided to the public in the precincts. During this visit, we found that the version of the LAP at the headquarters' front desk was outdated. In one of the precincts, we found complaint/compliment forms were missing in some languages. In more than one precinct, there are still two different versions of the community survey available at the desks. These issues need to be resolved.

4. <u>Incentives for Interpreters</u>

SCPD has recently circulated a memorandum that gives certified DAIs and bilingual members of the Department priority when seeking transfers. This is a positive step, although SCPD had previously contemplated employing monetary or promotional incentives to encourage officers to become DAIs and bilingual officers. We look forward to seeing data-based results that show that the transfer priority is an effective incentive or whether other incentives may be necessary

We also commend the SCPD for eliminating a potential disincentive for officers to take the DAI or bilingual certification tests. In the past, an officer who provided language access assistance was automatically designated the primary officer on the call and became responsible for preparing all associated paperwork. As we recommended, SCPD now requires responding officers to submit all reports.

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[2] We understand that in all but one case, officers who had passed the Academy test also met Language Line certification standards. The one outlier is re-taking the Language Line test. We look forward to hearing the results.

5. Consultation with the Latino Community & Community Survey

The Agreement requires that SCPD survey community representatives regarding SCPD's LEP efforts. *See* Agreement ¶ V(h) at 10-11. From our conversations, it appears that the Department, as a general matter, is doing a better job of consulting with community advocates. As noted in the community engagement section below, SCPD has substantially improved its communications with members of the Latino community through regular meetings at both the precinct and department-wide level and through community outreach events. However, in its most recent Community Relations Bureau Report, the SCPD indicated that the community survey must be "overhauled" this year. *See* SCPD Community Relations Bureau Report at 41. We support that effort. The current survey is too long and the topics it covers need to be revised. In addition, the dissemination of the survey is not structured in any way to enable randomization and confidence in the representativeness of the findings. Indeed, we found different versions of the survey in different precincts during our tour.

6. Language Assistance Training

We were very impressed with the significantly improved language assistance training. Training personnel have applied the feedback they received from our language access experts; the syllabus is now comprehensive and concisely teaches cultural competency. Pedagogically, the class now provides a mix of lecture, videos, and active exercises in small groups. As a result, students—SCPD officers and personnel—are engaged and demonstrate significantly better appreciation of the material and the importance of providing language assistance services.

We will continue to observe trainings during future monitoring visits to ensure sustained substantial compliance with the Agreement. Going forward, the training should continue to evolve and be modified as necessary to align with modifications in the LAP (e.g., the Department's policy regarding the preference of language assistance options, discussed above). We also recommend that SCPD consider and clarify what, if any, Spanish-language training it intends to provide officers. As we noted in our last report, SCPD had been relying on limited Spanish-language training during the one-day training program pursuant to the requirements of the Settlement Agreement. *See* Fourth Assessment Report at 14. It was too limited to be useful, and SCPD has appropriately abandoned it. We have also learned that the Department is no longer offering the 20 hours of Spanish language and culture training in the training academy. Officers have expressed interest in learning or improving their command of Spanish, however, and SCPD should consider offering a stand-alone course in Spanish for law enforcement.

D.   ALLEGATIONS OF POLICE MISCONDUCT

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

SCPD has made substantial strides in improving its response to allegations of police misconduct. For example, the Department has significantly reduced its backlog of unresolved internal affairs investigations; it has put into place changes to its organizational structure and promotional practices aimed at increasing the timeliness and effectiveness of its internal affairs investigations and enhancing the stature of the Internal Affairs Bureau (IAB); and it has adopted, and most recently, institutionalized through official policy, practices for improving and increasing its communication with individuals submitting complaints. Based upon our review of these efforts, we have determined that SCPD has achieved substantial compliance with the Agreement's requirements relating to reporting misconduct. SCPD has made significant progress but remains in partial compliance with the Agreement's requirements relating to the investigation of misconduct.

We offer below a discussion of some of the most noteworthy recent developments SCPD has achieved in this area, as well as our recommendations for SCPD to continue to improve its handling of allegations of police misconduct and to derive the greatest impact from the reforms it has put into place. We will continue to monitor the Department's efforts in this area to evaluate whether SCPD sustains its substantial compliance with the requirements relating to reporting misconduct, and to offer our input as to how the Department can advance in its implementation of the requirements relating to investigating misconduct and continue to build upon its progress in this area, overall.

1. Reporting Misconduct

As discussed in our last Assessment Report, SCPD has devoted significant attention in the last year to ensuring that allegations of misconduct are reported and investigated. *See* Fourth Compliance Report at 19-23. Since our last report, SCPD has taken further action, most significantly by implementing an official policy requiring consistent communication with complainants to ensure that SCPD keeps them apprised of the investigation process. With SCPD's recent efforts, detailed below, we have determined that SCPD is now in substantial compliance with Section VI(a) of the Agreement. Although the Agreement's provisions on reporting misconduct do not include express requirements that the Department communicate with the public about its internal affairs investigations, we believe that increasing the public's awareness of the IAB policies and procedures and the status of pending investigations as appropriate is an effective way of encouraging the public to submit complaints of officer misconduct. This also is crucial to promoting the public's trust in the integrity and effectiveness of its internal affairs investigations. Accordingly, we have evaluated and will continue to evaluate the Department's policies and procedures for communicating with the public as part of our assessment of SCPD's compliance with this area of the Agreement.

In March 2017, the Department issued a directive memorializing its procedures and timelines for communication with individuals who have filed administrative complaints about SCPD officer misconduct.[3] The issuance of this directive reflects the Department's consideration of our previous recommendations to put these procedures—which were initially adopted last year—into formal policy in order to ensure that they are clearly communicated both to the IAB and to the community. The directive requires that the IAB member recording the

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[3] SCPD Directive, Order No. 17-01 (March 17, 2017) (copy provided to DOJ).

complaint in the SCPD's database complete an "acknowledgment of complaint form."[4] The directive further requires that the IAB administrative staff mail a copy of this form to the complainant. We believe that this will help to ensure that individuals consistently receive timely notice when IAB opens investigations of their complaints. The directive also includes detailed requirements for IAB's communication with complainants. First, IAB is to make contact with a complainant as soon as possible, and under ordinary circumstances, no later than within three days. Second, IAB will send a letter to complainants when it commences an investigation, which will include the case number, the name of the assigned investigator, and contact information for the assigned investigator. Third, investigators will contact complainants when cases remain open for more than 180 days. Including these requirements in SCPD policy sets clear expectations within the Department and in the community regarding communication with complainants about internal affairs investigations.

We will continue to monitor this section of the Agreement to ensure that SCPD remains in substantial compliance, and to suggest additional ways that SCPD can bolster its effectiveness in this area. SCPD can build upon its significant efforts to date by creating additional materials to communicate within the Department and to the public about other relevant IAB policies and procedures, including, for example, its policies allowing involvement of advocates in IAB meetings with complainants and witnesses. SCPD's public statements indicate that the Department has plans to create such materials, and we urge SCPD to follow through with those plans. For example, SCPD noted in its March 2017 compliance report that it "anticipates coalescing" the revised IAB Command General Orders "into a unit operations manual by the end of the next reporting period." SCPD Compliance Report (March 2017) at 8. SCPD further noted that this manual would include case management guidelines, consistent with the recommendations in our previous assessment report about the utility of establishing such guidelines and making sure that all members of the IAB are aware of them and adhere to them. To be clear, SCPD has already adopted appropriate guidelines for conducting internal investigations, which is central to our determination that the Department has reached substantial compliance with these provisions. We agree, however, that there would be a benefit to coalescing these materials into a unit manual. Furthermore, we continue to believe that it would be useful for the Department to establish case management guidelines to ensure that investigators and supervisors have an appropriate caseload, and we recommend that the Department develop such guidelines and include them in the future IAB operations manual.

Similarly, we were encouraged that SCPD noted in its March 2017 compliance report that it is planning to "provide a brochure for public consumption which outlines the process for making a complaint and describes what to expect with reasonable certainty. This effort will also address the availability of language assistance and the involvement of third party advocates." *Id*. At a meeting in February 2017, Commissioner Sini also told the Latino Community Outreach Committee that SCPD would create a public document with a bullet point summary of IAB's policies on the use of advocates and timelines for reporting incidents to IAB, and that the Department would post this document on the SCPD website in both English and Spanish. At present, although there is a one-page document on the "Civilian Complaint Procedure" posted on

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[4] SCPD has identified this form as PDCS-1300-3.

the SCPD website,[5] the Department has not posted a Spanish-language version of the summary document. We encourage SCPD to follow through with its plans to develop and circulate these materials, perhaps in partnership between its IAB and CRB. We believe that such informational materials would be extremely useful in better informing the public about the Department's internal affairs processes. Explanation of these process, combined with promoting public awareness of the positive reforms that SCPD has undertaken in this area, also will serve to increase public confidence in the integrity of SCPD's internal affairs investigations and of the department overall.

    2.   <u>Investigating Misconduct</u>

Over the past 18 months, SCPD has made it a priority to reduce the backlog of unresolved internal affairs investigations. The Department also has made significant reforms to the IAB, such as restructuring the organization of the IAB and naming experienced detectives to positions of leadership in the IAB, aimed at increasing the efficiency and effectiveness of its internal affairs investigations and giving the IAB a position of prominence within the Department. In addition, the Department has put in place procedures for gathering, tracking, and analyzing data related to complaints and investigations of officer misconduct, and has been regularly reporting the results of this analysis both to DOJ and to the public.

Nonetheless, work remains in order for SCPD to achieve substantial compliance with this section of the Agreement. Below, we highlight and explain the types of continued progress we would hope and expect to see for the Department to achieve substantial compliance with the Agreement's requirements relating to the investigation of police misconduct. *See* Agreement ¶ VI(b) at 11-12.

The Agreement's provisions on investigating misconduct include requirements that the Department collect, track, and analyze information about misconduct allegations relating to discriminatory policing, and that the Police Commissioner and the Department conduct additional review of misconduct investigations relating to discriminatory policing. As reflected in the Department's own compliance reporting, including its publicly available annual report on its biased policing complaints, and information provided to us in response to our information requests, the Department is not only doing a fair amount of tracking and analysis of information of its internal affairs investigations, but also using the information gleaned from this analysis to inform positive changes and improvements to its procedures. For example, as SCPD noted in its 2016 report on biased policing complaints, SCPD decided to expand the Department's definition of "biased policing" to include discrimination on the basis of non-physical disabilities and limited English proficiency. SCPD Annual Report on Biased Policing Complaints (2016) at 17. The Department updated the definition after reviewing cases involving allegations of biased policing and determining that its previous "biased policing" definition did not allow for the accurate classification of some of the misconduct complaints it had received. *Id*. Similarly, in conducting its periodic review of a randomly chosen set of discriminatory policing investigations, SCPD noted that "[c]omplainants frequently voice displeasure in the degree of

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[5] SCPD, Civilian Complaint Procedure, available at
http://apps.suffolkcountyny.gov/police/documents/IAB%20Procedure.pdf (last visited May 5, 2017).

detail contained in the disposition letter[,]" as well as with the time periods between the presentation of a complaint and the initial interview with an investigator. *Id*. In response, the Department "is researching ways to increase" the amount of information it shares with complainants, while complying with applicable privacy laws, and also has instituted into policy "concrete timeframes" for interviewing and communicating with complainants. *Id*. at 17-18. SCPD has thus already implemented reforms in response to its analysis of certain internal affairs investigations.

The Department must continue to improve and refine its analysis of information regarding its misconduct investigations, and continue to implement reforms in response to that analysis. For example, SCPD has reported the average length of time for completion of an investigation of a complaint received in 2016 was 176 days, with a range of 56 days to 293 days.[6] The Department should continue to collect and analyze this type of data and expand its application. SCPD should compare the investigation timelines in different years, measure the extent to which the Department is making progress in accelerating those timelines, and assess how to conduct investigations more efficiently going forward. Similarly, the Department should collect and track data that would allow it to compare the periods for investigations of different types of allegations, as a means of assessing whether certain allegations are unnecessarily taking longer to resolve than others.

Furthermore, now that SCPD has protocols in place regarding the timelines for communication with complainants, it would be useful for the Department to collect, track, and analyze information about communication with complainants to ensure consistency. In addition, we would encourage SCPD to take a deeper look at trends in the types of allegations they are receiving and the dispositions of those cases. For example, the Department may consider whether they are appropriately classifying allegations and reaching appropriate conclusions in investigations. In our own analysis of internal affairs investigations closed between October 1, 2016 and March 13, 2017, we noted that the Department did not find any of the allegations of biased policing substantiated, and overall charges were substantiated in roughly 9% of the allegations. Of the same set of investigations, nearly half of the allegations of biased policing were determined to be "unfounded," or to have no basis in fact. We have not determined that these outcome rates are inappropriate, but we note that SCPD should be able to identify trends in the outcomes and handling of complaints, and to make observations about whether those trends are problematic, in using its information tracking systems. Identifying information such as this is critical to identifying trends that may require further inquiry and response.

Finally, we note that the Agreement requires that the Police Commissioner or his designee review each IAB investigation of officer misconduct relating to discriminatory policing. *See* Agreement ¶ VI(b)(iii) at 11. In order for these reviews to be meaningful, and for the Department to achieve substantial compliance with this section of the Agreement, the review should involve not only reviewing investigations to determine whether to approve the final disposition of the investigation, but also to assess thoroughness and timeliness of the underlying investigation and any concerning material, such as improperly discrediting of the complainant.

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[6] SCPD Annual Report on Biased Policing Complaints (2016), at 5, available at http://apps.suffolkcountyny.gov/police/documents/DoJ/IABFeb2017.pdf (last visited May 5, 2017).

We identified one 2016 discriminatory policing investigation in which the investigative report suggested that the investigator might have drawn unjustified assumptions regarding the credibility of the complainant. In that same case, it appeared that the investigator had not considered or followed up on information that the complainant had provided identifying a person who was allegedly both a witness to the underlying incident and a target of other discriminatory conduct by the officer. The SCPD ultimately exonerated the officer. We would urge SCPD and IAB leadership to ensure that both that investigators are meticulous in their work, and that the review of investigations is substantive and identifies gaps in investigative processes. Such review would allow SCPD to remediate those gaps through further investigation or additional training for investigators.

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

Over this past reporting period, 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), continued to devote substantial time and energy toward its community engagement. We continue to be impressed with the extent to which Police Commissioner Sini, Sergeant Kathleen Kenneally, and Lieutenant Matthew O'Malley participate in community meetings. We believe that Commissioner Sini's personal involvement communicates to the Department and to the community that community policing is a Department priority and that SCPD is accessible and responsive to its community. We also continue to be impressed with the array of activities that the CLO and COPE officers planned and executed, including rolling out the "coffee with a cop" program into additional precincts and expanding its youth sports programs to offer ice skating. SCPD has maintained the compliance ratings it had achieved in the past reporting period, including substantial compliance in the areas of the Agreement directly relating to the responsibilities of the CLO and COPE officers.

As we have expressed in past reports, we believe that it is critical that SCPD continue making efforts to involve *all* of its officers and command staff in community policing—not only those formally assigned to community engagement work. In addition, we repeat our recommendation that SCPD make efforts to be more proactive, analytical, and strategic in seeking to engage with less traditional partners and the more underserved parts of the Suffolk County community. SCPD also should enhance its efforts to address current questions and concerns of the community through outreach and distribution of informational materials. In support of SCPD achieving compliance in this area of the Agreement, and to maximize the impact and effectiveness of SCPD's ongoing community engagement efforts, we focus our discussion below on the most noteworthy areas of progress and recommendations for addressing our most pressing concerns.

1. Maintaining Community Relationships and Community Outreach

Based primarily on our visits to individual precincts, we have the impression that patrol officers are becoming more involved in community outreach events organized by the CLO and COPE officers in their precincts, including attending the precinct monthly community meetings. We also learned that new recruits have an expectation that engaging with the community is a central part of their duties, largely due to the training on community-oriented policing they are receiving at the Police Academy. These are important and encouraging developments. For the Department to adopt a community-oriented policing approach in a meaningful way, it is important for all officers, not only those specifically assigned to community outreach work, to be involved in their precincts' community outreach events. Training new officers that community engagement is an essential part of their work as law enforcement officers is an important means of incorporating community policing into the culture of the Department.

The Department and its individual precincts are maintaining a busy schedule of community outreach events, including quarterly meetings with the Latino Community Outreach Committee, monthly community meetings at the precincts, and popular programs such as sports programs for local youth and trainings targeted at educating about the risks of opioid addiction. In addition, SCPD is continuing to meet its obligation of producing and publishing annual reports with its own analysis of the CRB's successes, areas in need of improvement, and strategies for making improvements, including posting these reports on its own website.

To come into substantial compliance with the community engagement requirements of the Agreement, we recommend that SCPD focus on the following: 1) effective implementation and use, at the Department level, the CRB level, and the precinct level, of the computer systems for tracking and analysis of community outreach events, and 2) creation and dissemination of written informational materials for the public. With respect to the first, we recognize that SCPD and its CRB have been working to refine the computer systems they use for keeping track of community outreach events attended by officers and SCPD leadership. As a next step, we would expect to see SCPD demonstrate that its officers are using these systems to accurately and regularly record their community outreach work and community contacts. We also would expect that supervisors at all levels would use this information to measure and analyze the effectiveness of community outreach, to appropriately share information across precincts, to identify potential gaps in their community outreach, and to strategize about how to improve the effectiveness and breadth of community outreach. Relatedly, we recommend that the CRB and the precincts work

together to identify and develop an effective means of consistently maintaining and sharing their calendars of community outreach events. At present, it appears that each precinct is handling this differently, and that this may be impeding SCPD's ability to communicate with patrol officers about events, and to encourage attendance at those events.

With respect to the second recommendation, we note that the Agreement requires that SCPD "engage the public through the dissemination of public information on a regular basis." Agreement VII(a) at 12-13. Although this requirement falls under the Agreement's community engagement provisions, it need not be the exclusive responsibility of the CRB, or the CLO and COPE officers, to bring the Department into compliance with this requirement and the community engagement provisions generally. The public information to be disseminated could include information about SCPD policies and procedures that relate to functions of the SCPD other than the CRB—for example, the policies and processes relating to how members of the public may submit complaints about officer misconduct. In meetings with the Latino Community Outreach Committee, for example, Commissioner Sini has committed to creating informational materials "regarding the use of advocates as well as a timeline for reporting incidents to Internal Affairs that would be posted on our website in both English and Spanish."[7] In this way, the IAB and other components must play a central role in helping the CRB ensure the provision of informational materials. Moreover, creating and disseminating informational materials to the public will not only help to bring SCPD into compliance with the Agreement, but also should foster greater trust and transparency between the community and SCPD. Throughout this report, we have identified several specific areas in which more transparency and information to the public would be beneficial. More broadly, we also recommend that SCPD assign responsibility within the Department for identifying other types of informational materials that would be useful to the public, for facilitating the creation of those materials in coordination with the relevant SCPD component, and for determining how SCPD will disseminate these materials to the public. In light of the significant impact this will have on community engagement, the CRB may be the most appropriate component for this responsibility.

2. Community Liaison Officers, Community Oriented Policing Enforcement, and the Community Response Bureau

As we noted above, SCPD has maintained a rating of substantial compliance with the provisions of the Agreement relating to the responsibilities of the CLO and COPE officers. During this rating period, we continued to be impressed with the individual officers in these roles, and we were encouraged to find that there are two bilingual Spanish-speaking officers in these roles and that the Department is making further efforts to fill vacancies with bilingual Spanish-speaking officers. SCPD has made improvements in response to our recommendations to increase the communication and coordination between the CRB and the CLO and COPE officers. SCPD has increased the frequency of meetings bringing together the CRB, CLOs, and COPE officers, which is improving the communication between the CLO and COPE officers working in different precincts.

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[7] Minutes of February 2016 Quarterly Meeting of SCPD and Latino Community Outreach Committee (on file with DOJ).

To achieve substantial compliance with the provisions of the Agreement relating to the CRB, and to maximize the impact of SCPD's community engagement efforts, we recommend: 1) that SCPD develop and implement a community survey, as required by the Agreement, and 2) that SCPD and CRB continue to make strategic efforts to infuse community-oriented policing principles throughout the Department. SCPD's progress with the development of a community survey appears to have stalled to a halt. We recommend that SCPD make this a priority as it is necessary to achieve substantial compliance with the Agreement and is an important means of measuring the effectiveness and impact of its community outreach and engagement. We stand ready to provide SCPD with technical assistance with the development and rollout of a community survey.

Bringing a community-oriented policing philosophy to the Department as a whole will require the involvement of *all* officers and command staff, and not only the CLO and COPE officers assigned to conduct community outreach. We encourage SCPD to think creatively and strategically about how to achieve these goals and demonstrate the adoption of such a philosophy. This may involve strategies and actions outside of the traditional community outreach events organized by the CLO and COPE officers. We encourage SCPD leadership to think about community policing more broadly than community outreach events; for example, the Department's community policing could include building relationships between the Department and other local governmental agencies, service providers, and community advocacy organizations. These community partners also can assist in developing training curricula, Department policies, and informational materials for the public.

Commissioner Sini has consistently recognized that building strong community partnerships throughout the entire Suffolk County community is critical to the Department's ability to effectively fight crime. We commend SCPD for its efforts to date on building those partnerships, and stand ready to provide SCPD with technical assistance, including guidance from our subject matter experts, examples from other law enforcement agencies, and written resources, which may be useful to SCPD as it builds upon the significant progress already achieved.

F.   POLICIES AND TRAINING GENERALLY

VII. POLICIES AND TRAINING GENERALLY	Partial Compliance

The SCPD must "maintain policies and procedures that are consistent with [the] Agreement and that provide clear direction to ensure that officers and civilian employees enforce the law effectively, ethically, and constitutionally." Agreement ¶ VIII(a) at 17. While the Department is in substantial compliance with the bias-free policing policy and hate crimes policy requirements of Agreements, its language assistance policy and policy on persons with limited English proficiency continue to need work and thus remain in partial compliance. As discussed above in the Language Assistance section, we are encouraged by the steps the Department has taken.

The Agreement also requires that SCPD ensures that "all officers who take [required] trainings will be required to pass a test demonstrating a basic comprehension of the training material after it is presented." *Id.* ¶ VIII(b). The Department has met this requirement with its hate crimes training. However, the Department has not met this requirement for its language assistance training. And, as discussed in the Bias-Free Policing section above, the Department begins the train-the-trainer training for bias-free policing next fall. Thus, we cannot assess its compliance with this provision until then.