



U.S. Department of Justice

Civil Rights Division

JCP:LLC:MJG:CWH:BDB
DJ 207-52-4

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

December 14, 2015

Via Electronic Mail

Gail M. Lolis, Esq.
Deputy County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788-0099

Re: Assessment of SCPD's Compliance with the Settlement Agreement

Dear Ms. Lolis:

This letter is to provide you with the United States' current assessment of the Suffolk County Police Department's (SCPD) compliance with the Settlement Agreement between the Suffolk County Police Department and the United States Department of Justice, effective January 13, 2014 (Agreement). Since the last Compliance Status Assessment Report, the Civil Rights Division and United States Attorney's Office for the Eastern District of New York have reviewed documentation of police operations, met with community stakeholders, held conference calls with SCPD, and conducted a compliance tour with subject matter experts during the week of September 21, 2015. We appreciate the cooperation and effort that SCPD and Suffolk County leadership continue to show in addressing the requirements of the Agreement.

In the attached Compliance Status Assessment Report, we provide a compliance rating and comments for each provision of the Agreement. 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. (14 provisions)
- "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. (55 provisions)
- "Non-Compliance" indicates that the County has not met most or all of the components of the Agreement. (4 provisions)
- "Compliance Rating Pending" indicates that there is insufficient information to make an assessment or the provision is not yet ripe for evaluation. (4 provisions)

SCPD continues to make progress in meeting many of the requirements of the Agreement. By all accounts, SCPD has given new life to the Community Liaison Officer (CLO) and Community Oriented Policing Enforcement (COPE) programs in its precincts. At the same

time, SCPD must take significant and immediate steps to address other aspects of implementation. Please see our comments in the Compliance Status Assessment Report for further details about these areas.

Please feel free to reach out to us if you have any questions. We look forward to returning to Suffolk County soon to continue the process.

Sincerely,

JUDITH PRESTON
Acting Section Chief
Special Litigation Section
Civil Rights Division

ROBERT L. CAPERS
United States Attorney
Eastern District of New York

By: /s/Laura Coon
Laura Coon
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By: /s/Michael J. Goldberger
Michael J. Goldberger
Chief of Civil Rights
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cc: Commissioner Edward Webber
Suffolk County Police Department

Sgt. Christopher Love
Suffolk County Police Department

Compliance Status Assessment Report – December 14, 2015

Agreement between the United States Department of Justice and the Suffolk County Police Department

<u>Settlement Agreement Heading</u>	<u>Status of Compliance</u>
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	Noncompliance
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	Partial Compliance
c. Community Oriented Policing Enforcement (“COPE”)	Partial 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. BIAS FREE POLICING

a. SCPD will continue to deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, SCPD will ensure 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.

Status	Partial Compliance
Analysis	<p>SCPD continues to take steps towards compliance with this provision and is finalizing a strong set of policies governing bias-free policing. SCPD has designed and begun delivering training in this area, but the training requires immediate and significant revision, described below. SCPD has started to lay a foundation for accountability in this area by adopting a data collection policy for traffic stops and devoting heightened attention to review of biased-policing complaints. However, improvements are necessary in the processing of internal misconduct investigations, and the collection and analysis of traffic stop data need to be conducted in a manner that ensures reliability.</p>

b. Policies and Procedures

i. SCPD will maintain implementation of a comprehensive policy prohibiting discrimination, including the denial of services, on the basis of race, color, ethnicity, national origin, religion, or sexual orientation in SCPD police practices.

Status	Partial Compliance
Analysis	<p><i>Policy</i> SCPD submitted a proposed policy for this provision, designated as Chapter 1, Section 11 of its Rules & Procedures (R&P 1.11). See Suffolk County Police Department Compliance Report, Aug. 1, 2015 (hereinafter “SCPD Self-Report”), Attachment 1. We recommend that SCPD implement Chapter 1, Section 11 as presented to the United States in August 2015.</p> <p>The proposed policy improves upon previous proposals, particularly in the following areas:</p> <ul style="list-style-type: none"> • Dedication of a stand-alone policy that unequivocally prohibits biased policing in all forms; • R&P 1.11 retains strengths of previous SCPD directives on bias-free policing, including the focus on equitable treatment for all individuals and emphasis on the importance of building community trust; • R&P 1.11 prohibits the use of relevant characteristics in policing except when identifying a particular suspect; • Members who become aware of biased policing are required to

immediately report the matter to a supervisor, who must convey the information to Internal Affairs; and

- R&P 1.11 sets forth directives for members to follow at each stage of a law-enforcement encounter.

Although R&P 1.11 is better than previous directives, there is room for improvement. For example, in R&P 1.11.VI.A., the word “shall” is preferable to “should,” and more consistent with the requirements that precede that paragraph in the section. The importance of this policy to the organization and community favors the more prescriptive wording in this paragraph. The actions detailed in this section impact the perception of the individual contacted by the SCPD. As such, the organization should not leave it to the patrol officer to decide if they will follow the procedure as outlined in the policy document.

Training on the Policy

SCPD arrived at an acceptable policy in August 2015 and must now train all SCPD members on the policy’s requirements. SCPD’s current training on bias-free policing does not appropriately teach members how to apply the policy and must be modified to do so. A more detailed assessment follows in our analysis corresponding to Paragraph III(d)(i).

Implementation of Bias-Free Policing Policy

Our analysis of the implementation of the bias-free policing policy is tied to our analyses regarding implementation of the other requirements in this section and our review of SCPD’s compliance under Paragraph VI(b)(vi) of the Agreement, *infra*.

SCPD has identified flaws in its procedures for collecting traffic stop data that rendered the collected data unreliable since at least January 2015. As explained in our Analysis related to Paragraph III(c), several factors apparently contributed to this outcome: 1) a glitch in SCPD’s data collection software, and 2) failures in SCPD’s measures for reviewing data entries for accuracy and completeness. Historically, incomplete stop data entries were tracked and referred to supervisors for follow-up. However, the problems noted above caused incomplete entries to go unnoticed by patrol officers and supervisors for nine months.¹ As a result, SCPD lacks data that would enable the agency to reliably measure its performance in this area.

Recommendations

SCPD must take steps to ensure accurate data collection. Additionally, SCPD should identify and apply a suitable benchmark for analyzing the traffic stop data, which we understand SCPD is currently attempting to do. Finally,

¹ A Sergeant in the Chief of Patrol’s office was taking steps to correct the issues and review the backlog of incomplete data entries when the United States met with SCPD in September 2015.

	implementation of its bias-free policing policies will require SCPD to integrate analysis of the traffic stop data into SCPD’s accountability mechanisms.
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ii. SCPD’s policy on bias-free policing will prohibit officers from using race, color, ethnicity, national origin, religion, or sexual orientation in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or persons.

Status	Substantial Compliance
Analysis	<p>The draft R&P 1.11 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.” “Routine or spontaneous law enforcement activities” includes a range of enforcement activities: vehicle and pedestrian stops, searches, frisks, detentions, arrests, and issuance of summonses.</p> <p>This policy should be finalized and implemented immediately to ensure compliance.</p>

iii. SCPD policy will require that, within five days of receipt, SCPD will refer any complaint of discriminatory policing to IAB for a full investigation. Throughout the pendency of this Agreement, SCPD will also send a copy of any such complaint and material documenting the resulting investigation to the United States within five business days upon completion of the investigation.

Status	Partial Compliance
Analysis	<p>Although SCPD issued a Department Memorandum consistent with this paragraph on April 4, 2014, the agency must still establish the contents of the Memorandum as policy. In order to do this, SCPD has drafted R&P 5.2 to codify the requirements of this paragraph. We reviewed SCPD’s complaint investigation files to determine whether the requirements have been implemented in practice.</p> <p><i>Forwarding Complaints to IAB Within Five Days.</i> For most cases forwarded to the United States during this reporting period, IAB received notice within five days of SCPD’s receipt of the complaint, or shortly thereafter. In one investigative file, however, it appears that more than a month passed between the time that SCPD received notice of the complaint and the time that IAB received the referral. <i>See</i> Case #14-582i. In another case where SCPD apparently received correspondence on four separate occasions regarding the</p>

same allegation, only the fourth correspondence – which came more than five days after the first correspondence – actually triggered the opening of an SCPD internal investigation. *See* Case #15-0002i.

Forwarding Completed Investigations to the United States within Five Days. SCPD consistently forwards investigations into allegations of biased policing to the United States within five days of the Commissioner’s review, or within a reasonable time thereafter.

Notwithstanding, several disturbing patterns in the conduct of internal affairs cases have come to light during this reporting period. First, there are troubling delays in the completion of supervisory review of IAB investigations. In one recent case, more than a calendar year elapsed after the investigator submitted her findings before the Commissioner acknowledged concurrence with these findings. *See infra* Case #13-227i. While some cases have proceeded in a timely manner, delays that leave the complainant, accused officer, and the Department without a resolution for an extended period can affect the actual and perceived integrity of the investigative process.

The delay in completing supervisory review is compounded by a second problem: IAB investigations themselves take an extraordinarily long time. It is common for SCPD’s peer agencies to complete investigations in less than 180 days, from the lodging of a complaint to issuance of the department’s final findings. However, for example, 869 days elapsed between the filing of complaint #13-227i and SCPD’s determination, with 184 days of that period elapsing after IAB presented its findings to the Commissioner. IAB had the complaint for nearly two calendar years before finalizing its determination. This is inconsistent with industry practice and SCPD policy and, if left to continue, could negatively affect efforts to build community trust.

SCPD has started to address these concerns by implementing a tracking practice that will require IAB investigators to record the dates and times at which they complete steps in the investigative process, including interviewing the complainant, interviewing witness officers, etc. *See* Analysis re Paragraph VI(b)(iv), *infra* (discussing ‘Case Notes Overview’ sheet). IAB supervisors will periodically review these tracking sheets with the intention of ensuring that the necessary investigative steps are taken. To its credit, SCPD allocated a net of two additional investigators to IAB during this reporting period.

Below is a table describing implementation of this Paragraph of the Agreement for cases completed since January 14, 2015. For each complaint, the table provides two chronologies: first, the time elapsed between the moment that SCPD received the complaint until the moment the complaint was forwarded to IAB; second, the amount of time required to complete review of the investigative findings once IAB completed its investigation.

<u>Complaint:</u>	<u>Timing of Referrals</u>
#14-565i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 8/16/14: Complaint lodged with SCPD • 8/21/14: Investigation opened by IAB <p>From completion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 4/23/15: IAB investigator submitted findings • 5/6/15: IAB Captain concurred with findings • 9/4/15: Commissioner concurred with findings • 9/10/15: Investigation forwarded to the DOJ
#13-227i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 4/18/13: Complaint lodged with SCPD • 4/19/13: SCPD referred complaint to IAB <p>From completion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 7/14/14: IAB investigator submitted findings • 3/4/15: IAB commanding officer concurred • 9/4/15: Commissioner concurred with findings • 9/9/15: Investigation forwarded to the DOJ
#14-309i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 4/30/14: Complainant contacted IAB directly <p>From conclusion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 12/8/14: IAB investigator submitted findings • 12/15/14: IAB commanding officer concurred • 3/31/15: Commissioner concurred with findings • 4/1/15: Investigation forwarded to DOJ
#14-128i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 2/25/14: Complainant contacted IAB directly <p>From conclusion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 2/17/15: IAB investigator submitted findings • 2/23/15: IAB commanding officer concurred • 3/30/15 (approx.): Commissioner concurred • 4/1/15: Investigation forwarded to DOJ
#14-582i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 7/10/14: Complainant sent complaint to SCPD by certified mail • 8/22/14: IAB opens investigation <p>From conclusion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 2/25/15: IAB investigator submitted findings • 3/3/15: IAB commanding officer concurred • 3/30/15: Commissioner concurred with findings • 4/1/15: Investigation forwarded to DOJ
#12-499i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 6/26/12: Complaint lodged with SCPD (does not allege discrimination) • 7/2/12: IAB receives complaint

		<ul style="list-style-type: none"> • 10/21/13: Civil complaint filed against SCPD alleging profiling • 10/21/13: Civil complaint forwarded to IAB² <p>From conclusion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 12/4/14: IAB investigator submitted findings • 12/8/14: IAB commanding officer concurred • 2/20/15 (approx.): Commissioner concurred • 3/4/15: Investigation forwarded to DOJ
	#14-155i	<p>From initial SCPD notice to IAB referral:</p> <ul style="list-style-type: none"> • 2/27/14: Letter from Suffolk County Human Rights Commission • 3/4/14: Date IAB marks letter received <p>From conclusion of investigation to delivery to DOJ:</p> <ul style="list-style-type: none"> • 11/22/14: IAB investigator submitted findings • 12/9/14: IAB commanding officer concurred • 2/20/15 (approx.): Commissioner concurred • 2/20/15: Investigation forwarded to DOJ
	<p><i>Recommendations</i></p> <p>During our past two compliance visits, the United States' consultant recommended that SCPD's Internal Affairs Bureau implement a log system for recording dates and times of steps in the investigative process, including when the complaint is assigned for investigation, when the investigation is completed, when each supervisor receives the investigative findings for review, and when each supervisor subsequently forwards the case for additional review (or sends the case back for further investigation). We again make this recommendation and reiterate the importance of having an effective tracking mechanism to ensure the timely resolution of investigations.</p>	

iv. SCPD officers who are found to have engaged in discriminatory policing will be subjected to disciplinary action and, where appropriate, will be referred for possible criminal prosecution.

Status	Partial Compliance
Analysis	<p>The United States did not identify any investigations during this reporting period in which an officer engaged in discriminatory policing but was not disciplined or referred for possible criminal prosecution.</p> <p>SCPD is still in the early stages of implementing processes to assess officer</p>

² Case files often do not clearly document when a notice of claim or civil summons and complaint are served on the agency, as in this case. Here, one document in the file contains a handwritten note that the summons and complaint were served on SCPD on October 21, 2013; however, the file also contains an interoffice memorandum circulating the summons and complaint on October 16, 2013.

	<p>activity for possible bias. As noted above, SCPD still needs to implement a reliable traffic stop data collection program. This program, when operational and integrated into SCPD’s accountability systems, will provide one backstop against unlawful profiling. It is critical that SCPD take immediate steps to bring this program into compliance.</p> <p>Additionally, SCPD has only recently taken steps to ensure that IAB investigators adequately document and follow routine investigative procedures. SCPD is in the process of implementing a field training program to help IAB investigators hone their skills. <i>See</i> Analysis re Paragraph VI(b)(ii), <i>infra</i>.</p>
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v. SCPD will maintain and implement a policy that promotes bias-free policing and equal protection within its hiring, promotion, and performance assessment processes. Officers who have a history of engaging in biased policing practices will not be entitled to promotional opportunities, except as required by collective bargaining laws and Civil Service Laws, rules and regulations.

Status	Partial Compliance
Analysis	<p><i>Recruitment and Hiring</i></p> <p>SCPD draft policy R&P 26.1 states that, “All 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.” <i>See</i> SCPD Self-Report, Aug. 2015, Att. 4. “Officers are assigned to the Recruitment Section at the discretion of the Commanding Officer of the Community Relations Bureau.” <i>Id.</i> The policy also directs officers to, <i>inter alia</i>, “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.” <i>Id.</i></p> <p>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.” The Order also directs members of the Applicant Investigation Section “who obtain any information concerning a possible discriminatory act committed by a candidate, and/or discover a biased perspective ... to notify the [Section’s] Commanding Officer,” who will ensure a thorough investigation of the issues to assess the candidate’s fitness.</p> <p>Although R&P 26.1 and Command General Order 15-01 appear strong in many respects, we recommend the following modifications. First, R&P 26.1</p>

and its overall recruitment yields may be improved by memorializing SCPD's commitment to increasing awareness in all communities about its application process (not only increased access). Second, the Recruitment Section should reflect the diversity of SCPD's force more broadly, and the policy should commit to such diversity (notwithstanding the CRB Director's discretion). Third, while the policy's directive to maintain good relationships with community institutions and to recruit through educational institutions is important, this would be strengthened by directing officers to undertake these efforts in diverse communities. Finally, the policy should require the CRB Director to maintain a list of institutions (community-based organizations, clergy, etc.) that have been helpful in fostering equal awareness about SCPD's entrance process, and to consult these groups to ensure awareness of the recruitment process.

The Applicant Investigations Command General Order on investigating bias against employment candidates should, at the next possible review, be amended as follows:

- SCPD should add "gender" and other classes protected under State and local law to the list of prohibited biases; and,
- SCPD should direct the Applicant Investigation Section to make specific, affirmative inquiries to assess each candidate's history of biased acts and biased views (as it stands, the draft Command General Order only requires that investigators report biases that come up in the process by happenstance).

We encourage SCPD to provide evidence of implementation of the Applicant Investigations Command General Order when SCPD provides its next Self-Report in January 2016. This can be provided under separate cover, to preserve any confidential or personal identifying information.

Performance Assessments

SCPD policy provides for two routine measures that SCPD proposes will identify biased policing practices. First, patrol supervisors in precincts, the Marine Bureau, and the Highway Patrol Bureau are directed to hold monthly individual meetings with patrol officers to review the officers' respective Monthly Activity Reports. *See* R&P 10.3.VI.B.7. Second, supervisory personnel from sergeants to precinct Commanding Officers, and the Chief of Patrol's office, review traffic stop entries and data for erratic trends and potential biased policing. *See* R&P 10.3.VI.B.13; R&P 13.9.VI.C.

The first measure may improve the quality of SCPD's traffic patrol generally, but additional information is needed to determine specifically how this process is being used to identify possible biased policing. Now that SCPD has a means for identifying incomplete traffic stop entries, SCPD should be conducting this review. The second measure appears, on its face, to be a helpful backstop against biased policing. Supervisors at all levels should review traffic stop data to identify concerning enforcement patterns. This

	<p>process also depends upon reliable traffic stop data. Random audits could also provide SCPD with helpful information. We look forward to conducting on-site observations of these reviews during the next reporting period.</p> <p><i>Promotions</i> Regardless of how SCPD identifies biased policing, the Agreement requires that evidence of such conduct disqualify officers from promotional opportunities, except as required by collective bargaining and civil service laws. SCPD has incorporated this language into policy. <i>See</i> R&P 17.2.III.C.</p> <p><i>Implementation</i> SCPD needs to provide evidence 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.</p>
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vi. SCPD will implement a revised Chapter 16, Section 4, “Arrest of Non-US Citizens and Persons with Dual Citizenship,” as approved by the United States.

Status	Partial Compliance
Analysis	<p><i>Text of the Policy</i> SCPD has issued a revised policy regarding arrest of non-US citizens and persons with dual citizenship.³ The United States does not object to the revised language of the policy.</p> <p><i>Implementation of the Policy</i> Implementation of this policy requires assessments of members’ compliance. SCPD proposes to amend R&P 16.4 to require officers to use the Arrest Worksheet to describe any consular notifications that occur. <i>See</i> SCPD Self-Report, Aug. 2015, at 8. Provided that SCPD unequivocally directs its members not to interpret the additions to the Arrest Worksheet as a reason or excuse to inquire into immigration status, this proposal may be appropriate. We look forward to reviewing the draft policy.</p> <p>SCPD needs to develop mechanisms for assessing whether members have inquired into immigration status in violation of policy.</p>

vii. Six months after the Effective Date and every six months thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report showing civilian complaints regarding police services related to allegations of discrimination and biased policing, noting the disposition of each complaint, if any, the geographic area in which the alleged

³ *See* <http://apps.suffolkcountyny.gov/police/documents/16-4.pdf>.

discrimination occurred, the demographic category involved, and what measures, if any, SCPD will take as a result of the analysis.

Status	Partial Compliance
Analysis	<p>SCPD has provided the reports related to Paragraph III(b)(vii). Each report noted few citizen complaints, which were dispersed among a number of SCPD precincts and involved complainants from diverse demographic backgrounds. SCPD reported no trends or pattern. <i>See</i> SCPD Self-Report, Jan. 2015, Att. 11; SCPD Self-Report, Jul. 2014, at 7-8. In its most recent report, SCPD stated that the complaint information “revealed no pattern and no two complaints involved the same officer.” SCPD Self-Report, Jul. 2015, Att. 6. Although this was consistent with the records that we reviewed, SCPD’s reports need to provide more detailed information about the complaints. At the United States’ request, the August 2015 civilian complaint report described the nature of each of the complaints in more detail than the report in January 2015. However, the level of detail in the report was still inconsistent with the requirements of this provision.</p> <p><i>Recommendations</i> Future reports should contain, in addition to the information supplied during this reporting period:</p> <ul style="list-style-type: none"> • The IAPro summary of the complaint; and • Appropriate historical information about allegations/sustained complaints of biased policing relevant to the officer, the locality, the alleged victim, and/or the victim’s demographic.

c. Traffic Stop Data

i. SCPD will implement a revised Chapter 13, Section 9, “Traffic Stop Data Collection,” as approved by the United States.

Status	Partial Compliance
Analysis	<p><i>Policy</i> SCPD implemented the “Traffic Stop Data Collection” policy approved by the United States. Subsequently, SCPD revised this policy to supplement existing supervisory reviews of traffic stop data with the following requirement: The Office of the Chief of Patrol will conduct monthly audits of T-Stop data. Incomplete or atypical traffic stops and/or enforcement activity identified will be referred to a precinct or bureau commanding officer for investigation. Evidence of racial profiling or bias based policing will be referred directly to the Internal Affairs Bureau for investigation. The United States approves of this additional language.</p> <p><i>Implementation</i> SCPD has not satisfactorily implemented the “Traffic Stop Data Collection”</p>

policy as required. As noted above, a computer glitch prevented users of the traffic stop data software program from identifying incomplete entries. The patrol officers who entered the incomplete data, the Patrol Sergeants and Lieutenants charged with monitoring traffic stop data for incomplete entries, and the Chief of Patrol charged with auditing traffic stop data failed to identify and remedy this problem in a timely manner. As a result, SCPD had approximately 7,748 incomplete traffic stop data entries during the months of January – August 2015. The traffic stop data SCPD has collected since at least the outset of 2015 – and possibly before then – is likely unreliable in identifying problematic trends in traffic stops.

At the time of the United States' on-site visit in late September, SCPD was taking steps to ensure that incomplete traffic stop data entries would be identified and addressed in the manner required by policy. Specifically, the Chief of Patrol's office was drafting a memorandum to distribute Department-wide outlining the specific software function(s) that patrol supervisors could reliably use to identify patrol officers' incomplete entries. This seems like an appropriate first step.

Personnel accustomed to searching for incomplete traffic stop entries via one method may require brief trainings and/or supervision to ensure that a new method is adopted wholesale. SCPD should monitor the situation carefully and deploy any necessary resources to ensure that the entries are being completed going forward. Many of the supervisory reviews required by R&P 13.9 would benefit from this type of monitoring.

R&P 13.9 requires that SCPD apply appropriate benchmarks to the data. The United States will work with SCPD to identify appropriate benchmarks and begin to integrate them into SCPD's traffic stop data collection program going forward.

Recommendations

Given the scale of SCPD's problems implementing the traffic stop data collection program under the Agreement, semiannual updates are insufficient to ensure compliance. We recommend that SCPD's Chief of Patrol Office regularly send the United States brief summaries of each precinct's (a) complete traffic stop entries, (b) incomplete traffic stop entries, (c) remedial measures required to implement the policy, and (d) any anticipated remedial measures. We request monthly summaries for December 2015 through March 2016, and quarterly thereafter.

ii. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report analyzing the collected traffic stop data and explaining what measures, if any, SCPD will take as a result of the analysis.

Status	Partial Compliance
Analysis	<p>SCPD submitted a report pursuant to this requirement in its August 2015 Self-Report. However, the report was based upon the aforementioned unreliable data set. Accordingly, the report does not reliably reflect SCPD’s traffic stop activity. SCPD also needs to modify its benchmarking methods to accurately assess its enforcement patterns.</p> <p>The traffic stop report, albeit based on flawed data, reached troubling conclusions about SCPD traffic stop practices. Should future reports indicate the same trends, we will expect SCPD to produce an exacting plan about how to correct these problems. SCPD should immediately begin to address this issue, should it be substantiated in the next report.</p>

d. Training on bias-free policing

i. SCPD will ensure that all sworn officers receive training on bias-free policing at least annually. 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. The training curriculum will address:

- 1. Methods and strategies for more effective policing that relies upon non-discriminatory factors;**
- 2. Police and community perspectives related to discriminatory policing;**
- 3. Constitutional and other legal requirements related to equal protection and unlawful discrimination;**
- 4. The protection of civil rights as a central part of the police mission and as essential to effective policing;**
- 5. The existence and impact of arbitrary classifications, stereotyping, and implicit bias;**
- 6. Identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and**
- 7. Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies.**

Status	Noncompliance
Analysis	<p>SCPD has developed a curriculum to instruct officers on bias-free policing, and began classroom instruction in September 2015. SCPD’s current bias-free policing curriculum represents a substantial upgrade over previous versions shared with the United States. Notwithstanding those improvements,</p>

both the pedagogical approach to teaching this subject and the substantive information provided require additional substantial revisions.

Pedagogically, the curriculum superficially includes most of the necessary structural elements for a satisfactory adult learning course that the previous drafts lacked. The curriculum now (1) identifies learning objectives; (2) conveys notes to the instructor (critical for any hope that future presenters may be able to teach this subject); (3) features visual aids, including power point slides and video clips; and (4) requires a post-test. Discreet elements of the current training hold promise, including the use of videos to illustrate policing techniques.

However, critical aspects of an effective training are lacking. The course is primarily lecture-based and lacks true interactive features. This is not an effective means to communicate the essential elements of the topic, and leads to a lack of student engagement. The training should combine lecture with interactive features in small groups. For example, participants could be broken into small groups, given a scenario and a copy of the policy and then asked, after discussion within the group (with structure provided by a few framing questions), to report out about how they would handle the situation described in the scenario. Further, the scenarios describing discriminatory policing conduct that are used during the course require additional detail to encourage students to engage in robust discussion. The discussion would also be enhanced by asking questions of participants before the fact patterns are described, to focus participants on key issues.

Even more than the pedagogy, however, the substantive treatment of the subject tended to obscure, avoid and even undermine the intent of the training. For example, the class commenced by discussing, generally, the legal prohibitions on biased policing. However, rather than directly stating that discrimination based upon impermissible characteristics violates an individual's constitutional rights, the instructor framed the discussion of discriminatory policing as an issue under Title VI of the Civil Rights Act, which prohibits entities that receive federal funds from discriminating. This mischaracterizes officers' obligations and reduces the importance of bias-free policing. A subsequent discussion of constitutional requirements and law enforcement, including "equal protection" under the Fourteenth Amendment, failed to demonstrate any intersection with police officers' responsibilities, or what is at risk for them as police officers or for their agency if they fail to respect the law while performing their duties.

The first 15-20 minutes of a training program must focus on the most critical concepts the participants will need to take away. Much of this time during the training witnessed by the United States was spent discussing historical issues which did not contribute to a proper understanding of the issues surrounding bias-free policing. The instructors cited to Germany after WWI and the response to conditions and questioning of law enforcement and the rise of

Hitler. The import of the example was lost on our observers; this is cause for serious concern. Similarly, the training discussed slavery and Lincoln. The relevance of this point to bias-free policing was not clear.

If the intent of this portion of the training is to provide the participants some historical context from the perspective of members of the community, especially those that tend to have a negative or skeptical view of law enforcement, a more effective and helpful approach would be to modify the lesson plan to explain that the role of law enforcement is as the enforcer/guardian of societal rules. That is an important role, because it can be argued that our adherence to societal rules is the foundation of a civilized society. This role is also unique in American culture. The training could provide examples of how law enforcement, in the name of enforcing “societal rules” or the law, has been used as the tool to violate the rights of people in this country, from the era post-Emancipation through the Civil Rights Movement. The lesson plan can also drive home the importance of this topic by explaining that law enforcement is the only profession in this country that is authorized (mandated) to make decisions and take actions that can take away what we as Americans value the most—our freedom, even our lives in some circumstances. Therefore, people in this country must have confidence that their law enforcement professionals make bias-free decisions.

A great deal of the training on bias-free policing focuses incorrectly on officers’ feelings about being accused of bias, rather than why members of the public view police as biased. For example, during a discussion regarding videotaping of police activities, the focus was on the officers’ dislike of being videotaped. The training also discussed an officer in Alabama who was attacked but hesitated because of his fear of being in the media. This approach perpetuates the negative beliefs of the participants regarding this topic and does nothing to address their role and responsibilities relative to bias-free policing.

Further to the point, the instructor made several statements throughout the training that undermined the intent of the training:

- “I know that this frustrates you, but this is what we have to do”
- “Stop and frisk is absolutely an effective method when used properly....”
- “Act appropriately and you won't be accused of bias”
- “Our job is to stand around and look for crime, to be nose”
- Using the term “racially-biased policing,” but then stating “I don't like this phrase either.”
- “A simple explanation [to an individual] removes the potential for bias”

These statements suggest that bias in policing is not a significant issue and reports of police bias are a matter only of community members’ perceptions that officers can do little to prevent.

	<p>The training raises the crucial issue of implicit bias only at the end of the training. While it touches on issues such as Implicit Social Cognition and mentioned the Harvard Implicit Bias test and Dr. Kenneth Clark’s “doll test,” the discussion tended to be superficial and conclusory at best. Participants became easily defensive during this discussion, which can be understandable. However, the instructors needed to emphasize that implicit bias is real, albeit not intentional, and show how it affects policing.</p> <p>Indeed, the training concluded with a brief discussion of “Recognizing Perspectives.” Rather than training officers to recognize that their conduct, while intended one way, could legitimately be perceived by the community as something altogether different, the instructor emphasized a mentality of “us against them.” This does not just undermine the message that police need to be sensitive to other perspectives, but only hardens an attitude that others’ perceptions are incorrect and anti-police. This last point was driven home, probably unintentionally, by the instructor’s final message: that, if you do your job and do it in accordance to the law, you can avoid claims of bias and you are adhering to Procedural Justice. This is an incorrect statement of what Procedural Justice is, and, as noted above, serves to undermine the purpose of the training.</p> <p><i>Recommendations</i></p> <p>As discussed above, pedagogically, the training needs to become more interactive and ensure focused and free discussion on the key issues around bias-free policing. Substantively, the training should be completely revamped. It is questionable whether trainers unfamiliar with the subject matter, creating a course from scratch, can train on this subject in a fulsome and comprehensive fashion. Serious consideration should be given to retaining instructors from outside the SCPD to train officers in this critical area.</p> <p>Continued training with the existing course material, in the current fashion, will not lead to compliance with this provision.</p>
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ii. SCPD will conduct cultural sensitivity training for all SCPD officers at least annually.

Status	Noncompliance
Analysis	<p>SCPD has developed a curriculum to instruct officers on cultural sensitivity, and began classroom instruction in September 2015. This training reflects effort and commitment. However, like the training in Bias-Free Policing, this training requires substantial revision. In particular, the curriculum needs to discuss in a nonjudgmental way how people formulate stereotypes and why we come to rely upon them; why they are nevertheless harmful to effective policing; help</p>

participants identify and interrogate their own prejudgments about Suffolk County's diverse cultures; and apply this in the context of policing and public safety. Many of the pedagogical concerns identified in the Bias-Free Policing section immediately above also apply here.

The program starts by focusing on morals and values. This is positive, as is the fact that the instructor also introduces the training module by sharing the new SCPD mission statement, and connecting it to constitutional requirements. The instructor also demonstrated the importance of cultural understanding by highlighting the need to know the nuances of the different cultures. However, she did so by referencing and comparing the cultures of Latino gangs. This was inappropriate, without additional context, and could foster inaccurate negative stereotypes about the local Latino community.

Moreover, the instructor also commenced the module by apologizing to the officers for having to teach these subjects. This serves only to reinforce any negative feelings students may have about having to sit through the class, and undermines the message being transmitted.

Further, as with the Bias-Free Policing training, there is too much lecture throughout the class. For example, the instructor made good use of the concept of social distance to create motivation for the participants to engage the community. Rather than lecture about this, the lesson plan should be modified to include table group or large group discussion to identify ways that they can close social distance, and then create a list of the benefits of closing social distance and enhancing the relationship with the people they have sworn to serve and protect.

When discussing core values of large groups, the instructors must be careful to avoid stereotyping. The use of "all" in reference to a particular group serves to reinforce stereotypes rather than break them down.

Tying into the issues described above regarding Bias-Free Policing, this training also does not adequately train students on how their misunderstanding of cultures can impact their policing activities. The stated "Motivation" of the lesson indicates that the goal is to remove stereotypes; this is impossible. The appropriate approach to stereotyping is to delve into why people create and use stereotypes and how reliance on stereotypes can negatively impact policing. Discussion should focus on common stereotypes of ethnic and racial groups that reside in Suffolk County, and how stereotyping may lead to improper treatment by law enforcement.

The use of the BRIDGES formulation, while well-intentioned, does not function as effectively as SCPD would like it to. It is too vague and is not sufficiently policing-oriented. The course objectives should clearly state what change will result from this training. The training should focus on the cultural and ethnic composition of Suffolk County's diverse population and highlight these groups'

public safety vulnerabilities and/or barriers to effective police-community relations and communication. This is more relevant to police personnel.

In sum, while the curriculum superficially addresses the requirements of the Agreement, it does so without ensuring that the participants fully understand that the Department's new policies change the expectations that the organization has regarding their performance as patrol staff. It is unlikely, given the manner that the information is communicated, that officers' judgment and decision-making will change after they leave the training environment and return to the street.

Continued training with the existing course material, in the current fashion, will not lead to compliance with this provision.

Recommendations

We recommend that the training be revamped, consistent with our recommendations regarding Bias-Free Policing, and that SCPD consider bringing in outside consultants to provide the necessary training.

Finally, we have three specific recommendations regarding the Power Point presentation used during this training:

- First, the slide on Children of Immigration should instead focus on (a) how such children are often over-relied upon for interpretation and/or overcoming cultural barriers and (b) that this can be detrimental to the child and/or yield inaccurate information for police officers.
- Second, the slide on Non-U.S. Citizens and Immigration Status should more directly reference the agency policy R&P 16.4 and explain the "criminal arrest and charge" exception thoroughly. The manner of the presentation failed to capture the spirit behind the policy. Also, the exception was misstated: R&P 16.4 states that the person must have been arrested *and* charged with a crime. Similar to the Non-U.S. Citizens slide, the slide about the U-Visa misses the spirit behind the policy. Both of these policies were developed to break down trust barriers with undocumented immigrants, who can have a greater vulnerability of victimization and are fearful of police. The slides (and training), as currently formulated, do not accomplish this.
- Finally, the Waking in Oak Creek video is good, but it is not sufficiently related to the purpose of this training. Indeed, the point of the video appeared to get lost—students somewhat understandably reacted most strongly to a segment relating to an officer who was severely injured while trying to subdue the shooter at the Sikh temple that was under attack. Another "Not in Our Town" documentary—Light in the Darkness, about the killing of Marcelo Lucero and the aftermath in Patchogue—would be much more effective. Excerpts from this could be shown, and would be far more relevant to the students in the room.

IV. HATE CRIMES AND HATE INCIDENTS

a. Training

i. SCPD will ensure that all officers receive hate crime and hate incident training at least annually. The training curriculum will address:

1. The elements of relevant crimes, including hate crimes and bias crimes; and
2. How to properly charge offenses and avoid the downgrading of crimes, including hate crimes and hate incidents.

Status	Partial Compliance
Analysis	<p>SCPD has developed a curriculum to instruct officers on hate crimes and hate incidents, and began classroom instruction in September 2015. The curriculum has a number of strengths, and addresses both topics above. The presentation will need to be more tightly structured and organized in order to achieve substantial compliance. Pedagogically, as with the other trainings, the hate crimes training needs to be more interactive and participatory. SCPD will need to train all officers on a revised training.</p> <p>We provide below comments on aspects of two training sessions the United States observed.</p> <ul style="list-style-type: none"> • The Hate Crimes Detective leading the training began by providing the contact information of the Hate Crimes Unit (HCU). The written instructor’s notes do not contain this information; it is critical that they do, so that non-HCU instructors will have it at hand. The information may be best presented at the end of the training; trainers should make every effort to present examples or role plays touching on core concepts at the outset of the training, when the trainees’ attention is focused most sharply. • The training next discussed an example of an incident that was investigated as a hate crime. Engaging the audience through an interactive device at the outset is good. The incident discussed required an explanation of fine distinctions⁴ that needs to be reserved for later in the training, though. At this stage, the training needs to provide straightforward illustrations of core concepts and drive home the seriousness of the problem of hate crimes. • The training next discussed the hate crimes statute. The training placed special emphasis on key phrases in the statute. These are critical elements. As we have shared in the past, the training may benefit by quickly transitioning from lecture (citing the critical decision points in an officer’s assessment) to illustrative exercises (requiring the trainees to

⁴ For example, the investigation was complicated by the involved parties’ false testimony. This presents problems in criminal investigations that apply more generally than the specific hate crimes material that the training is designed to address.

make these same decisions as applied to simple examples).

- The training lists demographic categories that may form the motivation for a hate crime (the training refers to them as “protected classes”). The training needs to explain that a hate crime may occur even when the perpetrator is not targeting a minority demographic, *e.g.*, the perpetrator may target someone because they are a non-Hispanic white individual. This should also be featured in an interactive exercise, and on the post-test.
- The training included discussion of a high-profile hate crime that took place in Suffolk County. Any discussion of this incident must emphasize one critical lesson (among many) that the training participants may take away: patrol must stay vigilant in assessing incidents of criminal conduct for potential hate crimes and hate incidents. Discussing this incident without emphasizing this point is problematic.
- The training used several real cases as examples. We encourage the trainers to continue to emphasize scenario-based training. It is also good to use different media – descriptions of the events by the instructor, video, etc. – to engage the audience. Several of the cases chosen involved collateral issues that detracted from the illustration of key points, though. SCPD would be better served modifying the facts of the scenario slightly to fit the point the instructor wants to illustrate, and explaining that the instructor has taken these creative licenses.
- Some examples at the end of the training (about two hours after the training started, in one session we observed) illustrated targeted concepts. These were very helpful.
- The Hate Crimes Detective leading the training emphasized the need to influence public perception as the reason for the training. Trainees would benefit more from hearing that the training is building *credibility* with the public – credibility that will require that officers are actually learning and applying the critical skills they are developing in the training. Another reason for the training might be that it supports SCPD’s mission.
- The instructors did not reference the handout, and few participants followed the instruction using the handout. If the handout is meant as a reference for the officers to use in their work outside the training, participants should be so advised, and the handout can be distributed at the conclusion of the training (so as not to divert participants’ attention from the visual aids).
- In each of the first two numbered bullet points on page 3 (entitled the “Handout”),⁵ SCPD should replace “and” with “or” in the list of protected categories.
- The time allotted for the training seems appropriate (although existing content will need to be tightened and additional elements incorporated,

⁵ All references to pages are to the training curriculum sent on September 9, 2015.

as set forth herein).

Several necessary elements are missing from the current training:

- The training does not discuss SCPD policy.
- The written training curriculum does not currently address the duties that officers have in responding to the scene of a potential hate crime. It should. Some of these steps may refer to general crime scene processing procedures, such as securing the scene; requesting medical aid if needed; collecting physical evidence; conducting a preliminary investigation; documenting information from victims and witnesses on suspected perpetrators; and recording statements made by suspects. To the extent these constitute review of common practices, the instructors may be able to note these duties without devoting substantial time to discussing them. However, responding to the scene of a potential hate crime may give rise to specific duties: identifying and collecting certain types of physical evidence, such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses; the importance of precision in recording the statements (to capture, for example, expressions of bias); identifying prior bias-motivated occurrences in the immediate area or against the same victim; requesting the presence of a supervisor and/or the Hate Crimes Unit, and briefing these personnel on the investigation; and assisting investigators in complying with any federal or state hate crime data collection reporting requirements. If these duties are not currently part of SCPD policy regarding hate crimes, SCPD should probably consider incorporating them.
- Hate crimes may also more frequently give rise to the need for interpreters; officers should be advised that part of their duties in responding effectively to hate crimes is understanding SCPD's Language Access Plan (discussed below) and using interpretation services effectively when necessary. (Although any more detailed discussion of language access should be reserved for the relevant training.)

Although not required, the training may also benefit from small group discussions in which participants are invited to think about their respective individual experiences with enforcement situation(s) that had the elements of a hate crime. The groups may discuss common experiences and identify solutions.

Finally, while a Hate Crimes Unit detective delivered the trainings that the United States observed, SCPD has shared that it expects to call upon SCPD Academy instructors with no specialized expertise in hate crimes to deliver the training eventually. SCPD will need to implement measures to ensure that Academy instructors have the resources they need to address the material and questions that arise during the training, and to ensure that instructors deliver a high-quality presentation.

b. Tracking and Reporting

i. SCPD will implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents.

Status	Partial Compliance
Analysis	<p>In January 2015, SCPD produced a revised draft of its policy defining the parameters of hate crimes audits, R&P 24.6. SCPD Self-Report, Jan. 2015, Att. 14. Our review of the policy showed that it contained many of the necessary elements.</p> <p>In August 2015, SCPD produced a further proposed revision to R&P 24.6. SCPD Self-Report, Aug. 2015, Att. 10. SCPD revised the policy to specify that it will analyze the information on hate crimes for “possible trends and patterns regarding the type of hate act, frequency of occurrence, geographic area of occurrence and type of victim.” <i>See id.</i> ¶ VI(I)(3). This general description of the trend analysis is a helpful addition. More detail can be provided, as described in the Recommendations, below.</p> <p>In addition to providing real-time access to mapping of hate crimes to the command staff at SCPD headquarters and the command staff of each precinct, <i>see</i> SCPD Self-Report, Jan. 2015, Att. 14 ¶ VI(I)(2), the proposed updated policy also provides for the annual dissemination and publication of a report analyzing the trends mentioned above, <i>see id.</i> ¶ VI(I)(4).</p> <p>In practice, SCPD’s mapping system appears to be programmed properly and offers reasonably good functionality. We did not see any obvious problems.</p> <p>A further discussion of implementation of the policy appears in our Analysis re Paragraph IV(b)(ii), <i>infra</i>.</p> <p><i>Recommendations</i></p> <p>The policy should provide more detail regarding the trend analyses conducted. Insofar as this information is sensitive, the policy can alternatively provide that SCPD will memorialize a list of more specific analyses to conduct, and maintain such list confidentially.</p> <p>It may add value to the database and hate crimes/incidents map by mapping the hate crimes/incidents overlaid onto data regarding other ambient incidents such as traffic incidents, so that the rate at which hate incidents occur may be interpreted in relation to other incidents. This may require substantial expertise with GIS software. SCPD may want to consult its Research and Development Division or other County resources to see if this is feasible.</p>

ii. Within one year of the Effective Date and annually thereafter, SCPD will produce a report mapping and analyzing for potential patterns and trends all hate crimes and hate incidents which have occurred over the previous six

months. The report will detail SCPD’s planned response to any identified pattern or trend. Throughout the pendency of this Agreement, the report will be provided to the United States at least five business days before the report is made public.

Status	Partial Compliance
Analysis	<p>In January 2015, SCPD presented a review of the hate crimes and hate incidents in Suffolk County in 2014. <i>See</i> SCPD Self-Report, Jan. 2015, App’x A. The report provided detail about each incident, the steps the investigators took, and the efforts to identify perpetrators of the incident in question and/or links to other incidents.</p> <p>In March 2015, the United States requested: (1) the process of collecting data and inputting it into the database; (2) steps taken to maintain quality control; and (3) the analysis that SCPD conducts once the data is gathered. As to the third category, we asked that SCPD provide a detailed description of the criteria that it considers in identifying patterns or trends, including, if applicable:</p> <ul style="list-style-type: none"> • Geographic patterns; • Demographic characteristics of victims; • Demographic characteristics of offenders (when known); • The type and timing of events; and • Alternative explanations for desultory patterns. <p>SCPD has agreed to provide this information in its next annual report. <i>See</i> SCPD Self-Report, Aug. 2015, at 13. The trends reviewed should be set forth in SCPD policy, as mentioned above. <i>See</i> Analysis re Paragraph IV(b)(i), <i>supra</i>.</p> <p>In August 2015, we requested that SCPD identify trends in hate crimes identified since January 2014. SCPD did not list new trends identified beyond what was listed in its January 2015 report.</p> <p>On-site observations in September 2015 provided some detail about SCPD’s analyses of hate crimes and hate incidents. SCPD’s mapping system permits the user to view hate crimes and hate incidents on a map of the police district. The marker representing each crime/incident reveals additional data.</p> <p>The low volume of incidents may present difficulties in analyzing for some trends. At a minimum, however, SCPD should be analyzing data over time, as described in the recommendation below.</p> <p><i>Recommendations</i></p> <p>It may be helpful to map hate crimes alongside other incidents of crime to interpret the occurrence of hate incidents in relation to other types of incidents, as mentioned above. <i>See</i> Analysis re Paragraph IV(b)(i), <i>supra</i>. SCPD should also look for trends over time, focusing especially on the type</p>

	and timing of events, and victim and offender demographic characteristics. SCPD should present the criteria it will use for all trend analyses.
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c. Quality assurance

i. SCPD will implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures.

Status	Partial Compliance
Analysis	<p><i>Policy</i> In January 2015, SCPD produced a revised draft of its policy defining the parameters of hate crimes audits, R&P 24.6. SCPD Self-Report, Jan. 2015, Att. 14. The United States posed questions about the proposed revisions. In August 2015, SCPD produced a further proposed revision to R&P Chapter 24, Section 6. SCPD Self-Report, Aug. 2015, Att. 10. The new draft includes, as applicable here, an additional clause specifying that the criteria for a complete investigation are the Hate Crimes Investigators’ Responsibilities in the policy’s subdivision VI(D). <i>See id.</i> ¶ VI(F)(2). These include, for example, ensuring that the scene is protected, preserved and processed; interviewing all victims and witnesses; canvassing the neighborhood for additional sources of evidence; determining if a pattern of such incidents exists; removing offensive physical evidence, once it has been properly documented; maintaining contact with the victim; and other steps. <i>See id.</i> ¶ VI(D). These are sound criteria for assessing the quality of hate crimes investigations.</p> <p><i>Implementation of the Policy</i> During our on-site assessment in September 2015, the HCU demonstrated a software program used to sample cases for the audit. SCPD reports that it selects the cases in its report randomly using this software (and does not single out particular cases for review).</p> <p>The hate crimes auditing process is increasingly detailed, although the report, as discussed below, should adhere more closely to the criteria in R&P 24.6. This is explained further below.</p> <p>Our review of a selection of the hate crimes investigations themselves showed them to be, in general, comprehensive and thorough. The detectives at the Hate Crimes Unit appear committed to the enforcement of hate crime laws and knowledgeable about their area of focus. As discussed below, however, sometimes casefiles left more questions than answers. Our review of investigations remains ongoing.</p> <p><i>Recommendations</i> SCPD should expand on the reports delivered to date, as described</p>

	<p>immediately below.</p> <p>SCPD only recently implemented its form for recording the status of communication with the victims of hate crimes/incidents, but it will need to monitor this process going forward.</p>
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ii. Six months after the Effective Date, and every six months thereafter throughout the pendency of this agreement, SCPD will forward to the United States a report describing all random audits of HCU investigations completed within the current six-month time period and any corrective actions planned or taken as a result of the audits.

Status	Partial Compliance
Analysis	<p>SCPD has timely submitted reports corresponding to this Paragraph of the Agreement. In the reports, the Commanding Officer of the SCPD Hate Crimes Unit affirmed his review of a selection of hate crimes investigations, and summarized the cases reviewed. The reports provided some helpful information, but until the August 2015 report, SCPD did not provide the criteria used by the Commanding Officer to evaluate each case for accuracy and completeness. SCPD provides that information in the form of draft policy language. <i>See Analysis re Paragraph IV(c)(i), supra.</i></p> <p>As mentioned above, the criteria for quality assessment that SCPD provided in August 2015 are sound. These criteria should form the structure for evaluation of each investigation. The report should also apply the elements of the hate crime statute to the facts known about the incident at the time of the report, and make an independent assessment of whether the known facts meet the elements of a hate crime; the report should subsequently compare the investigator’s determination to that of Det. Lt. Hernandez. Finally, the report should make assessments concerning case progress; in some cases, several months had transpired since the last interview or other event in the investigation, and the report summarily concurred that the case should be classified as “pending,” without further discussion.</p> <p>Compliance with this provision is linked to compliance with Paragraph IV(c)(i).</p>

V. LANGUAGE ASSISTANCE

a. SCPD policy will require the following:

- i. A current Language Access Plan that explains how SCPD will implement its policies and procedures to provide meaningful access to police services. This plan will be updated at least annually.

Status	Partial Compliance
Analysis	<p><i>Policy</i></p> <p>SCPD has accepted the recommendation of the United States’ experts and intends to finalize a single Language Access Policy (LAP) to replace its Language Access Plan (R&P 26.6) and R&P 26.5, Persons with Limited English Proficiency. The combined policy appears to comply with the requirements of this section. However, SCPD should develop a more extensive plan, which will serve as an “administrative road map” for implementation. To ensure proper implementation, SCPD will also need to train officers fully on how to engage with individuals who are LEP, the resources available to them and how to employ those resources. For example, the LAP discusses use of bilingual officers who are not Department Authorized Interpreters (“DAIs”) in certain situations, except in taking statements with criminal suspects, victims, and witnesses and obtaining complaints about SCPD personnel. The distinction should be clearly communicated during training (<i>i.e.</i>, qualified bilingual personnel will only be using their language skills when the interaction originates with them, or in the case of Spanish-speaking bilingual 9-1-1 operators, when calls are also routed to them).</p> <p>Further, the proposed LAP states that the IAB will “periodically” request a list of 9-1-1 calls to monitor services. This should be more routine and scheduled, similar to other monitoring efforts. Broadly speaking, all monitoring activities (whether they be ordered by the Chief of Patrol, the Language Access Coordinator, or IAB) should be well documented and coordinated. We recommend that the policy provide that the Language Access Coordinator maintain a list of bilingual personnel, in addition to DAIs.</p> <p>Finally, the LAP also contains references to using American Sign Language interpretation with individuals who are deaf and hard of hearing. While there are similarities with engaging individuals who are LEP, the SCPD should develop a separate policy for addressing the needs of individuals who are deaf or hard of hearing.</p> <p>In addition to these general comments, SCPD should also take note of the following specific recommended revisions:</p> <ul style="list-style-type: none"> • Provision II.C (page 2) should refer to Policy 16.4. • SCPD needs to clarify what the purpose is of “collecting LEP contacts”, as noted under VI.A.2.b.

- SCPD should add “inappropriate” after “excessive” in VI.A.2.d(4).
- Provision VI.A.3.c (page 5) should distinguish between community-based organizations and local school districts and hospitals—they are not the same.
- To enable proper quality assurance, as noted under VI.A.2.d, the PDCS 7042 Language Assistance Tracking forms should collect documentation of the use of any and all forms of language assistance, including temporary interpreters.

We make further recommendations regarding the revised Plan/Policy in our Analyses regarding other Paragraphs of the Language Access Section.

Implementation

The current R&Ps 26.5 and 26.6 as well as the proposed Plan/Policy require the practices below. We note the following regarding implementation of these practices:

- *Language access and immigration status:* The policies prohibit officers from relying on an individual’s use of SCPD language services as a basis for inquiring into immigration status. SCPD should develop a mechanism for ensuring that officers do not make such unauthorized inquiries and for determining that the policy is observed.
- SCPD reports that officers have notified consular officers only twice in 2015, signaling that no more than two non-citizens have been arrested. Even if this is accurate, SCPD needs to develop more rigorous data collection in this area and improve its training.
- *Signage Declaring the Availability of Interpreters:* Policies require signage at entrances to SCPD facilities notifying LEP individuals of the availability of an interpreter free of charge. SCPD maintains such signage at the facilities we have observed.
- *Availability of Vital Documents:* See Analysis re Paragraph V(a)(v), *infra*.
- *Language Identification Charts* must be posted at all public police facilities and maintained in all sector cars. The United States found Language Identification Charts in the facilities and sector cars we observed.
- *Translation of all non-English Correspondence:* SCPD reported in March 2015 that its only correspondence in a language other than English were completed community surveys. SCPD reports that, in the reporting period ending August 1, 2015, no correspondence was submitted in non-English languages.

	<ul style="list-style-type: none"> • <i>Use of Language Line:</i> Overall, the use of Language Line telephonic interpretation services has increased. However, our observations indicate that there are substantial deficiencies in this program. Officers still appear reluctant to use the service, and still appear to be using bystanders and family members to interpret (see below). During one ride along, an officer noted that the Language Line cell phone charger was “wobbly,” and therefore not able to effectively charge the phone. In another case, an officer indicated that his regular vehicle was out of service, so he had no Language Line cell phone. SCPD needs to do more to ensure that officers understand how and when to use Language Line and the importance of proper interpretation. • <i>Use of interpreters, Use of temporary interpreters:</i> During our site visit, we observed that there is still significant reluctance to move away from using bystanders and children for language assistance, because of a perception that this has never been a problem. <p>In addition to the comments provided above, it is evident that the training must be updated to accurately and comprehensively reflect each component of the finalized policy.</p> <p>Ensuring that Suffolk County’s diverse LEP populations have meaningful access to police services will require a substantial cultural change at SCPD. Personnel will have to dispatch with methods that may seem intuitively prudent (relying upon bystanders to interpret), while adopting new methods with rigor (ensuring that appropriate sector cars have functioning Language Line access, and routinely using it). We commend SCPD for its steps down this path, but there is considerable work left to do.</p>
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ii. Translations of the Language Access Plan and Policy into Spanish and other non-English languages as appropriate and posting in a public area of the police department building, on its website, and in any other locations throughout the County where individuals go to seek police assistance.

Status	Partial Compliance
Analysis	<p><i>Policy</i> The current policy does not incorporate all of the elements of this section. The proposed consolidated Plan/Policy should require that it be translated and that a Spanish version be distributed.</p> <p>However, in practice, SCPD has consistently distributed the Spanish version of the Language Access Plan at department facilities and has maintained a copy on its website. Translations of the LAP into the five priority languages have not yet been undertaken.</p>

	<p><i>Recommendations</i></p> <p>SCPD should list the Language Access Plan and Policy as a “vital document,” requiring that a Spanish translation be maintained at all times. In addition, SCPD should amend the Plan/Policy to require that Spanish versions of the Plan/Policy be distributed in all public areas and on the website. Additionally, SCPD should ensure that all translations of the LAP are conducted by Language Line Services (or another qualified entity) to maximize accuracy, and are widely available to all intended users or recipients of the documents. When the translations are completed, they should be reviewed by community stakeholders to ensure that the translations are appropriate for local linguistic communities.</p>
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iii. Distribution of the Language Access Plan and Policy to all SCPD staff and to community organizations serving LEP communities encountered by SCPD.

Status	Substantial Compliance
Analysis	<p><i>Policy</i></p> <p>Current policy provides for this distribution. The proposed Plan/Policy requires distribution to community groups.</p> <p>SCPD has distributed its language access policies to many community organizations. We encourage SCPD to continue to identify additional distribution points.</p> <p><i>Recommendation</i></p> <p>The proposed Plan/Policy should be amended to require distribution to all SCPD members.</p>

iv. Availability of Citizen Complaint/ Compliment forms in Spanish and other common non-English languages in all precincts and on SCPD’s website for both completion and submission.

Status	Partial Compliance
Analysis	<p><i>Policy</i></p> <p>SCPD policy contains the relevant language, has translated this form into Spanish, and has made hard copies available in its precincts. Copies of the form appear in several other common languages on the SCPD website.</p> <p>SCPD is undertaking the steps to fulfill compliance with this Paragraph, including online submission of complaints/compliments and posting of the form in other non-English languages, as appropriate.</p>

	<p><i>Recommendation</i></p> <p>SCPD should amend the proposed Plan/Policy so that it requires that the website link to versions of the Complaint/Compliment form in common non-English languages.</p>
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v. Translation of all vital written documents and materials shall be consistent with DOJ Guidance, in order to ensure that LEP individuals in the community have meaningful access to such documents and materials.

Status	Partial Compliance
Analysis	<p><i>Policy</i></p> <p>SCPD’s policies continue to appropriately require (a) translation of the following documents into the six most commonly spoken non-English languages in the Suffolk County police district, and (b) that they be available in public police facilities and on SCPD’s website:</p> <ol style="list-style-type: none"> a. How to Obtain a Police Report, (PDCS-8100) b. Family Offense Assistance and Court Procedures, (PDCS-7109) c. What to do When Stopped by the Police, (PDCS-7148) d. Missing Person Guidelines e. Special Needs/Silver Alert Program, (PDCS-8060) f. Crime Victim Information Report, (PDCS-8105) g. Compliment/Complaint Information Report, (POCS-1300-1) h. Mental Health Assistance Notification, (PDCS-7146) <p>Under the proposed Plan/Policy, these documents are required to be translated only into Spanish and “other relevant languages as determined by the Language Access Coordinator.” <i>See</i> Plan/Policy subdivision VI(B)(2)(b)-(c). The policy should be revised to ensure compliance with this section and to ensure that local LEP populations can have meaningful access. Many of the above documents can be found in hard copy at SCPD precincts and other facilities.</p> <p><i>Recommendations</i></p> <p>Although SCPD has described its translation of vital documents as an “ongoing process,” SCPD is nearing the point where it may want to undertake an audit of all facilities to ensure that hard copies of the necessary vital documents are posted. SCPD should begin to consider relevant languages other than English or Spanish spoken in the communities covered by each precinct. Such a review should also take into account the location of the posted documents within the reception areas of SCPD facilities, to ensure meaningful access.</p> <p>SCPD shared during our September visit to SCPD facilities that it has recently finalized the content for the “What do to When Stopped By Police” brochure and has identified additional “vital” documents to translate (<i>i.e.</i>, CVIR, general receipt for property, medical release form, and domestic violence</p>

	assessment form). Copies of these should be provided to DOJ and listed on the SCPD website.
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vi. Translation of any citizen correspondence received that is in a non-English language. If that correspondence when translated would be considered a citizen complaint, then the information as translated will be processed in the same manner as are citizen complaints originally received in English.

Status	Substantial Compliance
Analysis	<p><i>Policy</i> The Language Access Plan has incorporated this Paragraph into policy. The policy provides that authorized interpreters shall translate the correspondence; this should be changed to “authorized translators.” SCPD also reports it has not received any citizen correspondence in a non-English language since the effective date.</p> <p><i>Recommendations</i> SCPD has conducted substantial outreach to the LEP community concerning other initiatives, such as the universal entrance exam for cadets. We suggest that SCPD review what lessons, if any, can be drawn from the successes of its other outreach efforts to ensure that members of Suffolk County’s LEP population recognize that SCPD has processes in place to accept and appropriately route correspondence in languages other than English, including citizen compliment/complaint forms.</p>

vii. Availability of bilingual operators for complaint phone lines or a dedicated Spanish complaint phone number. SCPD will indicate on its Spanish-language Compliment/Complaint form that the phone operator speaks Spanish.

Status	Compliance Rating Pending—Insufficient Documentation
Analysis	<p>Very few calls have been received to date and thus, it is premature to assess compliance at this point in time.</p> <p>Additional outreach needs to be undertaken with Latino and LEP community advocates to ensure that they know about the compliment/complaint line and are informing their constituents to use it communicate feedback. <i>See Recommendations re paragraph V(a)(vi), supra.</i></p>

viii. Objective oral language proficiency standards and annual proficiency testing for all IAB members who are designated as “Spanish-speaking” or as speaking a non-English language.

Status	Partial Compliance
Analysis	<p>SCPD’s plan for testing Department Authorized Interpreters and bilingual personnel, as relayed to the United States, now seems appropriate. The SCPD will be paying Language Line Services to test/qualify prospective DAIs for interpreting skills. For those who do not pass interpreter certification, a second level of language proficiency testing will be conducted to determine if prospects are qualified to serve as department bilingual personnel. As of September 2015, SCPD was conducting a trial with Language Line with staff of varying Spanish-language proficiencies. We understand that SCPD will implement annual proficiency testing of Spanish-speaking Internal Affairs personnel as part of this process. We understand that SCPD will initially certify just 50 staff as bilingual interpreters. This will present a challenge, to ensure that an appropriate number of staff members/ officers are scheduled to work to ensure appropriate language access coverage.</p> <p>There is currently no plan for testing/qualifying personnel for translation skills; SCPD indicated that they would work on this after the interpreting and verbal language proficiency testing processes were finalized.</p> <p><i>Recommendations</i> As discussed above, we recommend that the Language Access Coordinator maintain a list of bilingual SCPD personnel, in addition to interpreters.</p> <p>SCPD will need to document testing and certification of interpreters and bilingual personnel. We look forward to reviewing the results.</p>

ix. Recording and periodic auditing of phone calls through the multi-language toll-free complaint hotline.

Status	Compliance Rating Pending—Insufficient Documentation
Analysis	SCPD policy requires such recording. However, few phone calls have been received, so we are unable to analyze the effectiveness of this policy.

x. Documentation of the use of any interpreter used when conducting a field interview or interrogation of an LEP individual, including the following:

- 1. the date;**
- 2. the location;**

3. the full name of the interpreter;
4. the non-English language spoken by the interpreter;
5. the relationship (if any) of the interpreter to the LEP individual;
6. contact information for the interpreter, including telephone numbers, email and postal address;
7. the name of the witness, victim, and subject person requiring an interpreter to the extent not prohibited by privacy laws; and
8. a summary of any action taken.

Status	Partial Compliance
Analysis	<p>SCPD has implemented a policy that requires officers to document the use of interpreters. During the site visit, we learned that the SCPD has changed the name of the Interpreter Tracking form to a Language Assistance Tracking form. Completion of the form has been integrated into the CAD system for all incidents that get assigned a central complaint number (with an L designation) and are assigned to officers on patrol. Officers cannot close out the call until they complete the form. This is a very positive development and is working well. For those calls that do not get a central complaint number (<i>i.e.</i>, traffic stops or individual inquiries made at the precinct), paper tracking forms are being used. The forms comply with the requirements of this section. The final version of this form should enable documentation of each type of language assistance service that was used, including temporary interpreters. We note, however, that the documents we reviewed indicate that use of the forms is uneven. Further training and emphasis on accuracy and completion of the forms is necessary.</p> <p><i>Recommendation</i></p> <p>SCPD needs to emphasize the importance of preparing these documents fully and accurately and ensure that this occurs.</p>

b. SCPD will revise “Language Line Translating and Interpreting Service,” Order Number 09-117, as follows:

- i. The order will use the term “interpretation” to refer to oral communication, and “translation” to refer to written communication. As written, the order uses both terms interchangeably.

Status	Substantial Compliance
Analysis	SCPD has made the required revision. SCPD should apply this distinction consistently throughout its language access policies.

c. SCPD will modify its practices and implement the revised Chapter 26, Section 5, “Persons with Limited English Proficiency,” as approved by the United States.

Status	Partial Compliance
Analysis	As discussed above, SCPD proposes a single policy, <i>see</i> SCPD Self-Report, Aug. 2015, Att. 12, that will replace its Language Access Plan (Rules & Procedures Chapter 26, Section 6) from August 2014 and R&P 26.5, Persons with Limited English Proficiency. <i>See</i> our analysis contained Paragraph V(a)(i) above.

d. SCPD will ensure that the home page of its website states, in at least Spanish, how to access language assistance services and Spanish translations of SCPD policies and other relevant information.

Status	Substantial Compliance
Analysis	<p>SCPD has two separate buttons on its website homepage labeled, “<i>Información en Español.</i>” <i>See</i> http://apps.suffolkcountyny.gov/police/index.htm. Each button directs the user to a page dedicated to Spanish-language forms, policies, and other literature. <i>See</i> http://apps.suffolkcountyny.gov/police/information_sp.htm.</p> <p>In the recently concluded reporting period, SCPD added a link under the table of forms in non-English languages that provides an additional route to access the Spanish-language forms page. <i>See</i> http://apps.suffolkcountyny.gov/police/onlineforms.htm.</p> <p>SCPD reports that it has submitted its Chinese forms to be re-translated in Simplified Chinese, rather than Traditional Chinese, as we recommended previously.</p> <p>Despite improvements, SCPD’s website would substantially benefit from a more functional platform. SCPD reports that it is seeking funding in order to make the necessary improvements.</p> <p><i>Recommendation</i> As we recommended in June 2015, SCPD should add a footer that states the target language and the date of the last update/translation to all translated documents.</p>

e. SCPD will maintain effective incentives for bilingual employees to become SCPDDAIs, including assignments, promotions, and other means available to the County.

Status	Noncompliance
Analysis	<p>SCPD has not identified incentives corresponding to this provision. As SCPD notes in its Self-Report dated August 1, 2015, it is in a better position to implement such incentives now that the certification process for Department Authorized Interpreters has been finalized and expects to do so and is considering the best method for offering such incentives.</p> <p><i>Recommendations</i></p> <p>As we reported during the last reporting period, qualifying incentives under this Paragraph must offer a real and tangible benefit to employees who certify as SCPDAIs. This should extend to bilingual officers as well. We look forward to reviewing SCPD's proposed incentive program when it ready.</p>

f. Within 90 days of the Effective Date, SCPD will implement a process of consultation with representatives of the Latino community to develop and annually review: implementation of the Language Access Policy, including areas of possible collaboration to ensure its effectiveness; accuracy and quality of SCPD language assistance services; and concerns, ideas, and strategies for ensuring language access. This process will be reviewed and approved by the United States prior to its implementation.

Status	Partial Compliance
Analysis	We understand from both SCPD and Latino community advocates that meetings have been held.

g. Within 180 days of the Effective Date, and annually thereafter, SCPD will provide at least four hours of training to all personnel on providing language assistance services to LEP individuals. This training will include:

- i. SCPD's LEP plan, policies, and procedures and the requirements of Title VI and this Agreement;**
- ii. How to identify the non-English language and language assistance needs of an LEP individual during an in-person or telephone interaction;**
- iii. How to access SCPD-authorized, telephonic and in-person interpreters;**
- iv. How to work with interpreters in the field and assess interpreter quality;**
- v. How to account for cultural diversity and language barriers in policing; and**
- vi. Basic command terms and phrases in Spanish for officers assigned to patrol in areas with significant Spanish-speaking populations.**

Status	Noncompliance
Analysis	<p>SCPD has begun to provide some training to officers regarding Language Access. Further, we recognize that the training we viewed was conducted while the new Language Access Policy was being finalized. There was good use of videos in this training. However, the training provided does not meet the requirements of this section. It lacks clarity and is sometimes inaccurate. The training did not effectively communicate that a change is being implemented in the agency's service to LEP individuals and why this is change is necessary. SCPD must also fully integrate into the training the mandated use of DAIs, Language Line or, in some circumstances, bilingual personnel. There was no training on basic Spanish phrases, as required by the LAP. Additionally, only one hour of true language access training is currently being provided. That hour is sandwiched between two other hours of training, which address Cultural Proficiency and Effective Communication. These purport to relate to language access issues, but in fact do not sufficiently relate to this topic. Even if they did, this would amount to only three hours of Language Access training, and this Paragraph of the Agreement requires four hours.</p> <p><i>Recommendations</i></p> <p>As with the other training sessions we witnessed, the training on Language Access should include more scenario/role play, focusing on common encounters with limited English proficient individuals. Demonstrating the use of the Language Line was good, but the same should be done with teaching the four stated "How Tos" in the LAP.</p> <p>Everyone should be given a copy of the Language Access policy, and it should be interactively discussed, section by section, informing personnel about what is required. Merely referencing sections of the LAP is insufficient.</p> <p>The benefits of using Department-authorized language assistance services, including DAIs and Language Line, need to be better communicated. Accessing these services will undoubtedly take time and effort, so officers need to understand why it is in their best interests to do so. Discussing some problem scenarios where either children or an unauthorized interpreter are used is important because these have been SCPD's default sources of language assistance for years, and they are no longer permitted, except during an exigency.</p> <p>The purpose, process, and benefits of using the new Language Assistance Tracking form needs to be better communicated.</p> <p>The training must discuss in depth the exigency exception to use of authorized interpreters.</p> <p>If the Effective Communication segment remains in training, the SCPD</p>

	trainers should learn more about procedural justice and incorporate this concrete training content into their lesson. (See here for some police training podcasts on the topic: http://www.cops.usdoj.gov/default.asp?Item=2656).
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h. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will conduct a satisfaction survey of representatives from the Latino community regarding SCPD’s LEP efforts. SCPD will partner with local Latino advocacy groups in order to conduct the survey. SCPD will produce a report analyzing the results of each survey and detailing what measures, if any, SCPD will take as a result of the analysis. Each report will be provided to the United States throughout the pendency of this Agreement at least five business days before it is made public.

Status	Partial Compliance
Analysis	<p>SCPD is conducting the required survey and has collected a significant number of responses. We look forward to reviewing SCPD’s complete assessment of how these will inform their operations. However, as SCPD acknowledged, there is substantial room for improvement in the current survey form, both in substance and form.</p> <p><i>Recommendation</i></p> <p>SCPD should continue to explore other survey tools, particularly those that have been evaluated by researchers. For example, the national “Police-Citizen Interaction Survey,” developed by National Police Research Platform is one that is being used by a growing number of municipalities. More information is available here: http://nationalpoliceresearch.org/.</p>

VI. ALLEGATIONS OF POLICE MISCONDUCT

a. Reporting misconduct

i. SCPD policy will require that all members have the duty to report allegations of discriminatory policing to a supervisor or to the IAB. Failure to report or document allegations of misconduct will be grounds for disciplinary action.

Status	Partial Compliance
Analysis	<p><i>Policy</i></p> <p>The proposed draft of R&P 1.11 requires “[m]embers who have observed or are aware of other members who have engaged in bias-based policing [to] report such conduct to a supervisor immediately.”⁶ SCPD Self-Report, Aug. 2015, Att. 1. R&P 1.11’s definition of bias-based policing is consonant with the Settlement Agreement’s definition. <i>Compare id. with</i> Agreement ¶ II(i).</p> <p>The August 2015 SCPD Self-Report also cites to R&P Chapter 5, Section 2(V)(E). This appears to reference the draft of this policy submitted with the January 2015 SCPD Self-Report. That draft requires that suspected violations be referred to an officer in charge. The policy likewise requires that allegations of discriminatory policing be referred to IAB within 48 hours.</p> <p>The proposed R&P 1.11 also dictates that “[m]embers who have engaged in, ignored or condoned biased-based policing shall be subject to discipline.” <i>See</i> SCPD Self-Report, Aug. 2015, Att. 1, §V(B).</p> <p>These draft policy changes collectively capture the spirit of Paragraph VI(a)(i). The relevant changes to the policies referenced above should be finalized and implemented at SCPD’s earliest availability.</p> <p><i>Policy Recommendation</i></p> <p>Members who “ignore[] or condone[] biased-based policing” should certainly be subject to discipline. At the next annual review, SCPD must also add the precise language of Agreement ¶ VI(a)(i), subjecting to discipline those members who know of misconduct but fail to report or document it.⁷</p> <p><i>Implementation</i></p> <p>SCPD has submitted satisfactory policies for the United States’ review with the August 2015 SCPD Self-Report, but much of SCPD’s work in implementing this provision is ahead of it.</p>

⁶ Thereafter, “[s]upervisors receiving notification that a member has engaged in a bias-based policing shall report such conduct to the Internal Affairs Bureau in accordance with the procedures” in R&P Chapter 5.

⁷ R&P Chapter 5, Section 2(V)(A)(14) appears to direct members to report and, where necessary, record misconduct, but does not specify that it is subject to discipline.

	<p>SCPD has seen problematic situations to which this Paragraph would apply in recent months. <i>See, e.g.</i>, Analysis re Paragraph VI(a)(ii), <i>infra</i> (February 2014 complainant ultimately reports allegations of racial profiling directly to IAB <i>after</i> having first made same allegations to precinct desk officer and patrol supervisor) (no evidence that precinct officers reported allegations to IAB themselves).</p> <p>A document request related to this Paragraph was pending at the time of this Compliance Assessment.</p>
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ii. SCPD policy will ensure that all complaints are investigated even if the complainant does not submit the complaint on an actual SCPD complaint form.

Status	Partial Compliance
Analysis	<p><i>Policy</i> The draft of R&P Chapter 5, Section 2 submitted in January 2015 incorporates language that reflects this Paragraph’s requirement. <i>See, e.g.</i>, SCPD Self-Report, Aug. 2015, Att. 4 §§II(A)-(C). However, the policy contains additional language that could be viewed as internally contradictory. <i>See id.</i> § (VI)(C)(2) (“The Internal Affairs Bureau shall accept and review all allegations to determine <i>if an investigation is warranted</i> and the nature and extent of the investigation to be conducted.” (emphasis added)). This should be addressed, as set forth below.</p> <p>Note: SCPD’s Compliment/Complaint Incident Report invites the reader to call IAB (or the Human Rights Commission) directly to report officer conduct.</p> <p><i>Implementation</i> SCPD has not provided comprehensive evidence of compliance with this provision.</p> <p>Complainants’ experiences in attempting to file complaints orally or otherwise appear to be mixed. One particular case may be emblematic of this problem. An individual stopped and given a traffic citation in February 2014 said he believed he was the subject of racial profiling. The individual reported to a precinct to complain. The complainant reports that he waited almost an hour at the precinct. The desk officer arranged for the complainant to speak with the patrol officer’s supervisor, but apparently failed to communicate this fact to the complainant; upon the supervisor’s arrival, the complainant was reluctant to speak with another officer in the chain of command. Ultimately, it appears that the complainant left the precinct without any record of his misconduct complaint being taken. This is highly problematic.</p> <p>The complainant later contacted IAB directly, and an IAB investigator took the</p>

	<p>complaint over the phone and entered it into a common database. The complaint was investigated. Notwithstanding, the complainant appears to have navigated a series of steps before complaint intake was completed.</p> <p>See Analysis re Paragraph VI(b)(vi) for a review of investigation quality assurance.</p> <p>A document request related to this Paragraph was pending at the time of this Compliance Assessment.</p> <p><i>Recommendations</i></p> <p>SCPD should eliminate the phrase “if an investigation is warranted and” in the draft R&P Chapter 5, Section 2(VI)(C)(2), such that the Subsection would read, “The Internal Affairs Bureau shall accept and review all allegations to determine ... the nature and extent of the investigation to be conducted.” Some assessment of the facts alleged is required. Determining that an investigation is unwarranted could be read to violate Paragraph VI(a)(ii).</p> <p>Although all parties acknowledge that the complaint process can be a difficult one for the officer and the agency, SCPD as an agency must welcome the opportunity to address possible officer misconduct. If SCPD has reason for concern that patrol, desk officers, or other personnel may be discouraging complaints, remedial action is required.</p>
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iii. SCPD policy will explicitly permit parties other than victims to file complaints with the HCU, with the IAB, with any officer, or at any SCPD precinct. Complaints regarding hate crimes or hate incidents will be forwarded to an HCU investigator for review and investigation.

Status	Partial Compliance
Analysis	<p><i>Policies</i></p> <p>The language of the drafts of R&P Chapter 5, Section 2 and Chapter 24, Section 6 capture most aspects of this Paragraph. SCPD accepts misconduct complaints from third parties, <i>see</i> SCPD Self-Report, Aug. 2015, Att. 4, §VI(B), and the Internal Affairs Bureau is notified, <i>see id.</i> §VI(C). Chapter 24, Section 6 directs SPCD members to investigate complaints of hate crimes regardless of how they are submitted. <i>See</i> SCPD Self-Report, Jan. 2015, Att. 14. Notwithstanding, the internal investigations policy should also include the explicit language of the first sentence this Paragraph of the Agreement, as it applies to internal investigations.</p> <p>The draft R&P Chapter 24, Section 6 directs the responding SCPD member to notify the HCU of a hate crime, hate incident, and/or non-designated hate offense. <i>See</i> SCPD Self-Report, Jan. 2015, Att. 14, §VI(B)(2). The HCU takes primary investigative responsibility for such investigations, with few exceptions.</p>

See id. §V(A). Notwithstanding, this policy should also include the explicit language of the first sentence of this Paragraph of the Agreement, as it applies to hate crimes.

It is unclear whether SCPD has adopted the draft of R&P Chapter 24, Section 6 provided in January 2015; in any event, a new policy has not been posted to SCPD's website. *See* <http://apps.suffolkcountyny.gov/police/documents/24-6.pdf>.

Implementation

SCPD has not provided comprehensive evidence of how it is treating third-party complaints.

We have reviewed anecdotal evidence bearing on compliance with this paragraph. In one recent instance, a third party called to report an apparent domestic dispute. SCPD responded to the criminal complaint. The third party also complained about the delay in response time and that the responding officer did not take the call seriously. We have reviewed some documentation that the alleged improper conduct was investigated; additional follow-up may be required.

In another recent case, the crime victim had a third-party advocate during the initial interview. It bears specifying that the victim reported the crime, not a third party. Notwithstanding, this shows that SCPD is taking some steps to encourage victims who may be reluctant to come forward.

Recommendations

SCPD should approve the version of R&P 24.6 attached to the January 2015 SCPD Self-Report, and post it publicly.

SCPD should consult with community-based organizations that may be aware of crimes or officer misconduct affecting Suffolk County's diverse communities. We encourage SCPD to work with these organizations to develop a system to forward SCPD complaints and to troubleshoot the complaint process.

We further recommend that SCPD conduct outreach, particularly to minority communities, to ensure that members of the community know that this option is possible.

Further solicitation of third-party complaints will present new issues to SCPD. For example: interested parties, such as advocates for witnesses or victims, may want to act as interpreters. SCPD will need to enforce its policies on third-party complaints, victim advocates, and language access equally. This may require supplemental training, for example. We encourage SCPD to present these issues as they come up.

b. Investigation of Misconduct

i. SCPD policy will ensure that all allegations of officer misconduct relating to discriminatory policing, regardless of the manner in which reported, will be forwarded to IAB no later than 48 hours from receipt.

Status	Partial Compliance
Analysis	<i>See Analysis re Paragraph III(b)(iii), supra.</i>

ii. Within 180 days of the Effective Date, SCPD will review the staffing of IAB and ensure that individuals currently serving as or who are selected for IAB possess excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective. Supervisors with a sustained complaint of, or who have been disciplined for, excessive use of force, sexual harassment, discrimination, or dishonesty will be presumptively ineligible from assignment to IAB.

Status	Partial Compliance
Analysis	<p><i>Policy</i> The second sentence of this Paragraph of the Agreement should be incorporated into policy.</p> <p><i>Implementation</i> SCPD shared information about the work histories, training, and disciplinary records of 17 current IAB staff, including the Commanding Officer and Executive Officer, in August 2015. <i>See</i> SCPD Self-Report, Aug. 2015, Att. 14. This information helps supplement the staffing studies conducted and resolve concerns about the discrepancies between the two previous studies.</p> <p>SCPD’s IAB investigators possess considerable experience on the force. SCPD’s corps of IAB investigators has a collective track record for good conduct. Some investigators have a background in investigations at IAB or in other roles, including as detectives or crime scene officers. Some have attended training related to investigations through New York state or the FBI. Overall, we appreciate SCPD’s efforts to recruit an experienced group of officers to IAB. Notwithstanding, IAB concedes that the outside courses on internal misconduct investigation skills that it has tried in the past have not been a good fit for the agency, and at least in recent years, SCPD has not maintained such a training program within the agency. Investigators appear to have had differing access to</p>

	<p>training on the investigative skills they need.</p> <p>Investigators may be getting more uniform access to skills development through a field training course that IAB is now implementing. We have reviewed documentation certifying that investigators who started with IAB since June have received direction on many of the skills they will need to execute on a regular basis. Still, the certifications are only a one-page checklist, and do not reflect with any depth the instruction taking place. We have not had the opportunity to observe the instruction or explore the program with the new investigators or instructors. In addition, this field training program only applies to new investigators.</p> <p><i>Recommendations</i></p> <p>As we have previously informed SCPD, all IAB investigators should take training specific to their craft. SCPD is in the process of implementing a field training course for new officers at its Internal Affairs Bureau. At SCPD’s request, we have recommended several off-site training courses that the agency may want to employ. We recommend that SCPD create a written training plan for IAB investigators of all experience levels, and implement the same forthwith. That training plan should include the Agreement-mandated training courses on cultural sensitivity and language access.</p>
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iii. SCPD policy will require that each IAB investigation of officer misconduct relating to discriminatory policing be reviewed by the Police Commissioner or his designee.

Status	Substantial Compliance
Analysis	<p>SCPD has created the required policy, and the Commissioner has acknowledged his concurrence with completed discriminatory policing investigations by signing them.</p> <p>SCPD has not adopted our recommendation to supplement its documentation of existing chain-of-command review of completed investigations, such as through a log that dates each supervisor’s review and summarizes their comments and directives. We renew that recommendation here. Understanding what directives the Commissioner and Chief of Department provide IAB may help reveal the sources of some of the delays identified in our Analysis re Paragraph III(b)(iii), <i>supra</i>. Such a procedure should be captured in policy.</p>

iv. Per SCPD policy, the Department will maintain a tracking system for all misconduct allegations relating to discriminatory policing that does not rely on personal identifiers. Upon receipt of such an allegation, SCPD will assign a unique numerical identifier to the complaint, which will be provided to the

complainant at the time the allegation is made. SCPD will use the centralized numbering and tracking system to track data regarding the number, nature, and status of such misconduct allegations, from initial intake to final disposition, including investigation timeliness and the complainant’s notification of the interim status and final disposition of the investigation.

Status	Partial Compliance
Analysis	<p>SCPD has created a numbering system for misconduct allegations regarding discriminatory policing that does not require personal identifiers.</p> <p>The IAB is using IAPro to vet incoming complaints, and IAB retains investigations of discriminatory policing and other investigations of sufficient complexity or troubling allegations. Notwithstanding, SCPD has not provided evidence, either pursuant to its semiannual reports or on-site, that the complainant correspondence, data tracking, or timeliness complies with this Paragraph.</p> <p>SCPD may be taking one critical step in the right direction by implementing the Case Notes Overview investigation tracking sheet. This form serves as a one-stop resource for investigators and supervisors alike to review a summary of the allegations and the steps that have been taken in the investigation. SCPD has provided such forms for twelve open cases to-date.</p> <p>Data from the Case Notes Overview may allow SCPD to perform some of the analysis required by this Paragraph. For example, dates regarding complainant contact, the completion of witness interviews, completed officer interviews, and completion of the investigator’s findings will give at least a thumbnail sketch of case progress. The Research and Development or Information Technology Sections may be able to assist in compiling this data in useful ways.</p> <p>Our review of actual outcomes suggests that investigations are proceeding very slowly. <i>See Analysis re Paragraph III(b)(iii), supra.</i></p> <p><i>Recommendations</i></p> <p>We recommend that SCPD review how the data from the Case Notes Overview sheet can be captured, analyzed, and produced to help achieve compliance with this section, as described above.</p> <p>The log of supervisory reviews and comments we recommended above, <i>see Analysis re Paragraph VI(b)(iii), supra</i>, may also serve as a tool to improve investigation timeliness. Supervisors need to include appropriate complainant contact as one of the bases for their review of investigations; although IAB intends to include complainant contact as one point in the Bureau’s checklist going forward, the chain of command above IAB also needs to review this aspect. Likewise, supervisors should discuss with investigators the timeliness of</p>

	<p>the steps they are taking in the investigation.</p> <p>SCPD should create a Complainant Contact Form that records the complainant’s essential information if a complaint is made verbally. This form would be forwarded to IAB to make contact with complainant at appropriate junctures.</p>
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v. SCPD will maintain protocols to analyze and address trends in complaints relating to discriminatory policing, including demographic data, lodged against SCPD officers.

Status	Partial Compliance
Analysis	<p>SCPD reports that the number of discriminatory policing allegations against the agency is small enough that analyzing the complaints for trends has proven difficult.</p> <p>SCPD may need to look at longer-term trends in order to achieve compliance. Also, SCPD’s personnel working on trends related to discriminatory policing complaints may want to draw from the experience of the Hate Crimes Unit, which has been mapping hate crimes, hate incidents, and related data for several years.</p> <p>Compliance with this provision requires implementation of the traffic stop data analysis measures, and implementation of the two measures may complement one another. <i>See Analysis re Paragraph III(c), supra.</i> The traffic stop data may identify precincts where drivers of one demographic category are being stopped in disproportionate numbers. SCPD would be in a position to focus its attention on these precincts, to identify reasons for these outcomes.</p>

vi. Six months after the Effective Date, and every six months thereafter during the pendency of this Agreement, and thereafter every year, SCPD will conduct reviews of randomly-chosen, completed misconduct investigations relating to discriminatory policing. SCPD must review at least 20 percent of all completed misconduct investigations since the last review. The reviews will be conducted by the Police Commissioner or his/her designee, but not an involved individual, and will require contacting the complainant to ensure the investigation was handled in a professional and thorough manner. Dissatisfaction with the results of the investigation will be documented and the case may be reopened if the complainant discloses credible new facts which would support allegations not addressed in the original complaint. Throughout the pendency of this Agreement, the results of each review will be forwarded to the United States within five business days of its completion.

Status	Compliance Rating Pending—Data Unavailable
Analysis	<p>SCPD did not submit a report on completed cases during this reporting period, as the few complainants declined to speak with the auditor.</p> <p>In May and September 2015, the United States visited SCPD and met with Internal Affairs personnel charged with investigating allegations of biased policing and conducted a review of the discriminatory policing allegations that had been filed. Our review disclosed several concerns regarding the manner in which discriminatory policing allegations were investigated. In several cases, investigators did not make inquiries that the facts at hand seemed to warrant. For example, one recent complaint alleged undue enforcement of noise ordinances against a local business. In order to make a thorough assessment of whether the involved officers had targeted the business on the basis of the owner’s race or national origin, the investigator might naturally have visited the establishment at a peak hour of operation, to assess the noise level first hand. It surprised us to learn that the investigator concluded the investigation without visiting the business. In another case, the involved officers reported using electronic control devices in a manner inconsistent with the actual usage as reported by Taser. Nevertheless, this was not a focus of the investigator’s inquiries. While not necessarily reflecting a lack of objectivity, the IAB needs to instill a culture that all appropriate investigative avenues be explored before an investigation is concluded, particularly when it comes to assessing allegations of discriminatory policing.</p> <p><i>Recommendations</i></p> <p>We recommend that, whenever possible, SCPD advise complainants immediately after intake concludes that an auditor may contact the complainant at the conclusion of the investigation to get their feedback. SCPD should make clear that the purpose of contacting the complainant is to seek feedback on SCPD internal investigations. (Of course, the investigator should be contacting the complainant with periodic updates on the progress of the investigation as well.) Properly executed, this advisory just after intake may set the complainant’s expectations appropriately.</p> <p>For complainants who are still reluctant to provide feedback, SCPD may also consider utilizing an anonymous online survey tool. The complainant could be advised by email of the survey opportunity.</p>

VII. COMMUNITY ENGAGEMENT

a. In all of its policing operations, SCPD will maintain robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and community confidence in the Department. SCPD will maintain community and problem-oriented policing principles in its policing operations. SCPD will also engage the public through the dissemination of public information on a regular basis. SCPD and the County will maintain systems to ensure comprehensive, effective, and transparent oversight of SCPD.

Status	Partial Compliance
Analysis	<p>The quality and quantity of individual SCPD community engagement programs have grown and improved. <i>See, e.g.</i>, Analysis re Paragraph VII(b). However, community relationships have been built principally through the Community Liaison Officers (CLO) and Community Oriented Policing Enforcement Officers (COPE), and by members of Department leadership. SCPD has demonstrated little to no involvement by the patrol and investigative units in community and problem-oriented policing. Although there are great benefits to having designated units to lead the effort, all SCPD officers must appropriately incorporate community policing and problem-oriented policing into their operations. To achieve compliance with this provision, SCPD must parlay its successes in outreach programs and the new COPE into building trust between the community and all individual members of the Department.</p> <p><i>Recommendations</i></p> <p>SCPD should involve patrol officers in CLO and COPE events on a weekly basis. Whenever there is a community event or meeting, a patrol officer or officers should be assigned to attend at least a portion of the event or meeting. This will require relief to be provided to the patrol officer. If it is left to chance, it is likely that the patrol officer’s time will be preempted by call load.</p> <p>When CLO/COPE is aware that a particular issue or concern has been raised by a constituent or group, they should involve the appropriate patrol or investigative unit in meetings to discuss resolutions.</p> <p>SCPD should document efforts by non-CLO/COPE segments of SCPD in community and problem-oriented policing. For instance, several of the precinct commanders mentioned participation in various community groups, but no documentation was produced.</p>

b. Community Liaison Officers

i. SCPD policy will ensure that a Community Liaison Officer is assigned to each of the Department’s seven precincts. A preference for selection and assignment of each Community Liaison Officer shall be given to a sworn officer fluent in both English and a second language commonly spoken in the relevant community, if any. Each Community Liaison Officer will have training in the nature and scope of federal and state civil rights laws as applied to law enforcement activity.

Status	Partial Compliance
Analysis	<p>CLOs are detailed to each precinct. During recent tours, we have met the CLOs and/or COPE in the 1st, 2nd, 3rd, 4th, 5th, and 6th precincts. As a group, the CLOs and COPE officers are highly motivated and foster creative community-policing strategies.</p> <p>The precincts with the highest concentration of Spanish language speakers are the 1st, 2nd, 3rd, and 5th. CLOs with proficiency in Spanish are assigned to the 2nd, 3rd, and 5th precincts. While the CLO in the 1st precinct is not proficient in Spanish, one of the COPE officers in the 1st precinct is Spanish speaking. SCPD has analyzed its language needs using census data and English Second Language statistics from school districts, and assigned Spanish-speaking CLOs to what appear to be appropriate precincts. A review of statistics on languages other than Spanish indicates that other language access tools (such as Language Line and training) may certainly be appropriate, but proficiency by the CLO in a language other than Spanish is not required. One of the challenges facing SCPD is to balance the need for a CLO to be effective at community engagement with the need for language competency. Based on the CLOs that we met during the recent tours, SCPD is doing a good job at striking that balance.</p> <p>SCPD has submitted the curriculum on police legitimacy that was used to train CLOs. Assessment of the training is ongoing.</p> <p><i>Recommendations</i></p> <p>A draft of R&P 26.1 provided by SCPD on September 3, 2015, captures the requirements of this provision, in addition to the other aspects of the Agreement governing CLOs. We suggest that SCPD approve these changes forthwith.</p> <p>SCPD should continue to have Spanish speaking CLOs/COPE assigned to the four precincts with the largest concentration of Spanish language speakers. SCPD should also recruit COPE officers who are Spanish speaking to work in these precincts when possible.</p> <p>Recognizing that the language needs of the population of a precinct may change over time, SCPD should incorporate into policy an annual analysis of requests for language assistance in all precincts to determine whether a CLO’s</p>

	<p>fluency in a second language is appropriate. SCPD will also want to bear in mind that the precinct where LEP constituents work may not be the same precinct in which they live.</p> <p>Further recommendations on training may be forthcoming once the assessment of current training is complete.</p>
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ii. SCPD will ensure that the contact information and duty hours of the Community Liaison Officers are publicly available on its website. Community Liaison Officer hours of availability for contact with the public will be during normal business hours.

Status	Substantial Compliance
Analysis	<p>SCPD has posted contact information and duty hours for the CLOs on its website. The website states that the CLO is available two weeks during daytime hours and the third week during a 2-10pm “swing” shift. <i>See</i> http://apps.suffolkcountyny.gov/police/documents/CLOContacts.pdf. The website also provides the CLOs’ contact information, including email and cell phone numbers.</p> <p>While this information is helpful, the public is left to determine when a CLO is on daytime or swing shift hours. For engaged members of the public, this has not always presented a problem: for example, a 2nd Precinct COPE officer distributed her mobile phone contact to members of concerned parents organizations and neighborhood watch groups, and members did not hesitate to contact the officer. More reluctant members of the public may want to have the confidence that a CLO (or COPE) officer will be available when they call.</p> <p><i>Recommendations</i></p> <p>SCPD should post a link that advises the community which shifts each CLO and COPE officers are working a particular week. It could be posted in conjunction with the events that CLO/COPE will be attending a particular week. Google calendar or another software platform could be used to do this efficiently. (Note: while this provision applies solely to CLOs, COPE officers are just as often contacted by the community.)</p> <p>SCPD should record a weekly message for the telephone number that is listed on the website that informs the public which shift the CLOs/COPE are working a particular week.</p>

iii. Each Community Liaison Officer’s duties will include the following:

1. Arranging monthly meeting of community residents to discuss issues and ask questions regarding the police department. The meeting will be attended

by the Community Liaison Officer, at least one senior SCPD command staff member, and at least one officer responsible for patrolling in that particular precinct.

2. Each Community Liaison Officer will review, on a monthly basis, all concerns submitted to SCPD by members of his or her precinct to assess community issues. For those concerns that do not rise to the level of requiring formal action under SCPD policy, the Community Liaison Officer will notify the complainant that the Community Liaison Officer is available to answer the complainant’s questions and respond to any further community concerns. The Community Liaison Officer will refer complaints of police misconduct relating to discriminatory policing to IAB.

3. Each Community Liaison Officer will meet at least once every six months with the respective bureau commander. During these meetings, the Community Liaison Officer will communicate any concerns or issues that he or she has received during the previous six months, along with any other relevant information pertaining to SCPD’s relationship with Suffolk County residents.

Status	Partial Compliance
Analysis	<p><i>Policy</i> SCPD has provided a draft of R&P 26.1 that incorporates the requirements of this Paragraph of the Agreement. See Draft of R&P 26.1 provided on September 3, 2015. We encourage SCPD to approve the relevant changes at its earliest convenience.</p> <p><i>Arranging Monthly Meetings</i> Monthly meetings are being held. Often the monthly precinct meeting is being counted as the monthly meeting; this is appropriate. The Commanding Officer from the precinct is normally at the meetings and SCPD reports that the Executive Officer is present if the Commanding Officer is unable to attend. Attendance by patrol personnel was reported by SCPD as being spotty due to call load.</p> <p><i>Review Community Concerns</i> CLOs, on a sporadic basis, have reported the concerns they have received, but seldom is there a notation as to if and how they have been handled. While it may seem that a concern does not rise to the level of requiring formal action, keeping records of all concerns will assist in determining trends that need to be addressed.</p> <p><i>Semiannual Bureau Commander Meetings</i> Chapter 26 of the Rules and Procedures has been amended to require a semi-</p>

	<p>annual report to be submitted by the CLO to the Commander of the precinct to which they are assigned. Deputy Commissioner Mention-Lewis indicated during one of the United States’ previous on-site visits that she was meeting with the CLOs on a monthly basis. The issues and potential solutions emerging from these regular meetings should be captured in a periodic, priority Department Memorandum, for ease of reference. (This memo may largely inform the annual CRB report under the Agreement.)</p> <p><i>Recommendations</i></p> <p>As part of Tour Report system, CLOs should memorialize meetings they have held. Further documentation of what they do when not attending meetings also would be appropriate.</p> <p>Documentation of the monthly meeting is fairly consistent. The completed forms should reflect whether a command staff member and/or patrol officer attended the meeting.</p> <p>Documentation of concerns raised by community members and how they are addressed should be part of a monthly report which can be used as the basis for the semi-annual report now required under Chapter 26.</p> <p>If the semiannual meetings are occurring, they should be documented. Documentation should include the concerns and issues presented at the meeting, and the outcomes.</p> <p>When concerns are noted that require formal action, action plans should be utilized to facilitate a timely resolution and documentation.</p>
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c. Community Oriented Policing Enforcement (“COPE”)

i. SCPD policy will define COPE officers as those who will be assigned to a specific area as a liaison between the community and the police department to assist the community in solving neighborhood problems.

Status	Substantial Compliance
Analysis	<p>The draft of R&P 26.1 supplied on September 3, 2015 incorporates the requirements of this Paragraph of the Agreement.</p> <p>Each precinct has a minimum of two COPE officers who act as liaisons to the community and assist in addressing community problems. They are no longer assigned sector car or patrol duties. COPE officers report that this change makes it much easier for them to solve neighborhood problems, as they are not diverted to enforcement. To the extent that COPE officers are still being used to backfill patrol shifts, work traffic, and perform patrol checks in some of the precincts, this kind of backsliding should not take place.</p>

COPE officers reported that they are conducting community engagement. Several examples were noted during the tours and information provided. These included:

- Summer soccer program in the 5th Precinct;
- Organizing efforts for a school year indoor soccer program in Patchogue
- Bicycle rodeos in several precincts
- Presentation of a heroin awareness program in several precincts
- A summer camp in the 1st Precinct
- Distribution of notices to shop owners about a recent rash of robberies in the 1st Precinct, and similar outreach in the 4th Precinct
- Outreach events through school districts in several precincts

COPE officers also reported receiving community complaints and solving neighborhood problems. For example, in one precinct with a persistent problem in drug crime, COPE officers succeeded in working with local authorities to evict dealers from an abandoned house and condemn the property. In another precinct, COPE officers coordinated with a shopping mall to ensure that SCPD devoted resources to monitoring crowds expected to gather for the release of a coveted electronic device.

Recommendations

COPE officers should not be used to backfill patrol, work traffic or do patrol checks. If a COPE officer is used for such a purpose, a memorandum should be generated which explains the reason why the COPE officer was diverted from regular COPE duties.

COPE officers should submit a monthly report detailing a summary of how their time was spent.

CLOs meet on a frequent basis and share ideas. COPE officers are not provided the same opportunity. We recommend that a meeting of all CLO/COPE officers be held on at least a semiannual basis.

ii. SCPD policy will ensure that all COPE officers engage in routine community policing and community outreach, which may include: attending neighborhood association meetings to provide input or answers, attending school functions to educate children about safety and crime prevention, assisting the community in solving non-emergency problems, addressing community decay issues (abandoned and junk vehicles, graffiti, abandoned residences and buildings, code enforcement violations, illegal dumping), meeting with business owners to provide input or answers, and helping the community to become self-reliant. While COPE officers may be called upon

to enhance patrol efforts, this duty should be in relation to a particular community-generated request, need or identified problem and not as routine duty.

Status	Partial Compliance
Analysis	<p>The draft of R&P 26.1 supplied on September 3, 2015 incorporates the requirements of this Paragraph of the Agreement.</p> <p>COPE officers appear in many cases to be addressing the problems specific to their communities. COPE officers in one precinct suffering from comparatively low levels of violent crime dedicate themselves to initiatives like disrupting the heroin epidemic in the schools and tracking down missing persons. COPE officers in a different precinct with more street crime spend most of their day responding to community complaints about potential drug hotspots. <i>See also</i> Analysis re Paragraph VII(c)(i), <i>supra</i>. This is very encouraging.</p> <p>As noted above, it appears that some COPE officers are being used to backfill patrol shifts, work traffic, and perform patrol checks. While in some limited circumstances the traffic patrol or patrol check appear to be related to community-generated requests, it usually appears that it is supplementing routine patrol duties.</p> <p>COPE officers presented calendars that indicated partial compliance with this section. What is not clear from the calendar entries is what concerns and issues were raised by community members and how they were addressed. COPE officers should be able to demonstrate on a weekly, if not daily, basis, their interactions with the public and the results thereof. We also recommend that COPE officers be given sufficient flexibility to allow them to attend meetings on weekends and evenings, as needed.</p> <p><i>Recommendations</i> Currently, activities are reflected solely on a calendar entry. Most, if not all, meetings should be recorded in a manner so as to reflect the issues and concerns raised and the action plan for resolving the issue. If other units are employed in resolving the issue, they should be noted.</p>

iii. SCPD policy will ensure that all COPE officers engage with individuals in their respective patrol areas; e.g., COPE officers assigned to patrol units in business districts should interact with business owners, and COPE officers assigned to patrol school and residential areas should interact with school personnel and residents, respectively.

Status	Partial Compliance
Analysis	<p>The draft of R&P 26.1 supplied on September 3, 2015 incorporates the requirements of this Paragraph of the Agreement.</p> <p>This appears to largely take place. During the tours, we were able to observe interaction between COPE officers and the business community, neighborhood governments, community-based organizations, charities, and school districts. School Resource Officers focus primarily on school-related concerns, and are developing relationships there. Other COPE officers rotate between different locales throughout the geographic areas covered by each precinct, but have also been given the freedom to focus on repeated, successful interventions; examples include one COPE officer’s interactions with the business community in the 2nd Precinct, and another’s relationships with the Latino community in the 1st Precinct. <i>See also</i> Analysis re Paragraphs VII(c)(i)-(ii), <i>supra</i>.</p> <p>COPE officers in several of the precincts were using bicycle patrols. The COPE officers reported positive reaction from business owners and community members.</p> <p><i>Recommendations</i> As noted in the recommendations in Paragraph VII(c)(ii), better documentation would be helpful in ensuring meetings take place and that concerns and issues are addressed.</p>

iv. SCPD policy will require COPE officers to submit to their supervisors a monthly activity report documenting the amount of time they dedicated to community-oriented policing activities, the type of community-oriented activities in which the officers have engaged, and listing the organizations and individuals the officers have contacted.

Status	Partial Compliance
Analysis	<p>The draft of R&P 26.1 supplied on September 3, 2015 incorporates the requirements of this Paragraph of the Agreement.</p> <p>Currently, COPE officers have calendars of their various meetings, but it is not presented in the manner required by this section nor does it facilitate the addressing of concerns and issues. Nor do their calendars reflect activities outside of scheduled meetings. These should be reported as well.</p> <p><i>Recommendations</i> SCPD needs to develop and implement a form that is useful for planning and problem solving, not just documentation of meetings attended.</p>

	The weekly activity forms can then be used as the basis for preparing a monthly activity report which would comply with this section.
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d. Community Response Bureau

i. Within 90 days of the Effective Date, SCPD will develop and provide to the United States for review a policy that details the CRB’s plan for engaging with the Latino community.

Status	Partial Compliance
Analysis	SCPD has formulated a plan for engagement. The plan requires additional discussion between the parties.

ii. SCPD policy will ensure that each precinct has an officer representing it in the CRB.

Status	Substantial Compliance
Analysis	The draft of R&P 26.1 supplied on September 3, 2015 provides that CLOs are part of the CRB, but are detailed to the precincts. The policy must also require that a CLO be assigned to each precinct. In fact, CLOs are assigned to each precinct.

iii. Within 90 days of the Effective Date, SCPD will develop a survey instrument in order to solicit assessments of the CRB’s success in engaging the Latino community. Additionally, each quarter SCPD will ask community and political leaders within the Latino community to critique CRB programs and initiatives. SCPD officers involved in administering CRB programs will also quarterly analyze participation and results.

Status	Partial Compliance
Analysis	<i>See Analysis re Paragraph V(h), infra.</i> Surveys have been distributed, but no assessment has been completed and submitted.

iv. Using and analyzing feedback from the above sources, SCPD will produce reports annually that identify CRB successes as well as areas in need of improvement and a strategy for making such improvements. SCPD will provide to the United States copies of these reports throughout the pendency of this agreement within five business days of their completion. Within ten business days of their completion, the reports will be made available to the public, unless SCPD demonstrates a good faith reason for non-disclosure.

Status	Partial Compliance
Analysis	SCPD produced the first CRB report with its January 2015 report. That report was largely consistent with this requirement.

v. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States reports summarizing issues addressed at community meetings and SCPD responses.

Status	Partial Compliance
Analysis	<i>See Analysis re Paragraph VII(d)(iv), infra.</i>

e. Community Outreach

i. SCPD policy will continue to ensure that the Police Commissioner or designated high ranking officer(s) meet with key leaders in Latino and other minority groups on a regular basis both at SCPD-sponsored meetings and at meetings held by minority groups.

Status	Partial Compliance
Analysis	<p>SCPD reports that the Deputy Police Commissioner attended many dozens of community engagement events during the recently concluded reporting period. These include meetings with nominal leaders of minority communities and advisory boards to SCPD. The Deputy Commissioner’s outreach activities extend much further. The Deputy Commissioner met with ex-offenders, youth, parents, and other individuals and organizations, frequently in communities of color. We have observed the Deputy Commissioner participate in some of these events. The Deputy Commissioner’s work will be a critical component in strengthening community trust in SCPD.</p> <p>SCPD reports that the Commissioner and Chief of Department, by comparison, attended one community meeting collectively during the recent reporting period. We are acutely aware of the demands SCPD leadership face in running a law enforcement agency of SCPD’s size and scope of mission. Nonetheless, the Commissioner and other SCPD leadership must personally attend community meetings with Suffolk County’s diverse communities—particularly those who have suffered strained relationships in recent years with the agency. We have previously emphasized the importance of the Commissioner and Chief of Department taking up this mantle, and we renew that recommendation here.</p> <p>SCPD has prioritized meeting regularly with Latino community leaders, including a quarterly meeting at the Empire Justice Center at Touro Law</p>

	<p>School. We appreciate that this meeting has become routine.</p> <p>One feature of monthly community meetings in those SCPD precincts where the tradition is strongest: each monthly meeting commences by addressing the issues of the previous month in detail. SCPD commands in these precincts know that they must “stand and deliver” every month. By contrast, this has not been a strong feature of SCPD’s quarterly meetings with representatives of the Latino community. Although SCPD may address issues discussed at previous meetings, it has not always been on the terms that the community expected. SCPD leadership must continue to seek areas of common interest with community groups, and follow through from one meeting to the next.</p>
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ii. SCPD will continue its outreach programs to all members of the community (e.g. Police Athletic League, English as Second Language classes, etc.) with the assistance of bilingual SCPD officers.

Status	Partial Compliance
Analysis	<p>SCPD continues a number of outreach programs, and has expanded programs in ways that target the needs of a diversity of County residents. The 1st Precinct CLO and COPE officers have continued a long-standing, successful summer camp. Meanwhile, the 5th Precinct partnered with a local Latino community organization to launch a soccer league that is continuing into its second season. We have also observed some of the other successful innovations that SCPD mentions in its report, such as the <i>Vamos a Hablar</i> outreach events.</p> <p><i>Recommendations</i></p> <p>CLO and COPE officers should share program ideas and collaborate. For example, 1st Precinct COPE officers were considering starting a soccer league during one of our recent site visits. But these officers were unaware that 5th Precinct officers had recently implemented a successful soccer league in one of their neighborhoods. CLOs regularly meet together as a group with the head of the CRB; this forum should be a platform for further collaborative programming.</p> <p>Examples of CLO/COPE’s outreach work abound, including events featuring bilingual officers. At this stage, SCPD needs to look to facilitate the participation of other officers in community outreach. SCPD’s community policing efforts will continue to grow among these officers.</p>

iii. SCPD will engage the Latino community on an informal basis through community events in an effort to maintain a good relationship with the Latino community.

Status	Partial Compliance
Analysis	<i>See Analysis re Paragraph VII(e)(ii), supra.</i>

iv. SCPD will solicit and receive input from the Community Advisory Board regarding the development of Spanish language training.

Status	Partial Compliance
Analysis	SCPD reports that it has met with its advisory board regarding Spanish language training.

v. SCPD will provide Spanish language learning opportunities for officers as well as sensitivity and diversity training, including presentations administered by Suffolk-based or local Latino organizations.

Status	Partial Compliance
Analysis	<p>SCPD shared during this reporting period that Spanish-language learning efforts have proven cost-prohibitive, logistically difficult, or both. <i>See also</i> SCPD Self-Report, Jan. 2015, at 62. This is unfortunate, as Spanish proficiency benefits both SCPD and its individual officers, both in ensuring public order, addressing community concerns, and fostering officer safety. SCPD has apparently willingly provided these opportunities in the past, but given the limited returns on investment, is understandably searching for better options.</p> <p>While SCPD must continue to find ways to offer valuable Spanish language learning opportunities to the entire force, SCPD may receive significant returns on investment by focusing on providing intensive language training to those officers whose language skills approach, but do not quite meet, the requirements for certification as bilingual/authorized interpreter. We will look for SCPD to provide an update on opportunities for this target group in the next semiannual report.</p> <p>Cultural sensitivity training still requires additional development. <i>See Analysis re Paragraph III(d)(ii), supra.</i></p>

vi. All non-confidential audits and reports related to the implementation of this Agreement will be made publicly available via the SCPD website and at the Police Department, County headquarters, and other public locations, to the fullest extent permissible by law.

Status	Substantial Compliance
Analysis	SCPD has posted reports on its website related to implementation of this agreement. <i>See</i> http://apps.suffolkcountyny.gov/police/information.htm .

vii. SCPD will collect and maintain all data and records necessary to facilitate and ensure transparency and wide public access to information related to SCPD decision making and activities, as permitted by law.

Status	Partial Compliance
Analysis	SCPD has begun to collect and analyze data in many areas. However, as noted above and in SCPD’s own reports, identification of pertinent data to be collected, collection of that data and analysis of that data is ongoing in many areas.

f. Social media and notification systems

i. Within 180 days of the Effective Date, to the extent SCPD uses social media and related publishing systems, such as Nixle, to provide community members with information that includes emergency alerts, safety tips, and other public safety information, SCPD will ensure that messages that are broadcast in English are also provided in Spanish or, to the extent practicable, any other non-English language commonly spoken by community members, consistent with the requirements of Title VI.

ii. SCPD will advertise the availability of such publishing systems to the community using local and social media.

Status	Substantial Compliance
Analysis	SCPD has broadcast messages and advertised their publishing systems consistent with these provisions. <i>See, e.g.,</i> https://local.nixle.com/suffolk-county-police---headquarters/ ; http://apps.suffolkcountyny.gov/police/documents/NixleSP.pdf .

VIII. POLICIES AND TRAINING GENERALLY

a. SCPD will maintain policies and procedures that are consistent with this Agreement and that provide clear direction to ensure that officers and civilian employees enforce the law effectively, ethically, and constitutionally. SCPD will ensure that all SCPD officers and employees are trained and able to fulfill their duties and responsibilities pursuant to SCPD policies and procedures.

Status	Partial Compliance
Analysis	As set forth throughout this document, SCPD has revised some of its policies consistent with this Agreement, but others remain in need of revision, and training in many areas required by the Agreement requires significant attention.

b. After undergoing any training required by this Agreement, SCPD will ensure that all officers who take such training will be required to pass a test demonstrating a basic comprehension of the training material after it is presented.

Status	Partial Compliance
Analysis	<p>SCPD conducts testing at the conclusion of the training the United States observed. The testing was generally appropriate to the subject matter presented, but at times did not test for real comprehension of the subject matter addressed during the training. Rather, the testing sometimes sought mechanical answers or sought information more for the purposes of improving the training. The latter is a worthy effort, but not the same as ensuring that students comprehended the training. Given the need for substantial revision of the trainings we observed, SCPD should review its testing to ensure that it gauges students' comprehension.</p> <p><i>Recommendation</i> SCPD should take steps to ensure that each training curriculum is accompanied by a test that will assess comprehension.</p> <p>The United States will submit under separate cover sample post-test questions for the hate crimes training.</p>

c. SCPD policies and procedures will define terms clearly, comply with applicable law, and comport with best practices.

Status	Partial Compliance
Analysis	SCPD continues to work to achieve this standard.

d. SCPD will apply policies uniformly and hold all officers accountable for implementing and complying with SCPD policies and procedures.

Status	Partial Compliance
Analysis	SCPD continues to work to achieve this standard.

e. Upon request, SCPD will make available to the United States any policy the United States wishes to review. All policies and training curricula required by this Agreement will be provided to the United States for review within five business days of completion or modification. Within 60 days of receipt of any policy or training curricula for review, the United States will notify SCPD of any concerns it has regarding compliance with this Agreement, the Constitution, or federal law. SCPD will revise, modify, or delete any policy or training curricula required by this Agreement that the United States finds to be deficient unless SCPD shows, to the satisfaction of the United States, that it need not do so. If the parties disagree, the parties will attempt to resolve their differences in good faith.

Status	Substantial Compliance
Analysis	SCPD has responded timely and appropriately to document requests. Training curricula and policies have largely been provided to the United States timely upon completion or modification. In certain cases, the United States has provided substantial commentary on training curricula, and SCPD did not respond with related modifications. As noted above, training in the areas of Hate Crimes, Bias Free Policing and Cultural Proficiency and Language Access require substantial revisions.

f. SCPD will implement a mechanism to ascertain whether policies required by this Agreement are being followed and to measure the success of the revised, modified, or newly created policies and procedures. The mechanism will incorporate measuring officer accountability and seeking community input as part of its metrics.

Status	Partial Compliance
Analysis	SCPD has developed mechanisms to test discreet aspects of the implementation of the Settlement Agreement, such as spot-checking precincts to ensure that citizen complaint forms are displayed in Spanish. SCPD has not produced the comprehensive mechanism described in this section.

g. SCPD will ensure that all policies and procedures are available to SCPD members in an electronic format.

Status	Substantial Compliance
Analysis	SCPD has made these documents available to members through an electronic platform.

h. SCPD will ensure that all revised or modified policies, procedures, directives, or orders are provided to SCPD members in a manner that clearly highlights or distinguishes any modification or change within the text of the policy itself.

Status	Substantial Compliance
Analysis	SCPD is carrying out its obligation in this regard.

i. After issuing a Rule and Procedure pursuant to this Agreement, SCPD will ensure that all SCPD personnel have received, read, and understand their responsibilities pursuant to the revised policy or procedure, including the requirement that each officer or employee report violations of policy. SCPD officers will be required to demonstrate that they understand the revised Rule and Procedure. SCPD will also ensure that all officers know that, if they need clarification of a Rule and Procedure, they should consult with their supervisor.

Status	Partial Compliance
Analysis	SCPD continues to work to achieve this standard. SCPD should develop clear mechanisms to ensure that officers read and understand their responsibilities pursuant to revised R&Ps.

j. SCPD will review each Rule and Procedure required by this Agreement within one year after it is implemented, and at least annually thereafter to ensure that the policy or procedure provides effective direction to SCPD personnel and remains consistent with the Constitution, current law, and best practices. Each policy will be marked with the next date for review.

Status	Compliance Rating Pending
Analysis	Many policies required by the Agreement have required several revisions to approach or achieve compliance. SCPD reports that the annual review is forthcoming.

k. SCPD will ensure that Rules and Procedures made pursuant to this Agreement, including policy updates and revisions, are made available on its website in both English and Spanish and any other language commonly spoken within the

community within 180 days of the Effective Date. Subsequently, Rules and Procedures made pursuant to this Agreement will be made available on SCPD's website in both English and Spanish within 60 days of each policy's Effective Date. SCPD may seek the United States' permission not to post particular Rules and Procedures on the website if SCPD provides a reasonable basis for its request.

Status	Partial Compliance
Analysis	Many of the policies required by the Agreement continue to undergo revisions or have recently been finalized. SCPD has reported that these policies will be translated once finalized.

l. SCPD will check its website for accuracy, formatting, and ease of comprehension within 90 days of the Effective Date and then at least annually. SCPD will ensure that all applicable Rules and Procedures on the SCPD website are translated by a competent translator.

Status	Partial Compliance
Analysis	<p>SCPD is dedicating energy to reviewing and updating its website's information and presentation thereof. SCPD's homepage and main policies/documents page each feature a link to a Spanish-language information page that includes a number of translated documents.</p> <p>While the homepage does still have the conspicuous button linking to the dedicated Spanish-language page, it no longer contains a direct link to the LAP or the Complaint form. This appears to have been part of a larger effort to give the homepage a cleaner look, and may increase the website's navigability. SCPD should note such information its semiannual reports.</p> <p>SCPD should continue to improve the website's navigability. SCPD should post translated documents as soon as possible after the translations are completed.</p>

m. SCPD should ensure that policies are not duplicative or redundant and that when policies are updated, the policies they replace are no longer used and no longer referenced in other policies, practices, training materials and other department documentation.

Status	Partial Compliance
Analysis	Duplicative or outdated policies have not presented a concern in SCPD's compliance activities to date. However, SCPD is still working to bring its policies into compliance with the terms of the Settlement Agreement.