



**SUFFOLK COUNTY
POLICE
DEPARTMENT**

2017

Annual Report on Biased Policing
Complaints



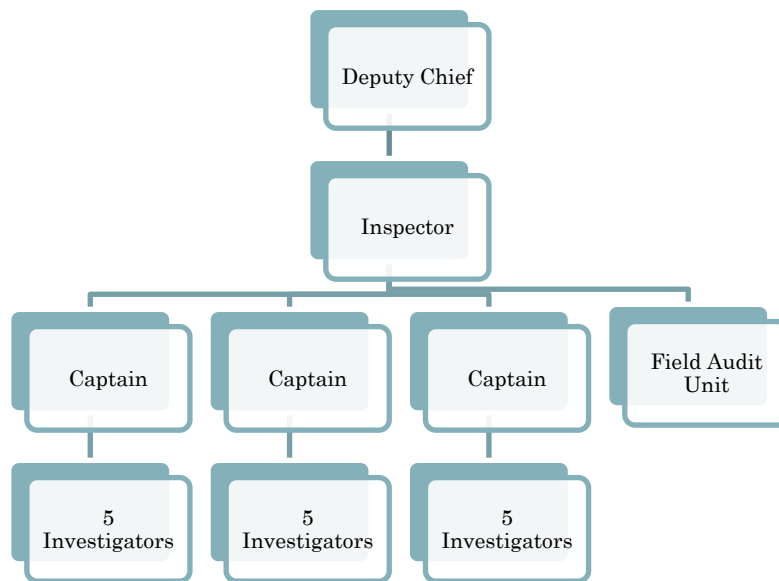
INTERNAL AFFAIRS BUREAU

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The Internal Affairs Bureau

The Suffolk County Police Department is committed to maintaining the highest level of professional responsibility among all its officers and civilian personnel. It strives to maintain the trust and confidence of the public, and to that end, investigates all complaints of misconduct. The Internal Affairs Bureau is responsible for overseeing these investigations in a timely, thorough and impartial manner, pursuant to exacting policies and procedures.¹



Complaint Procedures

Complaints may be lodged in person at any Department facility or with any Department supervisor in the field. Members of the public may also lodge a complaint via telephone, email or regular mail. Regardless of how it is lodged every complaint will make its way to the Internal Affairs Bureau [IAB] within 48-72 hours. Most are received by IAB the same day they are lodged. Once received by IAB, complaints are entered into a dedicated, secure database which serves as a central clearing house and early warning system for all misconduct and disciplinary matters within the Department.

All complaints are accepted regardless of the complainant's personal involvement in the incident. Family members, witnesses, advocates, attorneys, members of the Department and even anonymous sources may lodge complaints. All employees of the Department have the responsibility to accept complaints and

¹ Rules and Procedures Chapter 5, §2 available online at <http://suffolkpd.org/InformationandPolicies.aspx>

record them appropriately². Should a complainant require language assistance services they are made available regardless of the means chosen to lodge the complaint, i.e., telephonic or face-to-face interpretation, email or document translation, etc.³

Once an investigation is opened, it is assigned to an investigator and contact with the complainant is made within 72 hours. All information and evidence obtained from the complainant is kept in strict confidence and is not released without a court order.⁴ Contact with the complainant is maintained on a regular basis throughout the investigation and written notification of the outcome is provided to all complainants in their best language.

All investigations culminate in one of four findings:

“Substantiated” – when sufficient evidence exists to establish both that the alleged act occurred and that it constituted misconduct.

“Unsubstantiated” – when the alleged act constitutes misconduct however insufficient evidence exists to establish that it occurred.

“Exonerated” – when sufficient evidence exists to establish both that the alleged act occurred and that it did not constitute misconduct.

“Unfounded” – when sufficient evidence exists to establish that the alleged act did not occur.

Once an investigation is complete and a finding is made the case is reviewed by the investigator’s Captain. When the Captain determines all investigative steps have been exhausted and an appropriate finding was made, the case is reviewed by the Commanding Officer or the Executive Officer. The final step in the process involves review by the First Deputy Police Commissioner who makes the determination as to what discipline, if any, is appropriate. Complainants are then notified by mail of the finding and disposition of their complaint.

2017 Complaints

The Department received 215 complaints in 2017, containing an aggregate of 525 separate allegations of misconduct. (Chart 2017-1) According to policy, the Internal Affairs Bureau retained 99 cases for investigation, and delegated 116 to subordinate commands.⁵ Of the 99 cases investigated by Internal Affairs, 47 have been completed.⁶ The disposition of the allegations contained in these cases is displayed in Chart 2017-2. The average time for case completion was 185 days, and the median number of days was 174. The quickest completion was 20 days and the longest 317.

² Rules and Procedures Chapter 5, §2 (V)B

³ Rules and Procedures Chapter 26, §5 (D.G.O16-59, 05/13/2016)

⁴ NEW YORK CIVIL RIGHTS LAW§50-a

⁵ Rules and Procedures Chapter 5, §2 VI(C) (D.G.O. 15-56, 12/04/2015)

⁶ An additional 298 cases from prior years were also completed during 2017.

Chart 2017-1

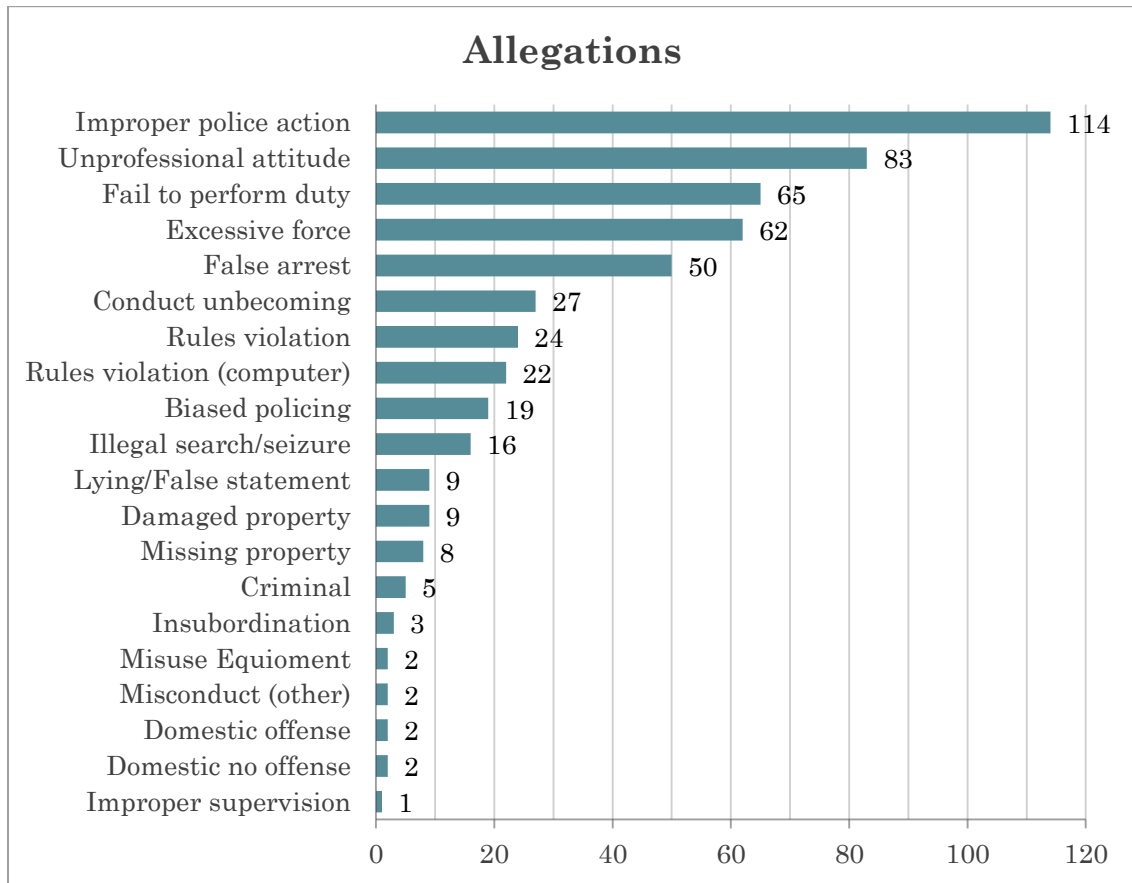
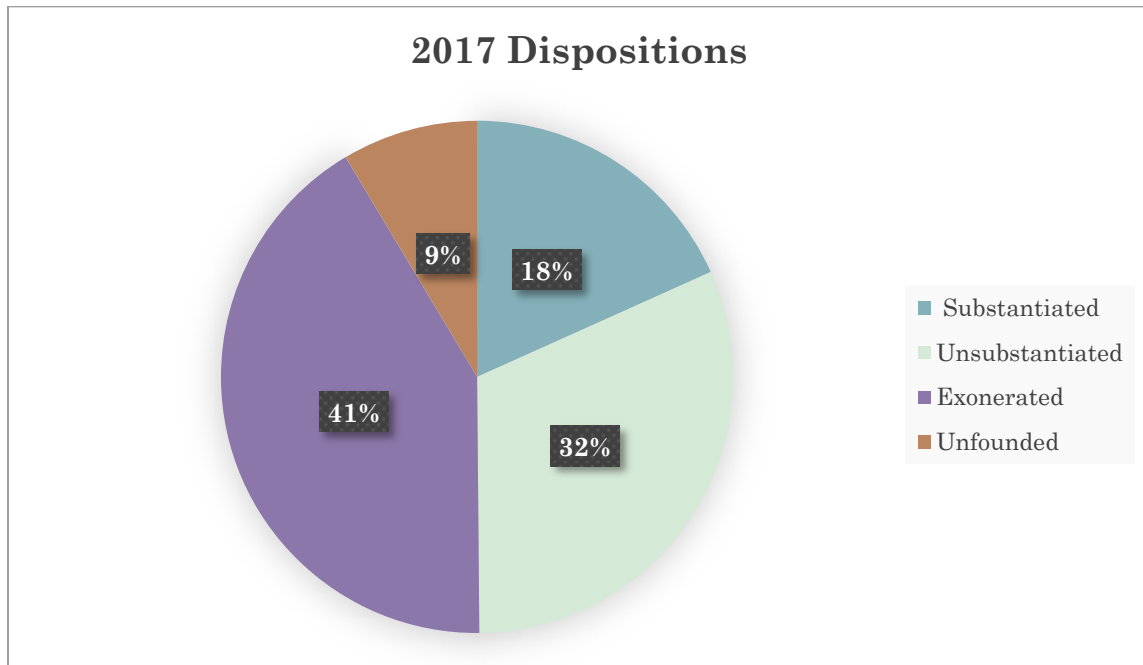


Chart 2017-2



Biased Policing

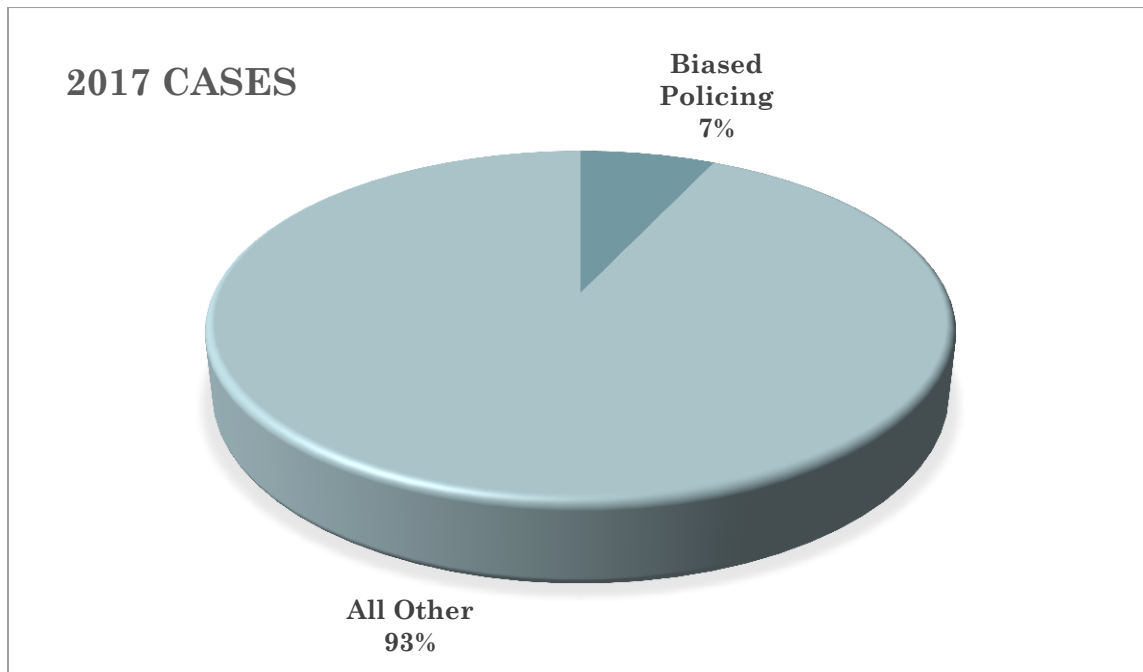
The Department prohibits all of its members from engaging in Biased Policing, which is defined by policy as the:

selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, based upon an individual's race, ethnicity, national origin, age, gender, religion, disability, English language proficiency, income, sexual orientation, or gender identity.⁷

Of the 215 cases opened in 2017, 15 cases contained 19 allegations of Biased Policing. (Chart 2017-3) Five of those cases have been closed with an average completion time of 173 days.⁸

The Department analyzes all Biased Policing allegations by reviewing the facts of each complaint, the demographics of the complainants and involved officers, and the geographic location of the underlying incident. These analyses have been conducted annually since biased policing was adopted as an allegation in 2014. Although four years of data has been compiled thus far, biased policing remains a very small subset of complaints overall.

Chart 2017-3



⁷ Rules and Procedures Chapter 1, §11

⁸ 18 additional Biased Policing cases from prior years were completed in 2017 (1 from 2012, 9 from 2015 and 8 from 2016)

Case Review

Case #1

An African-American female alleged that she was treated in a discriminatory manner during a landlord tenant dispute because the responding officer stated that she “shouldn’t expect things to be handed to her”. Complainant believed the officer said this because she is Black.

Involved Officer(s) Caucasian males
Command 6th Precinct
Other Allegations: Unprofessional language

Case #2

An African-American male alleged false arrest based on race in a Notice of Claim against the Department.

Involved Officer(s) Hispanic male
Command 1st Precinct
Other Allegations: False arrest, illegal search/seizure

Case #3

A Caucasian male alleged that during a traffic stop the involved officer told him to, “go back to your vehicle white boy”.

Involved Officer(s) African-American male
Command 6th Precinct
Other Allegations: Unprofessional language

Case #4

A gay male alleged that a report documenting a domestic incident with his husband was not properly written and an arrest was not made because his spouse is male.

Involved Officer(s) Caucasian male
Command 6th Precinct
Other Allegations: Fail to perform duty

Case #5

A transgender Latina female alleged that a detective refused to entertain her burglary complaint because of her ethnicity and gender identity.

Involved Officer(s) Caucasian males
Command 5th Precinct
Other Allegations: Fail to perform duty

Case #6

An African American male alleged that he was strip searched, assaulted, refused medical treatment and subjected to anti-gay and anti-Black epithets.

Involved Officer(s) Caucasian males
Command 1st Precinct
Other Allegations: Failure to perform duty, illegal search/seizure, unprofessional language

Case #7

Three Latino males alleged via Writ of Habeas Corpus that they were harassed, threatened with deportation and subjected to racial epithets.

Involved Officer(s) unidentified
Command 6th Precinct
Other Allegations: Improper supervision, unprofessional language/attitude

Case #8

An African-American male alleged that while he was pulled over due to his race.

Involved Officer(s) Caucasian male
Command 5th Precinct
Other Allegations: Illegal search/seizure

Case #9

An African-American female alleged that she was subject to over-aggressive enforcement of an equipment violation due to her race.

Involved Officer(s) Caucasian males
Command 1st Precinct
Other Allegations: Improper police action

Case #10

An African-American female alleged that she was treated unfairly by the officer reporting her motor vehicle accident based upon her race.

Involved Officer(s) Caucasian male
Command 1st Precinct
Other Allegations: Improper police action

Case #11

An African-American female alleged that she was subject to over-aggressive enforcement of traffic violation due to her race

Involved Officer(s) Latino male
Command 2nd Precinct
Other Allegations: Unprofessional language

Case #12

An African-American female alleged that officers handling a domestic incident refused to arrest her husband because he is White.

Involved Officer(s) Caucasian males
Command 3rd Precinct
Other Allegations: Fail to perform duty

Case #13

A Latina female alleged that she was treated unfairly during a neighbor dispute due to her religion.

Involved Officer(s) Caucasian male
Command 7th Precinct
Other Allegation: Unprofessional language attitude

Case #14

An African-American female alleged that she was treated unfairly and in a rude manner due to her race..

Involved Officer(s) Caucasian female
Command 1st Precinct
Other Allegation: Unprofessional language/attitude

Case #15

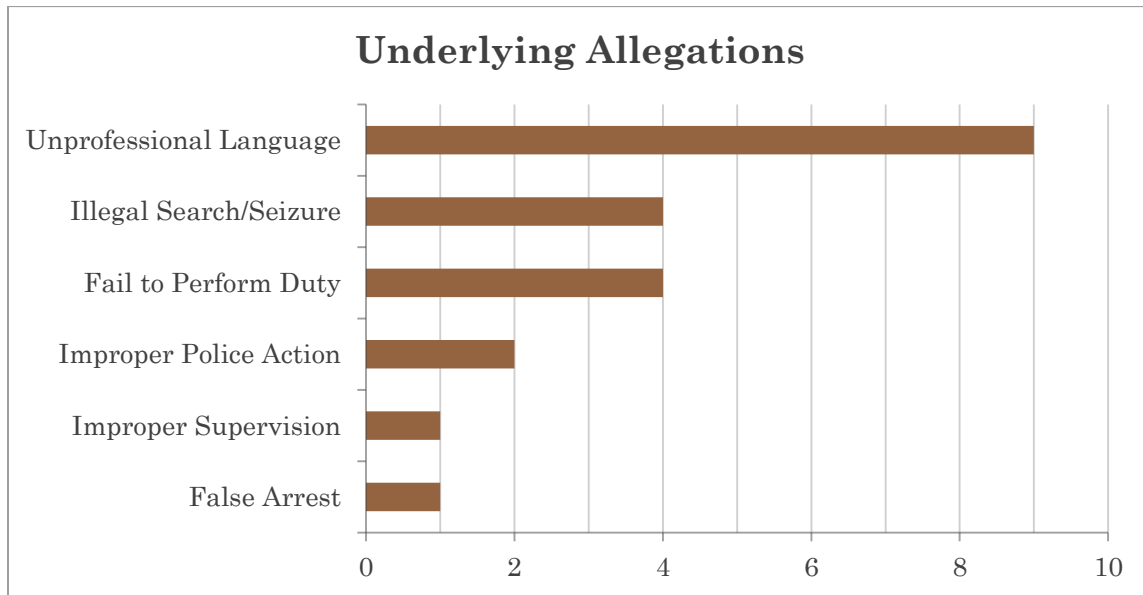
An African-American male motorist alleged that he was stopped based upon his race.

Involved Officer(s) Caucasian male
Command 6th Precinct
Other Allegation: Illegal search/seizure

Analysis

Fifteen separate cases of biased policing were opened in 2017, containing 21 allegations of underlying misconduct. The most prevalent underlying allegation was Unprofessional Language/Attitude.

Chart 2017-4



Upon review of the statistics it was noted that several 2017 biased policing cases contained no allegations of underlying misconduct. Further review of those individual cases revealed facts which supported additional allegations. For example, among the cases summarized above, numbers 8, 9 10 and 15 originally contained only the allegation of ‘biased policing’. A look-back to 2014 reveals several additional cases with un-enumerated underlying allegations over the years. A substantive review of these ‘single allegation’ cases revealed that the underlying misconduct supporting the un-enumerated allegations was fully investigated. That review, however, also revealed a semantic discord in the disposition of many ‘single allegation’ cases.

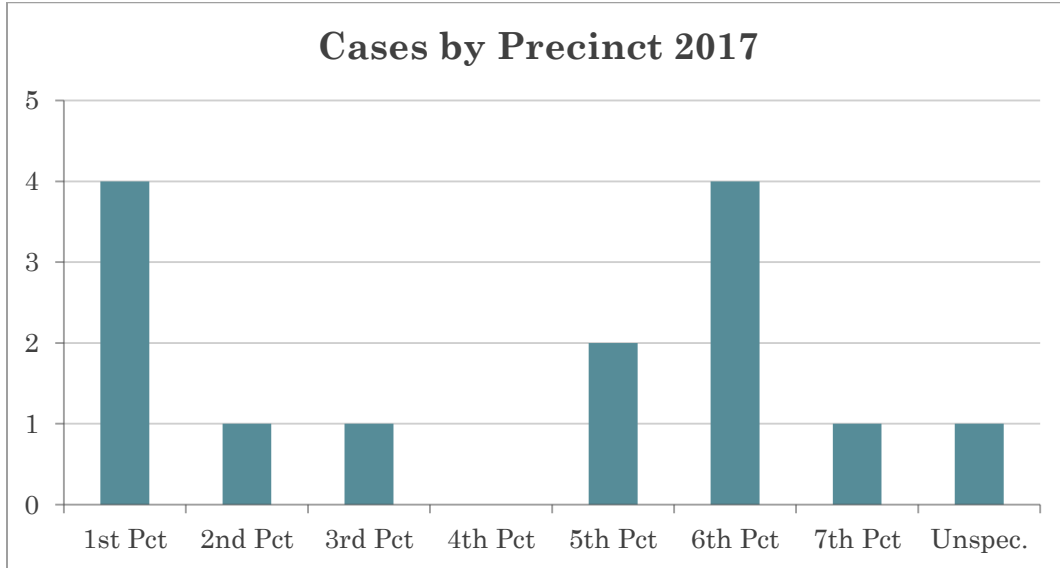
Twenty-four such cases were disposed of as “Exonerated” over the period between 2014 and 2017, falsely suggesting that circumstances exist in which biased policing would not constitute misconduct.⁹ Substantive review in each case revealed that the disposition of “Exonerated” was directed at the un-enumerated underlying allegation, and not at the biased policing allegation. To remedy this inconsistency, all open ‘single allegation’ cases will be amended to include the additional underlying allegation(s), and all future biased policing cases will identify all underlying allegations.¹⁰

⁹ See definition of ‘Exonerated’ above, page 4

¹⁰ IAB Command General Order #2018-01

Of the fifteen cases opened in 2017, half were concentrated in the First and Sixth Precincts. One of the cases (#7 above) was not geographically bound and involved three individuals of the same demographic.

Chart 2017-5



A total of 17 individual complainants represented 6 separate demographics. Two of the cases (#5 and #6 above) each involved a single complainant alleging bias against two protected demographics.

Chart 2017-6

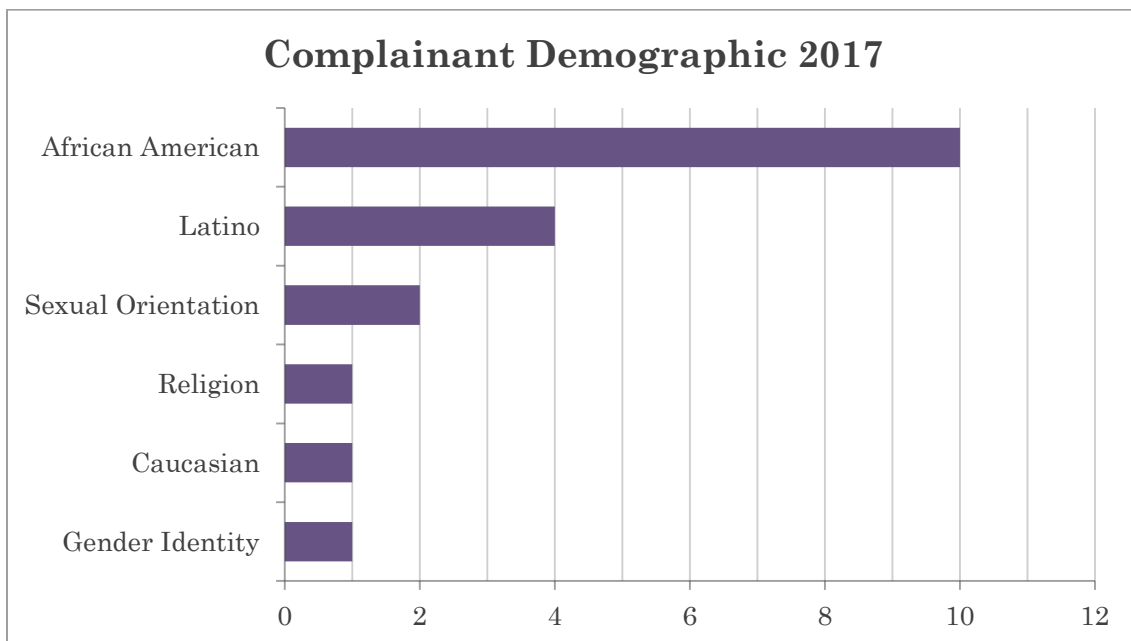
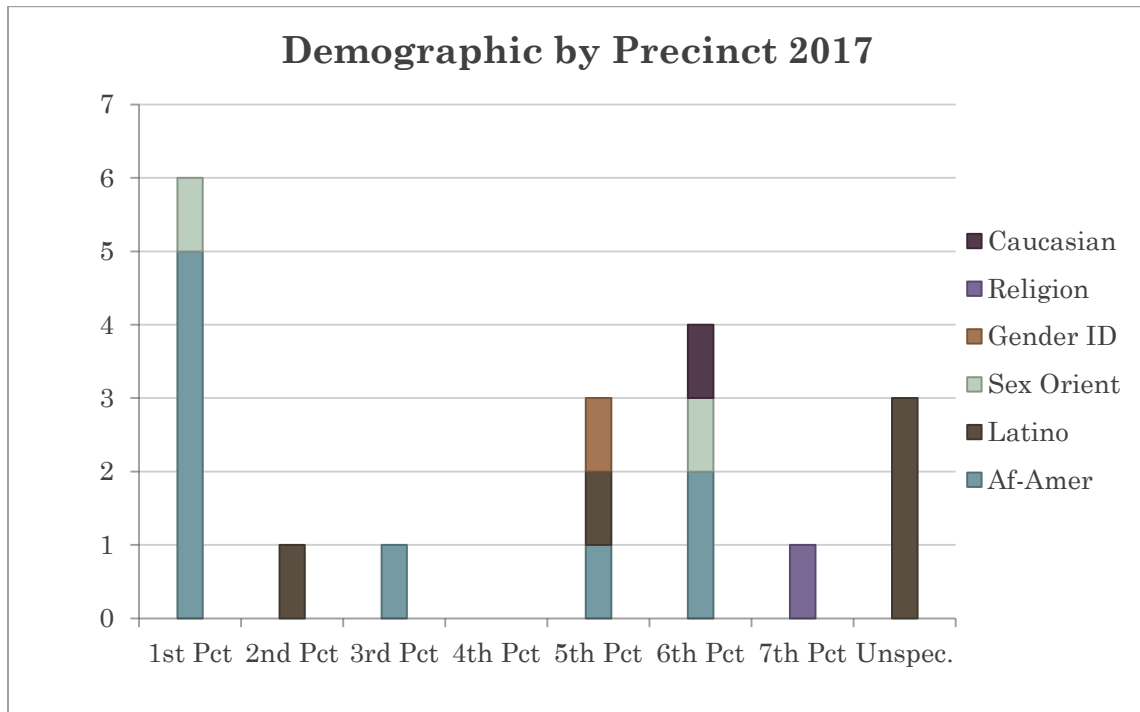
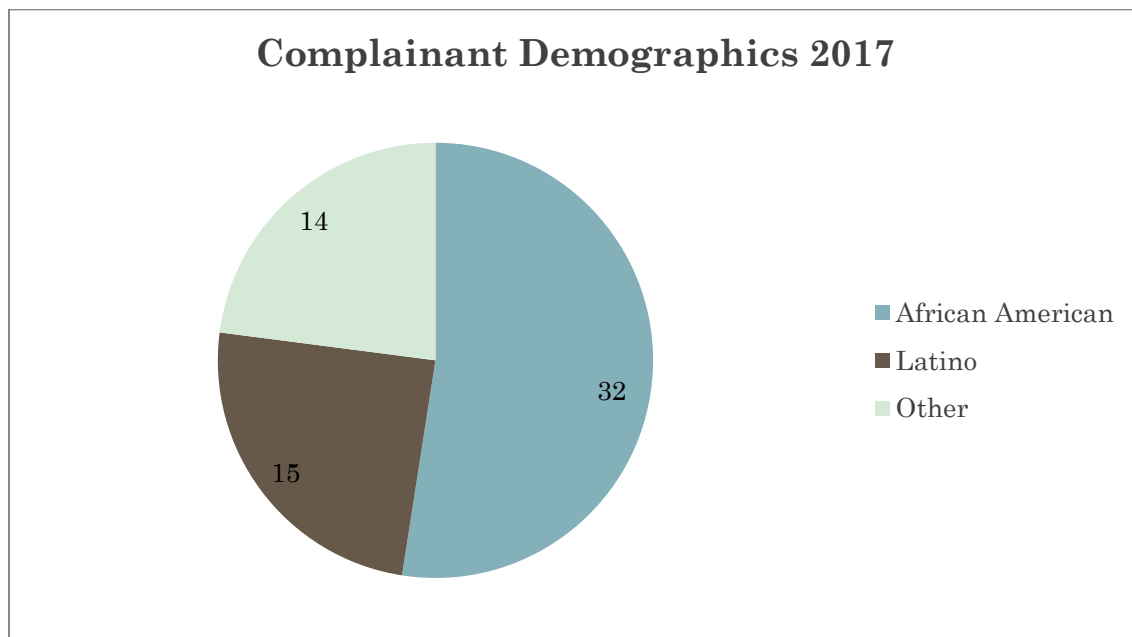


Chart 2017-7



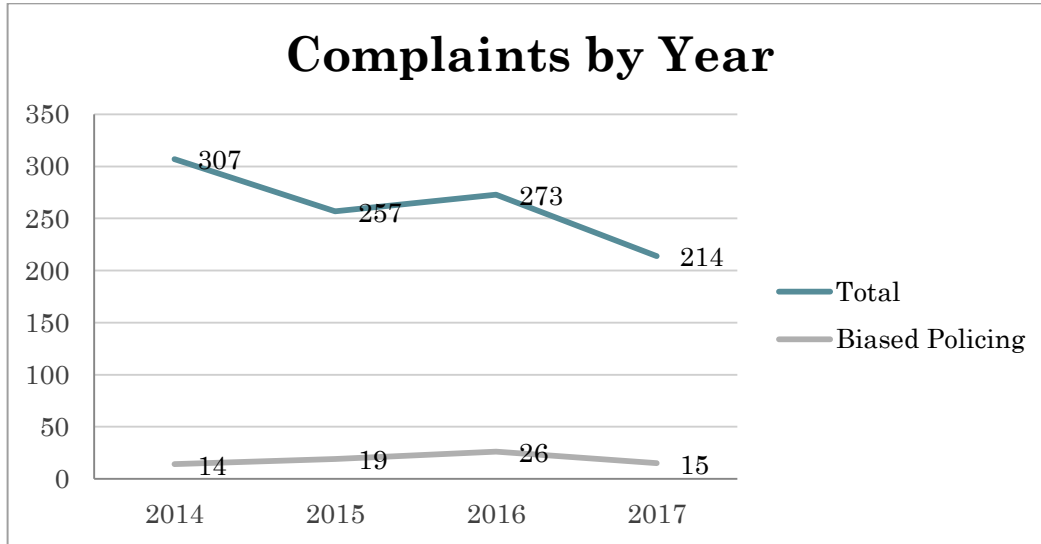
While complainant demographics have varied significantly over time, African-Americans made up a solid majority again in 2017.

Chart 2017-8



The number of biased policing complaints has also varied significantly over time, but when compared to total complaints, has remained extremely low since tracking began in 2014.¹¹

Chart 2017-9



Aside from the predominance of African-American complainants in the First Precinct, the geographic distribution of complainants has followed no discernable pattern since 2014.

Chart 2017-10a

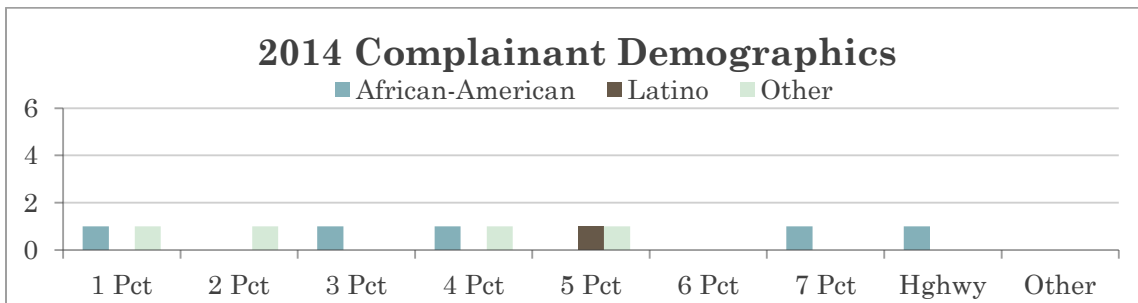
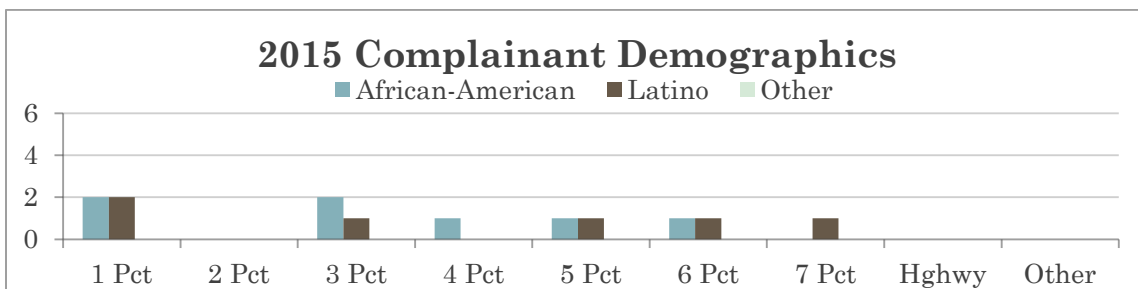


Chart 2017-10b



¹¹ Previous reports have reflected lower annual totals due to differences in reporting periods. Original figures for 2014, 2015 and 2016 were, respectively, 10, 13 and 21. Notably, these figures present the same trend as displayed above.

Chart 2017-10c

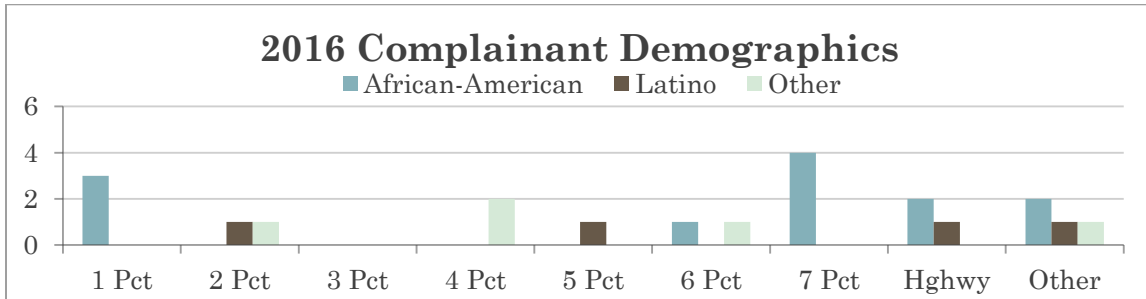
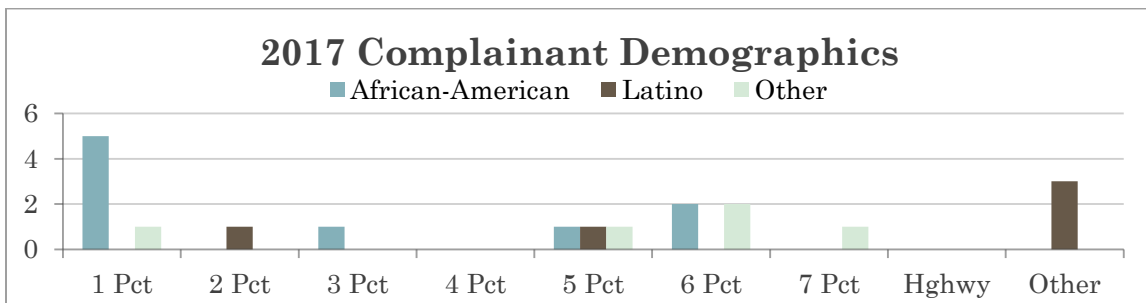


Chart 2017-10d



Conclusion

The Department remains vigilant in tracking and analyzing Biased Policing complaints in order to gain insights on how its officers' actions are perceived by the public. The only consistent pattern to date is the predominance of African-American complainants, especially in the First Precinct. The Department is hopeful that its expansive community outreach efforts in the First, and its recently launched Procedural Justice training will have a positive impact in those communities.

