

Patterns and Trends of Biased Policing 2015

Internal Affairs Bureau



The Complaint Process

The Suffolk County Police Department is committed to maintaining the highest level of professional responsibility among all of its officers and civilian personnel. To ensure accountability the Internal Affairs Bureau is tasked with investigating all allegations of misconduct in a timely and thorough manner. To this end the Department has developed exacting policies and procedures, which reflect best practices in internal investigations.¹

Complaints are accepted from any person regardless of their personal involvement in the incident giving rise to the complaint. A complaint may even be anonymous. All employees of the Department have responsibility for accepting complaints and immediately them to a supervisor holding the rank of Sergeant or higher. A complaint may be lodged against any employee of the Department, in person, over the telephone, by e-mail or via U.S. mail. Language assistance services are available to all complainants, regardless of the means they choose to lodge their complaint.

All information obtained from complainants is kept in strict confidence and is entered into a secure database by the supervisor receiving the complaint. This database then alerts a member of the command staff of the Internal Affairs Bureau of the facts contained in the complaint. Written, faxed or emailed complaints are forwarded directly from the point of receipt to the Internal Affairs Bureau via the Department's email or inter-office mail systems. Additionally, whenever the Department or one of its members is named as a defendant in civil litigation, the Internal Affairs Bureau reviews the legal documents to determine if any allegations require investigation.

Regardless of the source of a complaint, the Department strives to ensure that the Internal Affairs Bureau is aware of all allegations of misconduct within five days, and in cases alleging biased policing, within 48 hours. Upon receiving a complaint the Internal Affairs Bureau categorizes it according to the individual acts of misconduct described. Each case, therefore, may give rise to multiple allegations of misconduct.

Once an investigation is opened, it is assigned to an investigator. All cases involving allegations of biased policing, excessive force, criminal conduct, or drug/alcohol use are assigned to Internal Affairs Bureau investigators. Cases arising from civil litigation and those identified at the Police Commissioner's discretion are also assigned to Internal Affairs for investigation. All other cases are assigned to the involved officer's Division Chief for command-level investigation.

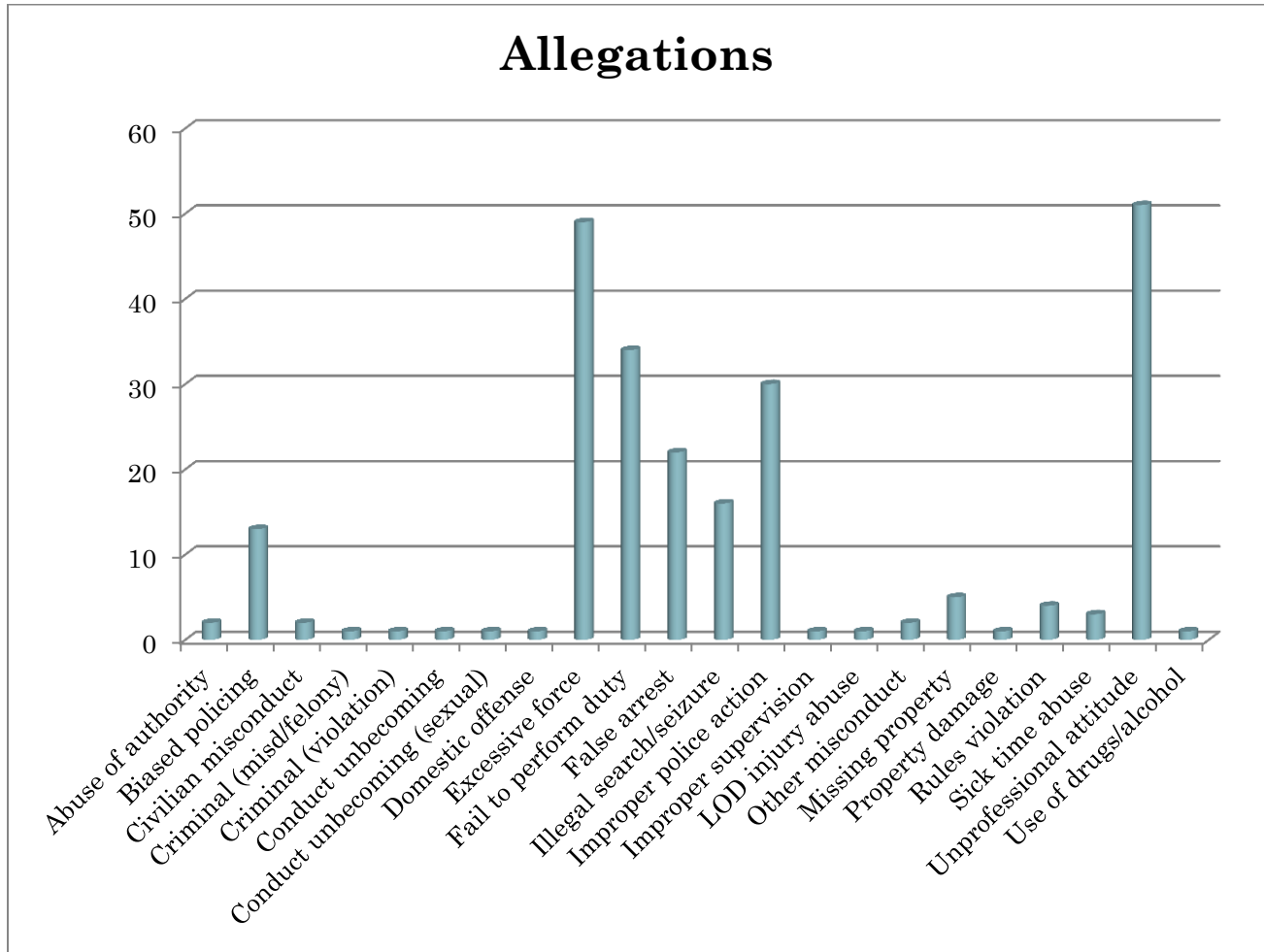
Once an investigation is complete the Deputy Police Commissioner reviews it, and all substantiated findings of misconduct are referred for disciplinary action according to Civil Service Law and the applicable collective bargaining agreement. A written account of the outcome of the investigation is then sent to the complainant.

¹ Rules and Procedures Chapter 5, §2 (D.G.O15-56, 12/04/2015)

Types of Allegations

Table 2015-1 below displays a breakdown of the total number of allegations received by IAB from July 1, 2015 to January 1, 2016.

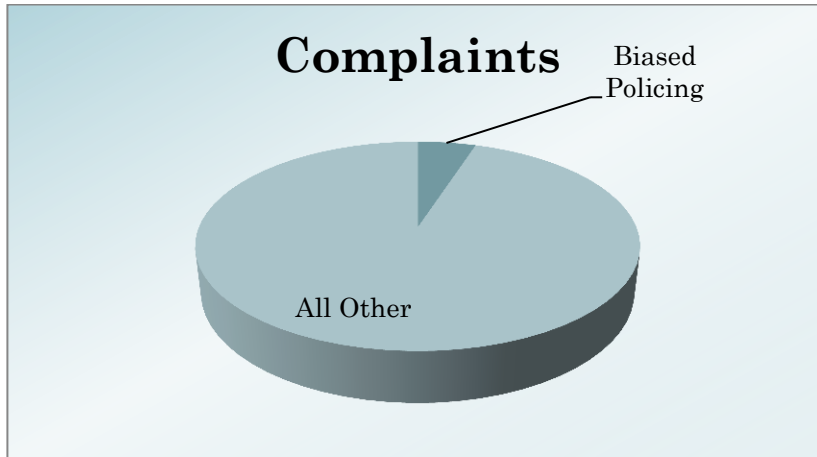
Table 2015-1



These 237 allegations were contained in a total of 151 separate complaints received during the time period in question. Of those separate complaints, IAB retained 71 investigations and forwarded the remainder to the appropriate Division Chiefs for command-level investigations.

As reflected by Table 2015-2 (page 4), of the 151 total complaints received by Internal Affairs, 8 contained allegations of biased policing.

Table 2015-2



Biased Policing

The Department prohibits all of its members from engaging in biased policing, which is defined 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, sexual orientation, or gender identity. Biased-based policing does not mean using any trustworthy information, relevant to the locality and timeframe, to identify a person of a particular race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity in a reliable and recent suspect-specific description.²

Prior to April of 2014, conduct which violated this prohibition was categorized under several allegations, such as “civil rights violation”, and “discrimination”. Beginning in April of 2014, all conduct described in the above prohibition has been classified as “biased policing” in order to facilitate proper tracking and analyses.

The Department analyzes all biased policing complaints on a semi-annual basis, by reviewing the facts of each complaint, the demographics of the complainants and the involved officers and the geographic location of the underlying incident. Identifying details have been removed in this report to comply with applicable privacy laws.

² Rules and Procedures Chapter 1, §11 (D.G.O15-52, 11/02/2015)

The Cases

Case #1.

This complaint arose from the facts alleged in a Notice of Claim served on the Department. The complainant, a Latino male, alleges that while he was in custody at the 6th Precinct he was both physically and verbally assaulted because of his race and gender. The two involved officers are Caucasian males. Allegations – excessive force, biased policing.

Case #2.

This complaint was lodged by a Latino male who alleges that he was falsely arrested in the 5th Precinct, and that the arresting officer referred to a third party using epithets regarding race and sexual orientation. The involved officer is a Caucasian male. Allegations – false arrest, unprofessional attitude, biased policing.

Case #3.

This complaint was lodged by an African-American male who alleges that while being issued traffic summonses in the 1st Precinct, the issuing officer used a racial epithet. The involved officer is a Caucasian male. Allegations – unprofessional attitude, biased policing.

Case #4.

This complaint was lodged by the mother of a Latino male who was arrested for traffic related offenses in the 1st Precinct. The complainant alleges that the involved officer targets her son because of his race/ethnicity. The involved officer is Caucasian. Allegations – unprofessional attitude, biased policing.

Case #5.

This complaint was received as a referral from the Suffolk County Human Rights Commission. The complainant is an African-American male who alleges that he has reported several incidents of vandalism to his property but the police refuse to investigate or document it because of his race. The involved officers are Caucasian males. Allegations – fail to perform duty, biased policing.

Case #6.

This complaint was lodged by an African-American female who alleges that she was the victim of an assault and the police refused to prosecute her assailant due to racial profiling. The involved officers are Caucasian males. Allegations – fail to perform duty, biased policing.

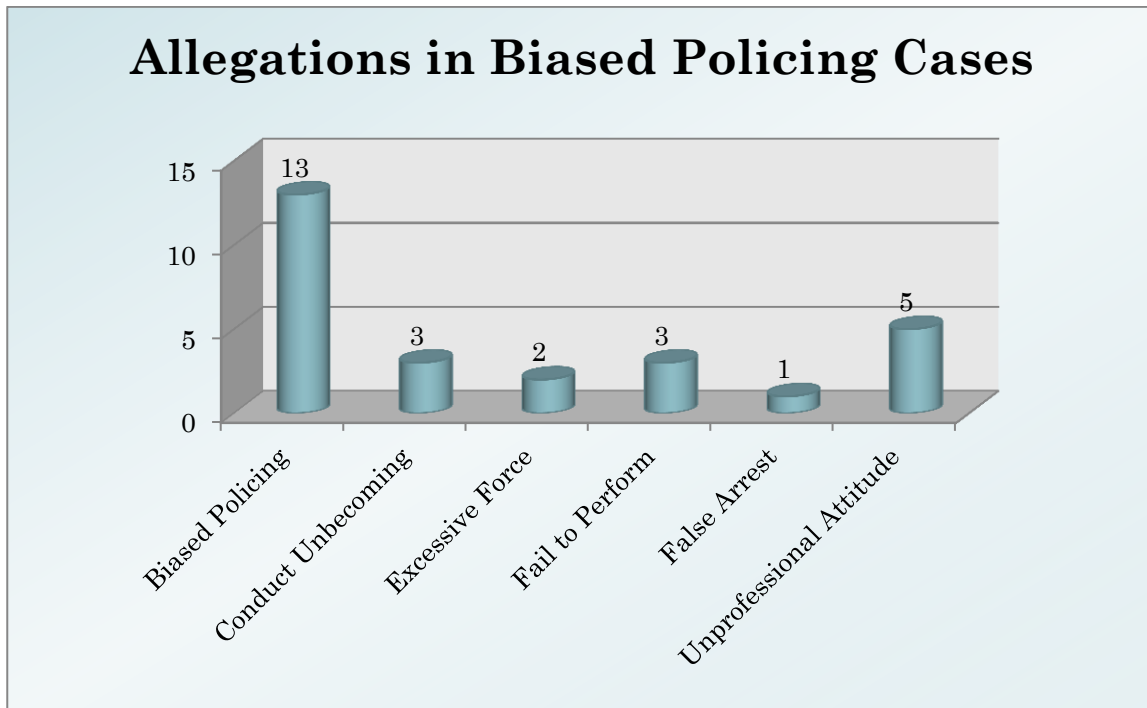
Case #7.

This complaint was received as a referral from the Suffolk County Human Rights Commission. The complainant was anonymous and alleged that the involved 5th Precinct officer was hot tempered toward people of color. The officer was not identified. Allegations – biased policing.

Case #8.

This complaint was received as a referral from the County Executive’s Office and was lodged by an African-American female. The complainant alleged that she was falsely arrested and beaten in the 4th Precinct area and that the involved officers were acting in a racist manner. The involved officers are two Caucasian males and one female, and an Asian female. Allegations – excessive force, conduct unbecoming, unprofessional attitude, biased policing

Table 2015-3



Analysis and Conclusions

As Table 2015-3 indicates, a total of twenty-seven allegations were contained in the eight reported complaints. Four of the complaints involved more than one officer. Ten of the involved officers were Caucasian males, one was an Asian female and one a Caucasian female. Three of the complainants were Latino, and four were African-American. One complainant could not be identified.

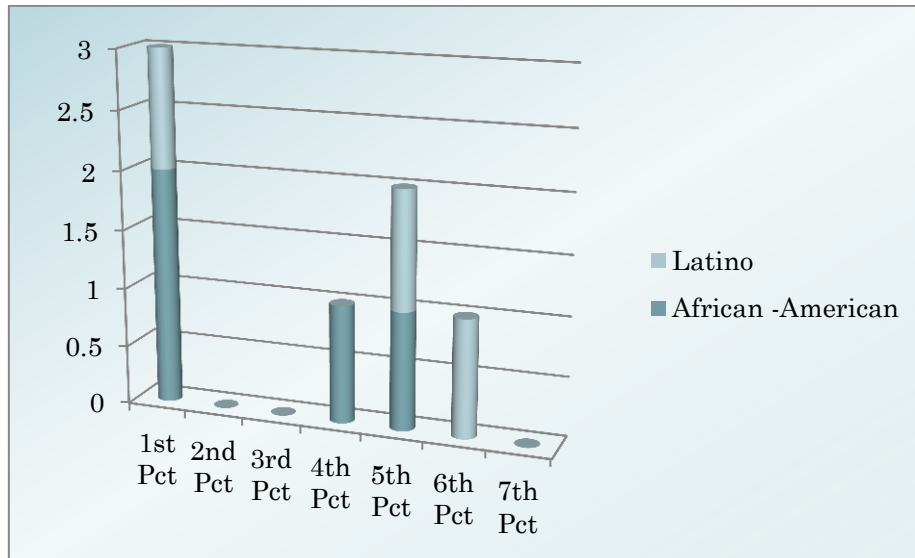
In all reported cases the race/ethnicity of the involved officers differed from that of the complainant, the only detectable pattern being the predominance of Caucasian males as involved officers. This is statistically consistent with the overall demographic of the Department, and does not appear significant to this analysis.

The subject of the alleged bias in all cases is race/ethnicity, and the most prevalent race/ethnicity of complainants is African-American by a slight margin. Latino is the only other race/ethnicity reported.

Overall allegations contained in biased policing cases closely mirror those found in all cases (Table 2015-1, page 3), with the exception of “Conduct Unbecoming”, which is proportionally more significant in the biased policing data set. The most prevalent additional allegation in biased policing cases is “Unprofessional Language/Attitude”.

Table 2015-4 (page 7) tracks the distribution of complaints across geographic Precincts according to race, excluding the anonymous complainant from Case #7.

Table 2015-4



The majority of complaints arose in the 1st Precinct. As each Precinct encompasses numerous diverse communities it is difficult to identify any patterns regarding geographic data. However, future reports will plot Precinct totals chronologically in order to determine if identifiable trends exist.

Finally, both Case #2 and Case #5 involve the same officer. Case # 2 involved the alleged use of a epithet directed at a third party who was African-American (the complainant identified as Latino), while Case #5 involved the alleged denial of service to an African-American complainant. No correlation between to two complaints is apparent, beyond noting that the target demographic of the alleged biased conduct was African-American. A review of the subject officer’s personnel and disciplinary records indicates that he has been employed for over ten years and has a total of ten complaints in his IAB history, none of which were substantiated. The officer has not been accused of biased policing prior to these two cases. The Department will monitor the outcome of these two cases and take appropriate action should any of the charges be substantiated.

Action Going Forward

As noted in the analysis, few conclusions can be drawn from such a small data set. Historic data dating back to January of 2014 will be used as a basis for comparison in the next report, providing a better “wide-angle” view of the Department’s first two years of data collection regarding allegations of biased policing.

Audit

Every six months the Police Commissioner, or his/her designee, reviews twenty percent of all completed biased policing cases. The complainants in each of the cases selected for audit are contacted, and their satisfaction with the manner in which the investigation was handled is recorded.³ Four biased policing cases were completed between July 1, 2015 and January 1, 2015, necessitating the interview of one complainant.

A bilingual member of the Department interviewed the subject complainant via telephone on February 9, 2016. The complainant stated in sum that he did not remember speaking with an investigator and was never informed of the outcome of his complaint. The complainant conveyed an inability to remember details of the incident due to the amount of time that has passed. As a result, none of the auditor’s questions could be adequately answered.

The complainant’s description of his experience raised serious concerns, and a review of the underlying investigation was undertaken.

The subject complaint was contained in a Notice of Claim filed in August of 2013, the facts giving rise to which occurred in August of 2010 in the Second Precinct. The underlying facts are detailed at length in the investigative file and indicate that the complainant was arrested for assaulting a police officer. When the complainant’s criminal case ended he filed the Notice of Claim against the Department.

Through his attorney in the civil matter the complainant declined to be interviewed by Internal Affairs investigators. The complainant and another witness gave testimony at a deposition, which was used by the investigator to determine the complainant’s specific allegations and to aid in directing the investigation. All involved Department personnel were subsequently interviewed, and all available evidence, including official documents, 911 recordings and witness accounts were reviewed.

The investigator found insufficient evidence to substantiate any of the allegations, including those of biased policing. Finally, disposition of the investigation was not conveyed to the complainant due to the pendency of the civil litigation.

³ Settlement Agreement dated January 13, 2014 between United States Department of Justice and the Suffolk County Police Department. Section VI(b)(vi).

The Department considers the lack of contact with the complainant as less than ideal, but attributes it to the pendency of the civil proceeding during the IAB investigation. The Department has recently instituted procedures to enhance communication between investigators and complainants, but does not, however, believe that such measures would have resulted in a different outcome in this case, as contact with complainants who are engaged in litigation against the Department is necessarily limited.

