

**SIXTH REPORT ASSESSING SETTLEMENT AGREEMENT**  
**COMPLIANCE BY SUFFOLK COUNTY POLICE DEPARTMENT**



**March 13, 2018**

## I. INTRODUCTION

In January 2014, the United States Department of Justice (“DOJ”) and the Suffolk County Police Department (“SCPD” or the “Department”) entered into a Settlement Agreement (“Settlement Agreement” or “Agreement”) to ensure that police services are provided to all members of the Suffolk County community, including the Latino community, in a manner that complies with the Constitution and laws of the United States.<sup>1</sup> DOJ, as part of its responsibilities for oversight of SCPD’s implementation of the Settlement Agreement, periodically reports on its assessment of SCPD’s compliance with the Agreement. This is the sixth Assessment Report, which reports on progress made during the last six months of 2017.

Since we issued our last assessment report in June 2017 (the “Fifth Assessment Report”), DOJ representatives from both the Civil Rights Division and the United States Attorney’s Office for the Eastern District of New York reviewed documents and materials provided by SCPD, including revised policies and procedures, copies of internal affairs investigations, a sample of entries in SCPD’s community relations daily activity reporting system, and other reports. We also met with SCPD officials, SCPD command staff and other supervisors, and SCPD officers; toured precincts and participated in ride-alongs with on-duty officers; attended training courses; and met with members of specialized units, including the Hate Crimes Unit (“HCU”), the Internal Affairs Bureau (“IAB”), and the Community Response Bureau (“CRB”). In addition, we solicited the views of the Suffolk County community, including the Latino community, by meeting with community advocates. In conducting these activities, we consulted with police practice experts with expertise in the areas of policing covered by the Settlement Agreement.

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

In particular, we would like to thank Commissioner Timothy Sini for his leadership and commitment to the reform process set forth in the Agreement. Commissioner Sini’s personal efforts have been a significant cause of SCPD’s progress during his tenure with the Department. As he has consistently noted, the steps he has taken to bring SCPD into compliance with the Agreement not only help ensure constitutional policing, but also lay the groundwork to bolster SCPD’s community partnerships and enhance its ability to fight crime. We look forward to working closely with the next SCPD commissioner to continue this important effort.

This Assessment Report is divided into two sections. First, we provide a compliance rating for each provision of the Settlement Agreement. Second, we provide a more detailed analysis of SCPD’s successes and challenges to date in each main area of the Agreement: 1) bias-free policing; 2) hate crimes and hate incidents; 3) language assistance; 4) allegations of police misconduct; and 5) community engagement.

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

Before turning to our assessment of SCPD’s compliance with the Agreement, we note that under the Agreement, SCPD is to provide DOJ with a self-assessment compliance report indicating its own views as to whether the county has reached compliance with the Agreement. Agreement ¶ IX(c)(ii) at 20. The Department did not provide us with a self-assessment report for this assessment period. We would like to impress upon the Department the importance of conducting self-assessments of its progress with the Agreement. First, SCPD’s self-assessments provide us with the necessary information to conduct fully informed assessments. Second, the Department benefits from auditing its own progress with the Agreement and identifying areas of concern.

## II. CURRENT COMPLIANCE RATINGS

Section IX of the Settlement Agreement provides that the United States will assess and report on SCPD’s compliance with the Agreement. *See* Agreement ¶ IX at 19-20. The compliance ratings below represent the United States’ current assessment of SCPD’s compliance with each area of the Agreement. While Section III of this Report provides a more detailed analysis of SCPD’s compliance with the Agreement, these ratings are included to provide SCPD and the Suffolk County community with a clear and accurate summary of progress to date, as well as areas that remain most in need of attention.

The definition of each rating type is as follows:

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

<u>Settlement Agreement Area</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	Substantial Compliance
c. Traffic-Stop Data	Partial Compliance

d. Training	Compliance Rating Pending
IV. HATE CRIMES AND HATE INCIDENTS	Partial Compliance
a. Training	Substantial Compliance
b. Tracking and Reporting	Partial Compliance
c. Quality Assurance	Substantial Compliance
V. LANGUAGE ASSISTANCE	Partial Compliance
a. Policy	Partial Compliance
b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Partial Compliance
d. Spanish-language access to SCPD website	Partial Compliance
e. Incentives for Interpreters	Substantial Compliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Substantial Compliance
h. Community Survey	Partial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	Partial Compliance
a. Reporting Misconduct	Substantial Compliance
b. Investigation of Misconduct	Partial Compliance
VII. COMMUNITY ENGAGEMENT	Partial Compliance
a. Maintaining Community Relationships	Partial Compliance
b. Community Liaison Officers	Substantial Compliance

c. Community Oriented Policing Enforcement (“COPE”)	Substantial Compliance
d. Community Response Bureau	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social Media and Notification Systems	Substantial Compliance
VIII. POLICIES AND TRAINING GENERALLY	Partial Compliance

### III. ANALYSIS OF SCPD’S COMPLIANCE TO DATE

#### A. BIAS-FREE POLICING

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

Under the Agreement, SCPD has committed to ensuring that its police services are “equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department” and that all “members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, or sexual orientation, and in accordance with the rights, privileges, and immunities secured or protected by the Constitution and laws of the United States.” Agreement ¶ III(a) at 4. To bring these provisions to fruition, the Department must develop and implement a robust system of training, supervision, data collection, and accountability mechanisms that ensure its law enforcement duties are being performed free of impermissible bias. As we noted in our last Assessment Report, SCPD has codified the principles of bias-free policing through its policies and procedures but the principles of bias-free policing must take root through the Department’s data collection and analyses and its training program. Fifth Assessment Report at 6-7. The Department has not made significant progress in the area of traffic-stop data collection over the last six-month period, and it continues to work toward providing adequate bias-free policing training to its members. Thus, the Department’s compliance ratings for the bias-free requirements of the Agreement since the last assessment period remain unchanged.

## 1. Continued Delivery of Bias-Free Policing

As detailed below, SCPD has a significant amount of work to complete to achieve substantial compliance with the traffic-stop data collection and bias-free policing training provisions of the Agreement. By collecting the necessary data, and periodically analyzing that data, the Department will be able to ensure that it is conducting traffic stops in a race-neutral and non-discriminatory manner. A robust bias-free training for all officers and recruits is also necessary to train them to better identify implicit biases and to incorporate the principles of procedural justice in interactions with the diverse communities they serve. Accordingly, these requirements are fundamental to the continued delivery of bias-free policing and to achieving substantial compliance in this area.

## 2. Policies and Procedures

We previously rated SCPD in substantial compliance with the policies and procedures provisions of the Agreement. *See* Fifth Assessment Report at 5-6; Fourth Assessment Report at 6; *see also*, ¶¶ Agreement III(a) - (b) at 4-5. As we have noted before, ensuring that SCPD members adhere to these policies in practice will require additional work, specifically, through appropriate data collection and analyses, which continues to be a work in progress for the Department, as discussed below.

## 3. Traffic-Stop Data

Under the Agreement, SCPD must collect accurate traffic-stop data and analyze it for indications of bias in order to ensure bias-free policing. *See* Agreement ¶ III(c) at 6. Our past assessment reports have detailed the various shortcomings with SCPD's data collection practices. *See* Third Assessment Report at 7-8; Fourth Assessment Report at 6-7; Fifth Assessment Report at 6-7. While SCPD has taken steps towards developing appropriate data collection and analysis systems, SCPD had yet to successfully implement such a system at the end of this assessment period in December 2017.

The Department planned to transition from a computerized data terminal system designed by an outside vendor to one developed and maintained by SCPD's information technology department, which would give SCPD greater control over the data collection and improve the Department's ability to analyze up-to-date data. *See* Fifth Assessment Report at 6. The Department's IT Unit began designing the data collection module last winter, and worked with the DOJ to ensure that all necessary data fields were included. *See id.*

After months of preparation, the Department launched the system on August 28, 2017. SCPD told us that within the first few hours of launching the system, officers reported taking between 5 to 10 minutes to complete a stop report. The Department had expected an increase in completion time from 30-45 seconds to two minutes, and attributes part of the problem to the fact that officers must obtain a central compliant number (CC#) from one system (MDC) before they can complete the stop report in another system (ORS). Additionally, SCPD reported that officers found the design of the new system difficult to navigate because the fields were not linear or easy to scroll through. SCPD discontinued using the system the very day it launched it due to these issues. To correct these issues, the Department plans to build an entirely separate

database for the stop reports. The Department is also redesigning the fields so that they are easy to scroll through and include gateway questions (e.g., an answer of “no” to the question of whether there was a search would drop all the attendant questions).

SCPD had committed to launching the redesigned system by early 2018, and did begin testing it with Highway Patrol in January of this year. To avoid real-time difficulties during the anticipated launch of the system, we recommended that SCPD issue a new directive before it launches the system Department-wide and provide roll call training on its operation. We also recommend that SCPD first test the system and consult with officers to identify and correct issues before introducing it Department-wide. This should help mitigate the learning curve and increase in completion time experienced with the most recent system launch attempt.

We again renew our recommendation that the Department link the traffic-stop reports to use-of-force reports where a traffic stop led to a force incident so that supervisors and command staff will be able to conduct thorough analyses of traffic stop and use of force incidents, and to determine whether any force incidents unnecessarily resulted from an illegal stop. *See* Fifth Assessment Report at 6. We also renew our recommendation that SCPD supervisors develop specific protocols for the substantive review of traffic-stop data as part of supervisors’ regular supervisory activities and that SCPD provide updated training for supervisors, many of whom have not received supervisor-specific training since attaining the rank of sergeant. *See* Fourth Assessment Report at 7; Fifth Assessment Report at 6-7. This is instrumental to insuring that the data collected can be harnessed and put to use by supervisors.

During our last assessment tour, we had recommended that the Department collect basic demographic data for its checkpoint stops (e.g., DWI, safety checkpoints). The DOJ provided the Department a sample form for collecting such data that would not impede its checkpoint operations, and after recent discussions, the Department adopted the checklist and was reportedly amending its policy on checkpoints in February 2018.

While we are hopeful that SCPD will take the necessary steps to achieve substantial compliance with the traffic stop provisions of the Agreement, it remains in partial compliance for the current assessment period due to the continued failure to implement an adequate data collections system. *See* Agreement ¶ III(c) at 6.

#### 4. Training

The Agreement requires that all sworn officers receive training on bias-free policing at least annually. *See* Agreement ¶ III(d) at 6-7. This training is to “emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, is prohibited by policy and will subject officers to disciplinary action.” *Id.* The Agreement also sets forth specific elements that SCPD must incorporate into its bias-free training. *Id.*

As detailed in our previous reports, SCPD suspended its bias-free policing training after we determined that it was deficient. *See* Fourth Assessment Report at 8; Fifth Assessment Report at 7. We had coordinated with the Office of Justice Programs (OJP) of the United States Department of Justice for it to provide SCPD with technical assistance in the form of training

modules; specifically, training programs on both procedural justice and bias-free policing. *See* Fourth Assessment Report at 8; Fifth Assessment Report at 7. Details of the planned training are available in our last assessment report. *See* Fifth Assessment Report at 7. SCPD had agreed to work with OJP on the training in an effort to satisfy the bias-free policing training requirements of the Agreement. *See* Agreement ¶ III(d) at 6-7. In June 2017, OJP informed SCPD that it had ceased providing procedural justice and bias-free training. Thereafter, we worked to facilitate discussions with a major-city police department that had obtained the procedural justice and bias-free training in the past. During this rating period, that department met with SCPD to provide guidance about the trainings, and emphasized the importance of identifying the appropriate trainers to deliver what can be highly sensitive trainings to SCPD members. It also shared training materials that SCPD was able to customize for its own use.

As of our last visit, SCPD was developing the curriculum for a procedural justice 3 – bias free policing training module – which it launched in early 2018. While we commend the Department for moving forward with these plans, we encourage SCPD to provide the procedural justice 1 and 2 modules to its members, as the first two modules provide the foundation for procedural justice 3. Our concern lies in the possibility that the procedural justice 3 module alone, without the introductory modules, will prove less effective in instilling the principles of procedural justice and bias-free policing among Department members. Additionally, upon the recommendation of the major-city police department that advised SCPD on the procedural justice training, the Department had indicated it would send its trainers to a train-the-trainer training provided by another law enforcement agency. Despite plans to do so in September 2017, the Department ultimately declined to do so. We would encourage it to reconsider sending trainers to observe the trainings in order to better prepare themselves to deliver the training, which entails presenting difficult subject matter.

As we have noted before, once SCPD trainers begin to deliver the training, we will assess whether SCPD is appropriately tailoring and delivering the training modules in a manner that is consistent with the terms of the Agreement. *See* Fifth Assessment Report at 7. To do so, we will review training curricula, observe training sessions, and meet with SCPD trainers and officers completing the training to assess effectiveness. Based on SCPD’s proposed timeline for delivering the training, we expect to be able to provide an assessment rating by the time of our next assessment period. For this assessment period, the compliance rating is pending due to the need to find an alternative way for the Department to provide procedural justice training.

**B. HATE CRIMES AND HATE INCIDENTS**

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



As noted in our last compliance report, SCPD was in partial compliance with the tracking and reporting requirement of the Agreement. *See* Fifth Assessment Report at 8-9. While the Department had made significant strides in the areas of training and quality assurance for this part of the Agreement, it has not been able to implement a new mapping system to track and analyze potential hate crimes and hate incidents, and thus remains in partial compliance with the tracking and reporting requirement of the Agreement.

### 1. Training

Under the Agreement, SCPD must ensure that all officers receive annual hate crimes and hate incident training. Agreement ¶ IV(a) at 7. After several attempts of redesigning its hate crimes and hate incidents training, we found SCPD to be in substantial compliance with this provision of Agreement in October of 2016. *See* Fourth Assessment Report at 9-10. The Department continues to deliver the approved training, and it has not made any changes to the training material or curriculum since our assessment. While we will continue to monitor whether SCPD is adequately training its members to identify and report hate crimes and hate incidents, the Department remains in substantial compliance with this requirement.

### 2. Tracking, Reporting, and Pattern Analyses

As we noted in our last assessment report, a critical factor for SCPD to adequately and effectively combat hate crimes and hate incidents is its tracking and mapping of crime trends and crime patterns, as required by the Agreement. *See* Fifth Assessment Report at 8. Notably, we cautioned that the Department could not ensure that it was tracking and analyzing crimes to identify patterns or trends of potential hate crimes or hate incidents until it developed and implemented a mapping system that would allow officers to engage in pattern analysis. *See id.* While the Department appears to have promising plans to develop and implement such a system, it has not brought those plans to operation and thus remains in partial compliance with this requirement of the Agreement. Agreement ¶ IV(b) at 7.

In September 2017, we met with the Hate Crimes Unit (HCU) to discuss compliance with the hate crimes and hate incident provisions of the Agreement. At that time, the HCU estimated that it would take three to six months before it would have the mapping system ready. When we visited again in October 2017, we met with the programmer and coordinator who are overseeing the development of the new mapping system. While the Department had a several month delay in working on the mapping system, it had made recent efforts to continue to develop the maps. For example, SCPD has integrated a heat map that depicts concentrations of potential hate crimes and hate incidents into the map application. The application also has a feature that allows users to click on the dots (each of which depicts a potential hate crime or hate incident) to bring up information about the individual events. SCPD members will also be able to isolate mapped incidents by bias-motivation, e.g., anti-Jewish or anti-Muslim. The Department also reported that the system would link the CC numbers (which are identifiers assigned to individual events) to the narratives in the incident reports so that information about the incident is integrated into

the maps members can easily access the relevant information for a potential hate crime or hate incident.

At the time of our October visit, SCPD was working on the data standardization for the system. The HCU will be responsible for inputting the data; HCU will use an application to do this, which should increase the data integrity. The Department reported that it plans to have a hate crimes investigator train other HCU members how to use the system. We recommend that IT train the other members of the HCU who will be inputting the data to ensure that they receive adequate training. Additionally, we recommended in our meeting, and do again now, that SCPD write a SOP (standard operating procedure) concurrently as it develops the mapping system and its various functions. This will alleviate the need to go back and recreate the steps to write the SOP later.

The Department will make the mapping data publicly available in its annual report. We encourage the Department to consider additional ways in which it may be able to share publicly its maps and mapping data once the system is operational. For example, we renew our recommendation that the Department produce the annual report mapping and analyzing potential patterns and trends for all hate crimes and hate incidents on a bi-annual basis to maximize the utility of the crime data in identifying hate crime patterns. *See* Fourth Assessment Report at 10; Fifth Assessment Report at 9.

### 3. Quality Assurance

The Agreement requires SCPD to “implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures,” and that SCPD will conduct random audits of HCU investigations and any corrective actions taken because of the audits. Agreement ¶ IV(c) at 7-8. During the last assessment period, we found SCPD to be in substantial compliance with the quality assurance requirements of the Agreement. *See* Fifth Assessment Report at 9-10. We commended the HCU’s community outreach efforts, noting that they are critical to encouraging members from Suffolk’s diverse communities to report potential hate crimes or hate incidents to the police. *Id.* at 10. The Department has continued to take steps to reach these communities by welcoming inquiries and offering to have meetings with representatives or members from the communities.

The Department conducted a bi-annual hate crime audit during this assessment period as required by the Agreement. *See* Agreement ¶ IV(c)(ii) at 6-7. Our review of the randomly selected sample set of cases found that investigators conducted thorough investigations. Indeed, in one sample case, the investigator was able to locate video evidence that turned out to contradict the complainant’s testimony and re-interviewed the complainant, who then admitted that the initial statement was incorrect. Consequently, the Department correctly reclassified the incident as a non-criminal event. Further, the audit summaries were sufficiently comprehensive to assess the quality of the investigations. The audit included one case that did not mention the follow-up, if any, by the investigator with the complainant after the Department determined it did not have sufficient evidence to continue the investigation and classified it as pending. We would recommend including this information in the audit when possible.

The Department did not issue a Hate Crimes Report for this assessment period, as the report is only required on an annual basis under the Agreement. However, we encourage the

Department to consider issuing the report on a bi-annual basis to facilitate addressing potential patterns of hate crimes in a more timely fashion. *See* Fourth Assessment Report at 10.

Overall, the Department has maintained substantial compliance with the quality assurance requirements of the Agreement, and we commend its continued work in this area. We look forward to working with the SCPD and its HCU on its tracking and reporting of hate crimes or hate incidents so that it can obtain substantial compliance with that provision, and thus with the hate crimes and hate incidents section of the Agreement.

C. LANGUAGE ASSISTANCE

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

The terms of the Agreement call for SCPD to develop and implement meaningful language access policies and practices. *See* Agreement ¶ V at 8-11. Appropriate communication with individuals who have Limited English Proficiency (LEP) is an essential part of effective policing. As we have noted before, SCPD personnel must be able to understand and respond to LEP individuals during the course of any interaction, most importantly during enforcement actions, criminal investigations, interrogations, and detentions. *See* Fifth Assessment Report at 11. This is especially true because LEP individuals are particularly vulnerable to victimization and marginalization.

Although in past assessment periods, the Department significantly improved its policies, practices, and training, implementation is still mixed and SCPD did not make significant progress during the last six months. As discussed below, we remain concerned that SCPD continues to fall short of fully implementing the Language Access Plan (LAP) and does not sufficiently track or monitor provision of language access services.

## 1. Language Access Policy and Language Line Order

Overall, SCPD has a strong LAP rules and procedures manual, and we commend it for combining the rules and procedures into one document. *See* SCPD LAP, Rules & Procedures, Ch. 26, Sec. 5. Most recently, the Department's revision of the permitted role and responsibilities of certified bilingual staff was a positive change as it clarified the assignment of duties in a more coherent manner.

We reiterate our recommendation from our last report for three changes that SCPD should incorporate into its LAP. Once it adopts these recommendations, the SCPD will likely be in substantial compliance with the language assistance policy provision of the Agreement. Agreement ¶ V(a) at 8-9. First, SCPD should expressly prohibit use of children for language assistance, even in exigent circumstances, if other options are available. Second, the LAP should prioritize the preferred order for using the available language assistance resources in common situations. For example, the Department should provide guidance as to what an officer should do when responding to a call for service in which a witness does not speak English and a department authorized interpreter (DAI), bilingual officer, and Language Line are all available. Third, SCPD needs to clarify the process for taking statements from LEP individuals. We recommend taking statements in a person's best language and then translating them using a certified translator.

Finally, the Department's development of a flow chart that details the process of accessing language assistance is an effective tool for summarizing the key points of the LAP. It will be particularly useful to officers who are in the field as a memo book insert. Likewise, the revised "5 Point Card" provides a good summary of the LAP for community members. We look forward to seeing the card translated and widely distributed within LEP communities in Suffolk.

The Department continues to be in substantial compliance with the provision of the Agreement regarding its language line. Agreement ¶ V(b) at 9.

## 2. Policy on Persons with LEP

SCPD's language assistance policies and training are generally positive, but the implementation of the LAP does not seem to have improved. The exceptions are the 911 Call Center and Language Line. As we have noted before, the Call Center is adequately providing language access services. *See* Fifth Assessment Report at 12. We also note that the use of Language Line continues to increase consistently, and is on pace to receive nearly double the number of calls in 2017 compared to 2014.

However, community members have described negative results of phone calls to precincts testing SCPD front desk personnel's ability to effectively communicate with callers who do not speak English. Although some callers received appropriate services, community members reported that at least one SCPD member insulted a Spanish-speaking caller and then hung up. Although we did not observe this type of behavior during our visits to precincts, precinct front desk personnel appeared frequently unaware of the language access resources available (e.g., the language identification chart).

We also continue to hear from officers that they frequently use their own phones to access Language Line rather than the Department-issued flip phones because of the poor quality of the Department phones. Despite the significant increase in the use of Language Line, this strongly disincentivizes officers to use the service. Further, as we noted in our last assessment, community members have complained that it is difficult to understand telephonic interpreters when officers use Department-issued phones. *See* Fifth Assessment Report at 12. We recommend that SCPD update its phones to ensure effective communication with interpreters when using Language Line. *Id.*

We also recommended after our April 2017 visit that SCPD revise its Online Reporting System to require officers to indicate in a designated computer field what, if any, language assistance services they provided, even for non-Lima calls.<sup>2</sup> *Id.* at 13. At present, only calls designated Lima by dispatch require officers to fill the language assistance field, which collects data on the language assistance services provided. The system continues to automatically complete the field in non-Lima designated calls with “no language assistance required.” We reiterate our call for SCPD to eliminate this default. A need for language assistance can surface at the scene after the initial call, and it is important that officers have to fill in the field rather than rely upon a default entry.

SCPD’s data regarding language access services are inadequate for a meaningful analysis. We understand that the Department has hired an analyst to assist with this important responsibility. The analyst should be able to collect, review, and analyze data regarding Lima calls so that supervisors can conduct a macro-level review of the language access services provided. Further, precinct supervisors should be instructed how to review the documentation of language assistance, to flag problems and ensure that officers provide language access services when necessary and to accurately document the use of language services.

We understand that the Internal Affairs Bureau (IAB) continues to do its own review of language access calls. As noted before, we believe this review would be better focused and more effective if prompted by a full data analysis that flags potentially problematic officers, through an early warning system model. *See id.*

The limited data on interpretation we did receive for the most recent assessment period shows that only 20% of Lima calls receive language assistance. This is the same frequency as the last assessment and, as the Department has acknowledged, probably inaccurate. It is highly unlikely that only 20% of designated Lima calls required language access. The 4th and 7th precincts, which have the fewest Lima calls, also had the lowest rates of providing language assistance. In the 4th precinct, only 10% of calls received language assistance, and in 7th precinct, only 15% received language assistance. Officers either are not using language access services when required, or at a minimum, are not adequately documenting the use of the services. Limited IAB audits confirm that officers are not providing the mandated services. This must be addressed so that the Department has accurate data on the volume and frequency of use of its language services.

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<sup>2</sup> Any call that a 911 dispatcher receives for which language assistance is indicated is assigned a “Lima” code.

SCPD has begun tracking the hours that SCPD personnel spend providing language services, currently called “Translation Hours” in the Monthly Activity Report. The summary data provided by SCPD shows that a handful of officers have spent significant time – equivalent to a week of work or more providing language access between January and November 2017. A number of other officers have only had a very brief number of “Translation Hours” over the time period.

We do commend SCPD for resuming testing and certification of personnel as Bilingual Officers and DAIs. The Community Services Bureau has received numerous requests from officers who are interested in being tested. This is in response to SCPD notifying all supervisors of this testing and giving them a list of their self-identified second language speaker supervisees. There has also been some effective outreach to the Hispanic Society and clarification of misinformation. It appears that this outreach (and the immersion training referenced below) will increase the number of available in-house language assistance resources.

Finally, we note the low volume of complaints and compliments in languages other than English that SCPD is receiving. The SCPD should work more closely with community-based service providers to identify other ways of enabling complaints or comments from non-English speakers.

### 3. Spanish Language Access to the SCPD Website

The SCPD has very recently updated its website and we were informed at the time of our visit that the correct versions of many of the forms and documents are not yet imported. We look forward to the migration being complete and encourage the Department to invite members of the LEP community to tour the new site and see if they can navigate the site effectively and efficiently.

While SCPD did a comprehensive round of translating critical documents and has made them available in precincts and on the website, the Department needs to maintain better quality control over forms provided to the public in the precincts. During our October 2017 visit, we found that the LAP at the headquarters’ front desk was an outdated version. In one of the precincts, we found complaint/compliment forms were missing in some languages. In more than one precinct, there are still two different versions of the community survey available at the desks. These issues need to be resolved.

### 4. Incentives for Interpreters

We note that the Department has sought to incentivize personnel to participate in its language assistance efforts through two effective means: (1) tracking activity reports, and (2) transfers. We were pleased to see that all officers’ monthly statistics will reflect the number of language assistance hours.

5. Consultation with the Latino Community & Community Survey

As noted before, the Agreement requires that SCPD survey community representatives regarding SCPD’s LEP efforts. *See* Agreement ¶ V(h) at 10-11. We have not seen progress in updating the survey and actively surveying the public. The Department should move forward with this effort and reach out to other agencies that have experience doing community surveying. The Department also should develop a dissemination strategy for the survey to enable randomization and confidence in the representativeness of the findings.

The Department reported challenges in its last consultation with community advocates, specifically, that the advocates did not appear to represent the Latino community at large. The Department is encouraged to do greater outreach to ensure that they are reaching representatives from diverse segments of the Latino community.

6. Language Assistance Training

We continue to be impressed with the current state of the language assistance training, as well as the trainers’ active interest in keeping the content current. We learned that the training officers will be observed by a Suffolk Community College social activism class, representing members of the community, to provide instructors’ feedback. This will not only help spread the message that the SCPD takes cultural competency and language access seriously, it will also ensure that training is relevant to community concerns.

As part of its efforts to meet the language assistance training requirements of the Agreement, SCPD has previously planned to provide Spanish language training to recruits and others in the Department. Those plans remain uncertain at this time. We encourage SCPD to move forward with that training and provide DOJ with training materials, or identify alternatives for coming into full compliance with the training requirements of the Agreement.

D. ALLEGATIONS OF POLICE MISCONDUCT

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

Under the police misconduct reporting requirements of the Agreement, SCPD must have a policy that requires all members to report allegations of discriminatory policing, ensures that all complaints are investigated, and allows third-persons to submit complaints on behalf of victims. Agreement ¶ V(a) at 11. The Agreement also includes various provisions concerning the investigation of misconduct, which are aimed at ensuring that all complaints are thoroughly investigated. *See* Agreement ¶ V(b) at 11-12. While the Department has maintained substantial compliance with the reporting provisions of the Agreement during the last assessment period, the

Department continues to be in partial compliance with the investigation of misconduct requirements of the Agreement for the reasons detailed below.

### 1. Reporting Misconduct

The Department's Civilian Complaint Procedure, Order 15-56, and its ongoing implementation of that order, continues to satisfy the three requirements of the Reporting Misconduct section of the Agreement: (1) members' duty to report allegations of discriminatory policing, (2) ensuring that the Internal Affairs Bureau (IAB) investigates all complaints regardless of how the complainant submits the complaint, and (3) allowing third parties to file complaints on behalf of victims. *See* Fifth Assessment Report at 16; Agreement ¶ VI(a) at 11. In addition to complying with the provisions of this section, the Department has continued to undertake efforts not required by the Agreement to ensure robust reporting of misconduct. Specifically, SCPD has implemented an official policy that requires SCPD to keep complainants apprised of the status of their complaint. *See* SCPD Directive, Order No. 17-01, Mar. 17, 2017. We have commended the Department in the past, and do so again, for instituting the policy. *See* Fifth Assessment Report at 16. By increasing transparency around the investigative process, and maintaining an adequate level of responsiveness toward complainants, the Department will improve the public's perception of the validity of the internal affairs process. We will continue to monitor this section of the Agreement, including any related policies, to ensure that SCPD remains in substantial compliance.

### 2. Investigating Misconduct

The provisions of the Agreement that address the Department's misconduct investigations are designed to ensure that SCPD's misconduct complaints are timely and thoroughly investigated, that IAB has qualified SCPD members serving as investigators, and that the Department tracks and analyzes IAB investigations to ensure their quality and identify issues. *See* Agreement ¶ VI(b) at 11-12. Over the past year, the Department has made it a priority to reduce the backlog of unresolved internal affairs investigations. While we commend this effort, it appears that the Department continues to struggle with delays in completing and closing cases, and, thus, remains in partial compliance with this section of the Agreement. We are encouraged, however, by the work that SCPD had done, and are hopeful that the Department will be able to obtain substantial compliance with this section of the Agreement during the next rating period if it continues on the same trajectory.

The Department has improved its recruitment of investigators, and the position has now become viewed as a stepping-stone for advancement within the Department. *See* Agreement ¶ VI(b)(ii) at 11. Indeed, since our last visit, SCPD promoted six of its IAB investigators to other positions within the Department. The Department has also invested in the professional development of its investigators by sending them to trainings, such as a forensic science training and an internal investigations course. By investing in the IAB in this manner, the Department will continue to attract qualified candidates to the IAB and ensure a higher quality of investigations.

As we noted in the Fifth Assessment Report, the Department has improved the quality of its discriminatory policing investigations. Indeed, SCPD has instituted processes and methods to ensure that complaints do not lag indefinitely without a final disposition. Complaints are



assigned a unique identifier, and the Department now averages 48 to 72 hours referral time of complaints to IAB. *See* SCPD, 2016 Annual Report on Biased Policing Complaints at 3. We do note that the Department should aim to reduce the average to 48 hours, as required by the Agreement. *See* Agreement VI(b)(i) at 11. The IAB uses a computer program, Blue Team, to receive automatic notifications when a case has reached 120 days, allowing supervisors to intervene if needed. The IAB notifies complainants by letter after 180 days if the investigation is ongoing. The Department also tracks its biased policing investigations, analyzes trends, and publishes its conclusions in an annual report. These are all positive developments and we commend SCPD for these efforts.

Nonetheless, SCPD has not yet reached substantial compliance with the Agreement because of undue delays in the timely adjudication of its investigations. The IAB has continued to work on clearing its backlog of unresolved cases and to investigate new cases in a timely manner. But our review of SCPD's biased-policing investigations that the Department completed during this assessment period showed that investigations still suffer from unnecessary delays at different stages of the investigation process. Of the 14 cases that we reviewed, only one took less than six months to resolve. The complaints from 2015 had taken an average of two years to complete; those from 2016 took an average of 11 months to complete. *See* SCPD Completed IA Investigations Since April 2017 (on file with DOJ). Such delays can be frustrating to complainants who are seeking accountability, and to the subject officers who do not want the shadow of an IAB investigation looming over them.

Specifically, we found that delays often occurred in the time taken to interview the subject officers or witnesses, or between the final investigator's memo and the captain's final review. In several cases, the investigators did not interview or obtain an internal memo from the subject officer(s) for months after the alleged incident; in some cases, more than a year. The same pattern was evident with regard to witness interviews. We would recommend that investigators interview all involved parties as soon as reasonably possible, both to ensure the most accurate statements possible and to shorten undue delays. With regard to the delay in the supervisory reviews of the investigations, the Department suggested they we caused, at least in part, to the continued work on the backlog and the change in supervisory personnel. In light of the progressively smaller backlog, and the addition of a captain at IAB, we are hopeful that the IAB unit can address these delays in the coming assessment period.

In addition, there are several other more detailed concerns that we are hopeful SCPD can address in the coming months. First, SCPD should reemphasize that all allegations require a finding at the conclusion of an investigation. One of the biased-policing investigations we reviewed during this assessment period appeared not to make a finding on the allegation of biased policing. To be clear, the investigation itself was thorough; the investigator collected relevant evidence, and conducted the necessary interviews. However, the final report did not contain a finding for the allegation of biased policing, which inhibits SCPD's ability to review aggregate complaint information to identify trends.

Further, in a past compliance report, SCPD had represented that it would coalesce its revised IAB Command General Orders into a unit manual by the end of this reporting period. *See* SCPD Compliance Report (March 2017) at 8. During our visit, command staff informed us that the Department no longer planned to create the manual. We encouraged the Department not to abandon its plan to assemble all IAB policies as an IAB manual, as it would be beneficial for all members of the unit, and we suggested that the Department simply collect and publish all

IAB policies as an integrated document in order to minimize confusion. The Department committed to providing its IAB internal orders for our review, including those it uses from Lexipol (a provider of state-specific policies for law enforcement). The Department provided its current IAB policies, but, as of the writing of this report, we were still awaiting those from Lexipol. The policies that the Department did submit were basic IAB policies that provide sufficient guidance for investigators; however, we hope that supplementing the IAB policies with Lexipol policies will provide a more robust foundation for IAB investigators.

As noted above, we are optimistic that the SCPD is nearing substantial compliance in this area of the Agreement. Addressing the delays in resolving investigations will help make significant progress. The completed compilation of IAB policies will ensure that the unit is equipped to provide its investigators the necessary guidance. Accordingly, we will continue to monitor these efforts, and look forward to the IAB’s 2017 annual report during the coming assessment period.

E. COMMUNITY ENGAGEMENT

VII. COMMUNITY ENGAGEMENT	Partial Compliance
a. Maintaining Community Relationships	Partial Compliance
b. Community Liaison Officers	Substantial Compliance
c. Community Oriented Policing Enforcement (“COPE”)	Substantial Compliance
d. Community Response Bureau	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social Media and Notification Systems	Substantial Compliance

SCPD has developed a robust approach to community engagement since entry of the Settlement Agreement in 2014. It has created new positions, both in headquarters and in each precinct, to encourage and coordinate interaction and communication between the department and the community. It holds regular meetings at the precinct level and countywide, and is beginning to incorporate patrol officers into its engagement efforts.

Over this past reporting period, SCPD, in particular its Community Liaison Officers (CLO), Community Oriented Policing Enforcement (COPE) officers, and the command staff in its Community Response Bureau (CRB), continued to devote substantial time and energy toward community engagement. We continue to be impressed with the work of Police Commissioner Sini, Sergeant Kathleen Kenneally, and Deputy Inspector Richard O’Carroll, newly appointed to head the CRB. Commissioner Sini’s personal involvement has communicated a commitment to community engagement.

We also once again repeat our recommendation that SCPD make efforts to be more proactive, analytical, and strategic in seeking to engage with less traditional partners and the more underserved parts of the Suffolk County community. SCPD also should enhance its efforts to address current questions and concerns of the community through outreach and distribution of informational materials.

#### 1. Maintaining Community Relationships and Community Outreach

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

We continue to be impressed with the array of activities that the CLO and COPE officers plan and execute. SCPD has maintained the compliance ratings it had achieved in the past reporting period, including substantial compliance in the areas of the Agreement directly relating to the responsibilities of the CLO and COPE officers.

Commissioner Sini's quarterly meetings with Latino advocates have been more successful than in the past. However, both SCPD officials and community advocates describe the meetings as unsatisfying. Advocates still feel that many of their questions go unanswered and that SCPD officials do not address their concerns. SCPD officials expressed that advocates attending the meeting made it difficult to have a dialogue. We recommend that the meetings be restructured, and perhaps held at a different time of day and location, to encourage additional participation and better communication.

In addition to officers specifically assigned to community outreach work, patrol officers should be involved in their precincts' community outreach events. Patrol officers appear to be attending community outreach events organized by the CLO and COPE officers in their precincts more often, including attending their precinct's monthly community meetings. We also learned that new recruits are taught that engaging with the community is a central part of their duties, largely due to the training on community-oriented policing they are receiving at the Police Academy, an important means of incorporating community policing into the culture of the Department. However, more still needs to be done to help every officer understand that improved community relations is an integral part of their duties and that such work occurs every day, and not simply at organized events.

To come into substantial compliance with the community engagement requirements of the Agreement, we recommend that SCPD focus on the following: (1) effective implementation and use at the CRB level and the precinct level of the computer systems for tracking and analysis of community outreach events, and (2) creation and dissemination of written informational materials for the public.

With respect to the first point, we recognize that the CRB has been working to refine the computer systems it uses for keeping track of community outreach events attended by officers and SCPD leadership. However, this project has been going on for some time and we expected that the system would be fully developed by now. Until it is, SCPD cannot demonstrate that its

officers are accurately and regularly conducting and recording their community outreach work, or that community contacts and supervisors at all levels possess sufficient information to measure and analyze the effectiveness of community outreach, which in turn impacts SCPD's ability to appropriately share information across precincts, to identify potential gaps in their community outreach, and to strategize about how to improve the effectiveness and breadth of community outreach. Relatedly, we reiterate our previous recommendation that the CRB and the precincts work together to identify and develop an effective means of consistently maintaining and sharing their calendars of community outreach events. The computer program designed to build a database of community contacts that can be shared within SCPD has been developed, but there needs to be a training bulletin written and disseminated explaining how to use the database.

We also note that the Agreement requires that SCPD “engage the public through the dissemination of public information on a regular basis.” Agreement ¶ VII(a) at 12-13. Although this requirement falls under the Agreement's community engagement provisions, it need not be the exclusive responsibility of the CRB, or the CLO and COPE officers, to bring the Department into compliance with this requirement and the community engagement provisions generally. The public information to be disseminated could include information about SCPD policies and procedures that relate to functions of the SCPD other than the CRB—for example, the policies and processes relating to how members of the public may submit complaints about officer misconduct. In meetings with the Latino Community Outreach Committee, for example, Commissioner Sini has committed to creating informational materials regarding the use of advocates as well as a timeline for reporting incidents to Internal Affairs that would be posted on our website in both English and Spanish.<sup>3</sup>

In this way, the IAB and other components must play a central role in helping the CRB ensure the provision of informational materials. Moreover, creating and disseminating informational materials to the public will not only help to bring SCPD into compliance with the Agreement, but also should foster greater trust and transparency between the community and SCPD. We also recommend that SCPD assign responsibility within the Department for identifying other types of informational materials that would be useful to the public, for facilitating the creation of those materials in coordination with the relevant SCPD component, and for determining how SCPD will disseminate these materials to the public. In light of the significant impact this will have on community engagement, the CRB may be the most appropriate component for this responsibility.

We note that our conversations with community members reveal a persistent mistrust of SCPD. As discussed above in the Language Access section of this Report, advocates have reported that treatment of LEP individuals calling SCPD was uneven. The advocates also reported an instance where an LEP mother brought in her eight-year old son whom she suspected was being sexually abused. According to the advocates, the mother and child were made to wait three hours to meet with a detective. Incidents like these undermine SCPD's efforts to improve community relations.

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<sup>3</sup> Minutes of February 2016 Quarterly Meeting of SCPD and Latino Community Outreach Committee (on file with DOJ).

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

As we noted above, SCPD has maintained a rating of substantial compliance with the provisions of the Agreement relating to the responsibilities of the CLO and COPE officers. SCPD's efforts have improved during this rating period. SCPD has assigned a new CLO to the Fifth Precinct who was born in El Salvador and is Spanish speaking. As a result, four of the seven precincts have a CLO or COPE Officer who speaks Spanish, and we continue to be impressed with the dedication and expertise of the individual officers in these roles. This is a positive development that will not only help restore trust between SCPD and the communities it serves, but will also better enable SCPD to prevent and fight crime by broadening its partnerships and expanding the range of individuals coordinating to protect public safety.

For SCPD to “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” in “all of its policing operations[.]” see Agreement at ¶ VII(a), *all* officers and command staff will need to be involved, and not only the CLO and COPE officers assigned to conduct community outreach. We encourage SCPD to think creatively and strategically about how to achieve these goals and demonstrate the adoption of such a philosophy. This may involve strategies and actions outside of the traditional community outreach events organized by the CLO and COPE officers. We encourage SCPD leadership to think about community policing more broadly than community outreach events; for example, the Department's community policing could include building relationships between the Department and other local governmental agencies, service providers, and community advocacy organizations.

Finally, to achieve substantial compliance with the provisions of the Agreement relating to Community Outreach, and to maximize the impact of SCPD's community engagement efforts, we urge SCPD to finally develop and implement a community survey, as required by the Agreement. We have repeatedly urged SCPD to make the survey a priority, as it is an important means of measuring the effectiveness and impact of its community outreach and engagement. This project has been underway for a substantial time, and needs to be completed as soon as possible.

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

F. POLICIES AND TRAINING GENERALLY

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

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