



**SUFFOLK COUNTY
POLICE
DEPARTMENT**

2018

Annual Report on Biased Policing
Complaints



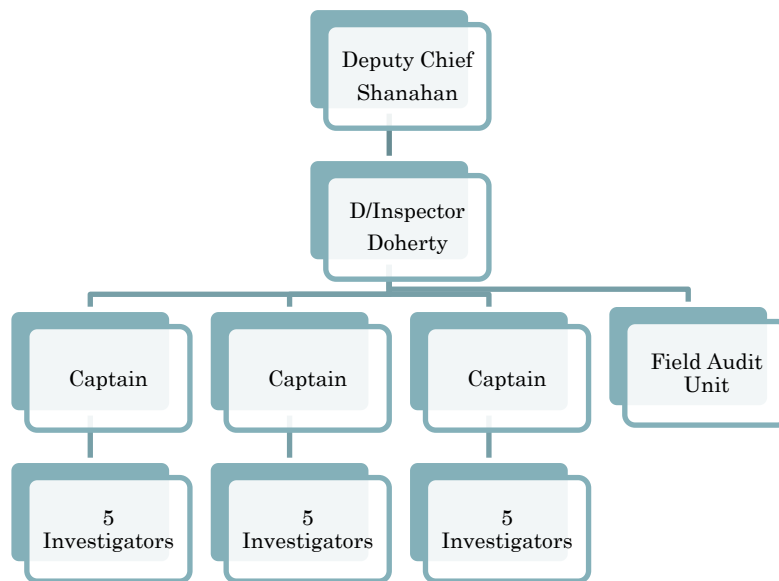
INTERNAL AFFAIRS BUREAU

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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 a responsibility to accept complaints and route

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

them appropriately². Language assistance services are provided to all those in need and are 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 reviews the findings and determines what discipline, if any, is appropriate. Complainants are then notified by mail of the findings and the disposition of their complaint.

2018 Complaints

The Department received 221 complaints in 2018, containing an aggregate of 519 separate allegations of misconduct. (Chart 2018-1) According to policy, the Internal Affairs Bureau retained 102 cases for investigation, and delegated 119 to subordinate commands.⁵ Of the 102 cases investigated by Internal Affairs, 47 have been completed. ⁶ The disposition of the allegations contained in these cases is displayed in Chart 2018-2. The average case completion time was 152 days, and the median was 142 days. The quickest completion was 23 days and the longest 358.

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)

Chart 2018-1

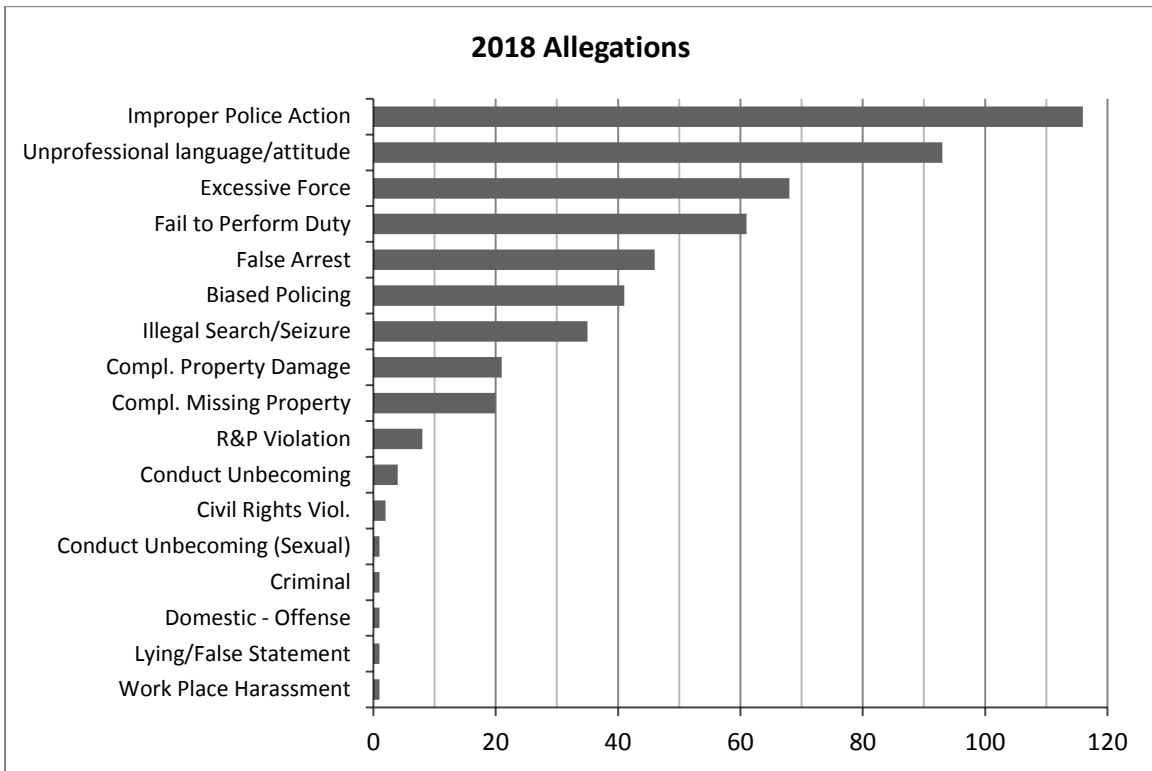
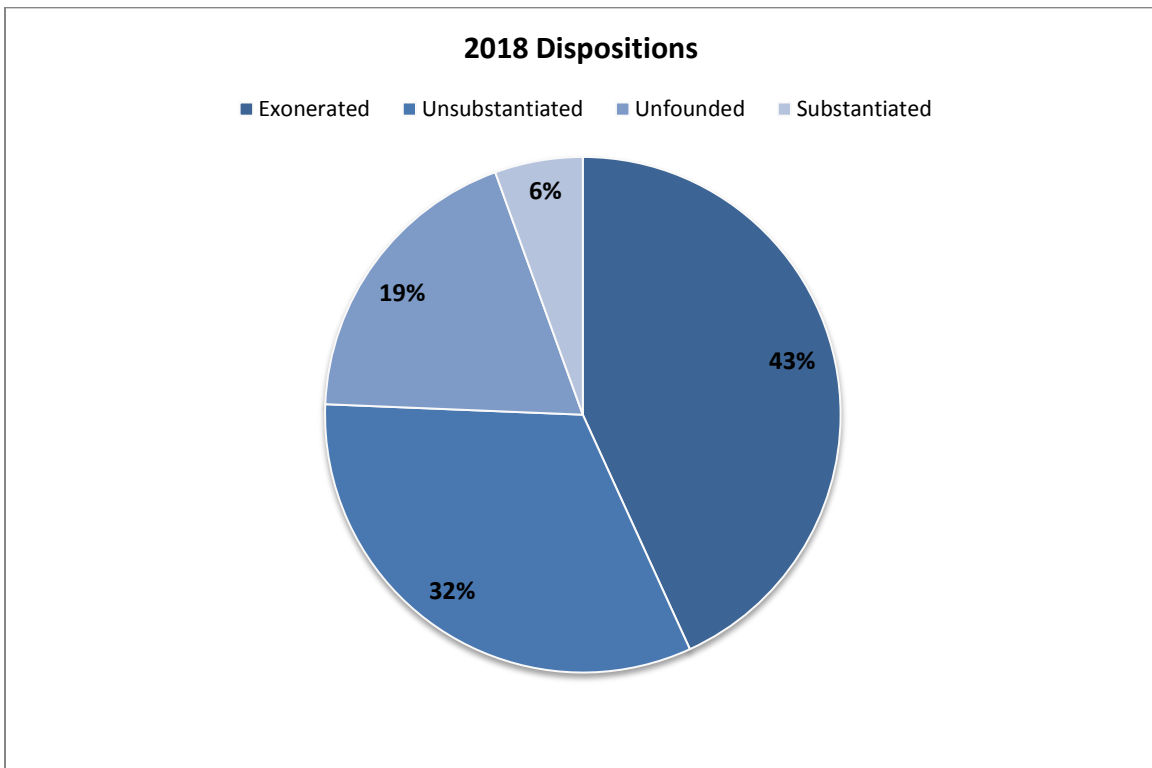


Chart 2018-2



Biased Policing

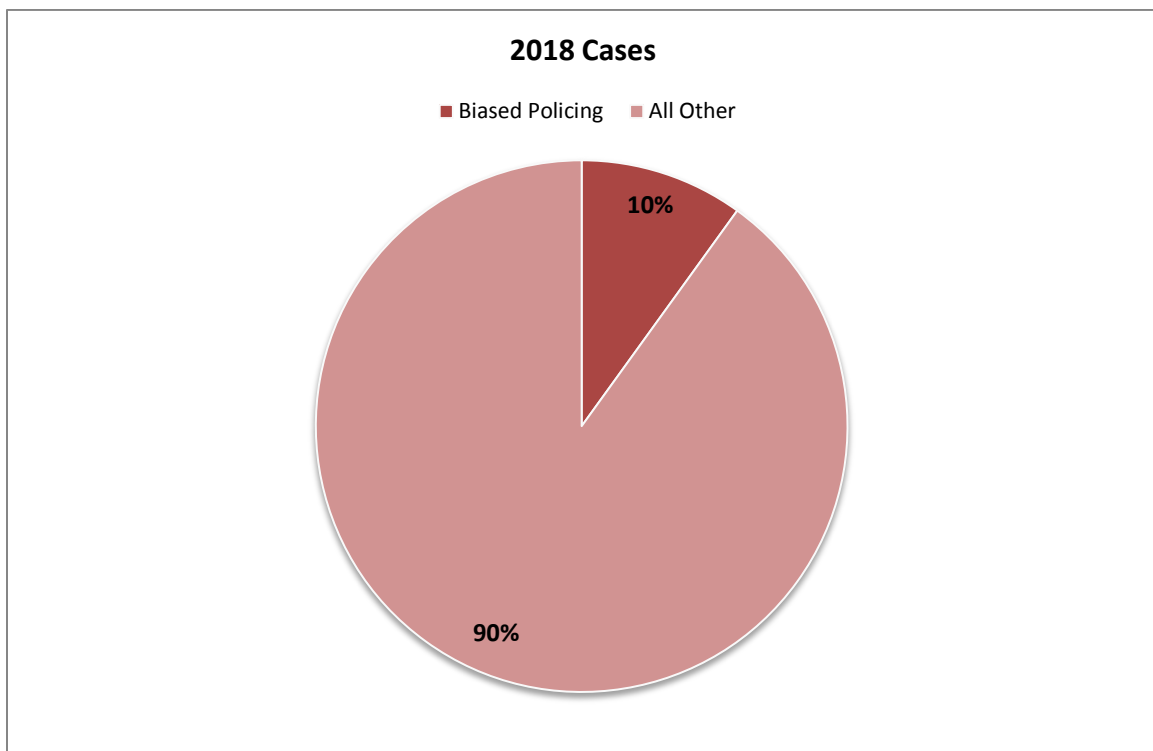
The Department prohibits all of its members from engaging in Biased Policing, which is defined by policy as the:

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 221 cases opened in 2018, 22 cases contained 41 allegations of Biased Policing. (Chart 2018-3)

The Department analyzes Biased Policing allegations by reviewing the facts of each complaint, the demographics of the involved parties, 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 five years of data has been compiled thus far, biased policing remains a very small subset of complaints overall.

Chart 2018-3



⁷ Rules and Procedures Chapter 1, §11

Case Review

Case #1

An African-American male alleged that he was pulled over because he and his passenger are Black. The complainant also alleged that the officer spoke to him in a rude manner and used profanity.

| | | |
|---------------------|-------------------------------|---------------|
| Involved Officer(s) | Caucasian male, Hispanic male | |
| Command | 6 th Precinct | |
| Allegations | Biased Policing | Unfounded |
| | Unprofessional language | Substantiated |

Case #2

Three males alleged that they were subjected to excessive force and racial slurs.

| | |
|---------------------|------------------------------------|
| Involved Officer(s) | Caucasian males |
| Command | 3 rd Precinct |
| Allegations: | Biased Policing Excessive Force |

Case #3

An African-American male alleged that the police allowed his former tenant to damage his property because he was Black.

| | | |
|---------------------|--------------------------|------------|
| Involved Officer(s) | Caucasian males | |
| Command | 6 th Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Improper Police Action | Exonerated |

Case #4

A local advocacy group alleged denial of language assistance at several facilities throughout the Police District.

| | |
|---------------------|---|
| Involved Officer(s) | Numerous |
| Command | Numerous |
| Allegations: | Biased Policing Fail to perform duty Unprofessional Language/Attitude |

Case #5

An African-American male alleged that he was pulled over, spoken to in a derogatory manner and subjected to racial epithets.

| | | |
|---------------------|----------------------------------|-----------|
| Involved Officer(s) | Caucasian male | |
| Command | 6 th Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Unprofessional Language/Attitude | Unfounded |

Case #6

An African American male alleged via Notice of Claim that he was falsely arrested and subjected to excessive force because of his race.

| | | |
|---------------------|--------------------------|------------|
| Involved Officer(s) | Caucasian males | |
| Command | 2 nd Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Excessive Force | Unfounded |
| | False Arrest | Exonerated |

Case #7

A Latino male alleged he was pulled over and issued tickets because of his ethnicity.

| | | |
|---------------------|--------------------------|-----------------|
| Involved Officer(s) | Caucasian male | |
| Command | 3 rd Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Improper Police Action | Unsubstantiated |

Case #8

An African-American male alleged that he was pulled over because his passenger was Black.

| | | |
|---------------------|--------------------------|------------|
| Involved Officer(s) | Caucasian male | |
| Command | 5 th Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Improper Police Action | Exonerated |

Case #14

An Hispanic female alleged that she and her husband were subjected to discriminatory treatment due to their ethnicity

| | |
|---------------------|--|
| Involved Officer(s) | Caucasian males |
| Command | Highway Patrol |
| Allegations: | Biased Policing Excessive force Improper Police Action |

Case #15

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

| | |
|---------------------|---|
| Involved Officer(s) | Caucasian males |
| Command | 2 nd Precinct |
| Allegations: | Biased Policing Illegal Search/Seizure Rule & Procedures Violations |

Case #16

An African-American male alleged that he was arrested and subjected to discriminatory remarks because of his race.

| | |
|---------------------|--|
| Involved Officer(s) | Caucasian males |
| Command | 3 rd Precinct |
| Allegations: | Biased Policing Unprofessional Language/Attitude Excessive force |

Case #17

An Hispanic female alleged that she treated poorly because of her ethnicity when she questioned the accuracy of her motor vehicle accident report.

| | |
|---------------------|---|
| Involved Officer(s) | Caucasian males |
| Command | 1 st Precinct |
| Allegations: | Biased Policing Unprofessional Language/Attitude Fail to Perform Duty |

Case #18

An Indian male alleged that he was falsely accused of being in a motor vehicle accident because of his ethnicity.

| | | |
|---------------------|----------------------------------|-----------|
| Involved Officer(s) | Caucasian male | |
| Command | 5 th Precinct | |
| Allegations: | Biased Policing | Unfounded |
| | Unprofessional Language/Attitude | Unfounded |

Case #19

An African-American male alleged that he was pulled over because of his race

| | | |
|---------------------|--------------------------|--|
| Involved Officer(s) | Caucasian male | |
| Command | 3 rd Precinct | |
| Allegations: | Biased Policing | |
| | Improper Police Action | |

Case #20

A Caucasian male alleged that officer's refused to believe him because of his disability.

| | | |
|---------------------|--------------------------|--|
| Involved Officer(s) | Caucasian males | |
| Command | 4 th Precinct | |
| Allegations: | Biased Policing | |
| | False Arrest | |

Case #21

An African-American female alleged that she was pulled over because of her race.

| | | |
|---------------------|--------------------------|--|
| Involved Officer(s) | Caucasian male | |
| Command | 7 th Precinct | |
| Allegations: | Biased Policing | |
| | Improper Police Action | |

Case #22

An African-American male alleged that he was subjected to an illegal search and arrested because of his race..

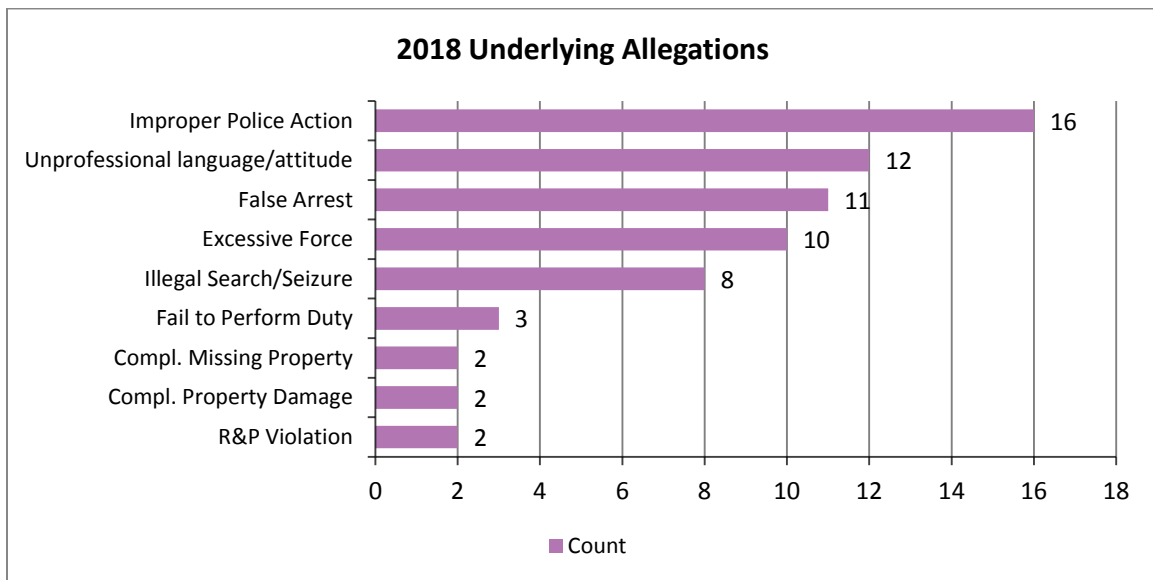
| | | |
|---------------------|--------------------------|--|
| Involved Officer(s) | Caucasian males | |
| Command | 3 rd Precinct | |
| Allegations: | Biased Policing | |
| | Illegal Search/Seizure | |
| | Excessive force | |
| | False Arrest | |
| | Missing Property | |

Analysis

Twenty-two separate cases of biased policing were opened in 2018, containing 66 allegations of underlying misconduct. Ten cases were closed, all of which resulted in a finding that the allegation of Biased Policing was Unfounded. One of the ten closed cases contained a Substantiated allegation which led to a disciplinary charge for Unprofessional Language/Attitude. Twelve of the 22 cases remain under investigation.

The most prevalent underlying allegation for 2018 was Improper Police Action, mirroring the aggregate breakdown (page 5, Chart 2018-1, page 5).

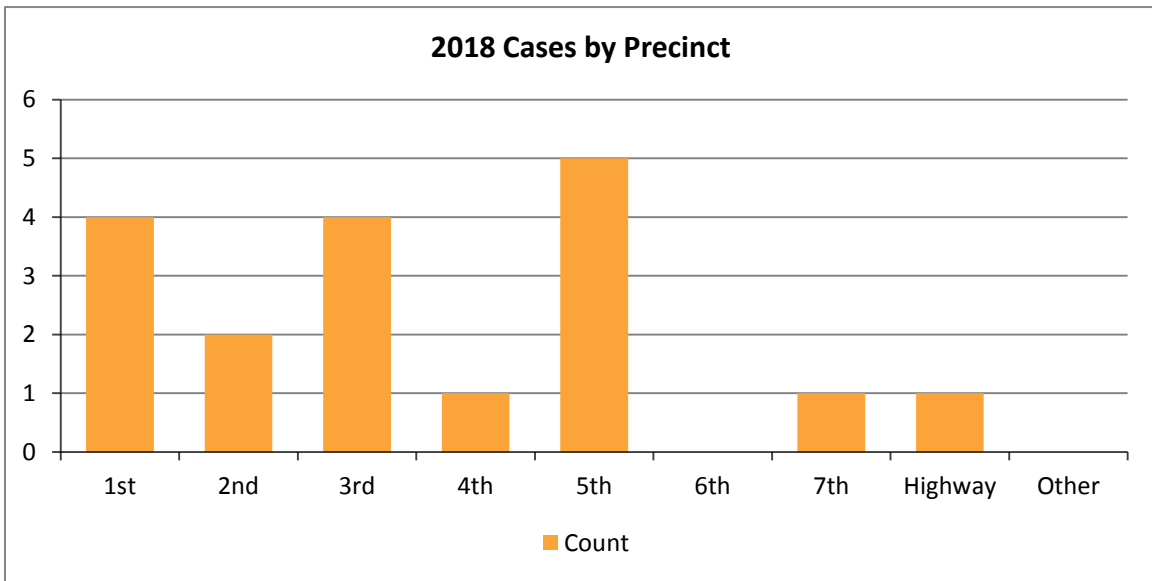
Chart 2018-4



Improper Police Action covers a broad spectrum of alleged misconduct. When a complainant alleges facts which do not fit a more specifically defined category, the allegation of Improper Police Action is used. If the ensuing investigation finds that the target officer violated a rule, the allegation is substantiated and the officer is then charged with the rule violation. It is accurate therefore to conclude that an allegation of Improper Police Action is some misconduct other than that specifically enumerated in other allegation categories. The second most prevalent allegation in biased policing cases was Unprofessional Language/Attitude, again, mirroring the aggregate breakdown.

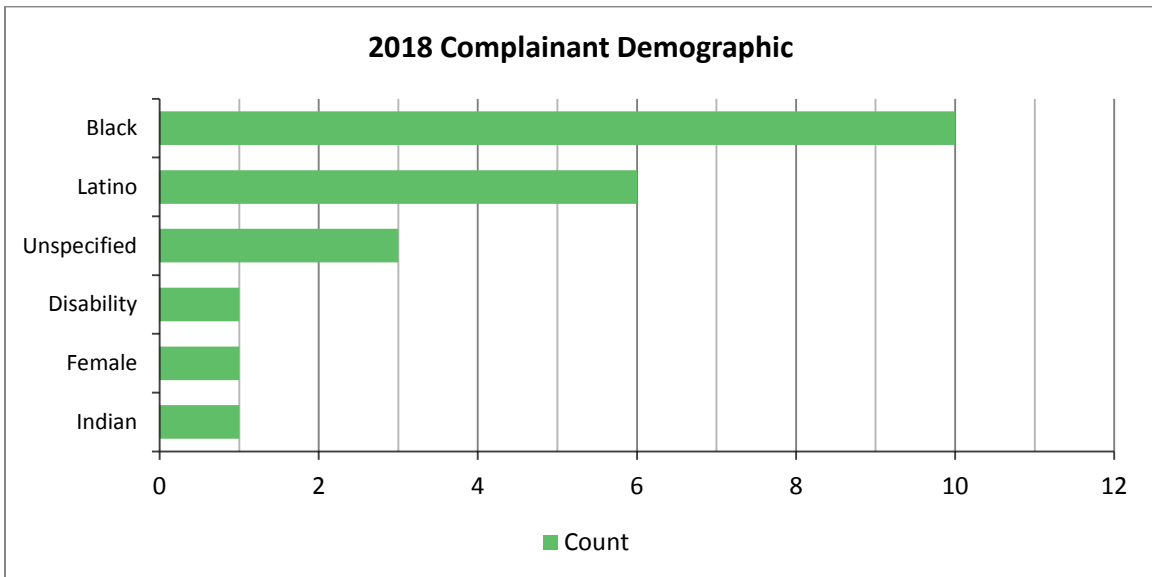
Of the 22 cases opened in 2018, just less than half were concentrated in the Third and Sixth Precincts. One of the cases (#4 above) was not geographically bound.

Chart 2018-5



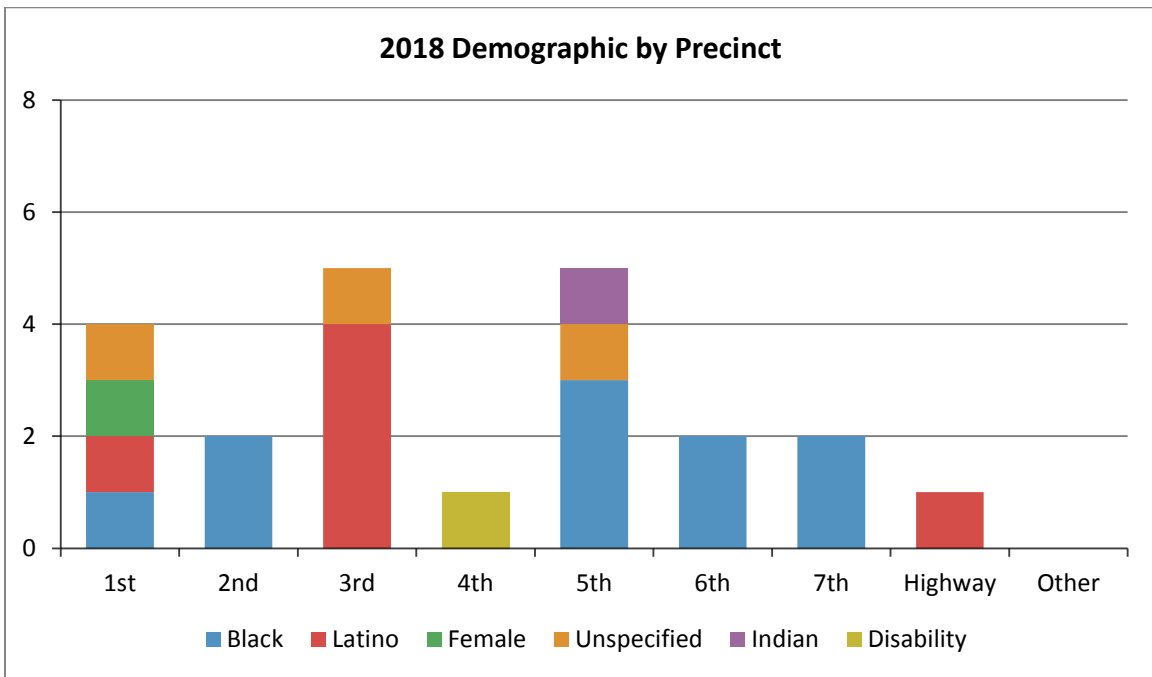
A total of 22 individual complainants represented 6 separate demographics. African-Americans represented more than half of all complainants in 2018.

Chart 2018-6



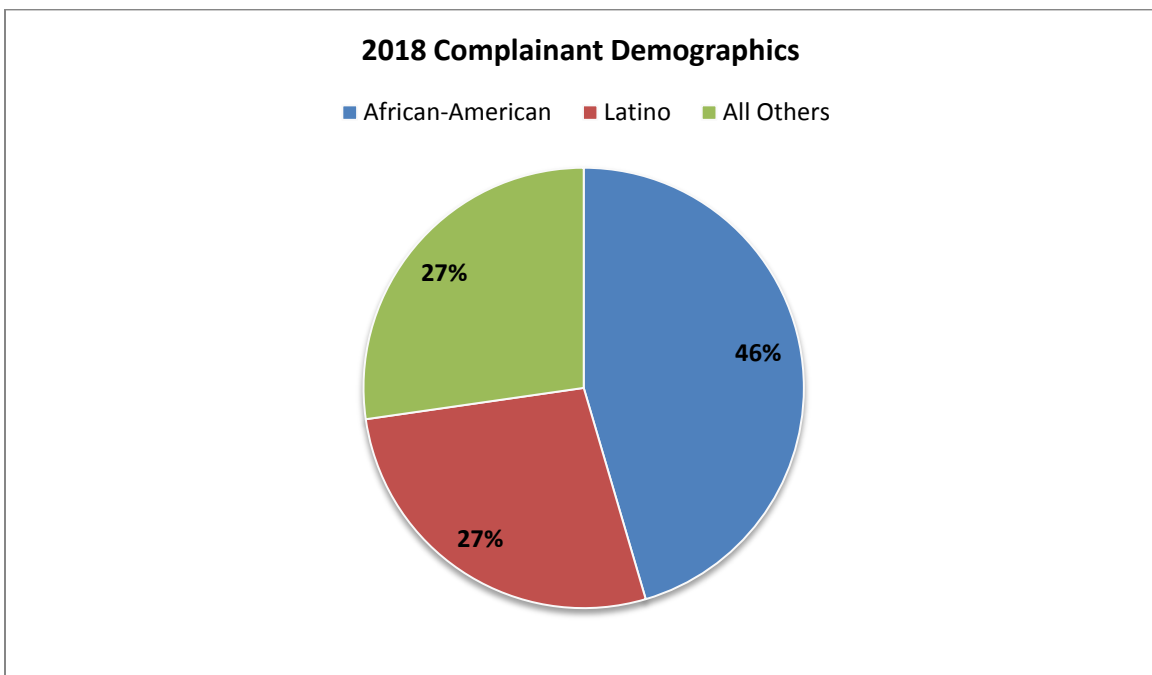
African-Americans also made up the totality of complainants in the 6th, 2nd and 7th Precincts.

Chart 2018-7



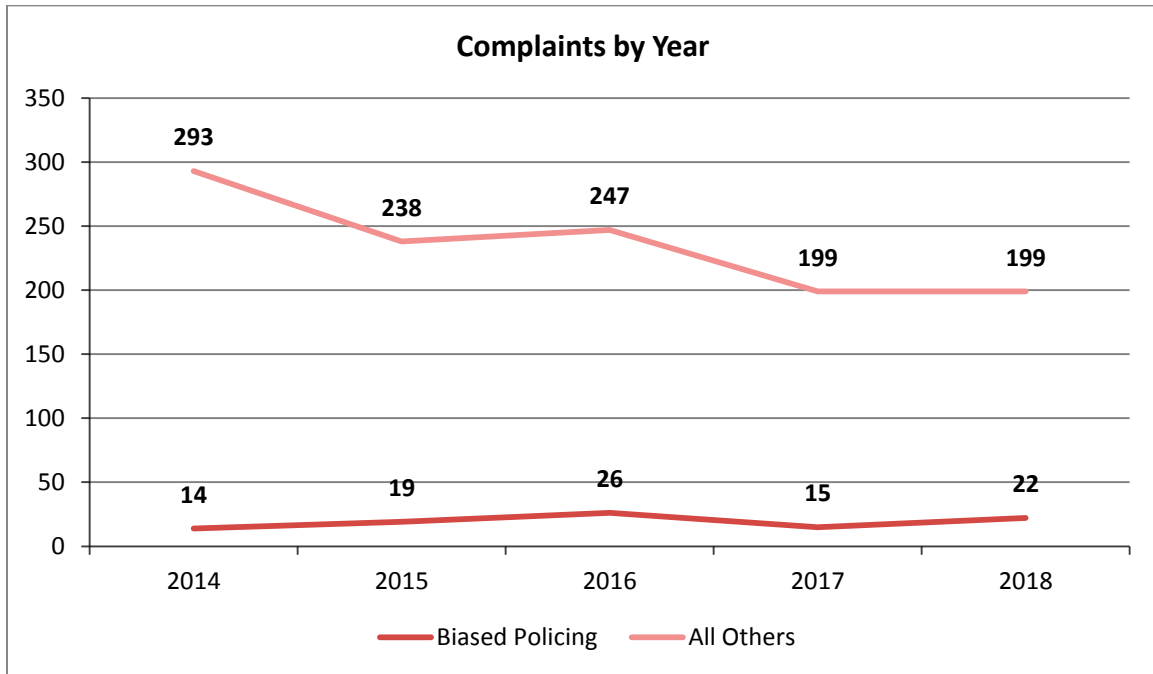
While complainant demographics have varied significantly over time, African-Americans made up a solid majority again in 2018.

Chart 2017-8



The aggregate number of biased policing complaints has varied significantly over time, but when compared to total complaints, has remained extremely low since tracking began in 2014.

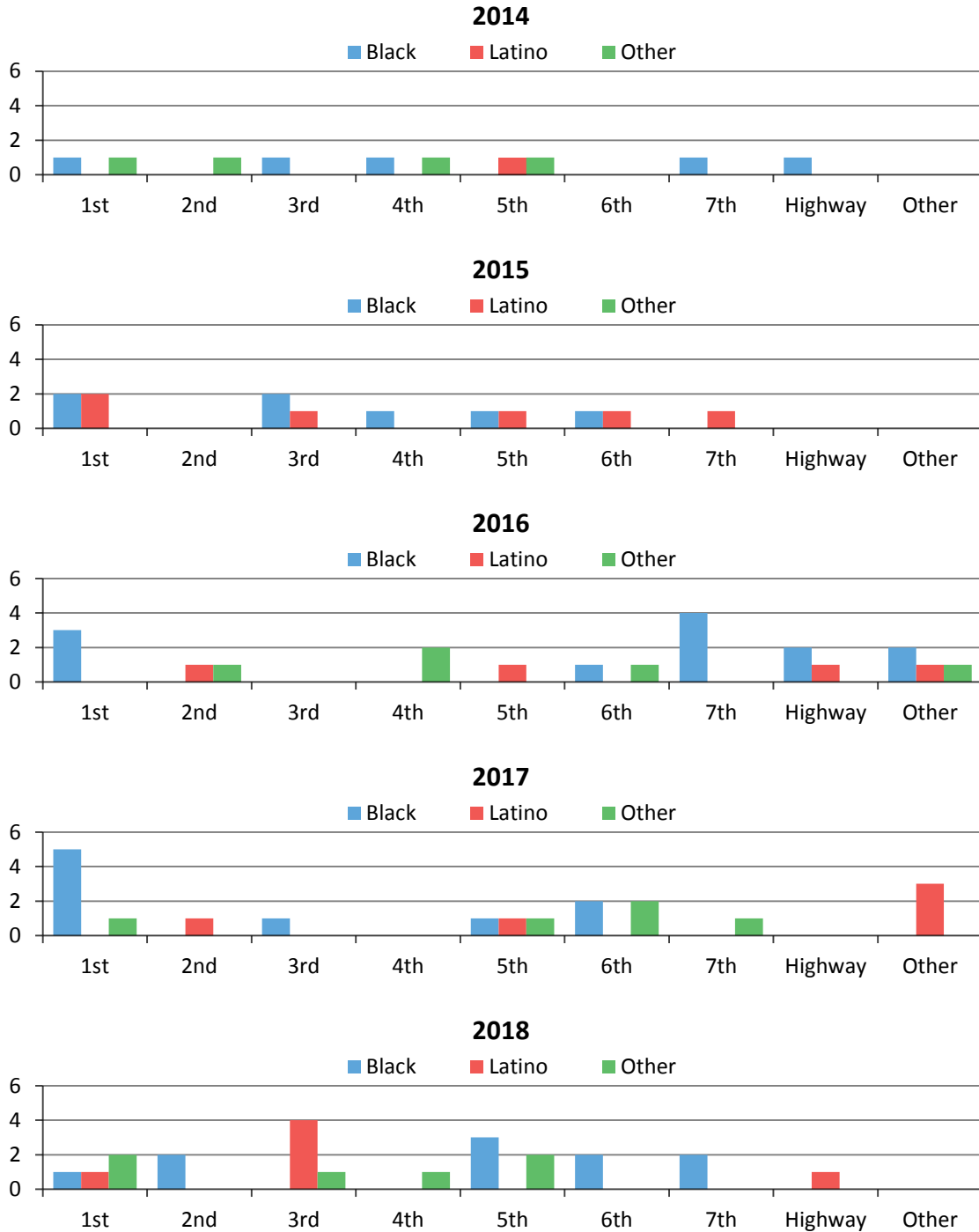
Chart 2019-9



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 2018-10

Complainant Demographics over Time



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.

