

COMPLIANCE REPORT

February 15, 2016

Assessing Implementation of the 2014 Settlement Agreement between the United States and the Suffolk County Police Department



TABLE OF CONTENTS

	<u>PAGE</u>
Introduction	3
Monitoring the Agreement	4
Bias Free Policing	5
Hate Crimes and Hate Incidents	14
Language Assistance	16
Allegations of Misconduct	26
Community Engagement	31
Policies and Training in General	41
Monitoring the Agreement	47
Index of attachments	48

INTRODUCTION

This Report marks the two-year anniversary of the Settlement Agreement between the Suffolk County Police Department (Department) and the United States Department of Justice (United States). It summarizes the Department's major accomplishments of 2015 and maps its plans for 2016 and beyond. The Department is proud of the advances it has made in the implementation of the Agreement over the past two years, and looks forward to continued successful collaboration with the United States in the future.

Among the more significant achievements of 2015 was the Department's commitment of resources to the Internal Affairs Bureau. Although not required by the Agreement, the Department increased the number of investigators and bolstered the rank structure of the command staff in order to increase the efficiency and timeliness of investigations. A Deputy Chief and Inspector now command three teams of six investigators, which are each led by a Captain. The Department is confident that this will streamline investigations, allow for greater scrutiny into allegations of police misconduct and enhance public trust in officer accountability.

2015 also brought final approval of the Department's Language Access Policy and Plan, which ensures that the best possible interpretation and translation services are available to those individuals whose proficiency in English is limited. Rigorous certification of interpreters, strict tracking of language services and an ongoing commitment to hiring bilingual applicants are a small sampling of the Department's sweeping efforts to remove language barriers and make police services available to all.

Community engagement efforts in 2015 continued to enjoy widespread success. The Community Liaison Officer Program achieved record participation in community meetings, presentations and events. Implementation of a district-wide exchange of community relations information now allow for a more coordinated and efficient delivery of services. New programs, such as a summer soccer league in Patchogue, and continually successful programs such as neighborhood cooking classes, PAL fishing trips and *Vamos a Hablar* represent the Department's commitment to meaningful, responsive and innovative community engagement.

Training in Language Assistance, Bias Free Policing and Hate Crimes also began in the Fall of 2015. To date, the Department has successfully trained approximately 900 members in Language Assistance and Hate Crimes, and is on track to reach every member by May of 2016. Although the Department has experienced some difficulty in arriving at an acceptable curriculum for its Bias Free Policing training, it looks forward to participating in an Office of Justice Programs course in the Spring of 2016 to train its instructors on how to deliver this subject matter. The Department is confident that it will meet its training goals in 2016 and lay the groundwork for future success in instructing these important subjects.

The Department looks forward to ongoing success in implementing the terms of the Agreement, and offers this report for review and feedback.

MONITORING THE AGREEMENT

IX. Monitoring of the Agreement
<p data-bbox="298 411 604 443">c. Compliance Reporting</p> <p data-bbox="298 474 1094 506">i. SCPD will collect and maintain all data and records necessary to</p> <ol data-bbox="298 506 1208 600" style="list-style-type: none"> <li data-bbox="298 506 1179 537">1. document implementation of and compliance with this Agreement; and <li data-bbox="298 537 1208 600">2. perform ongoing quality assurance in each of the areas addressed by this Agreement. <p data-bbox="298 600 1256 758">ii. Six months from the Effective Date, and every six months thereafter until this Agreement is terminated, the County will provide to the United States a self-assessment Compliance Report indicating whether the County has reached one of three levels of compliance with this Agreement: Substantial Compliance, Partial Compliance, or Non-Compliance.</p> <ol data-bbox="298 758 1292 978" style="list-style-type: none"> <li data-bbox="298 758 1240 821">1. "Substantial Compliance" indicates that the County has achieved compliance with most or all components of the relevant provisions of the Agreement. <li data-bbox="298 821 1292 915">2. "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. <li data-bbox="298 915 1219 978">3. "Non-Compliance" indicates that the County has not met most or all of the components of the Agreement. <p data-bbox="298 978 1057 1010">iii. In addition to the above, the Compliance Report will include:</p> <ol data-bbox="298 1010 1284 1335" style="list-style-type: none"> <li data-bbox="298 1010 1208 1073">1. the steps SCPD and the County have taken during the reporting period to implement this Agreement; <li data-bbox="298 1073 959 1104">2. plans to correct any problems or lack of compliance; <li data-bbox="298 1104 1268 1167">3. a response to any concerns raised by the United States regarding the County's previous Compliance Report; <li data-bbox="298 1167 1279 1199">4. a projection of the work to be completed during the upcoming reporting period; <li data-bbox="298 1199 1187 1262">5. any anticipated challenges or concerns related to implementation of the Agreement; and <li data-bbox="298 1262 1247 1335">6. a summary of documents relied on for statistical purposes or general data as the basis for self-assessment. <p data-bbox="298 1335 1273 1430">iv. The Compliance Report may exclude assessments of the sections of the Agreement for which the United States has already determined the County to be in substantial compliance.</p>

This Report issues pursuant to Section (IX)(c)(ii) of the Agreement, and is the fourth Compliance Report that the Department has submitted. The Department has taken significant steps during the past year to implement all provisions of the Agreement and to ensure the adoption and continued utilization of best practices in policing. Each Section of the Agreement is presented below and details measures taken by the Department in order to comply with the requirements of the Agreement. In cases where future action is required, planned measures are detailed as well. All responses presume knowledge of the comments offered by the United States in their Assessment Report of December 2015. All pertinent supporting documentation is attached.

BIAS FREE POLICING

<p>III. Bias Free Policing</p> <p>a. SCPD will continue to deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, SCPD will ensure that members of the public receive equal protection of the law, without bias based upon 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.</p>

As the United States recognizes in its Assessment, the Department has amended existed policies and designed new policies in order to implement this provision. That implementation is described in great detail in Sections below. To the extent that this Section of the Agreement encompasses the entirety of the Department's obligation pertaining to Bias Free Policing, the Department agrees that Partial Compliance has thus far been achieved.

COMPLIANCE LEVEL

The Department concurs with the United States' Assessment that a level of **Partial Compliance** for this Section is appropriate.

<p>III. Bias Free Policing</p> <p>b. Policies and procedures</p> <p>i. SCPD will maintain implementation of a comprehensive policy prohibiting discrimination, including the denial of services, on the basis of race, color, ethnicity, national origin, religion, or sexual orientation in SCPD police practices.</p>

The Department issued Rules & Procedure Chapter 1, §11 on November 2, 2015. The recent suggestion offered by the United States regarding use of the word "shall" instead of "should" will be incorporated into the policy. (Attachment #1) Chapter 1, §11 will also be incorporated into the Department's Bias Free Policing training program as described below in Section III (d).

The Department acknowledges the concerns voiced by the United States regarding training and the Traffic Stop Data Collection Program, and addresses each of these concerns below under the sections specifically devoted to those topics.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment that a level of **Partial Compliance** for this Section is appropriate in that implementation of the approved policy is ongoing.

<p>III. Bias Free Policing</p>

<p>b. Policies and procedures.</p>

<p>ii. SCPD's policy on bias-free policing will prohibit officers from using race, color, ethnicity, national origin, religion, or sexual orientation in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or persons.</p>

As noted above, Rules & Procedures Chapter 1, §11 has been implemented and will be revised according to the United States' recent suggestion.

COMPLIANCE LEVEL

The Department agrees with the United States' assessment that the issuance of R&P Chapter 1, §11 constitutes **Substantial Compliance** with this Section.

<p>III. Bias Free Policing</p>

<p>b.</p>

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

As the United States notes, Rules & Procedures Chapter 5, §2 was issued to incorporate the requirements of this section into policy. The Department now seeks to ensure 100% compliance with this procedure. To that end, the Department has maintained a computerized notification system (Blue Team), which transmits civilian complaints to IAB as soon as they are entered into the system. Procedures have been amended to clearly define the allegation of "discriminatory policing" and to ensure that supervisors who receive such complaints enter them into the Blue Team system immediately. IAB command staff reviews these complaints within the 48-hour window in almost every case. Similarly, completed cases have been transmitted to the United States within 5 business days in almost every case.

Regarding the referral clause of this section - As the United States has recognized in their Assessment, the following cases were all referred to IAB within 5 days of receipt:

14-565i 13-227i 14-309i 14-128i 14-155i

Case #12-499i was referred to IAB within 6 days, Case #14-582i was a Notice of Claim that was referred to IAB in 14 days, and Case #15-002i was opened following a number of email exchanges between a suspect's legal counsel and various entities within the Department that were necessary to clarify allegations of misconduct. Notwithstanding these three delays, the Department has complied with the 5-day referral window in the majority of cases since January of 2015.

Regarding the forwarding clause of this section – As the United States has recognized in their Assessment, the following cases were forwarded by the Department in the time indicated:

14-565i	-	4 days	13-227i	-	5 days
14-309i	-	1 day	14-128i	-	2 days
14-582i	-	2 days	14-155i	-	same day

Only case #12-499i , which was forwarded in 12 days, did not comply with the forwarding requirements. Notwithstanding this single delay, the Department has complied with the 5-day forwarding window since January of 2015.

The United States also raises concerns regarding IAB investigations in general, specifically, the time taken to conduct the investigation and the delay in completion of supervisory reviews. While the Department acknowledges the gravity of these concerns, and has taken remedial action to expedite the process, the conduct and content of IAB investigations are not matters material to this Section of the Agreement and will be addressed in a Section below.

The Department notes that in their Assessment of June 2015, the United States characterized the Department's compliance level regarding this Section as '**Substantial**' based upon prior amendments to R&P Chapter 5, §2. The Department concurred with that assessment and would now note that pursuant to Section X(a)(i) Substantial Compliance has once again been achieved, in that the material requirements of this Section have been enacted into an approved policy, the Department has trained its members on this policy, and the Department has successfully implemented this policy by referring all but two cases in the time required and forwarding all but one case in the time required.

COMPLIANCE LEVEL

The Department believes it has achieved "**Substantial Compliance**" regarding the referral and forwarding requirements of this section and recognizes its ongoing obligation to meet the deadlines provided. The Department also recognizes the need to adopt the recommendations offered by the United States regarding timeliness of investigations and supervisory review. The Department believes, however, that such concerns are relevant to its obligations under Section VI (b)(iv) of this Agreement, and not this Section.

III. Bias Free Policing

b.

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

The Department has committed to bringing disciplinary action against any member found guilty of discriminatory policing, and will refer such matters for criminal prosecution where appropriate. As

the United States has recognized, no officers have been found guilty of discriminatory policing during this reporting period.

As the United States notes, the Traffic Stop Data Collection Program provides one mechanism by which discriminatory policing may be detected. As the parties have discussed, problems with the data entry and retrieval system have been remedied, and supervisory oversight has been implemented as described in Rules & Procedures Chapter 13, §9.

Finally, the Department has recently adopted the United States' suggested format for documenting the progress of IAB investigations. The Department notes that while this method of documentation is in fact new, IAB investigators have been following routine investigative procedures in their performance of duty since before the inception of this Agreement.

COMPLIANCE LEVEL

The Department concurs with the Assessment of "**Partial Compliance**" with this Section and recognizes its ongoing obligation to take action should any member be found guilty of discriminatory policing.

<p>III. Bias Free Policing</p> <p>b</p> <p>v. SCPD will maintain and implement a policy that promotes bias-free policing and equal protection within its hiring, promotion, and performance assessment processes. Officers who have a history of engaging in biased policing practices will not be entitled to promotional opportunities, except as required by collective bargaining laws and Civil Service Laws, rules and regulations</p>
--

The Department recognizes the necessity in adopting the United States' suggested additions to Rules and Procedures Chapter 26, §1, (**Attachment #2**) and Command General Order 15-01 has been amended to include all protected classes, and to instruct investigators to make affirmative inquires. (**Attachment #3**)

In its Assessment the United States requests evidence that the Department is conducting the screening for bias required by this Section. The Department is amending the Applicant Investigation Questionnaire to include capture fields for this data.

COMPLIANCE LEVEL

The Department concurs in the United States' determination that **Partial Compliance** has been achieved pending review and approval of the amendments cited above.

III. Bias Free Policing

- | |
|---|
| b.
vi. SCPD will implement a revised Chapter 16, Section 4, "Arrest of Non-US Citizens and Persons with Dual Citizenship," as previously approved by the United States |
|---|

The United States indicates in its Assessment that the language of the most recent amendment to Rules & Procedures Chapter 16, §4 satisfies the requirements of this Section of the Agreement.

In order to track compliance with the obligation it bears under the Vienna Conventions, the Department plans to amend fields on the Arrest Worksheet (PDCS – 1086) in order to record consular notifications. **(Attachment 4)** A concurrent amendment will be made to R&P Chapter 16, §4 to facilitate this change **(Attachment 5)**.

R&P Chapter 16, §4 authorizes an ICE notification only when an arrestee is in custody for a misdemeanor or felony. In order to prevent unauthorized notifications to ICE, a Command General Order has been drafted for members of the Communication Section who are tasked to make such notifications. **(Attachment 6)**

COMPLIANCE LEVEL

The Department concurs with the assessment that its approved revision and implementation of Chapter 16, §4 to constitute **Partial Compliance** with the requirements of this Section.

III. Bias Free Policing

- | |
|---|
| b.
vii. Six months after the Effective Date and every six months thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report showing civilian complaints regarding police services related to allegations of discrimination and biased policing, noting the disposition of each complaint, if any, the geographic area in which the alleged discrimination occurred, the demographic category involved, and what measures, if any, SCPD will take as a result of the analysis. |
|---|

The Department has provided the report required by this Section each reporting period since the inception of the Agreement. The United States has recognized this and characterized the Department's compliance as "**Substantial**" in their June 2015 Assessment.

The Department acknowledges that improvements can continually be made in the content and quality of the report, and offers the current report as evidence of its commitment to this goal. (Attachment "IAB Report")

COMPLIANCE LEVEL

The Department considers the past and continuing submission of reports analyzing civilian complaints of discriminatory policing as **Substantial Compliance** with this section.

III. Bias Free Policing

c. Traffic stop data

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

The Department fully implemented the new Traffic Stop Data Collection platform on October 1, 2014. While compiling documents in anticipation of the September 2015 on-site, the Department discovered a computer glitch, which had prevented the detection of approximately 7,000 incomplete entries. Corrections were made to the retrieval software and remedial measures were employed to salvage as much data as possible. Following these efforts it was determined that the data pool from July 2015 forward is reliable.

In its December Assessment the United States requested monthly reports detailing incomplete entries. That report for the month of December indicates that 139 incompletes were recorded in a field of 9180 traffic stops. Remedial actions taken and future actions anticipated by the Chief of Patrol's Office are explained in the report. **(Attachment 7)** Future monthly reports will be forwarded during the third week of the following month.

As part of its audit of Traffic Stop data, the Chief of Patrol's Office will review individual officers' stop data for possible discriminatory policing. This review will be accomplished by a software application currently under development by the Information Technologies Section. This application will allow T-Stop data to be displayed as a percentage of dispositions by race for each officer's aggregate traffic stops. A sample spreadsheet is attached for illustration. **(Attachment 8)** The Department is eager to display this application during the March on-site and solicit feedback from the United States' experts.

COMPLIANCE LEVEL

The Department considers its efforts in amending the Rules and Procedures, implementing a new capture platform, correcting detected technical problems and institution of individual officer review as **Substantial Compliance** with the specific requirements of this Section.

III. Bias Free Policing

c.

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

The Department acknowledges that it has not yet rendered a complete Traffic Stop Data Analysis under the requirements of this Section. A sample report analyzing data from January through April of 2015 was provided with the last Compliance Report. The United States offered commentary on that draft and pointed out significant deficiencies which affected the reliability of the data pool used to construct the Report. As noted in Sections above, the Department has remedied the technical issues regarding incomplete entries, is detecting and rectifying incomplete statistics on a monthly basis, and has constructed a new extraction application that will allow for the analysis of individual officer activity.

The Department will continue working closely with the United States to identify relevant external benchmarks to use in its next report.

COMPLIANCE LEVEL

The Department concurs with the United States' Assessment of **Partial Compliance** for this Section.

III. Bias Free Policing
<p>d. Training on bias-free policing</p> <p>i. SCPD will ensure that all sworn officers receive training on bias-free policing at least annually. SCPD's training on bias-free policing will emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, is prohibited by policy and will subject officers to disciplinary action. The training curriculum will address:</p> <ol style="list-style-type: none"> 1. Methods and strategies for more effective policing that relies upon non-discriminatory factors; 2. Police and community perspectives related to discriminatory policing; 3. Constitutional and other legal requirements related to equal protection and unlawful discrimination; 4. The protection of civil rights as a central part of the police mission and as essential to effective policing; 5. The existence and impact of arbitrary classifications, stereotyping, and implicit bias; 6. Identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and 7. Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies. <p>ii. SCPD will conduct cultural sensitivity training for all SCPD officers at least annually</p>

The Department began Bias Free Policing (BFP) training in September of 2015 as part of a full day course intended to satisfy the Department's in-class training obligations under this Agreement. A 2-hour block of instruction was dedicated to Bias Free Policing, and approximately 900 officers have been trained as of this writing.

Lesson plans, slides, instructors' notes, handouts, videos and post-tests were forwarded to the United States prior to the September on-site. Representatives of the United States and their subject matter experts participated in the training and offered their observations immediately afterward. A more detailed review was then offered in the last Assessment. This review concludes that the course as presented would not be capable of achieving substantial compliance with the requirements of this Section.

Although noting a marked improvement over previously submitted curricula, the United States pointed out critical flaws in the content of the material and the method of instruction. As part of its final recommendations the United States suggests that the substance of the training should be "completely revamped", and subject matter experts should be retained to conduct the training.

During the United States' on-site visit in January of 2016 the parties agreed upon the Department's participation in an upcoming train-the-trainer in BFP, which will be offered by the Office of Justice Programs. (OJP) The United States indicated that this course will become available to the Department in the late-April timeframe.

Shortly after the January on-site, the Department became aware of a Fairness and Impartial Policing train-the-trainer that was offered by the Connecticut Police Officer Standards and Training Council. Two supervisors participated in that three-day course to gain a better understanding of the subject matter and develop insight into the selection of personnel for the anticipated OJP Trainer.

The Department believes that it will be positioned to resume BFP training in the month of May, utilizing substance and technique that meets the standards identified by the United States.

COMPLIANCE LEVEL

The Department is fully cognizant of the pedagogical and substantive deficiencies identified by the United States, and recognizes that all sworn officers have not received BFP training as required by this Section. However, as the United States recognizes in its Assessment, the measures the Department has undertaken to fulfill its obligations under this Section have been substantial. The Department has created and amended several iterations of this subject matter curriculum, has put in place the apparatus to deliver the required training, and has instructed approximately 900 students to date. In light of these ongoing efforts and the anticipated collaboration with OJP, the Department believes that a compliance characterization of "Pending" is appropriate.

III. Bias Free Policing
<ul style="list-style-type: none"> d. <ul style="list-style-type: none"> ii. SCPD will conduct cultural sensitivity training for all SCPD officers at least annually

The United States' comments and recommendations regarding the Cultural Sensitivity block of instruction are substantially similar to those regarding the Bias Free Policing training addressed above. To the extent that the anticipated OJP trainer covers this topic area, additions and

modifications to the curriculum will be made in line with that model. Cultural sensitivity issues that pertain to language access will be addressed within the language curriculum discussed below.

COMPLIANCE LEVEL

As explained above regarding BFP training, the Department believes a compliance level of “Pending” is appropriate.

HATE CRIMES AND HATE INCIDENTS

IV. Hate Crimes and Hate Incidents

a. Training

- | |
|---|
| <ul style="list-style-type: none"> i. SCPD will ensure that all officers receive hate crime and hate incident training at least annually. The training curriculum will address: <ul style="list-style-type: none"> 1. The elements of relevant crimes, including hate crimes and bias crimes; and 2. How to properly charge offenses and avoid the downgrading of crimes, including hate crimes and hate incidents. |
|---|

Amendments to Hate Crimes Training curriculum are underway in accordance with the United States' comments on pages 20-23 of its Assessment. Training will resume during the first week of March 2016.

COMPLIANCE LEVEL

The Department concurs with the United States' Assessment that the ongoing development and implementation of the Hate Crimes training curriculum constitutes **Partial Compliance** with this Section of the Agreement.

IV. Hate Crimes and Hate Incidents

b. Tracking and reporting

- | |
|--|
| <ul style="list-style-type: none"> i. SCPD will implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents. |
|--|

The Department has created and implemented the policy required by this Section. Rules and Procedures Chapter 24, §6 VI (I) details, with great specificity, the parameters of the Hate Crimes pattern and trend analysis. It is unclear from the Assessment as to what further detail is required.

As the Department moves forward in revamping its Internet portal, mapping functionality will greatly expand. Overlays incorporating a variety of incidents will become available, including those pertaining to Hate Crimes.

COMPLIANCE LEVEL

The Department considers the formulation, amendment, and implementation of Rules and Procedures Chapter 24, §6 as **Substantial Compliance** with this section

IV. Hate Crimes and Hate Incidents

- | |
|--|
| <p>b.</p> <p>ii. Within one year of the Effective Date and annually thereafter, SCPD will produce a report mapping and analyzing for potential patterns and trends all hate crimes and hate incidents which have occurred over the previous six months. The report will detail SCPD's planned response to any identified pattern or trend. Throughout the pendency of this Agreement, the report will be provided to the United States at least five business days before the report is made public.</p> |
|--|

The report required by this section of the Agreement is attached (Hate Crimes Report). The additional information requested by the United States in their Assessment is included in this report.

COMPLIANCE LEVEL

The Department concurs with the United States assessment that **Partial Compliance** has been achieved for this Section due to the ongoing obligation to produce annual reports.

IV. Hate Crimes and Hate Incidents

- | |
|--|
| <p>c. Quality assurance</p> <p>i. SCPD will implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures</p> |
|--|

As recognized in the last Assessment, the Department has formulated and implemented R&P Chapter 24, §6 in satisfaction of this Section. The United States characterizes the quality assurance criteria contained in that policy as "sound", and the hate crimes investigations themselves as "comprehensive and thorough".

COMPLIANCE LEVEL

The Department considers its formulation and implementation of the policy required by this Section as **Substantial Compliance**.

IV. Hate Crimes and Hate Incidents

- | |
|--|
| <p>c.</p> <p>ii. Six months after the Effective Date, and every six months thereafter throughout the pendency of this agreement, SCPD will forward to the United States a report describing all random audits of HCU investigations completed within the current six-month time period and any corrective actions planned or taken as a result of the audits</p> |
|--|

The random audit required by this section is attached. **(Attachment 9)**

COMPLIANCE LEVEL

The Department concurs with the assessment that submission of the required audits constitutes **Partial Compliance** with this Section due to the ongoing reporting obligation.

LANGUAGE ASSISTANCE

V. Language Assistance

- | |
|---|
| <ul style="list-style-type: none"> a. SCPD policy will require the following: <ul style="list-style-type: none"> i. A current Language Access Plan that explains how SCPD will implement its policies and procedures to provide meaningful access to police services. This plan will be updated at least annually. |
|---|

The Department finalized its Language Access Policy and Plan during the last reporting period. It has been translated and disseminated through the channels described in Sections below. As the Department began implementing the procedures contained in the LAP, it identified, and continues to identify, new issues requiring amendment and addition to both policy and procedure. Until September of 2015 the LAP had been in a constant state of revision to keep up with these developments. This constant revision caused continuity problems with dissemination and translation, and posed obstacles to the efforts of training staff in creating the LEP curriculum. Going forward the Department has determined that the LAP will be updated in the Fall timeframe to facilitate translation, dissemination and curriculum incorporation for the following year. All amendments described below will be incorporated in the Fall 2016 update to the LAP. **(Attachment 10)**

Regarding the United States' comments under this Section:

Audit of 911 calls to determine proper provision of language access services will be performed on a semi-annual basis and section VI(A)(5)(a) will be amended to reflect this.

Section VI(E)(1)(b) will be amended to include provision for a Bilingual Officer List maintained by the Language Access Coordinator.

Procedures contained in section VI(C)(1)(c) for the provision of sign language services will be removed from the LAP and relocated to a stand-alone policy regarding language services for the hearing impaired.

Section II(C) will contain an explanatory reference to R&P Chap 16, 4 regarding the arrest of non-citizens.

Collection of LEP contacts for purposes of soliciting feedback on Departmental language assistance programs will be clarified in section VI(A)(3)(b).

The word "inappropriate" will be added to section VI(A)(3)(d)(4)

Section VI(A)(3)(c) will be amended to replace "such as" with a comma.

Section VI(C)(3)(e)(3) already contains the requirement that use of temporary interpreters must be documented on the Language Assistance Tracking Form (PDCS-7042)

Regarding the implementation observations under this Section:

The IAB audit of 911 calls for adequate provision of language assistance will be expanded to include inquiries regarding immigration status questions. Section VI(A)(5)(b) will be amended to reflect this addition.

The Arrest Worksheet has been amended as described above to include a field for consular notification. First line supervisory review is required for the processing of this form and omissions will be immediately detectable. R&P Chapter 16, §4 will be added to the Bias Free Policing curriculum currently under development.

The procedures for using Language Line, as well as the circumstances under which it is to be used are topics included in the language assistance curriculum. The Department has recently implemented an audit of all calls involving the provision of language assistance services to determine compliance, and the Language Access Coordinator has also been tasked with reviewing invoices for Language Line usage. The Department has included notice of the availability of free interpretation services in its public service announcements and on its Internet page. The Department anticipates that these measures will increase the overall use of all language assistance services, including Language Line.

As the United States notes in its Assessment, adopting the approved language assistance protocols requires a culture shift throughout the Department. Diligent, well intentioned officers who have grown accustomed to using field expedient methods must now be convinced to adopt procedures which can appear more cumbersome, time consuming and unnecessary. The Department's restructured language assistance training will focus on dispelling these perceptions and demonstrating the benefits of using competent, non-interested parties as interpreters. As members are trained and oversight measures are enforced, the Department is confident that the desired culture-shift is achievable.

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Partial Compliance** with this Section.

V. Language Assistance

- | |
|---|
| <ul style="list-style-type: none"> a. ii. Translations of the Language Access Plan and Policy into Spanish and other non-English languages as appropriate and posting in a public area of the police department building, on its website, and in any other locations throughout the County where individuals go to seek police assistance |
|---|

The Department will adopt the changes suggested in the United States' Assessment by including the LAP as a "vital document", as well as inserting the word "translate" into section VI(A)(2).

Translation and distribution of the LAP as a responsibility of the Language Access Coordinator is covered at length in R&P Chap 26, 1 (VI)(B)(3)(d), which is incorporated by reference in section VI(A)(2)(a) of the LAP.

Finally, the LAP has been translated into all five languages previously identified and all are attached to the Community Relations Report.

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Partial Compliance** with this Section in that it is an ongoing function.

V. Language Assistance

a.

iii. Distribution of the Language Access Plan and Policy to all SCPD staff and to community organizations serving LEP communities encountered by SCPD

The Department continues to identify new distribution points for the LAP, relying in large part on the community outreach efforts of the CLOs and COPE Officers. The Department distributes the LAP to its own membership during annual language assistance training and via the SCPD Portal. Rules and Procedures Chapter 1, § 2 also requires all members to read all Rules and Procedures, and to seek clarification when needed from their supervisors. In turn, supervisors are required to ensure compliance with the Rules and Procedures and render assistance if a subordinate seeks clarification. **(Attachment 11)**

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Substantial Compliance** with this section.

V. Language Assistance

a.

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

The Compliment/Complaint Form is available in English, Spanish, Haitian Creole, Mandarin Chinese (simplified), Portuguese, Italian and Polish in all Department facilities and is posted on the Internet at:

<http://apps.suffolkcountyny.gov/police/onlineforms.htm>

As reported previously, on-line submission will be possible once the new web portal is brought online.

Finally, the annual update to the LAP will amend section VI (B)(1)(c) to require posting vital documents under the web-link cited above.

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Partial Compliance** with this section.

V. Language Assistance
a.
v. Translation of all vital written documents and materials, shall be consistent with DOJ Guidance, in order to ensure that LEP individuals in the community have meaningful access to such documents and materials

Section VI(B)(1)(c) of the LAP requires that vital documents be translated into English, Spanish and relevant languages as determined by the LAC. Section VI(A)(3)(c) then identifies the measures the LAC must employ to determine what languages are relevant. These provisions ensure that local populations of LEP individuals will have meaningful access to all Departmental services.

The Department has conducted site-audits since the inception of the Agreement to ensure the proper signage and documents are available. Initially, the Field Audit Unit was utilized to conduct these inspections, but responsibility was shifted to the CRB during the last reporting period, as CRB supervisors are better equipped to recognize and remedy deficiencies quickly. A current accounting of vital documents, signage and other translated materials is attached. **(Attachment 12)**

COMPLIANCE LEVEL

The Department considers its consistent adherence to the requirements of this Section as **Substantial Compliance**.

V. Language Assistance
a.
vi. Translation of any citizen correspondence received that is in a non-English language. If that correspondence when translated would be considered a citizen complaint, then the information as translated will be processed in the same manner as are citizen complaints originally received in English

Rules and Procedures Chapter 26, §5 (VI)(C)(5) addresses the protocol for the translation of non-English correspondence and delegates this task to Department authorized translators or contract language services.

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Substantial Compliance** with this section.

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

As noted in other sections of this report, the Department is giving notice of the Spanish complaint line during community meetings and presentations, in its recruiting literature and signage, in its public service announcements, and on its web page.

COMPLIANCE LEVEL

The Department believes that the creation of a dedicated, forwarded and recorded line for Spanish-speaking complaints, coupled with extensive efforts in advertising the availability of this line constitutes **Substantial Compliance** with this Section.

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

A list of certified personnel (**Attachment 13**) and those scheduled to take the certification test is attached. (**Attachment 14**) As the parties have discussed, the Department will roll out testing to first line officers once members of COPE, CLOs and critical Headquarters commands, such as Internal Affairs and Communications have been tested.

The Department's experience with testing thus far indicates that it is more advantageous to test members on bilingual skills first, and then select those with superior skills for DAI testing. As more personnel are tested, the Department will be able to forecast a more accurate target number of DAIs. The Department anticipates, therefore, that the next update to the LAP will include amendments to the certification provisions.

COMPLIANCE LEVEL

The Department concurs with the United States' conclusion that it has achieved Partial Compliance with this Section.

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

The Department has received no calls on the Spanish complaint line during this reporting period.

COMPLIANCE LEVEL

The Department concurs with the United States' conclusion that insufficient data exists to arrive at a compliance level for this Section and continues to advertise the availability of this number.

V. Language Assistance
a. x. Documentation of the use of any interpreter used when conducting a field interview or interrogation of an LEP individual, including the following: 1. the date; 2. the location; 3. the full name of the interpreter; 4. the non-English language spoken by the interpreter; 5. the relationship (if any) of the interpreter to the LEP individual; 6. contact information for the interpreter, including telephone numbers, email and postal address; 7. the name of the witness, victim, and subject person requiring an interpreter to the extent not prohibited by privacy laws; and 8. a summary of any action taken

The Language Assistance Tracking form has been integrated into the Department's ORS (Online Reporting System) and are mandatory fields for all calls involving LEP complainants ("L" calls).

The Department will continue its review of "L" calls, and reconcile them with the number of Language Assistance Tracking forms completed. With the incorporation of this form into the online system, the Department anticipates a significant convergence between these two values. The Department expects its next step in the audit process will involve scrutinizing the forms which indicate that no language assistance was necessary once the reporting officer arrived on scene.

COMPLIANCE LEVEL

The Department concurs that it has achieved **Partial Compliance** with this Section.

V. Language Assistance

- | |
|--|
| <p>b. SCPD will revise “Language Line Translating and Interpreting Service,” Order Number 09-117, as follows:</p> <p>i. The order will use the term “interpretation” to refer to oral communication, and “translation” to refer to written communication. As written, the order uses both terms interchangeably.</p> |
|--|

COMPLIANCE LEVEL

The Department concurs with the United States’ assessment of **Substantial Compliance** for this requirement for a period of 18 months and will exclude this section from future reports.

V. Language Assistance

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

This Section refers to a R&P that has been wholly replaced with the “Language Access Policy and Plan” (LAP), which is addressed at length in other Sections of the Agreement.

V. Language Assistance

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

As the parties have discussed a new web platform is under development and will go online during 2016. Functionality will be enhanced in every respect and navigation will be greatly improved. The Department looks forward to the United States’ observations when the new site debuts.

COMPLIANCE LEVEL

The Department concurs with the United States assessment of **Substantial Compliance**.

V. Language Assistance

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

The Department has identified some of the existing benefits enjoyed by members who provide interpretation services. These benefits, overtime and career enhancement, have served to maintain a robust number of officers willing to serve as interpreters for many years. The Department's initial experience with the newly created certification process has raised no concern regarding participation levels. The Department has considers these benefits, therefore, "effective".

Nonetheless, the Department appreciates the value of fixed and tangible incentives, especially as the need for language assistance services increases. The Department is currently researching the feasibility of several types of monetary and promotional incentives, and looks forward to discussing them during the United States' upcoming on-site in March of 2016.

COMPLIANCE LEVEL

The department does not concur with the United States assessment of **Non-Compliance**, as it has identified incentives which have proven effective to date, and is actively researching additional incentives.

V. Language Assistance

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

The schedule for the Latino Community Advisory Committee meetings for 2016 and additional information regarding language-related initiatives designed to solicit feedback are contained in the attached Community Relations Report.

COMPLIANCE LEVEL

The Department concurs with the United States that it has achieved **Partial Compliance** for this section and recognizes that it must increase its efforts in soliciting valuable feedback on policies and procedures.

V. Language Assistance

- | |
|---|
| <p>g. Within 180 days of the Effective Date, and annually thereafter throughout the pendency of this Agreement, SCPD will provide at least four hours of training to all personnel on providing language assistance services to LEP individuals. This training will include:</p> <ul style="list-style-type: none"> i. SCPD's LEP plan, policies, and procedures and the requirements of Title VI and this Agreement; ii. How to identify the non-English language and language assistance needs of an LEP individual during an in-person or telephone interaction; iii. How to access SCPD-authorized, telephonic and in-person interpreters; iv. How to work with interpreters in the field and assess interpreter quality; v. How to account for cultural diversity and language barriers in policing; and vi. Basic command terms and phrases in Spanish for officers assigned to patrol in areas with significant Spanish-speaking populations |
|---|

The Department began language assistance training in September of 2015. To date approximately 900 members have been trained using the curriculum provided to the United States and discussed during the September on-site. In its Assessment the United States notes significant issues with the training regarding duration and content. As a result the Department is currently making significant modifications to the curriculum, which will be complete in time to resume training in early March of 2016.

Chief among the curriculum modifications is a new focus on the mechanics and theory of the LAP. As the United States' suggests, each major section of the LAP will be covered in the training, and particular focus will be centered on the interpretation protocols, definitions of "exigency" and the qualitative value of using disinterested parties to interpret.

The time allocated to language training will no longer be problematic. Language training has been severed from the single-day model that was in use during the September on-site. Language and Hate Crimes will be presented on one day and Bias Free Policing will be taught separately. As the parties discussed during the January on-site this will create significant burdens on instructor staffing and backfill overtime, and the Department will re-evaluate this schedule once its effects can be measured.

COMPLIANCE LEVEL

The Department does not concur with the United States' conclusion that its efforts constitute **Non-Compliance**. Since the inception of training in August of 2015, several hundred members have been trained at the Academy, additional personnel have received language training at Squad Inspections, and all members have completed annual DIIT training related to basic Spanish language and the utilization of Language Line. While the Department acknowledges the concerns identified in the United States' Assessment, it notes that the topics of instruction required by this Section were all included in the training provided. In light of the completed training, and the present revision of the curriculum incorporating the United States' suggestions, the Department believes it has achieved **Partial Compliance** with the requirements of this Section.

V. Language Assistance

h. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will conduct a satisfaction survey of representatives from the Latino community regarding SCPD's LEP efforts. SCPD will partner with local Latino advocacy groups in order to conduct the survey. SCPD will produce a report analyzing the results of each survey and detailing what measures, if any, SCPD will take as a result of the analysis. Each report will be provided to the United States throughout the pendency of this Agreement at least five business days before it is made public

The Department has approached its obligation under this Section by offering an anonymous written survey to the general public, and by soliciting direct comments from advocacy groups participating in the LCAC and other outreach programs. As noted in the last Compliance Report, little input directly related to the Department's language assistance programs has been collected thus far.

The Department has received negative input regarding the written survey's length and is currently making revisions to shorten it. The Department also seeks to offer an online submission option for 2016 and is currently researching platforms that will support this function, including those suggested by the United States. Chief among the Department's concerns is offering a survey of reasonable length that incorporates a gauge of both community satisfaction and quality of language assistance services.

The report required by this Section is attached to the Community Relations Report.

COMPLIANCE LEVEL

The Department concurs with the United States' conclusion that **Partial Compliance** has been achieved and will continue to improve the survey's substance and form.

ALLEGATIONS OF POLICE MISCONDUCT

VI. Allegations of Police Misconduct
<ul style="list-style-type: none"> a. Reporting misconduct <ul style="list-style-type: none"> i. SCPD policy will require that all members have the duty to report allegations of discriminatory policing to a supervisor or to the IAB. Failure to report or document allegations of misconduct will be grounds for disciplinary action..

As previously reported the Department re-organized the prohibitions against bias-based policing into Rules and Procedures Chapter 1, §11. The Department interpreted the use of the word “ignore” to include circumstances in which members became aware of misconduct and failed to report it. When Chapter 1, §11 is next updated, the language suggested in the Assessment will be included.

COMPLIANCE LEVEL

The Department concurs with the United States’ assessment of **Partial Compliance** with this section pending final approval of policy revisions.

VI. Allegations of Police Misconduct
<ul style="list-style-type: none"> a. <ul style="list-style-type: none"> ii. SCPD policy will ensure that all complaints are investigated even if the complainant does not submit the complaint on an actual SCPD complaint form

The policy required by this Section predates the Agreement and has been amended several times in response to the United States’ input. Similarly, the language offered in the Assessment regarding the decision as to what type of investigation is warranted will be incorporated in the next update to R&P Chapter 5, § 2 (VI)(C)(2).

The Department acknowledges the deficiencies in the case highlighted in the United States’ Assessment. Once the investigation was commenced, however, the circumstances surrounding the initial failure to accept that complaint became a subject of the investigation.

COMPLIANCE LEVEL

The Department concurs with the United States’ assessment of **Partial Compliance** with this section pending review of the implementation of the required policy.

VI. Allegations of Police Misconduct

- | |
|--|
| <p>a.</p> <p>iii. SCPD policy will explicitly permit parties other than victims to file complaints with the HCU, with the IAB, with any officer, or at any SCPD precinct. Complaints regarding hate crimes or hate incidents will be forwarded to an HCU investigator for review and investigation</p> |
|--|

The Department instituted policies addressing this Section in Rules & Procedures dealing with Hate Crimes and Internal Affairs investigations. Chapter 24, Section 6 (II)(B) reads:

In addition, a member of the Service shall investigate all complaints alleging the commission of a Hate Crime, a Non-Designated Hate Offense or a Hate Incident, whether received from a victim, witness, potential witness, or other third party reporter.

Chapter 5, Section 2 (II)(B) reads:

All allegations, regardless of the source, will be documented and received, and a determination shall be made by the Department as to the nature and extent of the appropriate investigation

The Department interprets this language as a clear instruction to all members to accept complaints from anyone, not only victims and witnesses.

Regarding third party complaints, members of the LCAC have suggested incorporating an advocates' page on the Department's website to provide support to reluctant complainants. This measure could also serve a dual purpose of assisting LEP complainants as well, and the Department is actively pursuing its fruition.

Finally, third party complaints are catalogued in both the Hate Crimes and IAB Annual Reports.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** with this Section, pending expanded outreach efforts and documentation of the receipt of third party complaints.

VI. Allegations of Police Misconduct

- | |
|---|
| <p>b. Investigation of Misconduct</p> <p>i. SCPD policy will ensure that all allegations of officer misconduct relating to discriminatory policing, regardless of the manner in which reported, will be forwarded to IAB no later than 48 hours from receipt.</p> |
|---|

The Department has enacted the policy required by this Section and acknowledges the four cases identified by the United States that have exceeded the 48 hour window since the inception of the Agreement. The Internal Affairs Bureau continues to make discriminatory policing complaints a priority and the Department will work to ensure that notifications to IAB occur within the 48 hour timeframe.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for the Section.

VI. Allegations of Police Misconduct
<ul style="list-style-type: none"> b. <ul style="list-style-type: none"> ii. Within 180 days of the Effective Date, SCPD will review the staffing of IAB and ensure that individuals currently serving as or who are selected for IAB possess excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective. Supervisors with a sustained complaint of, or who have been disciplined for, excessive use of force, sexual harassment, discrimination, or dishonesty will be presumptively ineligible from assignment to IAB

The Department has provided the United States with this report and follow-on documentation in support of that report. The Department has also initiated a documented in-house training program for all IAB investigators following the recommendation of the United States' experts.

COMPLIANCE LEVEL

The Department considers its submission of the report and supporting documentation required by this Section as **Substantial Compliance** with this Section.

VI. Allegations of Police Misconduct
<ul style="list-style-type: none"> b. <ul style="list-style-type: none"> iii. SCPD policy will require that each IAB investigation of officer misconduct relating to discriminatory policing be reviewed by the Police Commissioner or his designee.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for 18 consecutive months for this section.

VI. Allegations of Police Misconduct

- | |
|---|
| <p>b.</p> <p>iv. Per SCPD policy, the Department will maintain a tracking system for all misconduct allegations relating to discriminatory policing that does not rely on personal identifiers. Upon receipt of such an allegation, SCPD will assign a unique numerical identifier to the complaint, which will be provided to the complainant at the time the allegation is made. SCPD will use the centralized numbering and tracking system to track data regarding the number, nature, and status of such misconduct allegations, from initial intake to final disposition, including investigation timeliness and the complainant's notification of the interim status and final disposition of the investigation.</p> |
|---|

As discussed above, the Department has implemented several initiatives to improve the timeliness of investigations such as investigator training, implementation of the Case Notes Overview tracking sheet, use of a supervisory review log and augmenting the number of investigators and supervisors that are assigned to IAB. Each of the three teams in IAB is now supervised by a Captain and has six assigned investigators. Previously, one Captain supervised all three teams, and each team contained of four or five investigators. Additionally, the Commanding Officer position has been upgraded to the rank of Deputy Chief and the Executive Officer to Inspector. The Department is confident that the augmented staffing of IAB, as well as the new training initiatives detailed above, will result in more timely completion rates.

COMPLIANCE LEVEL

The Department concurs with the United States' conclusion it has achieved **Partial Compliance** with this Section of the Agreement, pending documentation and evaluation of the above initiatives.

VI. Allegations of Police Misconduct

- | |
|---|
| <p>b.</p> <p>v. SCPD will maintain protocols to analyze and address trends in complaints relating to discriminatory policing, including demographic data, lodged against SCPD officers.</p> |
|---|

The Department has submitted trend analyses for each reporting period under the Agreement, and as noted above, recognizes these reports will reflect greater quantity and quality as the data pool of these offenses increases. The report required under this Section is attached. (IAB Report)

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this Section.

VI. Allegations of Police Misconduct

b.

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

Four cases involving allegations of discriminatory policing have been completed since the last Compliance Report. A synopsis of the audit is contained in the attached IAB report.

COMPLIANCE LEVEL

The Department considers submission of this audit as **Partial Compliance** with this Section, due to the ongoing obligation to report.

COMMUNITY ENGAGEMENT

VII. Community Engagement

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

The Department concurs with the United States' belief that community engagement is the responsibility of every officer, and not just those assigned to COPE or Community Response Bureau. The Department has memorialized this belief in Rules & Procedures Chapter 26, §1, which states in (V)(A)(1):

- a. It is the responsibility of every member of the Department to promote strong and meaningful community relations through the fair and equitable provision of police services.
- b. Through the diligent performance of duty, every member of the Department will promote broad community engagement and foster confidence and trust in the Department.

In pursuit of this goal the Department involves local sector operators in monthly meetings and significant community events in their areas. When this occurs, names and assignments of these officers are recorded on the Community Meeting/Presentation form.

The Department notes that minimum staffing and overtime burdens are often the cause of diminished participation in community events by patrol officers, but is committed to fostering these relationships whenever possible.

COMPLIANCE LEVEL

The Department concurs with the United States' Assessment that its overall community engagement operations have achieved Partial Compliance with the requirements of this Section in that they have taken significant strides forward, and agrees that more work must be done to involve general patrol officers in those operations.

VII. Community Engagement

b. Community Liaison Officers

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

Rules and Procedures Chapter 26, § 1 was issued on December 4, 2015. Provisions in that policy, as well as in the LAP, require the Language Access Coordinator to continually assess the language needs of the communities served by each Precinct. Information gleaned from these assessments will allow the Department to adjust its language assets, including bilingual employees to best serve the needs of the communities.

COMPLIANCE LEVEL

The Department believes that creation of the CLO program, realignment of COPE officers, staffing of both assignments and training of all involved personnel constitutes **Substantial Compliance** with this Section.

VII. Community Engagement

b.

ii. SCPD will ensure that the contact information and duty hours of the Community Liaison Officers are publicly available on its website. Community Liaison Officer hours of availability for contact with the public will be during normal business hours.

As the United States notes in its Assessment, the Department has posted each Community Liaison Officer's hours of availability and contact information, including cell phone numbers, on the website under their respective "Precinct" tabs. A list of all CLOs is also viewable on a single link from the homepage at:

<http://apps.suffolkcountyny.gov/police/documents/DoJ/CommLiasOffs.pdf>

The Department will also determine if the new website facilitates posting the schedule to which CLOs are assigned.

COMPLIANCE LEVEL

The Department concurs with the United States' Assessment of **Substantial Compliance** with this Section.

VII. Community Engagement

- | |
|--|
| <p>b.</p> <p>iii. Each Community Liaison Officer's duties will include the following:</p> <ol style="list-style-type: none"> 1. Arranging monthly meeting of community residents to discuss issues and ask questions regarding the police department. The meeting will be attended by the Community Liaison Officer, at least one senior SCPD command staff member, and at least one officer responsible for patrolling in that particular precinct. 2. Each Community Liaison Officer will review, on a monthly basis, all concerns submitted to SCPD by members of his or her precinct to assess community issues. For those concerns that do not rise to the level of requiring formal action under SCPD policy, the Community Liaison Officer will notify the complainant that the Community Liaison Officer is available to answer the complainant's questions and respond to any further community concerns. The Community Liaison Officer will refer complaints of police misconduct relating to discriminatory policing to IAB. 3. Each Community Liaison Officer will meet at least once every six months with the respective bureau commander. During these meetings, the Community Liaison Officer will communicate any concerns or issues that he or she has received during the previous six months, along with any other relevant information pertaining to SCPD's relationship with Suffolk County residents |
|--|

The Department notes the United States' comments regarding CLO documentation of community concerns. During the last reporting period the COPE/CLO database became fully functional and now acts as the repository of daily community relations reports. Issues brought to the attention of CLOs and COPE officers are recorded in this database along with the action taken. The attached Community Relations Report addresses this information, as well as the semi-annual reporting performed by the CLOs.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** in that the semi-annual CLO reporting procedure has just begun during this reporting period..

VII. Community Engagement

- | |
|--|
| <p>c. Community Oriented Policing Enforcement ("COPE")</p> <ol style="list-style-type: none"> i. SCPD policy will define COPE officers as those who will be assigned to a specific area as a liaison between the community and the police department to assist the community in solving neighborhood problems |
|--|

As noted in the United States' Assessment, the Department has created Rules and Procedures Chapter 26, §1 to comprehensively address community relations functions. COPE officers' duties and responsibilities are detailed at length within this new chapter.

In its Assessment the United States refers to the utilization of COPE officers to backfill patrol shifts, work traffic and perform patrol checks in some Precincts. Since the implementation of the "new"

COPE model in the Spring of 2014, no COPE officers have been utilized as backfill for any Patrol command in the Department.

COPE officers may perform traffic functions which are part of a community event such as a parade or fair, but such events occur very infrequently. Similarly, COPE officers may make patrol checks from time to time in response to a particular community concern, but they are not assigned such duties as a primary function.

The Department interprets the language of this, and the following Section to require that COPE officers not be assigned the primary duties of routine patrol officers; i.e. response to 911 calls and provision of routine public safety and law enforcement services. As the United States is aware, the Department classifies patrol commands with numeric designators, with general patrol referred to as the "10" commands, while COPE officers are assigned to "30" commands. The Department has not and will not utilize COPE officers in "10" commands or direct them to perform routine patrol duties for any reason other than during a serious public safety emergency.

Finally, regarding the documentation of COPE officers' daily activity, this information is captured in the COPE/CLO Tour Report on a daily basis.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance**.

<p>VII. Community Engagement</p> <p>c.</p> <p>ii. SCPD policy will ensure that all COPE officers engage in routine community policing and community outreach, which may include: attending neighborhood association meetings to provide input or answers, attending school functions to educate children about safety and crime prevention, assisting the community in solving non-emergency problems, addressing community decay issues (abandoned and junk vehicles, graffiti, abandoned residences and buildings, code enforcement violations, illegal dumping), meeting with business owners to provide input or answers, and helping the community to become self-reliant. While COPE officers may be called upon to enhance patrol efforts, this duty should be in relation to a particular community-generated request, need or identified problem and not as routine duty.</p> <p>iii. SCPD policy will ensure that all COPE officers engage with individuals in their respective patrol areas; e.g., COPE officers assigned to patrol units in business districts should interact with business owners, and COPE officers assigned to patrol school and residential areas should interact with school personnel and residents, respectively</p>
--

As described above, COPE officers are not utilized to backfill patrol shifts. The Department is eager to discuss the source of the United States' obvious concern over this matter during the March 2016 on-site. Similarly, the United States is welcome to browse the COPE/CLO database and view daily activity reports which detail COPE officers' response to community concerns.

COMPLIANCE LEVEL

The Department considers its assignment of personnel to COPE and its documentation of their daily activity as **Substantial Compliance** with this Section.

VII. Community Engagement
<ul style="list-style-type: none"> c. iv. SCPD policy will require COPE officers to submit to their supervisors a monthly activity report documenting the amount of time they dedicated to community-oriented policing activities, the type of community-oriented activities in which the officers have engaged, and listing the organizations and individuals the officers have contacted

COMPLIANCE LEVEL

As noted in the Sections above, the Department considers its documentation of COPE activity as **Substantial Compliance** with this Section.

VII. Community Engagement
<ul style="list-style-type: none"> d. Community Response Bureau <ul style="list-style-type: none"> i. Within 90 days of the Effective Date, SCPD will develop and provide to the United States for review a policy that details the CRB's plan for engaging with the Latino community

The Department provided the report required by this section on April 1, 2014, and the United States offered comments and suggestions, which were incorporated into Rules and Procedures Chapter 26, §1. The Department has implemented the plan, and as recognized by the United States', has made significant and meaningful strides toward better community relations.

COMPLIANCE LEVEL

The Department considers its formulation and implementation of the policy required by this Section as **Substantial Compliance**.

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

COMPLIANCE LEVEL

The Department concurs with the assessment that it has achieved **Substantial Compliance** with this section.

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

The survey required by this section was created and approved during the first year of the Agreement. As discussed above the survey has been widely disseminated and the results tabulated for inclusion in the Community Relations Report which is attached.

COMPLIANCE LEVEL

The Department considers its efforts regarding the written survey instrument to constitute **Substantial Compliance** with this Section.

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

The Department has submitted one annual report under this requirement and will continue to do so through the pendency of this Agreement. The Department's next report will contain a more robust and in depth analysis of community survey responses.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

VII. Community Engagement
<ul style="list-style-type: none"> d. v. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States reports summarizing issues addressed at community meetings and SCPD responses.

COMPLIANCE LEVEL

The Department construes its submission of the reports required by this Section as **Substantial Compliance**.

VII. Community Engagement
<ul style="list-style-type: none"> e. Community Outreach <ul style="list-style-type: none"> i. SCPD policy will continue to ensure that the Police Commissioner or designated high ranking officer(s) meet with key leaders in Latino and other minority groups on a regular basis both at SCPD-sponsored meetings and at meetings held by minority groups.

The Department has recently renewed its commitment to the requirements of this Section during the United States' visit in January of 2016. A schedule of LCAC meetings is provided in the Community Relations Report and additional meetings between community leaders, the Commissioner, the Deputy Commissioner and senior command staff have already occurred in 2016.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

VII. Community Engagement
<ul style="list-style-type: none"> e. <ul style="list-style-type: none"> ii. SCPD will continue its outreach programs to all members of the community (e.g. Police Athletic League, English as Second Language classes, etc.) with the assistance of bilingual SCPD officers

The Department's outreach efforts continue to be extensive and ongoing. A detailed account of the programs coordinated by the Community Response Bureau was submitted with the last Compliance Report.

In response to the United States' suggestion of disseminating community relations information between and among Precincts, a CLO Bulletin has been created and is discussed in the Community Relations Report.

COMPLIANCE LEVEL

The Department considers its ongoing commitment to the outreach programs identified in this Section as **Substantial Compliance**.

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

The Department's outreach efforts are detailed at length in the Community Relations Report which is attached.

COMPLIANCE LEVEL

The Department believes it has achieved Substantial **Compliance** with the requirements of this Section.

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

The Department will continue to solicit suggestions from the LCAC as well as other Latino community and advocacy groups regarding Spanish language training. The revised language assistance curriculum will be presented for feedback and members of the committee, as well as other community members throughout the police district, will be invited to participate in the actual training. The CRB is developing a schedule to facilitate this participation in conjunction with Police Academy staff, and is also developing a course evaluation sheet to document feedback.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

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

The Department is revising the cultural sensitivity curriculum as described in several Sections above. Language learning opportunities are also being considered in addition to those already presented in prior reports. The possibility of sending select individuals to immersive courses is being researched and will largely hinge on the Department's near-term experience with the certification process for DAIs and bilingual officers. The Department will continue to search for novel options in providing the right language training for the right personnel in order to reap the greatest benefit for its language assistance operations.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for this Section for twelve consecutive months.

VII. Community Engagement

- | |
|--|
| <ul style="list-style-type: none"> e. vii. SCPD will collect and maintain all data and records necessary to facilitate and ensure transparency and public access to information related to SCPD decision making and activities, as permitted by law. |
|--|

The Department is committed to transparency and public access, as evidenced by its consistent production of these reports and accompanying documentation. As noted above in several Sections, the Department is also continuing its efforts to improve the quality of its analyses of the data which it collects under the requirements of this Agreement.

COMPLIANCE LEVEL

The Department considers its ongoing collection and maintenance of data and records as **Substantial Compliance** with this section.

VII. Community Engagement

- | |
|--|
| <ul style="list-style-type: none"> f. Social media and notification systems <ul style="list-style-type: none"> i. Within 180 days of the Effective Date, to the extent SCPD uses social media and related publishing systems, such as Nixle, to provide community members with information that includes emergency alerts, safety tips, and other public safety information, SCPD will ensure that messages that are broadcast in English are also provided in Spanish or, to the extent practicable, any other non-English language commonly spoken by community members, consistent with the requirements of Title VI. ii. SCPD will advertise the availability of such publishing systems to the community using local and social media |
|--|

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for this section.

POLICIES AND TRAINING GENERALLY

VIII. Policies and Training in General

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

The Department recognizes the need for continued revision of certain Rules and Procedures in order to fully implement this Agreement. The Department also recognizes the need to conduct training and has taken significant steps to that end, which are described at length above in this report.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this Section as it describes an ongoing function.

VIII. Policies and Training in General

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

The Department is constructing new tests to gauge comprehension of the revised training curriculum in Language Assistance and Hate Crimes, and following the upcoming Bias Free Policing train-the-trainer will do so for that subject as well.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this Section.

VIII. Policies and Training in General

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section in that many policies require annual revision under the terms of the Agreement..

VIII. Policies and Training in General
d. SCPD will apply policies uniformly and hold all officers accountable for implementing and complying with SCPD policies and procedures

As described above, Rules and Procedures Chapter 1, §2 requires all members to be familiar with all Departmental policies and procedures, and holds supervisors accountable for the strict enforcement thereof. The Department continues to take all steps necessary through direct supervision and internal investigation to maintain these standards.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for this section.

VIII. Policies and Training in General
--

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

As previously reported, the Department has several mechanisms in place to gauge, and enforce, adherence to individual Rules and Procedures. Policy development and implementation of new procedures has made it exceedingly difficult to construct a comprehensive matrix to encompass all measures put in place as a result of the Agreement. In large part, these Compliance Reports have served as an overall assessment of progress. During the next reporting period the Department will develop an umbrella matrix to gauge adherence in each major area of the Agreement, and once in use, will present this matrix to community groups for feedback.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this Section.

VIII. Policies and Training in General
--

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for this section.

VIII. Policies and Training in General
--

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Substantial Compliance** for this section.

VIII. Policies and Training in General
--

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

The Rules and Procedures relevant to this Section involve Bias Free Policing, Hate Crimes, Language Assistance, Accountability and Community Engagement. The first three subject areas pertain to the duties of all members of the Department, and the last two focus on the performance of select individuals, with the exception of the general duty of all to enhance community relations.

Formal testing associated with the training curriculum under development will address Bias Free Policing, Hate Crimes, and Language Assistance for all members. Additionally, personnel assigned to IAB and CRB are subject to close supervision and performance evaluation measures unique to those commands which address the new policies and procedures that pertain to those specialized operations.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section, in that it is an ongoing function.

VIII. Policies and Training in General
--

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

Review of each new or revised Rule and Procedure is provided in this report in the Sections pertaining to those R&Ps. Each R&P also now contains an annual review date unique to that R&P which will provided for substantive review and re-issue on an annual basis.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment that a compliance level is pending due to the ongoing nature of this Section.

VIII. Policies and Training in General
--

<p>k. SCPD will ensure that Rules and Procedures made pursuant to this Agreement, including policy updates and revisions, are made available on its website in both English and Spanish and any other language commonly spoken within the community within 180 days of the Effective Date. Subsequently, Rules and Procedures made pursuant to this Agreement will be made available on SCPD's website in both English and Spanish within 60 days of each policy's Effective Date. SCPD may seek the United States' permission not to post particular Rules and Procedures on the website if SCPD provides a reasonable basis for its request</p>

Updated and revised versions of the Rules and Procedures promulgated under this Agreement are posted on the Department's website in English and Spanish. Translation into the additional five languages identified in the LAP is currently underway.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section, in that it is an ongoing function.

VIII. Policies and Training in General
--

<p>l. SCPD will check its website for accuracy, formatting, and ease of comprehension within 90 days of the Effective Date and then annually thereafter throughout the pendency of this Agreement. SCPD will ensure that all applicable Rules and Procedures on the SCPD website are translated by a competent translator</p>

As noted above the Department is currently taking steps to revise and re-launch its website during 2016.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section.

VIII. Policies and Training in General
--

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

The Department has taken pains to avoid duplication in Rules and Procedures created or modified under this Agreement, and as noted above, will review those policies annually to ensure they comport with best practices and current law.

COMPLIANCE LEVEL

The Department concurs with the United States' assessment of **Partial Compliance** for this section, in that it is an ongoing function.

IX MONITORING THE AGREEMENT

IX. Monitoring the Agreement

- i. The County and SCPD will provide the United States with full and unrestricted access to all SCPD and County staff, facilities, and documents (including databases) necessary to carry out the duties assigned to SCPD by this Agreement.
- ii. For the purpose of implementing this Agreement, the United States may conduct compliance visits or audits as needed to determine whether the County and SCPD have implemented and continue to comply with the material requirements of this Agreement.
- iii. The United States will have access to all necessary SCPD and County staff, employees, facilities, data, and documents, including access to Agreement-related trainings, meetings, and documentation (e.g., Arrest reports, Citizen Complaints, IAB investigations, and Incident reports) related to the implementation of this Agreement. The United States will provide the County and SCPD with at least 15 days notice prior to any visit. United States will cooperate with SCPD and the County in scheduling access to involved personnel, facilities and documents in a reasonable manner that attempts to minimize interference with daily operations

The Department has provided the United States with unrestricted access to its records and facilities since the inception of the Agreement. Additionally, the Department has provided all documentation required by the Agreement in a timely and complete fashion. The United States has conducted two on-site visits during this reporting period and has scheduled another in March. The Department has not objected to any request made by the United States, and welcomes further collaboration on the successful implementation of this Agreement.

INDEX OF ATTACHMENTS

1. Rules and Procedures Chapter 1, §11 "Bias-Free Policing" [9/2016 Draft]
2. Rules and Procedures Chapter 26, §1 "Community Relations Function" [9/2016 Draft]
3. Command General Order Applicant Investigations Section [2/2016 Draft]
4. Arrest Worksheet (PDCS 1086) [2/2016 Draft]
5. Rules and Procedures Chapter 16, §4 "Arrest of Non-U.S. Citizens" [2/2016 Draft]
6. Command General Order Communications Section [2/2016 Draft]
7. Traffic Stop Report – Chief of Patrol's Office [1/19/2016]
8. Sample Spreadsheet of T-Stop Data [Chief of Patrol 2/15/2016]
9. Hate Crimes Unit random audit second-half 2015
10. Rules and Procedures Chapter 26, §5 "Language Access Policy and Plan" [9/2016 Draft]
11. Rules and Procedures Chapter 1, §2 "Rules and Procedures Familiarization" [9/2016 Draft]
12. Site audit for LEP materials [December 2015]
13. List of certified bilingual officers
14. List of personnel scheduled for language proficiency exam