

SUFFOLK COUNTY POLICE DEPARTMENT

COMPLIANCE REPORT January 13, 2015

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



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INTRODUCTION

On January 13 2014, the Suffolk County Police Department and the United States of America entered into this Agreement to memorialize their joint commitment to ensuring that police services continue to be provided to the people of Suffolk County in a manner that complies with the Constitution and the laws of the United States. The Agreement focuses on five key areas, which are central to achieving that end: Bias Free Policing, Hate Crimes and Incidents, Allegations of Misconduct, Language Access and Community Outreach.

Since the inception of the Agreement, the parties have collaborated to identify best practices in each of those five key areas. Where best practices were not already in place, the Department has, with the assistance of the United States, developed new policies and procedures for their implementation. Where such practices were reflected in existing policy, the Department has conducted a comprehensive review to gauge the effectiveness and success of those policies.

The Department seeks to create operational systems that incorporate meaningful self-assessment protocols in order to achieve the goals of this Agreement. The input of the people of Suffolk County will be a critical element of these self-assessment efforts, and will gauge the success of the Department's overall effectiveness in the eyes of those it serves.

The Department is eager to continue its close working relationship with the United States to provide a model of community based, bias-free police service that is accountable and accessible to all.

MONITORING THE AGREEMENT

IX. Monitoring of the Agreement
<p data-bbox="298 411 602 443">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 1289 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 1289 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 1281 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 1248 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 second semi-annual report the Department has submitted. The Department has taken significant and sweeping steps during the past year to implement all provisions of the Agreement and to ensure the continued employment of best practices in policing. Each section of the Agreement is presented below along with the corresponding measures taken by the Department to achieve compliance. A self-assessment of that compliance level is provided, and all pertinent documentation is attached.

BIAS FREE POLICING

<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> <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>

The Department has implemented a comprehensive policy, which promotes Bias Free Policing in all of its practices and operations. As recognized by the United States in its letter to the Department of September 22, 2014, the Department has revised its mission statement to reflect this commitment to Bias-Free Policing. (Rules & Procedures Chap. 1, §1, and Chap. 2, §2) In that letter the United States identified a "safe harbor" provision that existed in earlier proposed definitions of "discriminatory policing/illegal profiling" and "biased policing". In response, the Department has refined those definitions to eliminate any "safe harbor" and to cement the principle that the consideration of an individual's membership in a demographic category is inappropriate to any degree, unless it is part of a subject specific identification. (Attachment 1).

Additionally, the new definition of "Biased Policing" and "Illegal Profiling" closely follows the guidance recently offered by the Department of Justice to its own employees. (Attachment 2). These policy revisions represent the Department's commitment to bias-free policing in its law enforcement operations, administration, community relations, and recruitment and hiring practices.

Going forward, data from the Traffic Stop Data Collection Program, the Community Survey project, and field audit reviews will allow the Department to analyze its strategic approach to bias free policing, as well as enable it to proactively identify individual misconduct. Implementation of these policy revisions and self-assessment programs requires considerable work to be done "on the ground". This work, as further detailed in this and subsequent reports, will continue throughout the duration of the Agreement, and beyond.

COMPLIANCE LEVEL

The policies defining illegal profiling and discriminatory policing constitute **Substantial Compliance**. The Department recognizes that the operational implementation of those revisions remains ongoing.

III. Bias Free Policing

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| <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> |
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As previously reported, the Department issued Memorandum #14-76 (Attachment 3) directing all personnel to refer complaints of bias-based or discriminatory policing to the Internal Affairs Bureau within 48 hours of receipt. That mandate has been incorporated into a new draft of Rules and Procedures Chapter 5, §2 (VI)(C), which details the procedures for handling civilian complaints. (Attachment 4)

As explained in the July 2014 Compliance Report, this protocol has been incorporated into the Department's IAPro software platform and occurs automatically when a supervisor enters a complaint of discriminatory policing into the "Blue Team" portal.

To date the Department has forwarded the following completed Internal Affairs investigations pursuant to this provision:



COMPLIANCE LEVEL

Amendments to the Rules and Procedures regarding 48 hour notice constitutes **Substantial Compliance** and requires no further action. Submission of completed complaints involving discriminatory policing constitutes **Substantial Compliance** and will continue throughout the pendency of the Agreement.

III. Bias Free Policing

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| <p>b.</p> <p>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</p> |
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No officers have been found to have engaged in discriminatory policing during the last six months. As detailed above in Section (b)(III), all allegations of Biased and/or Discriminatory policing are fully investigated by the Internal Affairs Bureau, and none have been substantiated since the inception of this Agreement. The case involving former Sergeant Scott Greene, which was reported in the July 2014 Compliance Report, is still an active criminal case with over 20 hate crimes charged to date.

Going forward, any officers found to have engaged in discriminatory policing will be subjected to disciplinary action and referral to the District Attorney's Office for filing of criminal charges where applicable. Further, the Department also has additional proactive measures at its disposal which are capable of detecting discriminatory conduct that is not directly reported as a complaint. Examples of such measures include the Traffic Stop Data Collection Program, random and directed field audits, and command and headquarters level supervisory reviews. Details regarding each of these measures are reported herein.

COMPLIANCE LEVEL

A compliance level is not indicated for this section as no officers have been found guilty of discriminatory policing in the last six months.

III. Bias Free Policing

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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

To promote Bias-Free Policing in its recruitment and hiring practices, the Department has drafted a Command General Order directing investigators assigned to the Applicant Investigation Section to investigate all candidates for any history of biased policing or biased related incidents. (Attachment 5) Although such review is implicit in the comprehensive vetting of all candidates, an explicit reference to biased policing and biased related incidents is included in order to clearly reflect the Department's compliance with this provision and its commitment to bias free policing. Additionally, Rules and Procedures (R&P) Chapter 26, §1 will be amended to require that the Recruitment Section incorporate the Department's commitment to Bias-Free Policing in its solicitations and literature. An example advertisement for the June 2015 entrance exam, which displays such language is attached. (Attachment 6)

Beyond these measures, the Department will also promote bias-free policing in its performance assessment processes by requiring command level supervisors to review their subordinates' monthly activity. (R&P Chapter 10, §3 (VI)(B)(7), (13)). (Attachment 7) This review, as well as that which is required by the Traffic Stop Data Collection Program, will allow for the early detection of bias-based policing (R&P Chapter 13, §9 (VI)(C) (Attachment 8),

Finally, as reported in the July 2014 Compliance Report, a pre-promotional review of officers' history of bias free policing has been incorporated into R&P Chapter 17, §2. This Rule and Procedure was finalized and issued on December 12, 2014. (Attachment 9)

COMPLIANCE LEVEL

The substantive changes to the Rules and Procedures incorporating the Department's commitment to bias free policing in its personnel administration constitute **Substantial Compliance** with this section.

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

Prior to the execution of the Agreement the United States approved the Department's revision of this Rule and Procedure. On June 27, 2014 the Department issued General Order 14-40 which made minor technical, non-substantive amendments to Chapter 16, §4 (Attachment 10) Neither the Department nor the United States has raised any concerns over Chapter 16, §4 since the inception of the Agreement and the Department characterized its compliance with this section as "Substantial" in the July 2014 Compliance Report.

COMPLIANCE LEVEL

Issuance of the approved Rules and Procedures Chapter 16, §4 constitutes **Substantial Compliance** with this section. Going forward the Department does not foresee the need to alter any substantive portion of Chapter 16, §4, and therefore seeks consent from the United States to exclude this section from future compliance reports.

III. Bias Free Policing

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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.

From July 1, 2014 until November 1, 2014, ten (10) complaints containing allegations of discriminatory policing have been received by the Department. Inspector Armando Valencia, Commanding Officer of the Internal Affairs Bureau has compiled a report analyzing these complaints. (Attachment 11)

COMPLIANCE LEVEL

Submission of the attached report analyzing civilian complains of discriminatory policing constitutes **Substantial Compliance** with this section.

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

<p>c. Traffic stop data</p>

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| <p>i. SCPD will implement a revised Chapter 13, Section 9, "Traffic Stop Data Collection," as previously approved by the United States.</p> <p>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</p> |
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The Department issued General Order 14-11 on February 14, 2014 to amend Rules and Procedures Chapter 13, §9 in accordance with changes that were approved by the United States prior to the execution of the Agreement. These changes to the Traffic Stop Data Collection Program (TSDCP) substantially altered the original Program which was developed and fielded by the Department in 2008. Specifically, the addition and re-arrangement of input fields required significant changes to both the database capturing the information and the end user interface.

In July of 2014 the mobile software platform necessary to implement the new TSDCP began to roll-out. All marked units assigned to Precinct and Highway Patrol Bureaus were fully outfitted by September, and October 1, 2014 was chosen as a start date for analysis in order to compensate for any startup irregularities.

On September 4, 2014, General Order 14-54 further amended Chapter 13, §9 to include an audit procedure, which requires the Chief of Patrol's Office to audit traffic stop data monthly in order to ensure that information is being entered accurately and completely. Incomplete or atypical entries are referred back to the Precinct or Bureau of origin for correction, and entries suggesting evidence of Biased Policing are referred to the Internal Affairs Bureau. (Attachment 12)

The Department subsequently met with two statisticians on November 6, 2014; Doctor Robert Marmo of Suffolk County Probation, and Doctor Shelly Cohen of Stony Brook Research & Evaluation Consulting. Doctors Marmo and Cohen were instrumental in creating the Department's original Traffic Stop Data Analysis Report in 2008. The new TSDCP was discussed at this meeting and additional data points were added to the proposed matrix. The doctors then forwarded a proposal to the Department on December 4, 2014. (Attachment 13) Using this proposed protocol, Doctors Marmo and Cohen will produce a model report analyzing sample data in early 2015. This report will be forwarded to the United States for feedback, and the Department will then produce a full annual report in early 2016, encompassing all data collected from January 1, 2015 to December 31, 2015.

COMPLIANCE LEVEL

Revision of Rules and Procedures Chapter 13, §9, to include all the suggestions offered by the United States constitutes **Substantial Compliance**. Creation of new databases, software platforms and analysis matrixes constitutes **Partial Compliance**. The Department recognizes that it must formulate a report that provides useful analyses of collected data in order to fully comply with this section going forward and will produce a model for review before the next reporting period closes.

III. Bias Free Policing

d. Training on bias-free policing

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:

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.

ii. SCPD will conduct cultural sensitivity training for all SCPD officers at least annually

In order to comply with this provision of the Agreement the Department began formulating a comprehensive curriculum in March of 2014. An eight hour training day was envisioned, which would cover Bias Free Policing and Limited English Proficiency. A draft of this curriculum was forwarded to the United States in the July 2014 Compliance Report, and suggested revisions were offered to the Department in the United States' letter of September 22, 2014. These revisions were incorporated into the curriculum, and a draft of the Bias Free Policing presentation was sent to the United States via email on November 12, 2014.

A conference call was then held on December 4, 2014 during which the ongoing development of the Bias Free Policing curriculum was discussed. The United States suggested an in-person meeting between members of the Police Academy staff, and the United States' subject-matter experts. This meeting was subsequently scheduled for January 14, 2015 at the Police Academy.

The Department is eager to collaborate with the United States' subject matter experts in formulating a curriculum that fully address all topics addressed in this section. Following the meeting on January 14, 2015 amended lesson plans and instructional materials will be provided to the United States for final approval. In the interim, the Department will make administrative preparations to begin training as soon as the curriculum is finalized.

COMPLIANCE LEVEL

Preparation of draft curricula and ongoing collaboration with the United States to produce a comprehensive final product constitutes **Partial Compliance**.

HATE CRIMES AND HATE INCIDENTS

IV. Hate Crimes and Hate Incidents

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| <ul style="list-style-type: none">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; and2. How to properly charge offenses and avoid the downgrading of crimes, including hate crimes and hate incidents. |
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As noted in the July 2014 Compliance Report, primary responsibility for conducting Hate Crimes training was transferred from the Hate Crimes Unit to the Police Academy. This transfer became necessary to accommodate the expanded scope of trainees required by this section of the Agreement. Formulation of a new Hate Crimes curriculum, which included Decentralized Individual In-Service Training (DIIT) modules began in March of 2014 in conjunction with the development of the bias-free policing curriculum. Preliminary materials outlining the Hate Crimes curriculum were attached to the July 2014 Compliance Report as "Attachment 10".

In its letter of September 22, 2014, the United States suggested separating Hate Crimes instruction from bias-free policing training to avoid potential confusion in terminology. The United States also offered preliminary comments on the portion of the Hate Crimes curriculum that involved amendments to Chapter 24 of the Rules and Procedures. Then on December 16, 2014 the United States provided extensive comments and suggestions based upon the Hate Crimes materials that were attached to the July 2014 Compliance Report.

The comments and suggestions offered thus far will be combined with existing lesson plans and instructional materials, and will be submitted to the United States for review. The Department looks forward to meeting with the United States and their subject matter experts to collaborate on a final curriculum, following which, instruction will commence immediately. In the interim, the Department will continue to administer mandatory annual Hate Crimes training and testing for all sworn members via the DIIT platform.

COMPLIANCE LEVEL

The ongoing collaborative development of a new Hate Crimes training curriculum, and the continued administration of annual Hate Crimes DIIT training, constitutes **Partial Compliance**.

IV. Hate Crimes and Hate Incidents

b. Tracking and reporting

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| i. SCPD will implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents. |
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In its letter of September 22, 2014, the United States offered a number of suggested additions to the Rules and Procedures (R&Ps) pertaining to the tracking and reporting of Hate Crimes. Many of these suggested additions reflected existing practices that were simply not memorialized in policy. In response to these suggestions, the Department drafted amendments to R&P Chapter 24, §6 in order to include all of the additions recommended by the United States. That draft R&P was submitted to the United States in advance of this report, and is attached hereto for ease of reference. (Attachment14).

Additions to R&P Chapter 24, §6 specify that the Commanding Officer of the Special Victims Section, or his /her designee, shall be responsible for maintaining the Hate Crimes Unit database, a central repository of all information regarding Hate Crimes and incidents reported in the police district. Hate Crimes detectives are tasked with entering all data fields analyzing specific data points and producing a computerized map of the results on a monthly basis. Dissemination of the results of these analyses is also outlined with more detail in the amended Chapter 24, §6.

COMPLIANCE LEVEL

Incorporation of all of the United States' suggested additions to Rules and Procedures Chapter 24, §6 constitutes **Substantial Compliance** with this section. Upon approval of the draft attached hereto the Department seeks consent from the United States to exclude this section from future compliance reports.

IV. Hate Crimes and Hate Incidents

<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>
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The report required by this section of the Agreement is attached as "Appendix A". This report was authored by the Commanding Officer of the Hate Crimes Unit ("HCU"), and catalogues all patterns and trends identified by the HCU during 2014. The report contains 11 attachments, including screenshots of the Hate Crime Map along with an explanation of its coding.

Going forward, in addition to producing annual reports under this section of the Agreement, the Department will actively research the feasibility of making the Hate Crime Map accessible on its public website.

COMPLIANCE LEVEL

Submission of the report required by this section constitutes **Substantial Compliance**.

IV. Hate Crimes and Hate Incidents

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| <ul style="list-style-type: none">c. Quality assurance<ul style="list-style-type: none">i. SCPD will implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures |
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As noted above, the Department has drafted an amendment to Rules and Procedures Chapter 24, §6, which now extensively details the quality control measures employed to ensure that all Hate Crimes investigations follow proper techniques and procedures. That R&P was forwarded to the United States on December 16, 2014 via email, and is attached hereto as “Attachment 14” for ease of reference.

COMPLIANCE LEVEL

Incorporation of all of the United States’ suggested additions to Rules and Procedures Chapter 24, §6 constitutes **Substantial Compliance** with this section. Upon approval of the attached draft by the United States, the Department seeks consent to exclude this section from future compliance reports.

IV. Hate Crimes and Hate Incidents

<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>
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The audit required by this section was conducted by Detective Lieutenant Stephen Hernandez who is the Commanding Officer of the Special Victims Section, the parent command of the Hate Crimes Unit. D/Lt. Hernandez randomly selected 15% of the completed Hate Crimes Unit investigations from July 1, 2014 to November 14, 2014 and reviewed each for completeness and accuracy. His report is attached. (Attachment 15)

COMPLIANCE LEVEL

Submission of the random audit required by this section constitutes **Substantial Compliance** with this section.

LANGUAGE ASSISTANCE

V. Language Assistance

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| <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. |
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An approved Language Access Plan (LAP) has been in effect since the inception of the Agreement. With the sole exception of provisions dealing with "Department Authorized Interpreters", the Department has implemented all measures contained in the LAP. Following the submission of the July 2014 Compliance Report, the Department issued the LAP as General Order 14-50, creating Rules and Procedures Chapter 26, §6. (Attachment 16)

Policies and procedures contained in the LAP are reviewed by the Community Response Bureau (CRB) on a continuing basis. For example, the CRB has added several forms to the list of those which will be translated into languages other than English, has secured additional Language Line functionality for conference calling, has deployed additional Language Line cell phones in sector cars and has assisted the Internal Affairs Bureau in advertising the new Spanish complaint line. These measures will be included in the next annual update to the LAP. Central to that update will also be the approved process by which the Department may authorize its personnel as interpreters. The Department recognizes that the United States will offer feedback on its proposal for an authorization process in the near future.

COMPLIANCE LEVEL

Memorializing the Language Access Plan into policy in Rules and Procedures Chapter 26, §6 constitutes **Substantial Compliance** with this section. Going forward, the Department will submit and update to the LAP on or before March 1, 2015.

V. Language Assistance

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

As noted in the July 2014 Compliance Report, the LAP has been translated into Spanish and posted conspicuously in all Department buildings with public access, has been made available on the Department's website in English and Spanish, and had been delivered to other locations throughout the County such as public libraries, schools and churches.

To ensure continued compliance with this section, the Department has tasked the Field Audit Section to conduct random inspections of Department facilities. Inspections conducted on December 10th, 11th and 12th found no deficiencies regarding availability of the LAP in print in both languages. (Attachment 17)

Going forward during the next reporting period, the Department will translate and disseminate LAP updates as they are made, and will continue random spot inspections for compliance with this section. The Community Response Bureau will also begin the process of having the LAP translated into Haitian Creole, Mandarin Chinese, and Portuguese, Italian and Polish.

COMPLIANCE LEVEL

Posting hardcopies of the LAP in Spanish and English in all public access areas constitutes **Substantial Compliance** with this section.

V. Language Assistance

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

As noted in the July Compliance Report, the LAP has been distributed electronically to all members of the Department as Department General Order 14-50. (Attachment 16) It was separately emailed to all supervisory personnel above the rank of sergeant, and all Community Response Bureau personnel and COPE personnel. It has been distributed in both hardcopy and electronic form to over sixty-five community and advocacy organizations (Attachment 18), and is available on the Department's public website.

The LAP will be re-distributed to all members of the Department as a General Order following each annual update, and will again be translated and disseminated to all community and advocacy organizations identified by the Department.

COMPLIANCE LEVEL

The distribution of the LAP to Department personnel and community organizations constitutes **Substantial Compliance** with this section.

V. Language Assistance

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 (PDCS 1300-1a & 1300-1a-SP) is available on the Department's website in both English and Spanish, and is available at all public access areas.

In English

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

In Spanish

<http://apps.suffolkcountyny.gov/police/forms/PDCS-1300-1SP.pdf>

Instructions for submission of each are contained at the top of the form, and include mail, fax and email options. Instructions on the Spanish version of the form include a notice that a Spanish speaking operator is available at (631)775-2077. (Attachment 19)

Compliance with this section was the subject of a Field Audit Section inspection in December of 2014 as detailed above (Attachment 17) and found that one of the 14 public areas, the Impound Facility, did not have Compliment/Complaint forms available in hardcopy. This deficiency was remedied onsite. The inspection also revealed that three of the 14 public areas did not have the informational brochure created by the Department to explain the Compliment/Complaint form, and those deficiencies were also remedied onsite. Going forward, the Field Audit Section will conduct spot inspections of facilities to ensure continued compliance.

Presently, no mechanism exists to provide for the online submission of forms via the Department's website. However, instructions are included on the Compliment/Complaint form, which explain how to email the Internal Affairs Bureau directly. Fax and phone numbers are also provided on the form, allowing individuals three simple ways to submit their Compliment or Complaint to the Department immediately. The Police Technology Bureau is researching options to expand the functionality of the Department's website to include the submission of forms, and has begun beta-testing with the Community Survey form discussed below. Also going forward, the Community Response Bureau will begin the process of translating this form into addition relevant non-English languages.

COMPLIANCE LEVEL

Making the Compliment/Complaint Form (PDCS 1300-1a & 1300-1a-SP) available in hardcopy at all public access areas and in electronic form online constitutes **Substantial Compliance** with this section.

V. Language Assistance

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

The Department translates vital documents, forms, regulations and other materials on a continuous basis, and utilizes its own translators as well as Language Line Services to accomplish this goal. Department personnel performing this function will be certified as "Authorized Interpreters" when a certification mechanism is finalized.

Access to Spanish language documents is provided both electronically and in hardcopy form. Over 30 forms and informational brochures are available on the Department's website, along with 9 Rules and Procedures Chapters. Spanish language forms which require no contact with Departmental personnel to complete are available in hardcopy form in the public access areas discussed above. Spanish language forms which require interaction with Departmental personnel to complete, such as affidavits, are available electronically to all members of the Department.

A comprehensive list of Spanish language materials is contained in the LAP. (Attachment 16) All forms documents and regulations added over the course of 2014 will be catalogued in the next update to the LAP. Also going forward, the Community Response Bureau will begin the process of translating additional forms and documents into other relevant non-English languages.

COMPLIANCE LEVEL

The ongoing translation of vital written documents, forms, regulations and materials by capable translators in the absence of any official certification process constitutes **Substantial Compliance**.

V. Language Assistance

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
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Rules and Procedures Chapter 26, §6 (LAP) assigns responsibility of translating non-English documents to the Community Response Bureau. The original document and its translation are then forwarded to the appropriate command. Complaints received in that manner would be referred directly to the Internal Affairs Bureau. Correspondence which is written in Spanish and addressed directly to the Internal Affairs Bureau is retained by that unit to preserve confidentiality and is translated by an investigator capable of translating Spanish into English. Correspondence containing any other non-English language is forwarded to the CRB pursuant to Chapter 26, §6.

To date, the only written correspondence received by the Department in a non-English language has been a small number of Community Surveys. These documents were translated from Spanish and retained by the CRB for analysis. None of the information conveyed in any of those surveys constituted an actionable civilian complaint. Statements of dissatisfaction were generalized and vague and precluded meaningful investigation. A summary of all comments is provided below in the Community Response Bureau's annual report. (Appendix B)

COMPLIANCE LEVEL

The ongoing translation of vital written documents, forms, regulations and materials by capable translators in the absence of any official certification process constitutes **Substantial Compliance**.

V. Language Assistance

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

In the July 2014 Compliance Report the Department detailed the measures in place for processing Spanish language complaints over the telephone. These measures involved the use of the existing complaint line and utilization of resident interpreters within the Internal Affairs Bureau (IAB). Since that time, the Department has dedicated a separate phone line exclusively for the purpose of receiving telephone complaints in Spanish.

That number (631)775-2077 is published on the Spanish language Compliment/Complaint Form (PDCS 1300-1a-SP) and is linked to a voice-to-email messaging system. In the event a Spanish speaking investigator is not available to answer the line, the complainant's message is automatically and immediately forwarded as an audio file to a Spanish speaking investigator's email.

In the event that a Spanish speaking complainant dials the main complaint line, either a Spanish speaking investigator or a 911 Emergency Complaint Operator (Spanish-speaking) will be utilized as described in the July 2014 Compliance Report. Once a certification process is finalized, all Spanish-speaking IAB personnel will be certified as "Authorized Interpreters".

Also going forward, the Spanish language complaint number will be prominently displayed on the Department's webpage.

COMPLIANCE LEVEL

Creation of a dedicated, forwarded line for Spanish-speaking complaints constitutes **Substantial Compliance** with this section.

V. Language Assistance

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

Annual proficiency testing of Spanish-speaking Internal Affairs investigators will commence once the Department receives final approval of its proposed certification process for “Authorized Interpreters”. That process will be memorialized as policy in both Rules and Procedures Chapter 26 §5 and §6.

COMPLIANCE LEVEL

As no mechanism has yet been agreed upon to gauge the proficiency of interpreters, no compliance level is indicated.

V. Language Assistance

ix. Recording and periodic auditing of phone calls through the multi-language toll-free complaint hotline.
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The Department has drafted amendments to Rules and Procedures Chapter 26, §§5 and 6 to provide for a biennial audit of all telephonic complaints lodged by Spanish-speaking LEP individuals. (Attachment 20) The highest ranking Spanish-speaking supervisor assigned to the Internal Affairs Bureau, presently, Inspector Armando Valencia, has been tasked to conduct these audits.

Going forward, audits will be conducted during each semi-annual reporting period. (Attachment 21)

COMPLIANCE LEVEL

Conducting an audit of all complaints lodged by Spanish speaking LEP individuals constitutes **Substantial Compliance** with this section.

V. Language Assistance

- 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

As detailed in the July 2014 Compliance Report, the Department has created an "Interpretation Tracking" form (PDCS-7042a) to document all of the information required by this section. Proposed Rules and Procedures (R&P) Chapter 26, §5 requires that members utilizing interpretation services of any kind complete the PDCS-7042a. R&P Chapter 26, §5 also requires members of the Department who complete certain forms utilizing interpretation services to include the information required by this section directly on those forms. Examples of such forms are statements/depositions, incident reports and domestic violence reports.

Information from completed Interpretation Tracking forms is entered at the precinct level into a database on the Department's online Incident Reporting System, and the original form is kept in the case jacket. The online database presently captures the date and time, the sworn interpreter, the case number, the length of interpretation, and the command of occurrence. It is searchable by date range, requesting officer and interpreter.

Going forward, the online database storage and functionality will be expanded to include all of the fields contained on the written form and search parameters broad enough to allow for meaningful data analysis. The Community Response Bureau will be tasked to conduct that analysis and take action as necessary. Rules and Procedures in Chapter 26, §1 will detail the procedures for data maintenance and analysis and responsibilities for taking action on that analysis.

COMPLIANCE LEVEL

The proposed amendments to Rules and Procedures Chapter 26, §5 provide a clear mechanism for recording, storing and analyzing data regarding the provision of interpretation services and constitute **Substantial Compliance** with this section.

V. Language Assistance

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| <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> |
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As noted in the July 2014 Compliance Report and subsequent correspondence, the Department has issued several orders superseding General Order 09-117, all of which use the terms "interpretation" and "translation" properly. Going forward the Department will utilize the correct terminology in its description of these services.

COMPLIANCE LEVEL

Correct usage of the terms "interpretation" and "translation" in directives superseding General Order 09-117 constitutes **Substantial Compliance** with this section. The Department has provided the United States documentation of these corrections in the July Compliance Report and interim correspondence and now seeks consent from the United States to exclude this section from future compliance reports.

V. Language Assistance

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
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The Department drafted proposed amendments to Rules and Procedures (R&P) Chapter 26, §5 and forwarded them to the United States on May 7, 2014 via email. Those amendments were designed to provide a tracking mechanism for provision of interpretation services, exempt *de minimis* interactions from the interpretation requirements, and to provide certification protocols for Department Authorized Interpreters. The Department and the United States have discussed these amendments over the course of 2014 during conference calls and via email.

In response to the concerns of Suffolk County Department of Civil Service regarding the use of County contractors for the certification protocols, the Department drafted a follow-up proposal and forwarded it to the United States via email on September 23, 2014. Further discussion ensued and the United States has indicated that their final suggestions regarding this R&P will be forthcoming in January of 2015.

During the deliberative process described above, the Department utilizes sworn members who are bilingual and Language Line Services. This competency of bilingual employees is gauged locally by the commands that request their services and is based upon their prior success rate, especially in cases which progress to trial.

COMPLIANCE LEVEL

As no final decision has been made regarding this matter, no compliance level is indicated.

V. Language Assistance

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.

The Department's website contains two buttons on the homepage entitled "Informacion en Espanol". (Attachment 22) Clicking either of these buttons bring the user to a page entitled "Informacion/Politiclas". (Attachment 23) This page contains an introductory paragraph in Spanish which explains:

This site provides useful forms and valuable information to meet the needs of our community. If you have questions or need additional information, please contact the Community Response Bureau at 631-852-6109. Interpretation services are available for individuals with limited English proficiency.

Several Spanish language forms, informational brochures and Department Rules and Procedures are then listed below this introduction.

Going forward, the Police Technologies Bureau will continue researching the necessary measures to update and reorganize the Department's website to make it more user friendly and to facilitate multi-language functionality.

COMPLIANCE LEVEL

As of the date of submission of this Compliance Report all information explained above is visible on the Department's website at

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

http://apps.suffolkcountyny.gov/police/information_sp.htm

Maintenance of this information on the Department's website constitutes **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.

Discussions between the Department and the United States regarding the best method of certifying Department Authorized Interpreters (DAIs) are ongoing. Therefore, no personnel are presently designated as DAIs. However, those bilingual members who currently provide translation and interpretation services do enjoy certain benefits. Often bilingual members provide these services on overtime depending upon the nature of the incident, the number of available bilingual employees at the time and the distance involved. Bilingual members also enjoy a heightened level of recognition among specialized units, detective squads and supervisory personnel, which enhances qualifications for special assignment.

Going forward, once the Department has a certification process in place and must seek candidates willing to undergo testing, it will have a better understanding of what, if any, additional incentives should be considered.

COMPLIANCE LEVEL

As no final decision has been made regarding the certification process of Department Authorized Interpreters, no compliance level is indicated.

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 Department provided a report addressing the requirements of this section to the United States on April 1, 2014. (Attachment 24) The United States offered comments, questions and suggestions on May 8, 2014 (Attachment 25), and the Department responded to those concerns on August 13, 2014. (Attachment 26) In addition to this written correspondence, the Department has been in an ongoing dialogue with the United States regarding its plans to engage the Latino community via conference call, email, and in person during the December 2014 onsite visit.

COMPLIANCE LEVEL

Production of a report on April 1, 2014 detailing the Department's plan for engaging the Latino community constitutes **Substantial Compliance** with the requirements of this section. Understanding that this process is ongoing and multivariate and that measures implemented to increase community engagement are addressed in great detail elsewhere in the Agreement, the Department seeks the consent of the United States to exclude this section from future compliance reports.

V. Language Assistance

- 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:
- 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

In order to meet the requirements of this section the Department began formulating a curriculum in March of 2014. An eight hour training day was conceived, which would include the four hours of training required by this section along with the bias free policing training required elsewhere in the Agreement. Much of the subject matter pertaining to this section, however, was not yet settled, since the United States and the Department had not finalized protocols for authorizing personnel to act as interpreters and had not yet defined the role of bilingual officers in the language assistance matrix. In the absence of finalized policies, the Department has focused on development of other mandatory training curriculum, while continuing Decentralized Individual In-Service Training on LEP procedures. As reported in the July 2014 Compliance Report, Department Training Bulletins have also been issued to update and remind members of LEP resources.

The Department is eager to collaborate with the United States' subject matter experts in formulating a curriculum that fully address all topics highlighted in this section. Following the meeting on January 14, 2015 amended lesson plans and instructional materials will be provided to the United States for final approval. In the interim, the Department will make administrative preparations to begin training as soon as the curriculum is finalized.

COMPLIANCE LEVEL

Preparation of draft policies and ongoing collaboration with the United States to produce a comprehensive final policy and curriculum constitutes **Partial Compliance**.

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

Before entering into the Agreement, the Department facilitated the formation of a group of leaders from Latino community and advocacy groups which it now refers to as the "Latino Community Advisory Committee" (LCAC). Representatives in the LCAC were initially drawn from organizations already working with the Department on community and recruitment issues. Membership then expanded as new groups and individuals expressed interest. The LCAC was to meet on a quarterly basis in 2014, however due to scheduling conflicts with many members, the summer meeting was postponed, and only three meetings were held for the year. During the December onsite visit, the United States' community relations expert suggested that the regularity of these meetings take precedence over anticipated participation levels. Therefore, going forward the Department will schedule quarterly meetings for the upcoming year by February 1, 2015, and reschedule meetings only under emergency circumstances.

The core membership of the LCAC has remained constant since its inception:

Dafny Irizarry, President of the Long Island Latino Teacher's Association
 Kelly Ann McLoughlin Fisher, Executive Director of Pronto of L.I.
 Miriam Garcia, Executive Director of Adelante of Suffolk County
 Karina Claudio Betancourt, Director of Make the Road New York
 Amol Sinha, Director of the New York Civil Liberties Union
 Rachel Lugo, Regional Director of the Suffolk County EAC
 Mary Ann Slutsky, of the Long Island Wins Advocacy Group

The LCAC has provided assistance to the Department by providing feedback on a host of community issues, disseminating the LAP and facilitating the completion and return of written community surveys. In December of 2014 the Community Response Bureau sought a year's end review of their programs and the Department's LEP efforts from the LCAC via email. (Attachment 27) Results of this solicitation, along with responses to the written survey instrument regarding LEP programs and efforts are included in the annual Community Response Bureau report, attached as Appendix B.

Going forward the form and function of the LCAC will be memorialized into policy in Rules and Procedures Chapter 26, §1. Information and feedback gleaned from committee meetings will be collected and entered into the planned Community Relations Database, and summaries of LCAC meetings will be provided in the annual Community Response Bureau report.

COMPLIANCE LEVEL

Formation of the LCAC, solicitation of feedback regarding Department LEP efforts, and submission of the annual Community Response Bureau report constitutes **Substantial Compliance** with this section.

ALLEGATIONS OF POLICE MISCONDUCT

VI. Allegations of Police Misconduct

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| <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.. |
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Rules and Procedures Chapter 5, §2(V)(E)(Attachment 4) explicitly requires all members of the Department to immediately report any suspicion of misconduct by another member to a superior officer. As noted above, discriminatory policing is prohibited, and therefore considered misconduct, by Rules and Procedures Chapter 2, §2 (Attachment 1).

COMPLIANCE LEVEL

Maintenance of policies which require all members to report the misconduct of others, and which also define discriminatory policing as misconduct constitutes **Substantial Compliance** with this section

VI. Allegations of Police Misconduct

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

Rules and Procedures Chapter 5, §2 (Attachment 4) details the obligation of all members to immediately take complaints regardless of the form in which they are made. Department documents, brochures and website information advise the public that complaints may be made in person, by phone, mail, fax or email.

COMPLIANCE LEVEL

Maintenance of policies which require members to take complaints, regardless of form constitutes **Substantial Compliance** with this section

VI. Allegations of Police Misconduct

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

Rules and Procedures Chapter 5, §2(II)(B)(Attachment 4) and Chapter 24, §6(II)(B)(Attachment 14) explicitly permit parties to lodge Hate Crimes and Internal Affairs complaints regardless of their status as victims. Further, Rules and Procedures Chapter 24, §6 (VI)(B) requires notification to the Hate Crimes Unit for all reported Hate Crimes, Non-Designated Hate Offenses, or Hate Incidents.

COMPLIANCE LEVEL

Maintenance of policies which require members to take all complaints of Hate Crimes or police misconduct, regardless of source constitutes **Substantial Compliance** with this section.

VI. Allegations of Police Misconduct

b. Investigation of Misconduct

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| 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. |
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As noted above, the Department issued Memorandum #14-76 (Attachment 3) directing all personnel to refer complaints of bias-based or discriminatory policing to the Internal Affairs Bureau within 48 hours of receipt. That mandate has been incorporated into a new draft of Rules and Procedures Chapter 5, §2 (VI)(C), which details the procedures for handling civilian complaints. (Attachment 4)

COMPLIANCE LEVEL

Maintenance of a policy requiring members to take all complaints of misconduct relating to discriminatory policing constitutes **Substantial Compliance** with this section.

VI. Allegations of Police Misconduct

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| <p>b.</p> <p>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</p> |
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The review required by this section was submitted as Attachment 27 to the July 2014 Compliance Report and noted that the investigators assigned to IAB met the required standards.

COMPLIANCE LEVEL

Submission of the review required by this section constitutes **Substantial Compliance** and the Department requests the consent of the United States to exclude this section from future compliance reports.

VI. Allegations of Police Misconduct

b.

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.

Rules and Procedures Chapter 5, §2(VI)(I)(Attachment 4) explicitly requires Internal Affairs investigators to forward cases involving discriminatory policing to the Police Commissioner upon completion.

COMPLIANCE LEVEL

Maintenance of a policy requiring the Police Commissioner's review of complaints of discriminatory policing constitutes **Substantial Compliance** with this section. In practice, the Department has required a Commissioner's review of all misconduct cases upon completion, foresees no need to further amend Rules and Procedures Chapter 5, §2(VI)(I), and therefore requests the consent of the United States to exclude this section from future compliance reports.

VI. Allegations of Police Misconduct

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| <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> |
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Rules and Procedures Chapter 5, §2(VI)(A)(Attachment 4) requires the entry of complaints and provision of a "Record I.D." number to complainants. This number is used to identify the complaint and remains part of the computerized record documenting the complaint. When the complaint is assigned for investigation, it is also given a "case number" which reflects the year in which it was received.

COMPLIANCE LEVEL

Maintenance of a policy requiring the assignment and use of a "Record I.D." number for all misconduct allegations constitutes **Substantial Compliance** with this section. The use of Record ID numbers has continued for several years and is part of the functionality of the IAPro platform. The Department foresees no need to alter this procedure and therefore requests the consent of the United States to exclude this section from future compliance reports.

VI. Allegations of Police Misconduct

b.

v. SCPD will maintain protocols to analyze and address trends in complaints relating to discriminatory policing, including demographic data, lodged against SCPD officers.
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Rules and Procedures Chapter 5, §5 (Attachment 28) details the Department's Early Warning-Early Intervention System. The IAPro platform is designed to generate notifications regarding misconduct by individual officers. These notifications are triggered by set parameters and are visible to Internal Affairs command staff, who verify the accuracy of the notification and then forward it through the chain of command to the subject officer's superiors. "Bias-based policing" is one of the triggers programmed into IAPro. Presently, one complaint of biased or discriminatory policing will trigger a notification, which once confirmed, will be forwarded to the triggering officer's Division Chief.

Additional measures to detect and address trends in discriminatory policing which are not based upon lodged complaints are discussed above in Section III. Results of trend analyses for discriminatory policing complaints which are conducted by Internal Affairs command staff are reported in Attachment 21.

COMPLIANCE LEVEL

Maintenance of a procedure for identifying individual patterns and trends of discriminatory policing constitutes **Substantial Compliance** with this section.

VI. Allegations of Police Misconduct

<p>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</p>

As noted above, no cases involving discriminatory policing have been completed during this reporting period. In the absence of completed investigations, Sergeant Christopher Love conducted a review of 20% of pending cases involving allegations of discriminatory policing at the direction of the Police Commissioner.

Complainants were contacted by telephone and asked the following questions:

How did you lodge your complaint?

Did you have any problem lodging your complaint?

How long did it take to speak with an IAB investigator about your complaint?

Were you asked questions about your complaint?

Were you given the opportunity to give your investigator any evidence?

Was there any evidence or facts you could not, or did not, divulge?

How do you feel your investigation was handled?

Were you advised of the result of your complaint?

Cases Reviewed:

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[REDACTED]

[REDACTED]

COMPLIANCE LEVEL

Review of 20% of complaints involving allegations of discriminatory policing constitutes **Substantial Compliance** with this section. Although the subject investigations were not complete, this review achieves the goal of this section in assuring that best practices are utilized when investigating allegations of discriminatory policing.

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 seeks to enhance its relationship with all the communities it serves. Since the inception of the Agreement, the Department has devoted considerable resources to its community relations operation and has altered its organizational structure in order to ensure sufficient personnel are available to conduct those operations.

The Community Response Bureau (CRB) has been given overall responsibility for implementing measures aimed at strengthening community ties and responding to community concerns in a prompt and meaningful manner. The CRB also functions as a central repository for all community-related information and is positioned to formulate and oversee community operations from a strategic perspective.

The Department continues to engage the public through the dissemination of information by both its Public Information Section and the CRB. From traditional releases to press outlets, to Nixle notifications, and to web-based information dissemination the Department continues to employ all media at its disposal to inform and engage the communities it serves. Finally, the Department maintains self-assessment and quality control systems to ensure officer accountability and adherence to best practices.

COMPLIANCE LEVEL

Specific measures implementing the general goals of this section are reported in great detail in other sections of this report and therefore, no compliance level is indicated.

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.

As noted in the July 2014 Compliance Report, the Department assigned a Community Liaison Officer (CLO) to the Community Response Bureau and then detailed one CLO to each precinct and retained one at headquarters to assist the Deputy Police Commissioner in community outreach programs. Two of the eight CLOs are fluent in Spanish, a language commonly spoken in all seven precincts. The newly appointed CLOs attended a two-day course on Procedural Justice and Police Legitimacy offered at the Police Academy by guest lecturers from the Chicago Police Department. This course covered important civil rights issues relevant to community relations such as equal protection, free speech and due process. The CLOs were also trained on their duties and responsibilities under this Agreement by the Deputy Police Commission during their first weekly meeting at headquarters.

Going forward, a policy reflecting these assignments and required training will be included in Rules and Procedures Chapter 26, §1.

COMPLIANCE LEVEL

Assignment of the required personnel and provision of the training required by this section constitutes **Substantial Compliance**.

VII. Community Engagement

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| <p>b.</p> <p>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.</p> |
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The Department has posted each Community Liaison Officer's hours of availability on its website under their respective "Precinct" tab:

<http://apps.suffolkcountyny.gov/police/1st.htm>

<http://apps.suffolkcountyny.gov/police/2nd.htm>

<http://apps.suffolkcountyny.gov/police/3rd.htm>

<http://apps.suffolkcountyny.gov/police/4th.htm>

<http://apps.suffolkcountyny.gov/police/5th.htm>

<http://apps.suffolkcountyny.gov/police/6th.htm>

<http://apps.suffolkcountyny.gov/police/7th.htm>

A catalogue of each CLO's comments is provided for convenience. (Attachment 29)

COMPLIANCE LEVEL

Posting the information required by this section on the Department's website constitutes **Substantial Compliance**.

VII. Community Engagement

<p>b.</p>

<p>iii. Each Community Liaison Officer's duties will include the following:</p>

<p>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.</p>
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<p>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.</p>

<p>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</p>
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The duties and responsibilities contained in this section have been thoroughly explained to each of the CLOs and are reinforced during weekly meetings at the Community Response Bureau (CRB). Going forward, the Department will memorialize these duties in Rules and Procedures Chapter 26, §1.

The Department has been conducting monthly precinct meetings for many years. These meetings are scheduled by precinct command staff and vary in location between Department facilities and venues within the community. Presently, the CLO advertises these meetings, attends with precinct command staff, and documents persons in attendance and issues addressed. Meetings are documented on Community Meeting/Presentation Report (PDCS 1310a). Precinct monthly meetings from May through November of 2014 are attached to the CRB Annual Report in Appendix B.

CLOs review issues raised by community members on an ongoing basis. Issues which cannot be immediately resolved by the CLO are referred accordingly. Issues constituting a complaint of discriminatory policing are immediately referred to a supervisor who then receives the complaint and forwards it to the Internal Affairs Bureau according to Rules and Procedures Chapter 5, §2.

Finally, the CLO has daily contact with precinct commander staff and also attends weekly CRB meetings at headquarters. Community issues and concerns are, therefore, communicated on a continuous basis.

During the next reporting period, the Police Technologies Bureau will field a software platform for the entry of community issues gleaned from all sources by the CLO. This platform will populate the Community Relations Database and allow for the centralized storage and analysis of community issues district-wide, to ensure that proper follow-up measures may be taken to resolve such issues.

COMPLIANCE LEVEL

Performance of the above activities during the 2014 reporting period constitutes **Substantial Compliance**.

VII. Community Engagement

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| <ul style="list-style-type: none">c. Community Oriented Policing Enforcement (“COPE”)<ul 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 |
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Community Oriented Policing Enforcement (“COPE”) officers are presently defined in Rules and Procedures Chapter 1, §5(VI)(E)(2)(c). This definition is, however, dated, and does not reflect the bifurcation of the COPE Unit following the execution of this Agreement. A new policy as noted above will be contained within Rules and Procedures Chapter 26, §1 which will define COPE officers in accordance with this section.

Although the policy is not yet complete, COPE officers in practice are assigned to specific precincts and act as a liaison between the community and the Department to assist the community in solving neighborhood problems. This fact was displayed to representatives of the United States during their onsite visit in December of 2014.

COMPLIANCE LEVEL

Although the policy defining COPE officers’ is not yet complete, the officers are performing their assignments in full compliance with the requirements of this section, which constitutes **Partial Compliance**.

VII. Community Engagement

c.

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.
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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
--

All COPE officers perform the activities required by this section as routine duties. The policy memorializing these functions is contained in Rules and Procedures Chapter 1, §5 (Attachment 30 – provided in relevant part) and satisfies the requirements of this section. Going forward, the definition of COPE officers duties and responsibilities will be amended and re-issued within Rules and Procedures Chapter 26, §1. This re-alignment will serve to centralize all community relations policies in one chapter and will correct portions of Chapter 1, §5 which conflict with newer policies issued pursuant to the Agreement.

As representatives of the United States witnessed during their onsite visit in December of 2014, COPE officers are actively engaged in their respective communities, are aware of relevant issues and problems and are diligently pursuing solutions. Additionally, no COPE officer has been used to “backfill” on routine patrol duty since the inception of this Agreement, and all COPE officers are able to devote all of their time to community policing and outreach.

COMPLIANCE LEVEL

Although the policy defining the duties and responsibilities of COPE officers will be relocated to Rules and Procedures Chapter 26, §1, the existing policy defining those functions in Chapter 1, §5 meets all the requirements of this section, and therefore constitutes **Substantial Compliance**.

VII. Community Engagement

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

Monthly activity reports are submitted by all COPE offices, and describe the activities performed by individual officers, detail the meetings attended and presentations given, and list the persons and organizations contacted. (Attachment to CRB Annual Report in Appendix B) As these reports indicate, all COPE officers are deeply engaged in the communities they serve and are very aware of the problems and issues challenging those communities.

Going forward, submission of monthly reports will be fully addressed in Rules and Procedures Chapter 26, §1. As the Community Relations Database and software platform are completed and brought online, monthly COPE activity reports will be entered and stored electronically which will enable both precinct-level and Community Response Bureau supervisors to access and analyze information more quickly and efficiently.

COMPLIANCE LEVEL

Although the policy requiring COPE officers to submit monthly activity reports is not yet complete, the officers are performing all of the duties and responsibilities described in this section, which constitutes **Partial Compliance**

VII. Community Engagement

d. Community Response Bureau

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
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The Department provided a report addressing its plan to engage the Latino community to the United States on April 1, 2014. (Attachment 24) The United States offered comments, questions and suggestions on May 8, 2014 (Attachment 25), and the Department responded to those concerns on August 13, 2014. (Attachment 26) In addition to this written correspondence, the Department has been in an ongoing dialogue with the United States regarding its plans to engage the Latino community via conference call, email, and in person during the December 2014 onsite visit.

As discussed during the above referenced dialogue, as well as in many other sections of this Compliance Report, the Department is drafting a comprehensive policy in Rules and Procedure Chapter 26, §1 which will address all community relations functions and responsibilities of the Community Response Bureau.

COMPLIANCE LEVEL

Creation of the report submitted on April 1, 2014 and subsequent correspondence and discussion in furtherance of establishing a comprehensive policy of engagement with the Latino community constitutes **Partial Compliance** with this section.

VII. Community Engagement

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| <ul style="list-style-type: none">d.<ul style="list-style-type: none">ii. SCPD policy will ensure that each precinct has an officer representing it in the CRB. |
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As noted above and in the July 2014 Compliance Report, the Department assigned a Community Liaison Officer (CLO) from the Community Response Bureau to each of the seven precincts in April of 2014. Going forward, a policy reflecting these assignments will be included in Rules and Procedures Chapter 26, §1.

COMPLIANCE LEVEL

Assignment of the personnel required by this section in advance of issuing a policy constitutes **Partial Compliance**.

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 Department developed a written survey instrument and submitted it to the United States for approval on April 1, 2014. (Attachment 24) The United States offered several comments and suggestions in its response on May 8, 2014. (Attachment 25) The Department incorporated all of those suggestions into a final product which was submitted on August 13, 2014. (Attachment 31) The final survey was distributed in English and Spanish through the same channels as the LAP, beginning in September of 2014. To date the Community Response Bureau has received over 1,000 completed surveys.

The Department has tasked the Research and Development Section with entering survey results into a computer database. The CRB will then access this database to analyze survey results on a quarterly basis. Once sufficient data has been compiled the Department will submit a draft annual report to the United States for comment in advance of the next full report which is due January 2016.

Finally, sampling of the written comments collected from completed surveys is also provided in the CRB Annual Report attached hereto as Appendix B.

COMPLIANCE LEVEL

Development and dissemination of a written survey instrument in English and Spanish constitutes **Substantial Compliance** with this section. The Department recognizes that quarterly review of CRB programs, utilizing the survey and direct solicitation of feedback, is ongoing.

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 Community Response Bureau's annual report addresses the requirements of this section and is attached as "Appendix B".

COMPLIANCE LEVEL

Production of the report required by this section constitutes **Substantial Compliance**.

VII. Community Engagement

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.

The information required by this section is contained in the Community Response Bureau's annual report which is attached as "Appendix B".

COMPLIANCE LEVEL

Inclusion of the information required by this section in the Community Response Bureau's annual report, constitutes **Substantial Compliance**.

VII. Community Engagement

e. Community Outreach

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.

In addition to the presence of high ranking members of the command staff attending meetings and events catalogued elsewhere in this Compliance Report, a full schedule of meetings with community and advocacy leaders that were attended by the Deputy Police Commissioner is attached to the Community Response Bureau's annual report. (Appendix B).

COMPLIANCE LEVEL

Continued participation in meetings with leaders in Latino and other minority groups on a regular basis constitutes **Substantial Compliance**.

VII. Community Engagement

e.

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 are extensive and ongoing. A detailed account of the programs coordinated by the Community Response Bureau is contained the annual report in Appendix B.

COMPLIANCE LEVEL

Inclusion of the information required by this section in the Community Response Bureau's annual report, constitutes **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 to the Latino community are designed to foster relationships that encourage informal communication. Programs such as cooking classes demonstrate to young members of the community that police officers are approachable and conscientious. Other programs such as "Let's Talk" /"Vamos a Hablar" encourage open discourse on issues relevant to communities on a local level. Such types of programs afford officers the opportunity to communicate with members of the community in an informal manner about subjects beyond official matters. Opportunities for informal interactions also occur during recruitment events at high schools, colleges and job fairs, and the Police Athletic Program by its nature builds informal, lasting relationships.

COMPLIANCE LEVEL

Ongoing participation in outreach programs that encourage informal communications constitute **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
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As described above, the Department has solicited the Latino Community Advisory Committee via email and during meetings for suggestions regarding Spanish language training. The most common input received thus far is simply to hire more Spanish speaking officers. In that regard the Department continues to administer a separate entrance exam for Spanish-speaking candidates and has hired 7 new police officers from this list during this hiring cycle (Attachment 32), and going forward has committed to hiring 10% of the candidates in each Police Academy class from the Spanish-speaking lists of eligibles.

Going forward the Department will continue to solicit suggestions from the LCAC as well as other Latino community and advocacy groups regarding Spanish language training.

COMPLIANCE LEVEL

Solicitation of the information required by this section constitutes **Substantial Compliance**.

VII. Community Engagement

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| <p>e.</p> <p>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</p> |
|---|

The Department continues to research viable language learning opportunities, especially for officers working in areas with large Latino populations. As noted in prior reports and correspondence the Department has attempted to partner with the local Community College, has purchased quick-access language guides for officers in the field and has explored asynchronous learning platforms such as Rosetta Stone and Spanish on Patrol.

Personnel costs and instructional fees proved prohibitive for the Community College option, although the Department will encourage individuals to pursue this option independently utilizing the tuition reimbursement plans offered by their collective bargaining units. Memo-book insert language guides were purchased and distributed to patrol officers, and the distance-learning program Spanish On Patrol was offered.

Eighty Spanish on Patrol licenses (individual courses) were purchased in 2008 and distributed to members at their request. Three members completed the entire program. Eighteen additional licenses were again distributed on request in 2013. To date, two people have completed those courses. Understanding the commitment required to develop foreign language skills, the Department is considering whether the 5% to date return on investment is cost effective going forward. The CRB will continue to track the efficacy of this learning program, paying special attention to completion rates after a protocol for the certification of Authorized Interpreters is in place and the issue of offering incentives for that position arises.

COMPLIANCE LEVEL

Provision of the opportunities discussed above along with continued research into new avenues of instruction constitutes **Substantial Compliance** with 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.

This Compliance Report will be posted on the Department's website and will include all non-confidential annual audits and reports due, some as appendixes for clarity of reference. The Compliance Report and appendixes will be made available in hardcopy for viewing at each public access area within the Department in the same manner as the LAP and Community Survey. Copies of the report, its attachments and appendixes will be provided pursuant to the Freedom of Information Law (N.Y. Public Officers Law §84, *et seq.*)

COMPLIANCE LEVEL

Posting the completed Compliance Report, including its attachments and appendixes, and providing copies pursuant to the Freedom of Information Law satisfies the requirements of this section and constitutes **Substantial Compliance**.

VII. Community Engagement

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.
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All documents, data and records used to implement this Agreement will be retained for the duration of the Agreement and then maintained in accordance with the Records Retention and Disposition Schedule contained in 8 NYCRR § 185.13, and the Freedom of Information Law in N.Y. Public Officers Law §84, *et seq.*

COMPLIANCE LEVEL

Maintenance and retention of all documents, data and records used to implement this Agreement constitutes **Substantial Compliance** with this section.

VII. Community Engagement

<p>f. Social media and notification systems</p>

<p>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.</p>
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<p>ii. SCPD will advertise the availability of such publishing systems to the community using local and social media</p>
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The Department advertises its social media availability on its main website, on its recruitment website, at monthly community meetings and other public events and meetings. As new literature is developed, social media advertisements will be included where possible. An example of such literature can be viewed in Attachment #6. Additionally, recruitment public service radio announcements will also contain references to the Department's social media outlets.

The Department presently uses Nixle to "push" information to its social media outlets and end users who sign up with Nixle. End users who sign up for Nixle feeds in Spanish receive the information sent through Nixle in Spanish. All notifications on Facebook and Twitter originate from Nixle and depend upon the language used to input the information.

The Department is currently researching the feasibility of using Facebook and Twitter in a more interactive manner in both English and Spanish. Assignment of command responsibility for social media is being evaluated, and the needs and capabilities of both the Public Information Section and the Community Response Bureau are being weighed in this regard.

COMPLIANCE LEVEL

Utilization and advertisement of Nixle in English and Spanish constitutes **Partial Compliance** with this section. Going forward, the Department will assign responsibility for social media to a single command and then provide Authorized Interpreters to that command to facilitate broadcasts in Spanish as well as English. The feasibility of extending these services to additional languages will also be the subject of continued review by the Community Response Bureau, and will be considered as part of the annual LAP review.

POLICIES AND TRAINING GENERALLY

VIII. Policies and Training in General
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<p>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</p>

The Department has made significant advances in amending its policies and practices to implement all measures of this Agreement. Beyond the three Rules and Procedures (R&P) explicitly referenced in the Agreement, the Department has amended, expanded and reorganized more than 7 R&P chapters since January of 2014 in order to incorporate changes made necessary by the Agreement. Additionally, the Research and Development Section, which is responsible for maintaining the R&Ps, continually updates sections and chapters that are collaterally affected by substantive changes made pursuant to the Agreement.

Amendments to all policies and procedures are drafted in clear and concise language, and are reviewed by the senior command staff and subject matter experts for precision, legality and compliance with best practices and ethical standards, as described in R&P Chapter 7, §1 (Attachment 33)

Finally, the Department's commitment to training is extensive and ongoing. All members are required to complete at least 21 hours of annual professional education required by the New York State Law Enforcement Accreditation Program, as described in R&P Chapter 18, §7. (Attachment 34).

COMPLIANCE LEVEL

Maintenance of clear policies and procedures that are consistent with this Agreement, and maintenance of accredited training standards constitutes **Substantial Compliance** with this section.

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

As noted above, the curriculum for the training required by this Agreement is not yet complete. The curriculum under development incorporates assessment measures designed to gauge comprehension. In-class participation exercises, and well and end-of-module written testing both provide instructors with insight into the efficacy of their performance, and the level of understanding their students have of the subject matter. Draft examinations and samples of in-class assessment materials will be provided with the curriculum when it is complete.

In addition to classroom-based training, the Department also addresses key areas of the Agreement, such as provision of Language Line Services, in Decentralized Individual In-Service Training (DIIT). All subjects trained via DIIT contain examinations which measure comprehension of the material presented, and are administered pursuant to the controls contained in Rules and Procedures Chapter 18, §11. (Attachment 35)

COMPLIANCE LEVEL

Maintenance of DIIT training protocols which include testing for demonstration of comprehension constitutes **Partial Compliance** with this section. Upon finalization of the training curriculum, additional testing protocols will be submitted for approval.

VIII. Policies and Training in General
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c. SCPD policies and procedures will define terms clearly, comply with applicable law, and comport with best practices
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As noted above, all policies and procedures are drawn in clear and concise language and subjected to multi-tiered supervisory review prior to issuance pursuant to Rules & Procedures Chapter 7, §1. (Attachment 33)

COMPLIANCE LEVEL

Requiring clear policies which comport with the law and best practices constitutes **Substantial Compliance** with this section.

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

Rules and Procedures Chapter 1, §2 requires members to be familiar with all Departmental policies and procedures. (Attachment 36), and holds supervisors accountable for the strict adherence of their subordinates thereto.

COMPLIANCE LEVEL

Requiring knowledge of and adherence to Departmental policies and procedures constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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<p>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</p>
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Since inception of this Agreement the Department has provided policies, curricula, documents and other material to the United States for their review and comment. The Department has complied with all requests for document production in a timely manner, and will continue to do so during the pendency of the Agreement. The Department has sought and accepted the advice and counsel of the United States on many issues, and has responded to questions and concerns in a timely and meaningful manner. To date, no disagreement between the parties has occurred.

COMPLIANCE LEVEL

The access granted to the United States to all Departmental records pertaining to this Agreement constitutes **Substantial Compliance** with 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>
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The Department has implemented several measures to assure adherence to Rules and Procedures required by this Agreement. Some of those measures are contained within individual Rules and Procedures, such as the quality control and audit provisions of the Traffic Stop Data Collection Program and the Hate Crimes Rules and Procedures. Other measures operate Department-wide, such as the use of the Field Audit Section and the Internal Affairs Bureau to carry out spot inspections and investigate allegations of non-compliance.

Regarding the provision of language assistance, the Community Response Bureau (CRB) maintains records, such as invoices from Language Line Services and Interpretation Tracking Forms which can be used to track trends in the utilization of language services. The CRB also tracks community input from information returned on written surveys and gleaned from community meetings and the direct solicitation of community leaders. All of which can identify success and deficiencies in the provision of services. Going forward, with the addition of the Community Relations Database, the CRB will be positioned to audit and report on data relating to compliance with provision of language assistance services.

COMPLIANCE LEVEL

Maintaining several internal mechanisms to measure officer compliance with policies and procedures issued pursuant to this Agreement constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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g. SCPD will ensure that all policies and procedures are available to SCPD members in an electronic format
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As previously reported, the primary mechanism by which official policies and procedures are made available to all members of the Department is electronic. All Department Directives are issued via publication on the Department's intra-net site, and are accessible from all stationary and mobile workstations. Upon log-in members are alerted as to which directives require viewing. (Rules and Procedures Chapter 7, §1(VI)(I)(Attachment 33) Additionally, a "Directives Administration" function allows supervisors and commanding officers to easily determine what their subordinates have viewed.

COMPLIANCE LEVEL

Maintenance of an electronic system for the dissemination of all Department policies and procedures constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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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
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All modifications to policies and procedures are presented, both visually and textually, in a manner which clearly highlights modifications and additions. This can be viewed in Attachments 9, 12 and 14, which are all Department General Orders issued to amend Rules and Procedures. The paragraph introducing each Order contains a summary of the change, and the amended or added text is highlighted in the body of the Order.

As a point of information, draft amendments submitted to the United States for approval reflect proposed deletions as lined-out text and proposed additions as underlined text. These amendments appear in red on color copies.

COMPLIANCE LEVEL

Provision of all policy and procedure modifications in a manner that clearly highlights those modifications constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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<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>
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Rules and Procedures (R&Ps) issued under this Agreement are disseminated pursuant to the oversight protocols contained in R&P Chapter 7, §1, which are applicable to all R&Ps. (Attachment 33). Chapter 7, §1 requires supervisors to verify receipt and understanding, and also directs officers to seek clarification from their supervisors whenever necessary. Finally, the duty to report violations of policy is contained in R&P Chapter 2, §2(V)(A)(14)(Attachment 2, re-ordered in proposed draft to §2(V)(C)(14).

COMPLIANCE LEVEL

Maintenance of policies and procedures assuring dissemination and understanding of R&Ps issued pursuant to the Agreement constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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<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>
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The Department reviews each Rule and Procedure (R&P) required by the Agreement on a semi-annual basis in preparation of Compliance Reports. This review assures that new R&Ps effectively address their subject matter, and are consistent with changes in the law, Constitutional standards and best practices within the industry. The Department also conducts an annual reviews all of the policies and procedures relevant to the New York State Law Enforcement Accreditation Program. Finally a committee was formed with the goal to critically review, streamline and clarify the entirety of the Rules and Procedures. (Attachment 37)

Going forward, the Department will submit a draft policy to the United States outlining a specific process for the review of R&Ps required by the Agreement. This process will provide for the review of content for accuracy, effectiveness, and legal sufficiency. It will also require explicit marking as to the date for next scheduled review.

COMPLIANCE LEVEL

The existing method of review constitutes **Partial Compliance** with this section. As noted, the Department will submit a draft policy detain review protocols to the United States during the next reporting period.

VIII. Policies and Training in General
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<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>

Three Rules and Procedures (R&P) are specifically referenced in the Agreement. Of these three, R&P Chapter 13, §9 (Traffic Stop Data Collection), and Chapter 16, §4 (Arrest of Non-U.S. Citizens and Persons with Dual Citizenship) are posted on the Department's website in English and Spanish. The third, R&P Chapter 26, §5 (Persons with Limited English Proficiency) is awaiting final approval of the United States.

The Department's Language Access Plan, designated R&P Chapter 26, §6 also appears in English and Spanish, as do seven additional R&Ps which have been amended pursuant to the Agreement:

Chapter 2, §16 (Use of Physical Force Non-Lethal weapons and Equipment)

Chapter 5, §2 (Civilian Complaint Procedure)

Chapter 5, §9 (Civilian Procedural Complaints)

Chapter 9, §21 (Bystanders at Police Incidents)

Chapter 9, §27 (Recorded Media in Possession of Bystanders at Police Incidents)

Chapter 24, §6 (Hate Crimes)

Chapter 26, §2 (Media Relations)

During the next reporting period the presentation of Rules and Procedures on the Department's website will be re-formatted to improve ease of navigation.

COMPLIANCE LEVEL

Availability of the policies and procedures listed above on the Department's website in English and Spanish constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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I. 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
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The Information Technologies Section (IT) is responsible for maintaining the Department's website. The IT Section continuously updates the website and assures that it is accurate and functional. An audit prior to submission of this report revealed minor deficiencies which were remedied on detection.

Translations of Rules and Procedures are presently accomplished through the use of Departmental personnel capable of translating English into Spanish. Upon finalization of a certification protocol, all translations will be performed by personnel certified as translators.

During the next reporting period significant changes to the format of the website will be made, especially that portion which displays policies, procedures and information pertaining to the Agreement and its implementation. This change will enhance the ease of navigation and allow faster access to information in both English and Spanish.

COMPLIANCE LEVEL

Availability of the policies and procedures listed above on the Department's website in English and Spanish constitutes **Substantial Compliance** with this section.

VIII. Policies and Training in General
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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
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Policies issued under the Agreement are subjected to a concurrence protocol, involving the units affected by the policy, their respective Division Chiefs and the Research and Development (R&D) Section. Redundant and outdated policies are identified through this vetting and are eliminated by issuance of a new directive. The R&D Section also performs a cross check of policies that are affected by issuance of new or amended directives.

Training curricula are separately reviewed by the command staff of the Police Academy and the instructional staff responsible for presenting the material. All training materials are updated on a continuing basis.

COMPLIANCE LEVEL

Ensuring the integrity and continuity of policies and training curricula affected by this Agreement constitutes **Substantial Compliance** with this section.

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 one onsite visit in 2014, and has scheduled another for the month of January 2015. 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, §1 "Police Mission", and Rules and Procedures Chapter 2, §2 "Rules of Conduct – Members of the Department" [draft]
2. U.S. Department of Justice, *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity*, December 2014
3. Department Memorandum 14-76 – Bias Incidents and Complaints
4. Rules and Procedures Chapter 5, §2 "Civilian Complaint Procedure" [draft]
5. Command General Order – Applicant Investigations Section [draft]
6. Recruitment flyer for entrance examination
7. Rules and Procedures Chapter 10, §3 "Patrol Supervisor Duties and Responsibilities"[draft]
8. Rules and Procedures Chapter 13, §9 "Traffic Stop Data Collection"
9. Rules and Procedures Chapter 17, §2 "Members of the Service Promotional Criteria"
10. Rules and Procedures Chapter 16, §4 "Arrest of Non-U.S. Citizens and Persons with Dual Citizenship"
11. Analysis of Biased Policing Complaints July 1, 2014-December 31, 2014
12. Department General Order 14-54 "Traffic Stop Data Collection"
13. Proposed Analysis of Officer Initiated Traffic Stops made by Suffolk County Police
14. Rules and Procedures Chapter 24, §6 "Hate Crimes" [draft]
15. Hate Crime Case review
16. Rules and Procedures Chapter 26, §6 "SCPD Language Access Plan"
17. Field Audit Unit Compliance Checks
18. CRB LAP Distribution Chart
19. Compliment/Complaint Form-Spanish (PDCS-1300-1b-SP)
20. Rules and Procedures Chapter 26, §5 "Persons with Limited English Proficiency" [draft]
21. Internal Correspondence of Inspector Armando Valencia regarding the audit of the dedicated Spanish language complaint line

22. <http://apps.suffolkcountyny.gov/police/index.htm>
23. http://apps.suffolkcountyny.gov/police/information_sp.htm
24. SCPD Report to the United States, April 1, 2014
25. United States letter to SCPD, May 8, 2014
26. SCPD Response to letter of May 8, 2014
27. Email from Commanding Officer CRB to Latino Community Advisory Committee.
28. Rules and Procedures Chapter 5, §5 "Department Early Warning-Early intervention System"
29. Community Liaison Officer introductions from website
30. Rules and Procedures Chapter 1, §5 "Command Duties and Responsibilities" [in part]
31. Community Survey instrument in English and Spanish
32. Department Personnel Order 14-229 "Police Recruit Appointments"
33. Rules and Procedures Chapter 7, §1 "Written Directives"
34. Rules and Procedures Chapter 18, §7 "In-Service Training"
35. Rules and Procedures Chapter 18, §11 "Decentralized Individual In-Service Training"
36. Rules and Procedures Chapter 1, §2 "Rules and Procedures Familiarization/Enforcement"
37. Department Special Order 13-06 "Rules and Procedures Review Committee"