

SUFFOLK COUNTY POLICE DEPARTMENT

COMPLIANCE REPORT

July 15, 2016

*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. Since the inception of the Agreement, the parties have collaborated to identify best practices in several areas. With the valuable assistance of the United States, the Department has developed a variety of new policies and procedures to implement these practices in its training, administration and operations. 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

c. Compliance Reporting

- i. SCPD will collect and maintain all data and records necessary to
1. document implementation of and compliance with this Agreement; and
2. perform ongoing quality assurance in each of the areas addressed by this Agreement.
- 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.
 1. "Substantial Compliance" indicates that the County has achieved compliance with most or all components of the relevant provisions of the Agreement.
 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.
 3. "Non-Compliance" indicates that the County has not met most or all of the components of the Agreement.
- iii. In addition to the above, the Compliance Report will include:
 1. the steps SCPD and the County have taken during the reporting period to implement this Agreement;
 2. plans to correct any problems or lack of compliance;
 3. a response to any concerns raised by the United States regarding the County's previous Compliance Report;
 4. a projection of the work to be completed during the upcoming reporting period;
 5. any anticipated challenges or concerns related to implementation of the Agreement; and
 6. a summary of documents relied on for statistical purposes or general data as the basis for self-assessment.
- 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.

This Report issues pursuant to section (IX)(c)(ii) of the Agreement, and is the fifth Compliance Report that the Department has submitted. The Department has taken significant steps during the past two and one half years to implement all provisions of the Agreement and to ensure the continued utilization 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 is provided, and all pertinent documentation is attached. Issues raised by the United States in its Compliance Assessment of April 18, 2016 ('Assessment') and during its on-site visit of March 2016 are all addressed under the appropriate Sections.

BIAS FREE POLICING

III. Bias Free Policing

- a. SCPD will continue to deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, SCPD will ensure that members of the public receive equal protection of the law, without bias based upon race, color, ethnicity, national origin, religion or sexual orientation, and in accordance with the rights, privileges and immunities secured or protected by the Constitution and laws of the United States.

As the United States recognizes, the Department has taken considerable strides in fulfilling its obligations under this Section. From the inception of this Agreement, the Department has considered Bias Free Policing one of its top priorities, and has conformed its policies and operations to reflect that commitment.

COMPLIANCE LEVEL

The Department considers its efforts to date as **Partial Compliance** with the broad requirements of this Section.

III. Bias Free Policing

- b. Policies and procedures
 - 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.
 - 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.

As the United States notes in its Assessment, the Department continues to make significant advances in implementing the broad range of policies and procedures it has instituted pursuant to this Section.

COMPLIANCE LEVEL

The Department concurs that a level of **Partial Compliance** is appropriate at this time as to § III(b)(i) of the Agreement, in that policy implementation is ongoing.

The Department considers the creation and maintenance of the policies required by § III(b)(ii) as **Substantial Compliance** with that sub-section.

III. Bias Free Policing

b.

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

COMPLIANCE LEVEL

The Department believes that amendments to R&P Chapter 5, §2 and continued submission of completed cases within the required timeframe constitute **Substantial Compliance** with this Section to date. The Department has recognized the United States' concerns with timeliness of internal investigations, and as detailed below (Section VI), has taken steps over the last reporting period to remedy this deficiency.

III. Bias Free Policing

b.

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

The Department has committed to bringing administrative disciplinary action against any member found guilty of discriminatory policing. As the United States has recognized, no officers have been found guilty of discriminatory policing during this reporting period.

COMPLIANCE LEVEL

The parties agree that no compliance level can be assessed in the absence of substantiated charges. All allegations of discriminatory policing will continue to be fully investigated by the Internal Affairs Bureau, and substantiated charges will be referred for disciplinary action, and prosecution where applicable.

III. Bias Free Policing

b

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

The Department has adopted several measures to implement this Section. Most recently, the Applicant Investigations Section (AIS) adopted a procedure to screen all new applicants for any history of bias-based acts. Shortly before this report was authored, AIS began processing new applicants for an incoming class in the Fall of 2016.

COMPLIANCE LEVEL

Given the breadth of this Section, the Department believes that it has achieved **Partial Compliance** thus far.

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

During the last reporting period the Department became aware of serious concerns voiced by the Latino Community Advisory Committee regarding inquiries made to Immigration and Customs Enforcement (ICE). The practice of making immigration inquiries on all misdemeanor and felony arrests was described as a significant impediment to trust-building efforts in the Latino community. The Committee conveyed how this practice further distanced the Department from a populace already reluctant to interact with the police.

Following an internal review, the Department drafted an amendment to Chapter 16, §4, limiting the crimes requiring ICE inquiries to serious felonies. (**Attachment 1**). This amendment will be issued following review and comment from the LCAC.

The Department also contemplates further revision of the consular notification provisions of Chapter 16, §4 during the next reporting period in order to provide more clear direction to its officers on how to satisfy notification obligations without violating rules against questioning persons about their immigration status.

COMPLIANCE LEVEL

The Department considers the actions it has taken to date as constituting **Substantial Compliance** with the terms of this Section of the Agreement, and will confirm compliance through accountability measures as describe below in Section VI.

III. Bias Free Policing

b.

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

From January 1, 2016 until June 30, 2016, 12 complaints containing allegations of discriminatory policing have been received by the Department. A report cataloging and analyzing these complaints is attached. (**Attachment #2**) A detailed summary of officers' and complainants' IAB histories is attached as a confidential addendum to Attachment 2 and is not available on the public version of this document.

COMPLIANCE LEVEL

The Department recognizes its ongoing obligation to submit the reports required by this Section.

III. Bias Free Policing

c. Traffic stop data

i. SCPD will implement a revised Chapter 13, Section 9, "Traffic Stop Data Collection," as previously approved by the United States.
ii. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report analyzing the collected traffic stop data and explaining what measures, if any, SCPD will take as a result of the analysis

The Department has overcome significant obstacles in developing and fielding a data collection program in order to satisfy the requirements of this Section. As detailed in prior reports, several technical issues were uncovered and remedied since the inception of the program in November of 2014. The Department is confident that it now possesses a pool of reliable data spanning from June of 2015 to the present.

The Department and the United States are currently in the process of identifying additions to the program's capture fields in order to provide a more detailed account of each traffic stop and allow for a more relevant analysis. Additions to the program will be incorporated into Chapter 13, §9 and fielded during the next reporting period.

To date the Department has not analyzed any of the T-Stop data it has collected. As detailed in prior reports and correspondence, the Department and the United States have not found a suitable expert to render a competent analysis. The most recent expert identified by the Department, although well credentialed in other areas of criminal justice analyses, did not possess sufficient

expertise specific to traffic stop analysis. The Department has recently identified a third potential expert and will be discussing their suitability with the United States.

Finally, in response to requests by individuals in the community and members of the Latino Community Advisory Committee, the Department began posting raw data on its website in April of 2015. Presently, all data collected from the inception of the program through February of 2016 is posted in .pdf format. These files are being replaced with .xls files to facilitate ease of use.

COMPLIANCE LEVEL

The Department considers its creation of the Traffic Stop Data Collection Program, and its efforts in refining and maintaining that Program as **Partial Compliance** with Section III(c)(i). The Department recognizes it is currently in **Non-Compliance** with Section III(c)(ii).

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

Since the inception of the Agreement, the Department has devoted considerable resources in an attempt to create a suitable curriculum to satisfy the requirements of this Section. Following an on-site visit in the Fall of 2015 the United States voiced serious concerns regarding the method and content of the Department's curriculum. In response the Department suspended training and explored utilization of the Fairness and Impartial Policing curriculum. During a subsequent on-site visit in January of 2016 the United States offered to provide a train-the-trainer course based on that model.

The parties are now making arrangements to conduct the trainer with the assistance of the Office of Justice Programs. The Department anticipates that it will be able to conform this curriculum to its needs and commence training its full membership during the next reporting period.

COMPLIANCE LEVEL

The Department recognizes that it is presently in **Non-Compliance** with the requirements of this Section.

HATE CRIMES AND HATE INCIDENTS

IV. Hate Crimes and Hate Incidents

- a. Training
 - i. SCPD will ensure that all officers receive hate crime and hate incident training at least annually. The training curriculum will address:
 - 1. The elements of relevant crimes, including hate crimes and bias crimes; and
 - 2. How to properly charge offenses and avoid the downgrading of crimes, including hate crimes and hate incidents.

In its Assessment the United States characterizes the training conducted pursuant to his Section as effective overall in content and presentation. The United States and their subject matter experts participated in the training during the March 2016 on-site and offered several suggested revisions in their Assessment. A conference call between the United States and the Police Academy staff was conducted in June to discuss and clarify these revisions. An updated lesson plan and a brief summary of changes are attached. (**Attachment #3**)

COMPLIANCE LEVEL

The Department considers its formulation and presentation of the required training as **Substantial Compliance** with this Section.

IV. Hate Crimes and Hate Incidents

- b. Tracking and reporting
 - i. SCPD will implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents.

In its Assessment the United States highlights the need for coordination between Criminal Intelligence Unit analysts and Hate Crimes Unit to prevent omission of data on mapping. Chapter

24, §6 indicates the Hate Crimes Unit bears clear responsibility for all Hate Crimes mapping functions, and has done so since the inception of the Agreement.

COMPLIANCE LEVEL

The Department considers its creation, amendment and implementation of the policy required under this Section as **Substantial Compliance**

IV. Hate Crimes and Hate Incidents
c. Quality assurance
i. SCPD will implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures

The Department is in the process of obtaining the signage recommended by the United States in their assessment. The sign will be designed by the Hate Crimes Unit and will be translated and maintained along with other language assistance signage by the Community Relations Bureau.

COMPLIANCE LEVEL

The Department considers the measures undertaken to satisfy the requirements of this Section as Substantial Compliance as recognized by the United States' Assessment of June 26, 2015.

IV. Hate Crimes and Hate Incidents
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

The audit required by this section was conducted by the Commanding Officer of the Hate Crimes Unit, Detective Sergeant Deborah Gagliano. Her report is attached, but is not available on the public version of this document. (**Attachment 4**)

COMPLIANCE LEVEL

The Department concurs with the assessment that submission of the required audits constitutes **Partial Compliance** with this section.

LANGUAGE ASSISTANCE

V. Language Assistance

- a. SCPD policy will require the following:
 - 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.

As the United States recognizes in their Assessment, the Department now has a strong Language Access Plan in place (Chapter 26, §5). This plan has undergone significant revision from the one in place at the inception of the Agreement and now provides a comprehensive roadmap on the provision of language access services. The Department has also prepared a one-page summary version of the LAP in order to provide an easy reference tool for both public and internal use. Once community input is received the attached draft will be translated and distributed along with the full LAP. (**Attachment #5**)

COMPLIANCE LEVEL

The Department considers the creation, revision and maintenance of its LAP as constituting **Substantial Compliance** with this Section.

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

The Department has translated the LAP into Spanish, Haitian Creole, Mandarin Chinese (simplified), Portuguese, Italian and Polish. It has been posted and made available to the public in Department buildings and is on the website on the multi-language grid page. During the March 2016 on-site the United States observed deficiencies in the availability of the LAP at unspecified facilities. The Community Relations Bureau has since confirmed the availability of the LAP at all public facilities and CLOs have been tasked to perform monthly inspections of their lobby areas to verify correct signage and literature is in place.

COMPLIANCE LEVEL

The Department believes it has achieved **Partial Compliance** with this Section, in that it is an ongoing function.

V. Language Assistance

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| <ul style="list-style-type: none">iii. Distribution of the Language Access Plan and Policy to all SCPD staff and to community organizations serving LEP communities encountered by SCPD |
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Distribution of the LAP has expanded with each reporting period, and will grow further with the utilization of a single page summary as described above.

COMPLIANCE LEVEL

The Department considers its continued distribution of the LAP as constituting **Substantial Compliance** with this Section.

V. Language Assistance

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| <ul style="list-style-type: none">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. |
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Translation of the Compliment/Complaint Form into all six relevant languages was completed during the last reporting period and all forms are available at fall seven precincts and are on the website where it is accessible from several locations. On the homepage, the form appears as the fifth bulleted item in the center of the page. On the Informacion en Espanol page it appears as the seventh bulleted item in the center of the page, and it also appears as the seventh bulleted item on the Information/Policies page, which is accessible from the left navigation bar. As the Department has indicated in prior correspondence, its new webpage design will facilitate ease of use and highlight language assistance services.

Finally, on the Spanish Compliment/Complaint form the reader is advised in the introductory paragraph that "un operador estara disponible en espanol" for both a toll free, and local telephone number.

COMPLIANCE LEVEL

The Department believes it has attained **Substantial Compliance** with this Section by providing the required form in the required languages at its facilities and on its webpage.

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 recognizes that this is an ongoing process and will continue to evaluate the need to translate additional materials. Translated materials are routinely presented at the LCAC quarterly meetings for comment and feedback, and the Research and Development Section is currently establishing a means to insert a footer on translated material, reflecting the date and language of translation.

COMPLIANCE LEVEL

The Department considers its efforts regarding the identification and translation of vital documents as an ongoing function, and believes that it has attained **Substantial Compliance** to date.

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

The Department has received no correspondence in a language other than English during the last reporting period, and understands the need to publicize the facts that it will accept correspondence in languages other than English.

COMPLIANCE LEVEL

The Department considers its efforts regarding the translation of non-English correspondence as an ongoing function, and believes that **Partial Compliance** has been achieved to date in that a policy and procedure has been created, but only one document has been translated.

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

As noted in prior reports, the line required by this Section has been available for over a year. The local number has recently be augmented by a 1-800 number which reaches the same line. Finally, as noted above, the Compliment/Complaint Form indicates the availability of a Spanish-speaking operator.

COMPLIANCE LEVEL

The Department believes that the creation of a dedicated, forwarded and recorded line for Spanish-speaking complaints, and the inclusion of the required notice on the Compliment/Complaint form 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

The Spanish-speaking investigator assigned to Internal Affairs has attained certification as a Department Authorized Interpreter and also tested very well on the language proficiency exam. (**Attachment #6**)

COMPLIANCE LEVEL

The Department considers this certification as constituting **Substantial Compliance** with this Section.

V. Language Assistance

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

The Department has received no calls on the Spanish complaint line during this reporting period. As noted above, measures will be taken again to publicize the availability of this number through public service announcements, signage, the internet, on social media, and at community meetings.

COMPLIANCE LEVEL

The Department believes that no compliance level for this Section is appropriate at this time.

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

The Department has integrated its Language Assistance Tracking forming into its online reporting platform which has enabled it to compare the number of calls designated as "L" and the number of Language Tracking forms completed. This allows for an audit to determine compliance with form requirements and with language protocols overall.

CRB has reconciled the number of "L" with the number of Tracking forms and the number of incidents where language services were actually provided. (**Attachment #7**) The highest compliance rate thus far has been 30%. In response, CRB has begun pulling 911 recordings to determine the level of the callers proficiency at the time the call was designated with an "L". If results bear out an over-designation problem, remedial efforts will be focused on the Communication Section.

As described below in Section VI, the Internal Affairs Bureau has embarked on several new initiatives to ensure compliance with the implementation of this Agreement. One such initiative is an audit of Language Tracking Forms which indicate that the caller did not require language assistance, notwithstanding an "L" designation reflected on the call. Callers are contacted by Spanish-speaking investigators to determine the reason that no language assistance was provided. Thus far, no incidents of non-compliance have been detected. (**Attachment #8**)

COMPLIANCE LEVEL

The Department believes it has enacted the required policy and procedures to satisfy the requirements of this Section, and now must continue monitoring to ensure compliance. As such, a level of **Partial Compliance** is appropriate at this time.

V. Language Assistance

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| e. SCPD will maintain effective incentives for bilingual employees to become SCPDAIs, including assignments, promotions, and other means available to the County. |
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The Department has extensively researched available options for incentivizing both DAI and bilingual certifications. The command staff recently met with representatives of the Department's Hispanic Society to solicit feedback on how interpretation services impact Spanish-speaking officers, and how the Department can provide incentives. Shortly before the submission of this report, a list of possible incentives was provided to the command staff, and will be reviewed with the County as most involve subjects of mandatory bargaining (pay, assignments, etc.)

COMPLIANCE LEVEL

The Department recognizes that it is in **Non-Compliance** with the requirements of this Section and, following review at the County level, the Department hopes to implement an incentive program during the next reporting period.

V. Language Assistance

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| 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 |
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During the last reporting period the Latino Community Advisory Committee (LCAC) met on February 24th and May 18th. The minutes to those meetings are attached (**Attachment #9**), and reflect the issues upon which the Department received feedback and took action. Among the policy amendments resulting from this feedback was the inclusion in Chapter 1, 1 of language recognizing the right of individuals to enlist the assistance of advocates when interacting with the Department. This language was a direct result of requests by advocate groups to ensure that they will receive equal treatment throughout the Department when accompanying complainants, victims or witnesses who require police services. (**Attachment #10**)

Going forward the Department will attend two more LCAC meetings in 2016. The LCAC chair requested that the meeting scheduled for July 13, 2016 be re-scheduled due to lack of availability of most non-Department members and dates in September are currently being discussed.

COMPLIANCE LEVEL

The Department considers its efforts to date to constitute **Substantial Compliance** with the requirements of this Section and recognizes the ongoing nature of its obligation.

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

As the United States notes in its Assessment, the Department's language training curriculum has developed some excellent features since it's inception in September of 2015. To date 1595 members of the Department have received this training, and weekly classes are scheduled through the next reporting period.

Following the March 2016 on-site, and in the April 18th Assessment, the United States offered several suggested revisions to the training. Many involved teaching methods, such as using video to augment discussion, and including more scenarios during the LAP portion of the course. Other suggestions involved a deeper treatment of exigent circumstances, handing out the LAP as a training aid. All suggestions have been incorporated into the training, and reflected in the materials where appropriate. (**Attachment #11**) The United States comments on the cultural proficiency portion of the training have been incorporated to the extent that subject involves language barriers. It is the Department's understanding that cultural proficiency plays a more prominent role in the Fairness and Impartial Policing training curriculum, where it will be addressed more extensively.

COMPLIANCE LEVEL

The Department believes it has attained **Partial Compliance** with this Section due to the ongoing requirement to conduct training.

ALLEGATIONS OF POLICE MISCONDUCT

VI. Allegations of Police Misconduct

a. Reporting misconduct

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..

Policy revisions to Rules and Procedures Chapters 1, §11 and 5, §2 were made during previous reporting periods and fully satisfy this Section of the Agreement.

COMPLIANCE LEVEL

The Department believes that the policy amendments made pursuant to this Section constitute **Substantial Compliance**.

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

Policy revisions to Rules and Procedures Chapter 5, §2 were made during prior reporting periods to satisfy the requirements of this Section. The United States notes in its Assessment, that its community feedback has indicated some lack of general awareness about how to lodge a complaint and some resistance encountered by advocates wishing to lodge third party complaints. The Department is addressing these issues through policy, such as the amendment to R&P Chapter 1,§ 1 discussed above, training, and accountability measures, such as desk checks. Signs in English and Spanish are also being prepared for posting in all Precincts, explaining how to file a complaint. The Department believes, however, that it has met its obligation under this Section by conforming its policy to the requirements.

COMPLIANCE LEVEL

The Department believes that it has attained **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

The Department instituted the policies required by this section prior to the last reporting period and has strengthened them as described above in the previous Section. The Department believes these measures satisfy the requirements of this Section.

COMPLIANCE LEVEL

The Department considers the addition of policies required by this Section to constitute **Substantial Compliance**.

VI. Allegations of Police Misconduct

b. Investigation of Misconduct
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.

The policy required by this section has been in place for several reporting periods.

COMPLIANCE LEVEL

The Department considers the adoption of the required policy as **Substantial Compliance** with this Section.

VI. Allegations of Police Misconduct

b.
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

COMPLIANCE LEVEL

The Department considers the previous submission of the required report as **Substantial Compliance** with this Section.

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.

COMPLIANCE LEVEL

The Department considers its previously submitted policy requiring the Commissioner to review all discriminatory policing cases as **Substantial Compliance** with this Section.

VI. Allegations of Police Misconduct

b.

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.

In addition to the computerized tracking system (IAPro) detailed in earlier reports, the Department has added an anonymous phone line to receive complaints in confidence. A phone number has been established which rings directly in the Internal Affairs Bureau. It is not recorded, and complainants are given an identification number to conceal their identity. The Department hopes that this will accommodate reluctant complainants, and also facilitate reporting by officers who are aware of misconduct. Efforts will be made during the next reporting period to publicize the existence of this number as broadly as possible in all six languages.

COMPLIANCE LEVEL

The Department believes that it has achieved **Substantial Compliance** with this Section of the Agreement by creating the necessary infrastructure to allow for the tracking of cases.

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.

The Department has submitted analyses for each reporting period under the Agreement. The report for this period is attached. The annual report for 2016 will incorporate these statistics and analyze trends from the inception of the Agreement.

COMPLIANCE LEVEL

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

VI. Allegations of Police Misconduct

- 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

Six cases involving discriminatory policing have been completed since the last Compliance Report and forwarded to the United States. Two of those cases were randomly selected for audit, a report of which is attached. (**Attachment #12**)

COMPLIANCE LEVEL

The Department believes submission of the required report constitutes **Substantial Compliance** and recognizes the ongoing nature of this requirement.

Additional Measures Adopted During Reporting Period

As the United States notes in its Assessment, the Department has invested significant resources in the Internal Affairs function over the last reporting period. It has increased staffing and continued to incentivize the assignment by making several promotions. It has also broadened its commitment to task-specific training. Three investigators are scheduled to attend the next NYPD IAB school with an additional 3-5 anticipated in the Fall.

The case backlog has been reduced significantly, with 138 cases closed year to date. Protocols have also been established to ensure complainant contact is maintained and cases progress in a timely fashion. Investigators are now required to contact the complainant in each case within 24 hours and conduct a face-to-face interview within the first 72 hours. Investigators must also notify each complainant of the status of their case by mail every 90 days.

Correspondence will be made in the complainant's best language, and investigators will use business cards in English and Spanish. Finally, bilingual investigators and supervisors will audit compliance with Language Tracking forms, and also perform desk checks in Spanish to determine if language services are being provided according to established protocols.

A Police Involved Shooting Team of one captain and two investigators has been formed and will respond to all incidents in which officers inflict serious physical injury. The IAPro system has been altered to notify the Chief of Patrol as complaints make their way to IAB. An initiative to investigate the pistol permit status of officers who retired with disciplinary charges pending has begun, and another initiative is under way to assist the District Attorney's Office in maintaining the Brady list.

The Department hopes that these measures will make Internal Affairs investigations more efficient and thereby increase accountability and community trust.

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

COMPLIANCE LEVEL

The Department concurs with the United States' assessment that its overall community engagement operations have taken significant strides forward, and is taking steps to expand those efforts beyond the confines of the Community Relations Bureau. Although the Department recognizes that it can continually improve its community relations efforts, it believes it has attained **Substantial Compliance** with the specific requirements of this portion of the Agreement.

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.

The Department continues to staff the Community Liaison Officer position in all seven precincts with great success. The Department is currently interviewing for the position of CLO in the 7th Precinct to replace P.O. Thomas Kennedy who has been promoted to Detective.

COMPLIANCE LEVEL

The Department believes that assignment of the required personnel under this section constitutes **Substantial Compliance**.

VII. Community Engagement

b.

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

The Department maintains each Community Liaison Officer's hours of availability and contact information on the website under their respective "Precinct" tabs.

COMPLIANCE LEVEL

The Department believes the measures it has taken to publish CLO availability on its website constitutes **Substantial Compliance** with this section.

VII. Community Engagement

b.

iii. Each Community Liaison Officer's duties will include the following:

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| 1. Arranging monthly meeting of community residents to discuss issues and ask questions regarding the police department. The meeting will be attended by the Community Liaison Officer, at least one senior SCPD command staff member, and at least one officer responsible for patrolling in that particular precinct. |
| 2. Each Community Liaison Officer will review, on a monthly basis, all concerns submitted to SCPD by members of his or her precinct to assess community issues. For those concerns that do not rise to the level of requiring formal action under SCPD policy, the Community Liaison Officer will notify the complainant that the Community Liaison Officer is available to answer the complainant's questions and respond to any further community concerns. The Community Liaison Officer will refer complaints of police misconduct relating to discriminatory policing to IAB. |
| 3. Each Community Liaison Officer will meet at least once every six months with the respective bureau commander. During these meetings, the Community Liaison Officer will communicate any concerns or issues that he or she has received during the previous six months, along with any other relevant information pertaining to SCPD's relationship with Suffolk County residents |

As the United States has recognized in its Assessment, the Department has greatly expanded the scope of community activities it conducts through the direct efforts of the CLOs and COPE officers. Ongoing administrative initiatives, such as increasing the functionality of the CLO/COPE Tour Report database and having monthly meetings at CRB, have facilitated the sharing of information between the CLOs, COPE and Community Relations Bureau.

The Department is presently expanding its community relations functions to include local sector car operators in events hosted in their areas. CRB is also researching initiatives to create positive street encounters between line officers and the public, such as ball give-aways for children and pre-packaged meals for the homeless.

The Department recognizes that training will be the key to success in expanding community relations functions through the ranks. CRB is taking a central role in the upcoming FIP training, and will conform the curriculum of that course to highlight community initiatives and programs. Existing blocks of instruction for Recruit and In-Service Training are also under review for update and expansion.

COMPLIANCE LEVEL

The Department recognizes the critical importance of making community relations a function of every rank and assignment. To the extent it has implemented measures to achieve this, the Department believes it has attained **Partial Compliance**. The Department believes, however, that it has achieved **Substantial Compliance** with the specific terms of this Section of the Agreement.

VII. Community Engagement

- c. Community Oriented Policing Enforcement ("COPE")
 - 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

COMPLIANCE LEVEL

The Department believes it has attained **Substantial Compliance** with this Section of the Agreement.

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.
 - 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

COMPLIANCE LEVEL

The Department believes it has attained **Substantial Compliance** with this Section of the Agreement.

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

COPE officers' activity has been extensively documented since the inception of the Agreement. Creation and current expansion of the functionality of the COPE/CLO Tour Report database evidences the Department's commitment to ensuring COPE officers remain fully focused on community relations.

COMPLIANCE LEVEL

The Department believes it has attained **Substantial Compliance** with this Section of the Agreement.

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

The Department provided the report required by this section on April 1, 2014, and subsequently enacted Rules and Procedures Chapter 26, §1 memorializing the engagement plan into policy.

COMPLIANCE LEVEL

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

VII. Community Engagement

d.

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

COMPLIANCE LEVEL

The Department considers assignment of CLOs as **Substantial Compliance** with this section.

VII. Community Engagement

d.

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

As the parties have discussed over the course of the last reporting period, the Department is seeking assistance from researchers at Stony Brook University in developing a new survey instrument and refining the manner in which surveys are distributed and analyzed. As the parties have discussed, prior distribution of the survey was not achieving results from the target audience, and the arrangement and content of questions were problematic for several reasons.

A draft revision of the survey is attached (**Attachment #13**), and the Stony Brook researchers are creating an outline explaining the methods of distribution and analysis. The Department hopes to contract our new experts and begin the distribution process before the end of the next reporting period.

COMPLIANCE LEVEL

The Department believes it has attained **Substantial Compliance** with the specific requirements of this Section, and recognizes the need to employ the assistance of experts in community survey analysis to obtain the best possible feedback on its language assistance and community relations efforts.

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.

COMPLIANCE LEVEL

The Department believes that the numerous meetings conducted throughout the police district on a regular basis, as documented in the annual CRB report constitute **Sunstantial Compliance** with this Section.

VII. Community Engagement
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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

ii. SCPD will continue its outreach programs to all members of the community (e.g. Police Athletic League, English as Second Language classes, etc.) with the assistance of bilingual SCPD officers

The Department's outreach efforts continue to be extensive and ongoing. As the United States notes, it is important for the Department to obtain feedback from the community as to what types of programs are most needed in specific areas. CLO and COPE officers play a pivotal role in obtaining such feedback through their routine activities. Additionally, the Department believes that its planned revisions to the survey program will provide even more valuable input as to what services are needed and where they are best focused.

COMPLIANCE LEVEL

The Department believes that it has attained **Substantial Compliance** with the specific requirements of this Section, and as explained, is taking steps to strengthen and expand on existing programs.

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

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

COMPLIANCE LEVEL

The Department believes it has achieved **Partial Compliance** with the requirements for this Section in that, as described above, it must expand community relations functions throughout its ranks and assignments to foster the relationships contemplated by this Section..

VII. Community Engagement

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

The Department considers its efforts to date as constituting **Partial Compliance** for this Section, and will continue researching such opportunities.

VII. Community Engagement

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| 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 |
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COMPLIANCE LEVEL

The Department believes its efforts to date constitute **Partial Compliance** for this Section, and as explained above will continue to seek such opportunities from local organizations and institutions.

VII. Community Engagement

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| 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. |
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COMPLIANCE LEVEL

The Department believes it continues to achieve **Substantial Compliance** for this Section.

VII. Community Engagement

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| 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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COMPLIANCE LEVEL

The Department believes it continues to achieve **Substantial Compliance** for this Section.

VII. Community Engagement

- f. Social media and notification systems
 - i. Within 180 days of the Effective Date, to the extent SCPD uses social media and related publishing systems, such as Nixle, to provide community members with information that includes emergency alerts, safety tips, and other public safety information, SCPD will ensure that messages that are broadcast in English are also provided in Spanish or, to the extent practicable, any other non-English language commonly spoken by community members, consistent with the requirements of Title VI.
 - ii. SCPD will advertise the availability of such publishing systems to the community using local and social media

COMPLIANCE LEVEL

The Department believes it continues to achieve **Substantial Compliance** for this Section and is in the process of broadening its social media presence, in both English and Spanish.

VIII. POLICIES AND TRAINING GENERALLY

The Department considers its efforts to date in creating, updating and training on policies promulgated pursuant to this Agreement as extensive and ongoing. The Department believes it has been responsive to suggested changes and additions from the United States and the community groups with which it meets. The Department has taken the initiative to go beyond the specific requirements of this Agreement and conform its policy and procedures to the spirit of the Agreement.

As explained above, the Department is in the process of restructuring its website to allow greater and more meaningful public access to information. Internally, the Department is also researching initiatives to restructure the maintenance and dissemination of its Rules and Procedures to provide the same ease of access to its own personnel. The Department believes these measures will enhance its compliance with the Sections in this portion of the Agreement and is eager to provide details as they become available.

INDEX OF ATTACHMENTS

1. Rules and Procedures Chapter 16, §4 "Arrest of Non-Citizens" [draft]
2. IAB trend analysis for discriminatory policing cases January 1, 2016 – June 30, 2016
3. Police Academy Lesson Plan – Hate Crimes
4. Hate Crimes Audit for January 1, 2016 – June 30, 2016
5. Condensed LAP [draft]
6. Lieutenant Rafael Cano's language certification
7. CRB "Language Assistance Tracking Audit"
8. IAB "Language Access Quality of Service Audit"
9. Minutes to LCAC meetings on 2/24/2016 and 5/18/2016.
10. Rules and Procedures Chapter 1, §1 "Police Mission" [draft]
11. Slides for Language Training
12. Audit of discriminatory policing cases
13. Community Survey instrument [draft]