

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



**December 18, 2019**

## I. INTRODUCTION

In January 2014, the United States Department of Justice (DOJ) and the Suffolk County Police Department (“SCPD” or the “Department”) entered into a Settlement Agreement (“Settlement Agreement” or “Agreement”) to ensure that police services are provided to all members of the Suffolk County community, including the Latino community, in a manner that complies with the Constitution and laws of the United States.<sup>1</sup> DOJ, as part of its responsibilities for oversight of SCPD’s implementation of the Settlement Agreement, periodically reports on its assessment of SCPD’s compliance with the Agreement. This is the eighth Assessment Report, which focuses on conduct from the second half of 2018 and first half of 2019, but also addresses conduct from earlier periods where necessary.

Since we issued our last Assessment Report in October 2018 (the “Seventh Assessment Report”), DOJ representatives from both the Civil Rights Division and the United States Attorney’s Office for the Eastern District of New York reviewed documents and materials provided by SCPD, including copies of internal affairs investigations, a sample of entries in SCPD’s community relations daily activity reporting system, documentation regarding hate crimes and language assistance, and other reports. We also met with SCPD officials, SCPD command staff and other supervisors, and SCPD officers; toured precincts and participated in ride-alongs with on-duty officers; attended training courses; and met with members of specialized units, including the Hate Crimes Unit, the Internal Affairs Bureau, and the Community Response Bureau. In addition, we met with advocates and solicited the views of the Suffolk County community, including the Latino community. In conducting these activities, we consulted with police practice experts with expertise in the areas of policing covered by the Settlement Agreement.

In addition, we met with again with the Commissioner of the Suffolk County Police Department, Geraldine Hart, to discuss the progress made to date and the enduring challenges that remain. We thank Commissioner Hart and the other SCPD officials with whom we met during this assessment period, and we appreciate the cooperation and sustained commitment that SCPD and Suffolk County leadership continue to show in addressing the requirements of the Agreement. We also thank the many members of the Suffolk County community who have met with us and provided us with invaluable feedback. The Department also has provided us with updated information about changes it has implemented since our visit in October 2018, as noted in this report.

This Assessment Report is divided into two sections. First, we provide a compliance rating for each provision of the Settlement Agreement. Second, we provide a more detailed analysis of SCPD’s successes and challenges to date in each main area of the Agreement: 1) bias-free policing; 2) hate crimes and hate incidents; 3) language assistance; 4) allegations of police misconduct; 5) community engagement; and (6) policies and practices.

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

## II. CURRENT COMPLIANCE RATINGS

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

The definition of each rating type is as follows:

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

<u>Settlement Agreement Area</u>	<u>Status of Compliance</u>
III. BIAS-FREE POLICING	Partial Compliance
a. Continued Delivery of Bias-Free Policing	Partial Compliance
b. Policies and Procedures	Substantial Compliance
c. Traffic-Stop Data	Partial Compliance
d. Training	Partial Compliance
IV. HATE CRIMES AND HATE INCIDENTS	Substantial Compliance
a. Training	Substantial Compliance

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

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

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

#### A. BIAS-FREE POLICING

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

Under the Agreement, SCPD has committed to ensure that its police services are “equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department” and that all “members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, or sexual orientation, and in accordance with the rights, privileges, and immunities secured or protected by the Constitution and laws of the United States.” Agreement ¶ III(a) at 4. To bring these provisions to fruition, the Department must develop and implement a robust system of training, supervision, data collection, and accountability mechanisms that ensure its law enforcement duties are being performed free of impermissible bias.

The Department continues to be in partial compliance with this provision, but remains on track to achieve substantial compliance once it is able to deliver bias-free policing training to all SCPD officers and once it is able to appropriately analyze the data it has recently begun collecting.

#### 1. Policies and Procedures

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

## 2. Traffic-Stop Data

Under the Agreement, SCPD must collect accurate traffic-stop data and analyze it for indications of bias in order to ensure bias-free policing. *See* Agreement III(c) at 6. As we detailed in our last assessment report, SCPD recently took a number of steps towards compliance in this area. *See* Seventh Assessment Report at 6-8.

Most significantly, the Department transitioned from a computerized data terminal system designed by an outside vendor to one developed and maintained by SCPD's information technology (IT) unit, which gave SCPD greater control over the data collection fields and will ultimately improve the Department's ability to analyze up-to-date data. In order to complete this transition, the Department's IT unit began designing the data collection module last winter, and worked with DOJ to ensure that all necessary data fields were included. Prior to launching the revamped system, the Department also conducted beta-testing with a select group of patrol officers. This process helped identify shortcomings and allowed them to be corrected before the system was reintroduced throughout the Department. The new system can track a full range of required data points so that officers can collect – and the Department can analyze – factors relevant to ensuring bias-free policing practices. The revamped system also addresses the shortcomings that existed in the previous iteration of this program.

During the last rating period, it came to our attention that the traffic stop data being publicized on SCPD's website under the new system was not as robust as the data published under the old system. Specifically, the data lacked any geographical data regarding where traffic stops had occurred – which used to be provided under the old system. We raised this concern with SCPD, as the development of the new system was enacted to increase, not diminish, transparency. To its credit, SCPD—specifically its recently hired data analyst—promptly addressed this concern. We appreciate this problem solving.

Going forward, it remains critical that SCPD manage the data it is collecting and review it on a regular basis to ensure it is reliable. Specifically, we renew our recommendation that SCPD precinct supervisors develop specific protocols for the substantive review of traffic-stop data as part of supervisors' regular supervisory activities and that SCPD provide updated training for supervisors. *See* Fourth Assessment Report at 7; Fifth Assessment Report at 6-7; Sixth Assessment Report at 7, Seven Assessment Report at 7. We understand that SCPD now has a plan to implement that recommendation by amending its traffic stop data policy to specifically require such supervisory review, which would represent a significant step forward. It is also important that the Department develop a robust plan for the analysis of this data. As a positive step forward, the Department has successfully procured funding for an outside consultant, which engagement will be finalized in the next several months. We encourage the Department to begin

working on protocols for data analysis as soon as possible to ensure that this necessary measure can be implemented effectively.

### 3. Training

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

We found SCPD in substantial compliance with this requirement in our last assessment report, as the training SCPD now provides is thorough and clear, and it provides officers with an in-depth understanding of the psychological and situational factors that can result in bias influencing law enforcement outcomes, and the techniques that officers should use to prevent this from happening. We did not observe the training during this rating period but will reassess it during the next rating period. If the training remains substantively equivalent to our last observations, SCPD is poised to come into substantial compliance with this provision once it delivers this training to all SCPD officers. Given the large size of the Department, this is a process that will take time, but we have met with SCPD to discuss how to ensure this transpires as quickly as possible.

## B. HATE CRIMES AND HATE INCIDENTS

IV. HATE CRIMES AND HATE INCIDENTS	Substantial Compliance
a. Training	Substantial Compliance
b. Tracking and Reporting	Substantial Compliance
c. Quality Assurance	Substantial Compliance

Given that SCPD has launched a mapping system that will substantially improve SCPD’s ability to track and analyze hate crimes, we found that SCPD was in substantial compliance with the hate crimes portions of the Agreement in our last assessment report. SCPD remains in substantial compliance with these provisions.

Nonetheless, as set forth below, several issues arose during this rating period that require continued attention. SCPD has been proactive in addressing these issues to date, which has enabled the Department to remain in substantial compliance. Continued focus on these areas is

essential to ensuring the Department tracks and responds to hate crimes in a manner that complies with the Agreement.

### 1. Training

Under the Agreement, SCPD must ensure that all officers receive annual hate crimes and hate incident training. *See* Agreement ¶ IV(a) at 7. We found SCPD to be in substantial compliance with this provision of the Agreement in October 2016. *See* Fourth Assessment Report at 9-10. The Department continues to deliver the approved training and remains in substantial compliance.

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

In our last assessment report, we noted that the Department had developed and fully implemented a mapping system for hate crimes and hate incidents that comports with this requirement. The mapping system continues to be used appropriately by SCPD, and the system promises to assist SCPD in identifying patterns of problematic conduct.

During this rating period, however, SCPD realized a deficiency in the tracking of the particular group targeted by each particular incident, which caused some incidents not to be reported in the cumulative statistics. This deficiency stemmed from shortcomings in the computerized form for reporting hate crimes. When an officer flags an event as a possible hate crime, the officer checks a box on the electronic form identifying the specific hate-crime motivation. The record is then referred to the Hate Crimes Unit (“HCU”). If the HCU finds that the report does not describe a hate crime but instead a hate incident, the HCU manually changes the form. At this point, however, the system was “unchecking” the hate crime motivation box, which led to the deletion of the specific motivation from the report. This resulted in deficient forms for hate incidents that were originally identified as hate crimes.

SCPD has been proactive in appropriately responding to this deficiency. Since identifying the issue, SCPD has reviewed all 2018 reports to identify the motivation for the hate incident and updated the reports accordingly. SCPD has also taken steps to modify the computerized form to prevent this issue from continuing to occur. Because of its prompt attention to this issue, SCPD demonstrated that it had the institutional capacity to identify and correct problems in this area, and as a result remained in substantial compliance notwithstanding these events.

Finally, we again commend the Department’s commitment to making the mapping data publicly available in its annual report, and encourage the Department to initiate production of its first report as soon as possible to bolster transparency regarding this important issue.

### 3. Quality Assurance

The Agreement requires SCPD to “implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures,” and that SCPD will conduct random audits of HCU investigations and any corrective actions taken because of the audits. *See* Agreement ¶ IV(c) at 7-8. SCPD remains in substantial compliance with these requirements.



During this assessment period, SCPD identified an issue regarding the categorization of hate crimes and hate incidents that it must continue to address. Currently, the Department categorizes hate crimes and hate incidents by the type of victim the crime involved, e.g., “anti-Latino,” “anti-Jewish,” or “anti-Muslim.” As a result, certain incidents are currently categorized as exhibiting hate towards a particular group even though the specific conduct in question may be exhibiting hate towards a broader component of the community. For, instance, officers currently record graffiti of a swastika as having only an “anti-Jewish” motivation even though the graffiti may also be intended by white supremacists to target other groups. Properly categorizing hate crimes and incidents issue is complex but is central to ensuring quality reporting, tracking and response. We will continue to work with SCPD, with the assistance of our experts and experts from other departments, to identify the best approach to properly recording this conduct.

C. LANGUAGE ASSISTANCE

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

The Agreement requires SCPD to develop and implement language access policies and practices so that persons who are Limited English Proficiency (LEP) have meaningful access to police services. *See* Agreement ¶ V at 8-11. Effective communication with LEP individuals is critical for effective policing and public safety. Although SCPD has continued to make progress

in this area, and it continues to improve its excellent Language Access Policy (LAP) (Rules & Procedures, Ch. 26, Sec. 5), SCPD's implementation and monitoring require additional improvement. A substantial gap remains between the principles espoused in the LAP and execution of the policy by officers and supervisors in the field. SCPD records show that SCPD personnel often fail to use language interpretation services when communicating with LEP individuals, whether witnesses, suspects, or members of the public, especially during enforcement actions, criminal investigations, interrogations, and detentions, leading to ineffective communications.

## 1. Language Access Policy/ Language Line Order

We have determined that SCPD's LAP is in substantial compliance with the language access policy and language line order provisions of the Agreement. As a matter of technical assistance, and based upon our observations regarding the obstacles that prevent SCPD from successfully implementing the LAP in practice, we make the following recommendations for changes to the LAP to help improve the delivery of language assistance services:

(a) Section IV.E.3.e(2)(a), on page 10 of the LAP version we received, notes that if a temporary interpreter during an exigency enables police services to be rendered, officers do not need to use an interpretation service. This is appropriate. However, we recommend that the LAP reflect language that advises, once the exigency ends, officers should switch to approved language access services. Finally, we recommend that the LAP direct all personnel to record in the ORS (the Online Reporting System) the use of both temporary and authorized interpreters or bilingual members of service.

(b) It is critical that officers understand the importance of not using children to interpret, except perhaps as a last resort in an exigency. We have received reports that children continue to be used as interpreters, even on domestic violence calls. This is particularly concerning. We recommend that SCPD insert language into the LAP reminding officers of the likely negative emotional impacts on children who are used as temporary interpreters during police-civilian contacts, and understand that SCPD intends to do so.

(c) The Agreement acknowledges the importance of providing complaint and compliment forms in Spanish, to allow LEP individuals to make complaints or compliments regarding their experiences with SCPD. The Agreement also requires that complaints in other languages "will be processed in the same manner as are citizen complaints originally received in English." See Agreement ¶¶ V.a.iv, V.a.vi. We learned during our tour that notifications to LEP individuals of complaint dispositions are at times provided only in English. SCPD reports that both R&P § 26.5 and 5.2 dictate that all correspondence should be in the language of the recipient and that it has addressed this specific concern.

## 2. Implementation of Policy on Persons with LEP

Implementation of the LAP should be improved. Specifically, the Community Relations Bureau's reports for July, August, and September 2018 show that that field officers frequently reject the Communications Section's determination that certain 911 calls require language access

services, which SCPD refers to as “LIMA” calls. In each month during the previous rating period, between 60-100% of LIMA calls—call that the Communications Section believe require language access services—did not result in the use of a Department-approved language assistance resource. Clearly, not all LIMA calls require language assistance; for example, when an LEP individual calls 911 regarding a traffic accident, but the drivers and witnesses at the scene are all proficient in English. However, officers too often inaccurately reject the LIMA designation without properly assessing whether individuals are LEP and require interpretation services. As one indication of this fact, Internal Affairs Bureau (“IAB”) follow-up calls to complainants who are LEP determined that officers failed to provide needed language access services almost 40% of the time. Further, desk audits by the IAB—in which an IAB supervisor pretending to be an LEP individual called a precinct—found similar non-compliance. As a result, LEP individuals are too often unable to receive adequate language assistance, and officers are too often not able to obtain accurate information during a call. Precinct-level training, for officers and supervisors, is needed to change this behavior. SCPD reports that, in 2019, the rate of use of language assistance services has improved by 8.5%. This is a positive trend that we hope will continue. The Commissioner has also expressed that maintaining this progress is a priority for the Department, and has recently issued directives regarding this issue.

We also note the need for training and supervisory review of the customer service provided by precinct desk officers, who are often the first contact that individuals have with SCPD. We continue to receive reports that the level of customer service provided to LEP callers by precinct desk personnel varies from barely adequate to poor. Desk supervisors must ensure that officers treat all members of the public with appropriate respect and see themselves as ambassadors of the agency. Desk officers also are not sufficiently documenting LEP contacts and use of language assistance services. We also continue to receive reports that LEP individuals coming into contact with Suffolk officers are not receiving appropriate, courteous service in the field. We understand that, since our last tour, the Department has implemented several measures to address this problem. For example, in December 2019, SCPD hired Spanish-speaking civilian employees to be present at particular precinct front desks. We will continue to monitor progress in this area.

One solution to these issues is better supervisory oversight and intra-departmental monitoring of language access services. To ensure the LAP is implemented appropriately, supervisors should monitor individual officers’ requests for language assistance and review documentation to ensure that such assistance was administered properly. More attention to the Community Relations Bureau’s (CRB) monthly LIMA reports sent to every precinct commander also would assist in ensuring proper language access services. Some supervisors we spoke to seemed not even aware of the data, much less how to analyze it or utilize it to improve services. We recommend that CRB prepare a presentation regarding its LIMA report and uniform review procedures for delivery to all Inspectors and Deputy Inspectors, which, among other things, explains what the reports mean, how they can be used, and get feedback on how they can be made even stronger. This will help SCPD develop the most useful possible report and improve LAP services while also emphasizing to command staff the importance of LAP issues.

We were impressed by a promising oversight and monitoring model independently developed in the Third Precinct by Deputy Inspector Milagros Soto, who, with support from Inspector John Rowan, has applied her Internal Affairs experience and knowledge of the LEP

community to create tools which allow analysis of language access services. This could serve as a model for every precinct commander, and we recommended when we were on our tour that SCPD roll it out in every precinct. We understand that SCPD has now done so.

The ability to collect and analyze data has been greatly aided by the recent hiring of a data analyst, who has made efficient progress setting up a reporting system for LIMA calls. He has worked with IT to connect directly to the SCPD databases and written code that makes the process of simplifying the data into a report repeatable each month with minimal effort. SCPD's efforts to implement the LAP would be bolstered if it made better use of this data.

We note, however, that the current data system tracks only patrol officers' provision of language assistance. SCPD should also create a system to require the crime control units, detective squads, and specialized units to track language assistance. *See* Agreement, ¶ V.a.x. Similarly, IAB audits of language access service provision should include detectives and desk officers. Ensuring these other units implement the LAP is essential to SCPD's efforts of providing appropriate language services to all LEP individuals.

It is also critical that SCPD display in languages other than English current versions of language access postings and literature. *See* Agreement at ¶ V.a. As noted above, we once again found different versions of the community survey and LAP at the headquarters' front desk and other precinct locations. A more thorough and regular language access document audit must be conducted in all of the precincts to remove outdated and unnecessary materials (including all Community Surveys, which are in the process of redevelopment). Likewise, all posters that advise the public of their language access rights should be prominently displayed, together with other notifications of the public's rights and important law enforcement communications.

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

The SCPD reported in 2018 that it had migrated its website over the past several months to a new platform. Based on what was visible during our review at that time, many entries were not translated into Spanish. We have reviewed the website recently, however, and were pleased to see that almost all information in English is also available now in Spanish. The few remaining links which are not translated can easily be fixed, and we expect SCPD will do so. Given the progress that has been made in this area, we now find it in substantial compliance. We commend SCPD for its efforts over the last year.

### 4. Incentives for Interpreters

We understand that the corps of bilingual officers and interpreters continues to grow. This demonstrates that the current incentives for personnel participation in supporting the LAP are sufficient and having their intended effect.

### 5. Consultation with the Latino Community & Community Survey

The Department's contacts with Latino community leaders have ebbed and flowed. As we have recommended, the Department has needed more communication both with long-time advocates and new community members and advocates. We understand that since last year, the

Commissioner and her staff have met more frequently and in different locations than in the past. We commend this effort and urge continued meeting and consultation with community members and advocates.

We have also recommended that SCPD invite community members to participate in, or observe its initiatives, such as its training and community survey development, so that community members are aware of the SCPD’s efforts and can provide feedback that enhances the Department’s cultural and linguistic competence. When we toured in 2018, Latino community advocates reported that they were still awaiting confirmation of an opportunity to observe the LAP training. We understand that this has now occurred and that other programs, including Hate Crimes and Bias Free Policing training, have been viewed and commented on by Latino community members and advocates. Training decks for the online VIPER (Video Interactive Police Education Resource) program and other training should also be shared with advocates to generate support among community and SCPD personnel for the Department’s policy and commitment to language access.

During our visit, we received an update from CRB regarding the status of SCPD’s efforts to contract with a third party (ideally, a local university) to develop and administer annual community surveys. We understand that funding has now been obtained to develop the survey, which is expected to be conducted in the first part of 2020.

6. Language Assistance Training

We did not observe the language assistance training on this tour, but we have found it in substantial compliance in the past and have no reason to think that this has changed. We understand that the CRB also conducted one round of VIPER training on the LAP; the training materials should be provided to the training section managers (as well as community advocates, as noted above), to ensure that the language access training is in sync with the instructions provided elsewhere in the Department. We also understand that SCPD has contracted with a professor from Suffolk County Community College to conduct Spanish language training for officers who are marginally fluent in Spanish. We commend SCPD for initiating this program.

D. ALLEGATIONS OF POLICE MISCONDUCT

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

Under the police misconduct reporting requirements of the Agreement, SCPD must have a policy that requires all members to report allegations of discriminatory policing, ensures that all complaints are investigated, and allows third-persons to submit complaints on behalf of

victims. Agreement ¶ V(a) at 11. The Agreement also includes various provisions concerning the investigation of misconduct, which are aimed at ensuring that all complaints are thoroughly investigated. *See* Agreement ¶ V(b) at 11-12. The Department attained substantial compliance with this section of the Agreement in our Seventh Assessment Report in October 2018 and remains in substantial compliance for this Assessment.

### 1. Reporting Misconduct

The Department's ongoing implementation of its Civilian Complaint Procedure, Order 15-56, means it remains in compliance with the three requirements of the Reporting Misconduct section of the Agreement dealing with: (1) members' duty to report allegations of discriminatory policing, (2) ensuring that the Internal Affairs Bureau (IAB) investigates all complaints regardless of how they are submitted, and (3) allowing third parties to file complaints on behalf of victims. *See* Fifth Assessment Report at 16; Agreement ¶ VI(a) at 11. The Department also continues to keep complainants apprised of the status of their complaint per its voluntarily adopted policy, SCPD Directive, Order No. 17-01, Mar. 17, 2017, that we have previously commended. These efforts to be transparent in the investigative process and responsive to complainants from the community should steadily improve public perception of the internal affairs process and of SCPD as a whole. We will continue to monitor this section of the Agreement, including any related policies, to ensure that SCPD remains in substantial compliance.

### 2. Investigating Misconduct

The provisions of the Agreement that address the Department's misconduct investigations are designed to ensure that SCPD's misconduct complaints are timely and thoroughly investigated, that IAB has qualified SCPD members serving as investigators, and that the Department tracks and analyzes IAB investigations to ensure their quality and identify issues. *See* Agreement ¶ VI(b) at 11-12. The Department remains in substantial compliance with these requirements.

Building on its improved recruiting of investigators, (*see* Seventh Assessment Report at 14), SCPD has three captains assigned to IAB who lead three teams of five or six investigators. Each investigator carries a caseload of about eight cases, which appears to be a manageable and appropriate number. As a result, SCPD has made further progress in reducing its number of aging or backlogged cases, with only 13 such investigations at the time of our last tour. Five of the backlogged cases were delayed for reasons beyond SCPD's control, such as being put on hold at the direction of the prosecutor due to a pending criminal case or inquiry. SCPD has also been providing relevant training for investigators, including a basic criminal investigation course in December 2018, and an advanced criminal investigator course for five IAB investigators in January 2019.

SCPD remains in compliance with this section of the Agreement. As discussed in the community engagement section below, however, IAB can make further improvements in gaining trust and support from members of the community while they investigate complaints. Relatedly, we note renewed public concerns regarding a specific incident in 2016 involving a family seeking SCPD's assistance in investigating the disappearance of their teenage daughter. In April 2019, it was reported that SCPD had been provided the full video-recording of that encounter.

Although it occurred over three years ago, the underlying incident—and the manner in which the SCPD investigated it—directly relate to issues throughout the Settlement Agreement. In the interest of promoting transparency and improving community trust—especially in Suffolk County’s immigrant and LEP communities—we encourage SCPD to consider ways that it may report publicly on the results of its review of the video and the overall investigation into this incident.

We will continue to monitor all aspects of this section of the Agreement to ensure that investigations continue to meet the requirements of the Agreement.

E. COMMUNITY ENGAGEMENT

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

SCPD remains in partial compliance with its overall Community Engagement obligations under the Settlement Agreement although it is much closer to achieving substantial compliance. SCPD has developed a robust approach to community engagement since entry of the Settlement Agreement in 2014. It has created new positions in headquarters and in each precinct to encourage and coordinate interaction and communication between the Department and the community. It holds regular meetings at the precinct level and countywide and is beginning to incorporate patrol officers into its engagement efforts. SCPD’s Community Liaison Officers (CLO), Community Oriented Policing Enforcement (COPE) officers, and the command staff in its Community Response Bureau (CRB) continue to devote substantial time and energy toward community engagement. And we remain impressed with the work of CRB, in particular Sergeant Kathleen Kenneally. SCPD has hired a Latino Community Liaison in headquarters to work directly with the Commissioner. The position has potential, and the individual in the position appears eager to serve the community. The current Commissioner and SCPD leadership have strengthened SCPD’s commitment to community engagement. We commend the Commissioner for the dedication she has demonstrated to building a better relationship with the Suffolk County community.

However, the Department's initiatives still have not sufficiently filtered down to precinct officers. As we noted in our last report, officers need to better understand that improving community relations is an integral part of their daily duties and not limited to participation in organized events. Additionally, SCPD needs to be more proactive, analytical, and strategic to engage with less traditional partners and the more underserved parts of the Suffolk County community. It also needs to enhance its efforts to address current questions and concerns of the community through outreach and distribution of informational materials.

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

SCPD has maintained the Partial Compliance rating that it had achieved in these areas in past reporting periods. We continue to be impressed with the array of activities that the CLO and COPE officers plan and execute. The Department and its individual precincts continue to maintain a busy schedule of community outreach events, including quarterly meetings with the Latino Community Outreach Committee, monthly community meetings at the precincts, and popular programs such as sports programs for local youth and trainings targeted at educating about the risks of opioid addiction. Patrol officers appear to be attending community outreach events organized by the CLO and COPE officers in their precincts more often, including attending their precinct's monthly community meetings. In addition, SCPD is continuing to meet its obligation of producing and publishing annual reports with its own analysis of CRB's successes, areas in need of improvement, and strategies for making improvements, including posting these reports on its own website. Further, in our last report, we advised SCPD to broaden its outreach, and SCPD has done so, in part by scheduling meetings at different times of the day and in different locations, such as churches and community centers. We commend this effort but caution that, while SCPD reaches out to new participants in these meetings, it should not ignore or exclude community representatives who have been vocal advocates in the past.

Several remaining challenges must be addressed to achieve substantial compliance with the Agreement. First, as we stated in our last report, SCPD needs to develop an effective system for tracking and analysis of community outreach events. We recognize that SCPD has been trying to develop such a system for a significant amount of time and that the project is underway. But it still has not done so. Until it is completed and fully implemented, SCPD cannot demonstrate that its officers are regularly conducting and accurately recording their community outreach work, or that community contacts and supervisors at all levels possess sufficient information to measure and analyze the effectiveness of community outreach. This in turn impacts SCPD's ability to appropriately share information across precincts, to identify potential gaps in community outreach, and to strategize about how to improve the effectiveness and breadth of community outreach.

Second, we also repeat that SCPD still does not fully comply with the requirement that it "engage the public through the dissemination of public information on a regular basis." Agreement ¶ VII(a) at 12-13. There remains uncertainty about who has the responsibility for generating and disseminating such materials. We understand that SCPD has assigned this duty to the CRB, and we look forward to confirming this during our next site visit. As to materials generated by IAB, given the particular divide between IAB and the community noted earlier in



this Report, we also encourage IAB to look for ways of bolstering transparency and public trust. Identifying opportunities to help educate and inform people about the work of IAB will help IAB promote public confidence in SCPD’s accountability processes.

Finally, SCPD must also develop and implement a community survey, consistent with the requirements set forth in paragraph VII.d.3. We understand that this survey, too, is under development and should be rolled out sometime in 2020.

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

As we noted above, SCPD has maintained a rating of substantial compliance with the provisions of the Agreement relating to the responsibilities of the CLO and COPE officers. We continue to be impressed with the dedication and expertise of the individual officers in these roles. We also note that the Commissioner has hired a community member from Patchogue to work part-time in headquarters as a liaison to the Latino community. This is an excellent idea, and we hope over time that the liaison is able to successfully expand outreach opportunities and improve relations with the Latino community.

Finally, we note that several people in the community raised significant concerns about activities of School Resource Officers (SROs). The Agreement requires that, “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” and that “SCPD will maintain community and problem-oriented policing principles in its policing operations.” To meet these principles, we encourage SCPD to increase its communication with the local Latino community – youth in particular – regarding SRO practices.

Overall, we commend SCPD for its efforts to date on its outreach efforts with the Latino community. SCPD has made tremendous changes in the past five years. We urge it to make the adjustments outlined above necessary for it to come into substantial compliance with this section.

F. POLICIES AND TRAINING GENERALLY

VII. POLICIES AND TRAINING GENERALLY	Substantial Compliance
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SCPD must “maintain policies and procedures that are consistent with [the] Agreement and that provide clear direction to ensure that officers and civilian employees enforce the law effectively, ethically, and constitutionally.” Agreement ¶ VIII(a) at 17. The Agreement also requires that SCPD ensures that “all officers who take [required] trainings will be required to pass a test demonstrating a basic comprehension of the training material after it is presented.” *Id.* ¶ VIII(b). The Department has met these requirements.