

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



**January 19, 2017**

## 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 fourth Assessment Report.

Since we issued our last Assessment Report in April 2016 (the “Third 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 revised policies and procedures, copies of internal affairs investigations, a sample of entries in SCPD’s community relations daily activity reporting system, and other reports completed during the time period covered by this report. We also met with SCPD officials, including Commissioner Timothy Sini, 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 solicited the views of the Suffolk County community, including the Latino community, both by interviewing community members about their specific experiences with SCPD and by meeting with community advocates. We also attended SCPD’s quarterly meeting with advocates and members of 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.

We thank the SCPD officials with whom we met during this assessment period, and we appreciate the cooperation and effort 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 provide us with invaluable feedback.

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; and 5) community engagement.

As set forth in detail below, SCPD has made substantial progress in implementing the requirements of the Settlement Agreement during the previous rating period, particularly with respect to its Hate Crimes and Language Access training programs. In other areas, considerable work remains.

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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>.

Over the coming year, we will focus our attention on the Department’s efforts in the substantive areas of the Agreement with which the Department remains in partial compliance. We will, however, continue to assess the Department’s work in the areas where it already has achieved substantial compliance, in order to ensure that the Department maintains its progress in those areas. In conducting our assessment work, we will continue to communicate with SCPD officers and command staff, both during regular phone calls and site visits. We also will continue to meet with community members, both during larger-scale community outreach meetings during our site visits and through ongoing meetings and communications with individual community members and representatives. We will publicly report on our observations of SCPD’s implementation of the Agreement in the Spring and Fall of 2017.

## II. CURRENT COMPLIANCE RATINGS

Section IX of the Settlement Agreement provides that, every six months, the United States will assess and report on SCPD’s compliance with the Agreement. *See* Agreement at 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 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	Compliance Rating Pending
IV. HATE CRIMES AND HATE INCIDENTS	Partial Compliance
a. Training	Substantial Compliance
b. Tracking and Reporting	Partial Compliance
c. Quality Assurance	Partial Compliance
V. LANGUAGE ASSISTANCE	Partial Compliance
a. Policy	Partial Compliance
b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Partial Compliance
d. Spanish-language access to SCPD website	Substantial Compliance
e. Incentives for Interpreters	Noncompliance
f. Consultation with the Latino Community	Partial Compliance
g. Language Assistance Training	Partial Compliance
h. Community Survey	Partial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	Partial Compliance
a. Reporting Misconduct	Partial Compliance
b. Investigation of Misconduct	Partial 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	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social media and notification systems	Substantial Compliance
VIII. POLICIES AND TRAINING GENERALLY	Partial Compliance
IX. MONITORING OF THE AGREEMENT	Partial 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	Compliance Rating Pending

The Settlement Agreement contains specific provisions designed to ensure that SCPD delivers police services that are “equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department.” Agreement at 4. The Agreement requires that “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.” *Id.* Successful implementation of these provisions requires that the Department make bias-free policing a top priority and adopt training, supervision, data collection, and accountability mechanisms that ensure law enforcement duties are being performed free of impermissible bias. While the Department has made some advances in this area, we expect significant progress to be made in the coming months, particularly with respect to traffic stop data collection and bias-free training.

#### 1. Policies and Procedures

SCPD has made considerable progress in adopting appropriate policies and procedures in this area but must continue to take steps to ensure that these policies and procedures are properly implemented.

A number of SCPD's policies set forth appropriate guidance for officers. For example, Rules & Procedures Chapter 1, Section 11 prohibits officers from "us[ing] race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity when engaging in routine or spontaneous law enforcement activities, except when engaging in appropriate suspect-specific activity to identify a particular person or persons." The policy also emphasizes the importance of building community trust, and requires SCPD members who become aware of biased-based policing to immediately report the matter to a supervisor, who in turn must convey the information to Internal Affairs. SCPD policy also requires immediate referral of any complaint alleging discriminatory policing to the Internal Affairs Bureau. *See* Rules & Procedures Chapter 5, Section 2. Other policies and directives are well crafted to ensure that SCPD's hiring, promotion, and performance assessment practices promote bias-free policing. *See* Rules & Procedures Chapter 26, Section 1; Applicant Investigations Command General Order 15-01 (prohibiting the hiring of any candidate who "has committed any discriminatory act or . . . evinces a biased perspective based upon race, color, ethnicity, national origin, religion, or sexual orientation that indicates such candidate is not be able [sic] to perform the duties of police officer in a non-discriminatory manner."). The promulgation of these policies marks an important step towards ensuring bias-free policing.

In light of this significant progress, we have rated SCPD in "substantial compliance" with this requirement. Nonetheless, additional work is needed to ensure that these policies are adhered to in practice. Specifically, the implementation of these policies requires appropriate training, which has not yet been developed, and appropriate data collection measures to assess whether SCPD members are policing in a manner that complies with these policies, which also do not yet exist. As set forth below, these issues are specific areas of focus for SCPD in the next rating period.

Additionally, as we noted in our last report, we note here that it is likely that SCPD or the United States will identify needed modifications to policies that have already been adopted. We appreciate the Department's continued willingness to consider and adopt policy recommendations.

## 2. Traffic Stop Data

A key requirement of the Settlement Agreement is the collection of meaningful and accurate traffic stop data to be able to identify any potential bias in conducting those stops. *See* Agreement at 6. Meeting this requirement is critical, as ensuring that policing services are delivered in a manner free from bias requires the collection and analysis of accurate information regarding SCPD's practices.

As set forth in detail in our last Report, the data collected by SCPD omits critical variables that are necessary for meaningful analysis of bias-free policing. For example, SCPD does not collect any meaningful data regarding why a traffic stop was initiated. By enhancing SCPD's current data collection practices to include detailed information regarding why a stop was initiated, SCPD will be able to evaluate whether similar offenses result in similar outcomes independent of the race, ethnicity, or other protected characteristic of the driver or passenger, or are instead influenced by unlawful bias. As another example, while SCPD collects data regarding whether an officer conducts a search during a traffic stop, critical data regarding

conducted searches is omitted, including whether a particular search revealed contraband, or not. Without this data, SCPD is unable to assess whether there are disparities in search practices that suggest those practices are influenced by unlawful bias.

During this rating period, we met with representatives from SCPD's patrol division and information technology department to determine how these enhanced data points can be collected. The substantive recommendations that we made regarding data collection are consistent with the recommendations we made in a June 2015 letter to SCPD's counsel and within our last assessment report. During this meeting, SCPD also committed to a plan and timeline for developing appropriate data collection methods consistent with our recommendations. That plan involves transitioning from a computerized data terminal system developed by an outside vendor to a system developed within SCPD, which all allow SCPD to control the substantive fields included. Next, SCPD will ensure that those substantive fields capture data agreed upon by the parties, and will solicit input from officers regarding ways to make the data collection process more efficient and usable for officers. This plan will allow SCPD to begin collecting appropriate data early in 2017. We will continue to provide any assistance we can as the Department undertakes these efforts.

Expanding the range of data to be collected during traffic stops only has utility if officers consistently complete traffic stop data collection forms, and if supervisors regularly review the data that gets collected. SCPD has been successful in ensuring that officers record information in their mobile data terminals. Precinct supervisors have increased the attention placed on ensuring these reports are filled out completely. As a result, there has been a reduction in the proportion of traffic stop data that is left incomplete. As the new traffic stop data collection system gets implemented, these efforts to maintain the consistent collection of data must continue. Current efforts should be supplemented with quality assurance audits to confirm that officers are completing traffic stop data forms appropriately.

Once SCPD successfully implements enhanced data collection practices, SCPD must take meaningful steps to ensure that collected data is analyzed and that appropriate measures are taken when this analysis reveals problematic conduct. The Settlement Agreement requires that, at least annually, SCPD provide the United States with a report containing this analysis and a summary of the remedial measures taken, if any. Agreement at 6. Going forward, the United States will work with SCPD to ensure this provision is implemented appropriately.

Finally, we renew our recommendation that SCPD supervisors incorporate a substantive review of traffic stop data into their regular supervisory activities. In our last report, we recommended that SCPD provide updated training for supervisors, many of whom have not received supervisor-specific training since attaining the rank of sergeant. We will continue to work with SCPD to ensure that these or other measures are implemented to provide supervisors with the training needed for how to incorporate traffic stop analysis into their regular supervisory duties.

### 3. Training

Ensuring bias-free policing requires that officers receive effective training in how to conduct law enforcement activities in an equitable manner. The Settlement Agreement requires

that all sworn officers receive training on bias-free policing at least annually. *See* Agreement at 6-7. The Agreement provides that 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.” *Id.* The Agreement also sets forth specific elements that must be incorporated into bias-free training. *Id.*

As explained in detail in our last Assessment Report, SCPD’s revised bias-free policing training was both pedagogically and substantively deficient, and as a result, SCPD elected to suspend the delivery of its bias-free policing training until appropriate training—consistent with the requirements of the Agreement and best practices—could be developed. *See* Third Assessment Report at 9.

To assist SCPD, the Office of Justice Programs of the United States Department of Justice has agreed to provide SCPD with technical assistance in the form of training modules. Specifically, the Office of Justice Programs will provide SCPD with training programs on both procedural justice and bias-free policing. Further, SCPD has agreed on a training schedule that will allow all SCPD officers to complete *both* procedural justice and bias-free policing within an initial two-year period, with bias-free policing training recurring annually thereafter for all officers. This plan marks a significant commitment from SCPD to ensure that all SCPD officers police in a manner that is consistent with constitutional requirements and provides equal treatment to all community members.

We are hopeful that this training can begin within the next several months. The Office of Justice Programs is finalizing the training modules. Once those modules are finalized, SCPD will need to work with the Office of Justice Programs to ensure that the training modules are appropriately tailored to the specific rules and procedures of SCPD. Once that process is complete, SCPD can begin delivery of this critical training. Notably, since these modules are “train the trainer” models, SCPD will in the process be developing a capacity inside the Department to continue this training in the years to come.

We have been impressed by SCPD’s commitment to bringing about this enhanced procedural justice and bias-free policing training, and we will continue to work with SCPD, including command staff and the training academy, to provide any assistance that we can. Going forward, we will assess whether SCPD is appropriately tailoring and delivering these training modules in a manner that is consistent with the terms of the Agreement. We will review training curricula, observe training sessions, and meet with SCPD trainers and officers completing the training to assess effectiveness. We will also continue to facilitate communication between SCPD and the Office of Justice Programs to help ensure this program is implemented in a timely fashion. With respect to data collection, in the immediate months we will review SCPD’s proposed traffic stop data collection system to ensure that appropriate fields are included. We will also assess whether that revised system, once approved, is appropriately deployed, including whether officers are appropriately trained in how to use that system and whether supervisors are ensuring data is being collected consistently and accurately. To accomplish these objectives, we will continue to meet with officers, command staff, and others within the Department, including during on-site visits. And once accurate data is being collected, we will begin working with SCPD to ensure it is appropriately analyzed.

B. HATE CRIMES AND HATE INCIDENTS

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

SCPD has continued to make significant strides in the area of hate crimes and hate incidents. The Department successfully implemented many of the recommendations in our last Assessment Report, especially in the area of hate crimes training. *See* Third Assessment Report at 10-12. Thus, we find the Department in substantial compliance with the hate crimes training provision of the Agreement. While the Department has made marked improvements in the areas of hate crime tracking and quality assurance, it remains in partial compliance with those provisions of the Agreement for the reasons discussed below.

1. Training

SCPD has incorporated many of the recommendations that we had suggested in our last Assessment Report and has developed a training that uses an effective format and is substantively complete. The instructors have achieved the proper tone and adequately convey the purpose of hate crimes reporting and investigations: to protect community members who may be victims of crime on the basis of their membership in a protected class, to increase police legitimacy, and to send a message that hate crimes and hate incidents will not be tolerated.

The format for the hate crimes training that we observed in October 2016 was similar to the format for the previous training that we had observed in March 2016, which we had found to be very effective. Again, the course opened with a road-map, listed the objectives, and clearly detailed the topics to be covered. The introduction laid out the community policing philosophy behind the hate crimes training and the instructor incorporated a prepared lecture with slide and video presentations, small group discussions, and interactive role playing exercises. Overall, the format and delivery of content was very successful and students appeared genuinely engaged.

In our last Assessment Report, we raised concerns that that the hate crimes training lacked clarity regarding 1) the substance of the New York State Hate Crimes Statute, and 2) the process for determining whether an incident is a potential hate offense and its referral to Hate Crimes Unit (HCU). *See* Third Assessment Report at 10-12. SCPD has successfully addressed both of these issues. The instructor provided a clear and accurate explanation of the legal standard under New York State Hate Crimes Law, NYSPL § 485.05(1a), and also distributed an informational handout setting forth the law to the students. Most importantly, the instructor did a very good job of explaining the process by which an incident should be flagged as a potential

hate crime or hate incident and then referred to HCU for investigation. While the previous training presented conflicting messages about the level of discretion that officers have in referring incidents to HCU, the October 2016 training clearly laid out the requirement to notify a supervisor whenever there is an incident may have been motivated by hate.

## 2. Tracking, Reporting, and Pattern Analyses

The tracking and mapping of crime allows police departments to examine crime trends and identify crime patterns, and thus to reduce or prevent crime. To this end, it is paramount that the graphic representations of crime patterns be shared department-wide with command staff *and* line officers, as well as the community. During our visit, we learned that the monthly maps that HCU produces are sent to SCPD management but are not shared with line officers or published online. We suggest publishing or sharing the hate crimes maps department-wide so that officers can engage and contribute to the process of identifying and addressing hate crimes and hate incidents.

Currently, HCU produces the hate crimes map on a monthly basis, beginning in January of each calendar year and aggregating data as the year progresses. This results in a dearth of data at the beginning of the year and creates the potential for missing hate crime patterns when the slate is wiped clean each January. We suggest that the monthly maps incorporate data from the previous twelve-month period at a minimum so that potential patterns of hate crimes will be more apparent. Additionally, the current representation of hate crimes and hate incidents that have occurred at the same geolocation are layered, resulting in a visual under-representation of hate crimes. We recommend jittering the dots for hate crimes that have occurred at the same geolocation to provide users with more accurate visual depiction of the quantity of hate crimes or hate incidents.

In our last Assessment Report, we raised concerns about the information sharing, or lack thereof, between the Criminal Intelligence Unit (CIU) and the HCU. *See* Third Assessment Report at 13. In its July 2016 Compliance Report and during our October 2016 visit, the Department clarified that HCU is solely responsible for all hate crime tracking and mapping. *See* Fourth Compliance Report at 10-11. While we understand that HCU is the entity solely responsible for the hate crimes mapping, we continue to encourage the HCU and the CIU to work together and develop a regular system of information sharing. HCU should be comparing the hate crime and hate incident patterns against other crime patterns in Suffolk County as part of its analysis to determine if connections to other crime exist or if there are leads it can pursue.

Under the Agreement, the Department currently produces an annual report mapping and analyzing potential patterns and trends for all hate crimes and hate incidents. *See* Agreement at IV(b)(ii). In our meeting with HCU, we suggested producing the report on a bi-annual basis so that the information available is more recent. This would also allow potential patterns of hate crimes to be addressed in a more timely fashion. The HCU was receptive to this recommendation.

### 3. Quality Assurance<sup>2</sup>

SCPD's hate crime investigations policy aims to ensure the effective identification and investigation of hate crimes, and for SCPD members to provide assistance to victims of hate crimes. *See* SCPD Hate Crimes GO 16-43. This involves improving outreach and communication with community members. *See id.* Indeed, the HCU has reported that “[m]embers of the Hate Crimes Unit also continually educate Department personnel and community members on the mechanics of Hate Crimes laws and the importance of reporting and properly classifying incidents in order to ensure effective investigation and provision of counseling services to victims.” SCPD, Hate Crimes Unit: 2015 Patterns and Trends Analysis.

At the same time, we encourage SCPD to enhance its efforts to educate and inform the community about hate crimes and the hate crimes investigation process. Doing so may help the HCU stay informed about potentially criminal activity. Additionally, while SCPD is limited in what it can do when acts do not rise to the level of a hate crime or hate incident, we recommend that SCPD encourage people who have been subject to such threats to continue to register them with the Department. HCU detectives told us about a recent assault on an African-American woman that had been charged as a hate crime. The victim had called SCPD a year-and-a-half earlier, when the same perpetrator had threatened her and used racial slurs against her. At the time, HCU could not investigate the incident as a potential hate crime because it did not meet the legal standard for a hate crime or hate incident. In this instance, detectives learned that the victim had experienced several encounters in which the perpetrator had threatened her or her family members in the time between her first call to SCPD in April 2015 and the stabbing in October 2016. However, the victim did not report these incidents to SCPD and detectives were not able to monitor the interactions.

The Department has met the requirement of conducting random audits of its hate crimes investigations every six months. We agree with the Department that it continues to be in partial compliance with this provision of the Agreement. *See* Fourth Compliance Report at 11. While the report provides summaries of the investigations audited, it does not provide any analysis of the quality of the investigations or “any corrective actions planned or taken as a result of the audits” as required under the Agreement. *See* Agreement at 11.

In our last Assessment Report, we had recommended that SCPD revise its outreach signs that solicit tips about hate crimes to specifically inform the public about hate crimes and hate crime reporting. *See* Third Assessment Report at 13-14. The HCU provided us with the proposed language for the sign during our October 2016 visit, which we will review and provide feedback on.

We look forward to working with SCPD as it makes progress toward substantial compliance in the hate crimes areas that remain in partial compliance—tracking and reporting

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<sup>2</sup> In its July 2016 Compliance Report, SCPD states that our Second Assessment Report found the Department to be in substantial compliance with the quality assurance provision of the hate crimes section of the Agreement. *See* SCPD Fourth Compliance Report 11. However, the Department was found to be in partial compliance, not substantial compliance, with this provision in our June 26, 2015 Assessment. *See* Second Assessment Report 7, available at <https://www.justice.gov/crt/file/706761/download>.

and quality assurance. To help the Department meet the requirements of the Agreement we will review HCU’s monthly maps and provide feedback. We expect by incorporating the recommendations we have made regarding these maps, SCPD will be able to better analyze patterns of potential hate crimes or hate incidents in Suffolk County. Likewise, we will collaborate with HCU to improve its random audits so that they can better capture the scope of the investigations, and identify gaps and corrective action to address those gaps. DOJ will follow-up with SCPD to schedule bi-monthly strategy meetings to achieve these goals. We will also continue to meet with HCU representatives on-site to continue to monitor implementation of the Agreement.

C. LANGUAGE ASSISTANCE

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

One of the cornerstone elements of the Agreement is the requirement that SCPD develop a robust Language Assistance program, to ensure that police officers and others in the Department are able to communicate effectively with individuals in the community who have Limited English Proficiency (“LEP”). *See* Agreement at 8-11. Such communication is vital for ensuring that SCPD provides LEP crime victims appropriate police services, effectively investigates crimes occurring in the county, and protects the civil and constitutional rights of LEP individuals who are arrested or otherwise charged with criminal conduct. More broadly, this communication is vital for ensuring that the Department is held accountable for serving all members of the community, including LEP individuals and others who are particularly vulnerable to victimization or marginalization in the criminal justice system.

As noted below, although SCPD has written a comprehensive policy on language access, that policy is not yet being properly implemented. While there is a greater awareness of the Department’s commitment to language access, there is not yet an agency-wide commitment to providing language assistance whenever it is needed. We hope and expect that this will improve

with enhancements to the Language Access training program and as more Department personnel receive the training, along with improved review and enforcement of language assistance in the field.

### 1. Language Access Policy

SCPD has made developed and formalized appropriate policies and practices with respect to LEP individuals over the last two and a half years. It now has in place a strong, integrated Language Access Plan (“LAP”). Rules & Procedures Chapter 26, Section 5. However, one important policy change was identified during this visit. The LAP Section VI.C.4. a-c currently authorizes only Department Authorized Interpreters (DAI)--and not qualified bilingual employees who have demonstrated through testing sufficient proficiency in a non-English language--to take LEP suspect, victim, witness, and complainant statements. This reduces significantly the pool of approved individuals who can take such statements. Concededly, there is an important distinction between the skills required for interpretation and bilingualism. It is preferable to use DAIs wherever possible. However, bilingual fluency can be sufficient in certain circumstances, such as taking witness statements in non-custodial settings, which should be clearly delineated and set forth in policy.

Further, as noted in the last memo, while the LAP is helpful in its detail, we recommended that SCPD prepare at least one distilled version of the policy, one to two pages long, to assist members of service, particularly line officers, to understand and effectively implement the policy. During this tour, we reviewed a few draft versions of the policy. However, they were not accurately targeted at the officer. With some revisions, the current draft could be useful for the public, as it summarizes the main points of the requirements of the Agreement with respect to Language Access. What officers need is different; they need a summary of the LAP that hones in on the key operational aspects of language access, as it relates to their roles in the field, at precinct desks, during interviews, etc. A summary that fits inside officers’ memo books will ensure that the LAP is as accessible as other written resources. The summary document for the community could come in a number of different forms, including one for the community. Every member of Suffolk County’s LEP community should know that s/he could communicate with the police department in their primary (best) language. And they should be able to request this during any interaction without pushback.

The LAP has been appropriately translated into Spanish and the other priority languages. SCPD has consistently distributed the Spanish version of the LAP at SCPD facilities and maintains a copy on its website in five of the priority languages. However, it appears that there may be different versions of the LAP depending on the language, on the website. The current English version is dated 5/13/16, while the Spanish, Chinese, Italian and Portuguese, versions are dated 4/12/2015. The Haitian Creole version is dated 12/4/2015, and the Polish version was dated Kwietnia 12 (April 12), 2015. During our tour, it did appear that desk officers were aware of the LAP and it was available in English and Spanish for visitors to the precinct to review and take.

It is unclear if community stakeholders have reviewed policies translated into languages other than Spanish to ensure that the translations are appropriate for local linguistic communities. We see that the LAP was translated into Simplified Chinese, to match the linguistic

demographics of the local Chinese population, but the Complaint/Compliment form (PDCS 1300-1a) is in Traditional Chinese online. We recommend that the SCPD develop its own network of multi-lingual advisors to ensure that everything that is translated is written in plain language and matches the predominant languages in the county. As noted in the last memo, we continue to encourage the Department to widen its distribution of the LAP.

## 2. Training

We had the opportunity to sit in on the four-hour language access training, including a segment on cultural competency. We also shared substantive feedback with the trainers immediately following the training. Below, we highlight elements of that feedback, along with a few additional points.

The language access training we observed was clearly the strongest we have seen to date; there were some excellent components. Specifically, the content and presentation of the first third of the training was the strongest. There was excellent use of small groups and large group discussion and the officers attending the training appeared to be engaged and interested in the content. The remaining two-thirds of the training effectively covered the most important aspects of language access. However, it lacked the group engagement and optimal application of adult learning best practices. It was predominantly a mix of lecture and videos. While the use of videos was mostly effective, there were many opportunities for further engaging the group, through large group discussions and small group exercises, role plays, scenario-based discussions, and case reviews. These techniques can help leverage the participants' relevant prior experiences and the real-world applications of language access in the SCPD.

The training on how and when to employ bilingual officers and Department Authorized Interpreters (DAIs) can be further strengthened. The flow chart on "Engaging an LEP Individual" should be revised so that officers can get a clear understanding of the options and decisions to make in such situations. Pedagogically, instructors should engage students in discussion and brainstorming about the importance of and adjustments in thinking required by encountering LEP individuals, the reasons for the new procedures, and understanding why, for example, the Department should no longer use children as interpreters.

Further, we have concerns about SCPD relying on limited Spanish-language training for SCPD officers as a means of providing meaningful language access for the Spanish-speaking LEP community. This training is inadequate as a means of equipping officers to effectively communicate with Spanish-speaking LEP individuals, even for emergency situations. To the extent that SCPD wishes to assist officers who would like to learn Spanish, we recommend that such Spanish-language training be separate from any language access training and that SCPD view it as distinct from its implementation of the language access provisions of the Agreement. Further, in order to maximize the potential impact of language training on SCPD's ability to effectively serve the Spanish-speaking LEP community, we recommend that any Spanish-language training for SCPD officers be tailored to help officers who already have a strong foundation improve to the point where they can pass the bilingual exam.

Trainers discussed the Language Assistance Tracking forms appropriately and in sufficient detail during the training. Trainers also explained the purpose and process of these

forms in detail. This aspect of the training could have been strengthened further if participants were given copies of all of the relevant screen shots of the CAD shown on the PowerPoint. Likewise, it was quite effective to ask participants to complete the tracking forms for the two situations they analyzed in the training; instead of the teacher reading off the answers, the students should be called on to share their answers for each of the fields. Once it is finalized the instructors should review a distilled version of the LAP at the end of the program as a final takeaway, rather than just referencing the LAP.

Finally, we note the language access instruction preceded the hate crimes training. This pairing works well, particularly if one of the scenarios in the language access training is about a hate crime case and the hate crime training discusses how to overcome language barriers in hate crimes identification and investigations.

### 3. Implementation of LAP in the Field

As more officers and supervisors are trained in Language Assistance, we expect the use of Language Assistance tools, including DAIs and Language Line, to become more widespread. At present, however, officers appear to continue to lack recognition of the need for use of language access services. Supervisors need to act as agents of these changes and take ownership of this much-needed culture change in the Department.

Officers still appear to be improperly relying upon bystanders and children for language assistance. During this visit, we heard first-hand that some officers continue to use bystanders and children and do not understand why they should not continue to do so. This attitude is elucidated by the analysis performed by the SCPD of Lima calls (any call that a 911 dispatcher receives for which language assistance is indicated is assigned a “Lima” code) where officers ultimately determined that no language assistance was required. SCPD reviewed 144 Lima calls where officers determined no language assistance was required on site. Only four of those calls were properly closed without language assistance, however, indicating that officers require considerably more understanding of the requirements regarding use of language assistance services.

One other way of increasing use of language assistance services is for the Communications Section to inform LEP individuals who call 911 that they are entitled to an interpreter at no cost if they cannot communicate with the police officer due to a language barrier. Educating LEP individuals of their rights can help ensure that Suffolk residents get the police services they deserve.

We also heard complaints from officers who experienced problems with Language Line. Specifically, officers told us that they had not always received appropriate assistance. One officer recounted a situation where he requested a Mandarin Chinese speaking interpreter and was repeatedly connected to interpreters who spoke Spanish. Language Line audits by IAB also revealed that three out of 19 calls reviewed were disconnected. While the information currently gathered during these audits is useful, the overall monitoring and quality assurance of Language Line that IAB conducts requires significant improvement. These audits should include a broader range of information, such as the duration of each call before connection to Language Line, and whether or not an effort was made to explain that the caller would be put on hold. IAB also

contacts members of the public and other reviews of Lima calls. However, this work is performed by just one Captain and one Sergeant in IAB. Because of their other extensive duties, their ability to conduct the reviews and audits is limited. Supervisory Detectives are not needed to conduct much of this work; we recommend utilizing civilian staff or a dedicated line officer for much of this work.

#### 4. Implementation of Language Assistance in the 911 Call Center

As noted above, the Communications Section has developed excellent systems to identify and respond to calls it receives from LEP individuals. In addition to employing bilingual operators, all operators have instant access to Language Line, and reported using it frequently. To date, a total of 10 dispatchers have been tested and certified as bilingual employees.

As noted above, SCPD's analysis of Language Access Tracking data revealed that the dispatchers' assessment of language assistance needs was highly accurate. The Department should consider if it would be prudent to make a policy decision that all calls with a Lima designation automatically receive a bilingual, DAI, or Language Line assignment. Another recommendation is that all dispatchers end their communication with an LEP caller with a statement that the caller can at any time request an interpreter during their interaction with the responding police officers, and an interpreter will be provided, free of charge.

#### 5. Tracking Use of Language Access Assistance

It has now been more than six months since SCPD implemented a Language Assistance dispatch and tracking program using the CAD system in patrol cars. Any call that a 911 dispatcher receives for which language assistance is indicated is assigned a "Lima" code. Before an officer is able to close out a call with a Lima designation, the officer must complete a Language Assistance Tracking form in the CAD system that indicates, among other things, what language assistance, if any, was provided on the call. As noted in our last memo, the forms provide valuable information to the Department on compliance with the policy, gaps in service, and other emerging needs.

However, as noted above, implementation of the Lima program is poor. In a September 2016 audit, SCPD reviewed 144 incoming Lima 911 calls received in a thirty-day period between June and July for which officers indicated no language assistance was needed in the field because "the victim/complainant spoke sufficient English to communicate." The audit showed that of the 144 instances, individuals in the field requested an interpreter 94 times, while 36 were unable to communicate with officers.<sup>3</sup> This is of significant concern; officers must become more aware of the need to use language access services. Further, more robust analysis is needed to understand why officers decline to use language access services so frequently.

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<sup>3</sup> The status of the other 10 calls is unclear.

## 6. Qualification of DAIs and Bilingual Officers

We understand that a total of 34 staff members have been deemed qualified bilingual employees, that three staff have been deemed DAIs, and that there is a long list of staff who are waiting testing and qualification. There was a hold placed on subsequent training in the summer due to budget and contractual issues; we were told that very recently, a total of \$25,000 has been identified and allocated for future training and a sole source contract was signed with Language Line Services in early October.

We received considerable feedback from personnel who had both passed the bilingual exam and not passed the DAI exam. Both tests need to be better tailored to fit the unique realities of law enforcement. From our conversations with test takers, the bilingual test lacks sufficient policing or criminal justice-related content. Multiple test takers reported having to answer questions about politics (e.g., the election, climate change), anthropology, and other topics that appeared to be completely irrelevant and needlessly difficult to speak about. Instead, for example, test takers could be asked to give descriptions of people – skin color, clothing, height, weight or explain the direction of flight of a suspect.

Similarly, the DAI test needs to be adapted to the types of interactions that police officers engage in. We have been told that the DAI appears to be oriented towards court interpreters, who are required to memorize and repeat large chunks of information without being able to stop speakers or ask them to repeat themselves or slow down. It does not account for the level of control and flow of police-community conversations.

Finally, we recommend that SCPD hold preparatory sessions for individuals taking the bilingual or DAI test. Test takers should be briefed on the process of the testing (which requires quick responses and interaction with the phone and can benefit from ready access to a pen and paper) and the purpose and process of each type of test. All test takers should be accommodated in a quiet room for taking the test. The SCPD could also request that the Language Line testers allow all test takers to do a practice question before commencing the graded portion of the test.

## 7. Incentives for Officers to Become DAIs and Bilingual Officers

The Department has yet to determine what incentives it will offer to officers to become DAIs and bilingual officers. This must be addressed as soon as possible. Further, we were told that a bilingual officer who assists a non-bilingual officer becomes the primary officer on the case and becomes responsible for the call and all of the associated paperwork. This acts as a disincentive to officers to become qualified as bilingual. As we recommended during the visit, elimination of this disincentive is relatively straightforward; the bilingual officer should be required only to complete a supplemental report just as any secondary responding officer would.

## 8. Translation of Critical Documents

SCPD has translated many critical documents, including, importantly, the complaint/compliment form, into Spanish, Haitian Creole, Italian, Polish, and Portuguese. The critical documents translated into Chinese are divided between those that are available in Traditional Chinese and those available in Simplified Chinese. The documents on the website

available in Simplified Chinese include the following: How to obtain a police report, PDCS-8100j; Crime Victim Information Report, PDCS-8105b; and What to Do when Stopped by Police PDCS-7148b. The documents online in Traditional Chinese include the Missing Persons Guidelines, the Special Needs/Silver Alert PDCS-8060d, Family Offense Assistance and Court Procedures PDCS-7109p, and Mental Health Assistance, PDCS-7146c, Compliment Complaint form, PDCS-1300-1a; these have not yet been posted on the website with Simplified Chinese translations.

The Department is still in the process of developing online submission capability for complaints/compliments, as well as the translation of the complaint/compliment form into other non-English languages, as appropriate. However, review of SCPD's website provides no evidence of the complaint/compliment phone line on the "contact us" page, and the line is not mentioned on the "Información en Español" page (the number for the community response bureau is provided). This could be one reason that SCPD reports that it has received so few pieces of correspondence in a language other than English.

It does not appear that the SCPD has assessed any possible barriers to receiving correspondence in languages other than English, and/or developed strategies to effectively overcome them. There may be a need to publicize that the Department will accept correspondence in languages other than English and that it will translate the written communications. Indeed, community advocates reiterated to us their view that the broader public is not aware of this complaint line. Likewise, the Spanish version of the complaint/compliment form does not have a note that the phone operators speak Spanish or any other language.

We repeat our recommendation that SCPD add a header or footer to all translated documents identifying (in English) the foreign language in which the document has been translated and the date of the last update to the translation. The "Missing Persons Guidelines" document on the website does have a header listing the language, but it does not include a date. The best practice of including a date makes it easy for officers to access appropriate translations of forms and documents and ensure up-to-date information is available to the public. In addition to identifying potential different versions of the LAP by language (as noted above), we identified two different versions of the English version of the community survey available in one of the precincts. Going forward, our expectation is that use of Language Access Services, including Language Line, will increase. This will occur so long as training continues to strengthen and officers develop a better understanding of the need to use appropriate language access services, rather than bystanders or family members. SCPD needs to immediately develop firm incentives for officers to become DAIs and/or qualified bilingual members so that the number of such staff available to provide interpretation services grows. Enhanced auditing and review of Lima calls will also be required, to ensure that language access services are in fact provided properly.

Over the coming year, we expect to continue to observe and offer support and recommendations for enhancing the language access training program. We also anticipate conducting additional interviews with officers in the field, during ride-alongs and in meetings, regarding their understanding of language access protocols and their experiences in using language access services. We will also review data regarding the use of language access

services. Finally, we will continue to meet with community representatives to learn of their experiences in receiving language access services in interactions with SCPD members.

D. ALLEGATIONS OF POLICE MISCONDUCT

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

As we discussed in our April 2016 report, SCPD has made significant reforms to the organizational structure of its Internal Affairs Bureau (“IAB”) over the past year, and the Police Commissioner, other SCPD leadership, and the new command staff at IAB have made it a priority to enhance the stature of the IAB and to tackle the backlog of unresolved IAB investigations. We welcome these changes and already have observed the positive impact they are having on the timeliness and effectiveness of SCPD’s internal investigations; we also recognize that the Department has achieved a substantial reduction in the backlog of unresolved investigations. In addition, we were encouraged to learn that the IAB has adopted practices to improve and increase its communication with individuals submitting complaints. These measures remain relatively new, informal, and largely unknown to the public, however; thus we will continue to monitor the Department’s progress in implementing these procedures and, as discussed further below, recommend that the Department take steps to clarify and formalize these procedures both within the IAB and to the public. Going forward, we also will consider the impact of the changes to the IAB’s organizational structure and the extent to which the IAB is able to continue reducing the backlog of unresolved IAB investigations while still improving the timeliness and effectiveness of its handling of new investigations. We describe SCPD’s areas of improvement and our outstanding concerns in more detail below.

1. Reporting Misconduct

In our April 2016 report, we urged SCPD to increase and improve its communication with complainants outside the Department, in particular, by increasing and improving the information provided to complainants about the progress and resolution of the investigations of their complaints. We are encouraged that the Department appears to have considered and acted upon that recommendation. Since the time of our last report, the IAB command staff has proposed time frames for when to contact complainants in writing to confirm receipt of their complaint, when to interview complainants following the receipt of their complaint, and at what points throughout the life cycle of an investigation to provide complainants with written updates about the status of the investigation. These are important and welcome changes, and we expect that they will both increase the community’s confidence in SCPD and the effectiveness of the IAB’s investigations.

Based on our review of recently closed internal affairs investigations, interviews with IAB personnel, and input from members of the community, however, it is our impression that these procedures are not yet being consistently understood or applied by the IAB, and also that

the public is not yet aware of these procedures. For example, of the three most recently closed internal affairs investigations, all of which were opened within the first half of 2016 and completed in October 2016, only one of the case files included a copy of the “acknowledgement of complaint” letter that is supposed to be sent to complainants within 24 hours of the receipt of a complaint. (In that case, the acknowledgment letter was in fact sent to the complainant on June 24, 2016, the very same day the complaint was received by the IAB.) In the other two cases, the file did not include a copy of the “acknowledgment of complaint” letter or any other indication of correspondence or communication with the complainant, whether about the receipt of the complaint, updates about the status of the investigation, or even about the final outcome of the investigation. Thus, either it is not yet a standard part of IAB’s practice to send a letter to complainants within 24 hours of receiving a complaint or to correspond with them at regular intervals throughout the investigation, or such communication is not currently reflected in SCPD’s internal affairs investigative case files and is therefore unable to be tracked and verified by IAB supervisors. Similarly, in our interviews with IAB personnel, we heard considerable variation in their descriptions of when and how they would contact complainants, and also about how they knew about the newly instituted procedures and timelines for communication with complainants. We heard, for example, that guidance about the new procedures had been provided to them by e-mail and by verbal instructions from their supervisors. In addition, it appeared to depend somewhat on individual investigator’s practice as to how and when they would communicate with complainants. Whereas some personnel reported relying on an automated system to alert them that it was time to send out a letter to complainants, one investigator described to us his personal practice of communicating with complainants well before the deadlines described in the new IAB procedures. In addition, our feedback from community advocates and individuals indicates that the public either has no information, or has misinformation, about when to expect to hear from SCPD about investigations of their complaints. Based upon this information, we find that there is inconsistency, both internally and in the public’s understanding, regarding SCPD’s practices and procedures for communicating with complainants about internal affairs investigations.

With that in mind, we strongly recommend that SCPD formalize its new procedures and timelines for communication with complainants about internal affairs investigations. We specifically recommend memorializing these procedures in SCPD policy or standard operating procedures. We also recommend clearly assigning responsibility to appropriate personnel, for example to case managers and to supervisors, for ensuring that notifications are sent out to complainants in accordance with these procedures and timelines. In so doing, we also recommend that SCPD continue to assess whether the interim timelines for communication with complainants are the correct ones. We have some concern, for example, that the current proposal may focus too intensely on making contact with the complainant in the short term after initial receipt of a complaint, but then allow too much time to pass between the required periodic updates to complainants about the status of the investigation. Allowing too much time to lapse between investigators’ contacts with complainants may compromise the complainant’s, and the public’s, confidence in the investigative process, and also risk having the investigator lose contact with the complainant altogether. Finally, especially if the IAB continues to rely on its current proposed timelines, we would urge investigators to consider these timelines as the outside limit for when to contact complainants, as opposed to waiting until the end of the required time period, or until investigators receive an alert from an automated system, to prompt them to contact a complainant.

In addition, we strongly recommend that SCPD take steps to inform the public about its procedures and timelines for communication with complainants. For instance, this information could be easily, but effectively, included in the “acknowledgment of complaint” letter sent to complainants and on the SCPD website, as well as in the various brief handouts and pamphlets that the SCPD has been distributing at its community outreach events. We believe this could go a long way toward better informing the public and thus increasing the public’s confidence in the integrity of SCPD’s internal affairs investigations and of the department overall.

Along these same lines, SCPD still has not made clear to the community the specifics regarding SCPD’s policies and procedures for taking complaints submitted by third parties. In our April 2016 report, we noted that individuals and advocates had reported encountering problems with submitting third party complaints. Since that time, we were encouraged to hear, consistently, from SCPD officers and command staff that SCPD and the IAB are committed to treating complaints from third parties in the same manner as a complaint submitted directly by the affected individual. We remain concerned, however, that this message is not being transmitted effectively to the public. Moreover, we heard a related concern from the community that advocates are not being permitted to accompany complainants in their interviews by IAB investigators; and, in our meetings with SCPD leadership, they confirmed that the IAB practice has been not to permit complainants to be accompanied by advocates in their interviews. In light of these concerns, we recommend that SCPD make plain to the public that complaints submitted to the IAB by third parties will be received and treated in the same manner as any other complaint. We also recommend that the IAB seriously consider altering its practice to allow complainants to be accompanied by advocates in their interviews and other meetings with IAB, to the extent that complainants wish to have such advocate participation.

In addition, we renew our recommendation, discussed in more detail in our April 2016 report, that SCPD and IAB continue to develop and expand upon their work measuring and assessing trends in their internal affairs investigations. Although we acknowledge that SCPD has started to identify and assess trends in its internal investigations, SCPD needs to continue to develop and expand upon this assessment, for example by looking at trends over a longer time period than it has done to date and, importantly, by measuring and analyzing the time periods between different stages in the life cycle of an internal affairs investigation. In our meetings with IAB personnel and leadership, for example, it appeared that IAB could not easily give us information about the average period of time for resolving current investigations, or about how the length of time needed to resolve an investigation compared across recent years. Similarly, it does not appear that IAB personnel or leadership gleans any useful information, or develops any recommendations for changes in practice, from the analysis it does perform of trends in their internal affairs investigations. We would stress that, rather than viewing this type of analysis as a requirement that the Department must undertake in order to meet its obligations under the Agreement, it should use this analysis to support the Department’s consideration of the effectiveness of their investigations and law enforcement procedures, overall.

## 2. Investigating Misconduct

SCPD has made significant reforms to the organizational structure of its IAB within the past year, with the expressed aim of enhancing the stature and credibility of the IAB within

SCPD and in the community, as well as improving the efficacy and timeliness of its investigations. For example, as discussed in our April 2016 report, the IAB has added more and higher-ranking officers to its command structure, and reconstituted the IAB so that it is now composed of three teams of six investigators, each of which is led by a captain. In addition to these changes, the IAB has instituted critical incident review teams so that the IAB is involved in the first response to critical incidents such as officer-involved shootings. Although it remains too early to determine the long-term effects of this restructuring, it appears that these changes are having an extremely positive impact on the IAB. It is clear that the IAB has brought in some very experienced and accomplished investigators; for example, we met and interviewed investigators who were recently recruited for the IAB from other departments in SCPD and who had extensive experience with both investigating and supervising criminal investigations. In addition, the new command staff in the IAB has expressed to us a serious commitment to reducing the backlog of unresolved cases and to improving the timeliness of ongoing investigations, and it appears that they already are having success in achieving those goals. We note, for example, that the three most recently closed internal affairs investigations all were closed between five and nine months after receipt of the initial complaint; this is a time line which can be improved upon but which nonetheless is shorter than that of similar cases handled by the Department in the past. In addition, SCPD command staff reported that, at the time of our most recent site visit in October 2016, they had completed 211 internal affairs investigations for the year to date; this compares to a total of 130 internal affairs investigations completed in 2015, and 65 internal affairs investigations completed in 2014. Moreover, of the 211 internal affairs investigations SCPD had completed by October 2016, only 26 were investigations that were opened in 2016; thus it is apparent that SCPD has been devoting substantial resources to completing older investigations. We also heard from both IAB command staff and investigators that they are having more frequent and more substantive communication with one another about supervisory review of investigations. Moreover, the development of the critical incident review team gives legitimacy to the IAB and better integrates the IAB with the operations of the rest of the department. Finally, based on our review of recently completed internal affairs investigations, it does appear that current investigations involve a more thorough review than those in the past. Overall, we believe that the recent changes in the IAB structure and personnel are ones that were needed in IAB and that will continue to improve both the quality and the timeliness of the IAB's investigations.

Nonetheless, SCPD continues to face a significant backlog of unresolved cases, and continuing to reduce this backlog while keeping up with open investigations and newly received complaints will remain a significant challenge. To that end, we would renew our recommendation that IAB develop concrete plans for how to prevent a backlog from developing in the future. As we have in our past Assessment Reports, we recommend, for example, that IAB develop interim timelines for the progress of an investigation and institute a way of measuring their adherence to those timelines. Similarly, we recommend that the new IAB command staff develop and implement case management guidelines, for example, to guide investigating officers in determining how to allocate their time between the investigations they are handling. In addition, as discussed above, we recommend that the IAB develop and implement a method for tracking the progress of their investigations. Without the development and implementation of measures to compile and track such information, we are concerned that IAB will not be able to complete and sustain the considerable work it has undertaken in reducing the backlog of its unresolved investigations.

In the next year, we will continue to assess SCPD’s implementation of the Agreement’s requirements relating to the Department’s handling of allegations of police misconduct by, for example, reviewing the case files of internal affairs investigations as these investigations are closed, meeting with IAB command staff and investigators, both during our periodic site visits and during conference calls with IAB command staff and SCPD legal counsel, and seeking input from community representatives, both through community forums held during our site visits and through more individualized meetings and communications with community representatives and organizations throughout the year. Consistent with our practice during the investigation and our oversight of the Agreement, we will be joined by and will consult with subject matter experts in police accountability in conducting our site visits and in developing our assessments and recommendations.

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	Partial Compliance
e. Community Outreach	Partial Compliance
f. Social media and notification systems	Substantial Compliance

Over this past reporting period, SCPD, and in particular, its Community Liaison Officers (“CLO”), Community Oriented Policing Enforcement (“COPE”) officers, and the command staff in its Community Response Bureau (“CRB”), continued to devote substantial time and energy into its community engagement programs. In particular, we were impressed with the extent to which Police Commissioner Timothy Sini, Lieutenant Matthew O’Malley, and Sergeant Kathleen Kenneally participated in community meetings, and we believe that their personal involvement communicates to the Department and to the community the importance that SCPD is assigning to engaging with the community. We also were impressed with the array of activities that the CLO and COPE officers planned and executed over the summer months, including expanding its popular soccer and team sports programs for youth, and with the clear energy and personal commitment that these officers bring to their work. Substantial compliance was maintained in the areas of the Agreement directly relating to these officers’ work. Finally, we were encouraged to learn that SCPD had organized community forums in response to recent

officer-involved shootings of African-Americans in cities like Baton Rouge, Louisiana and St. Paul, Minnesota, specifically to address questions and concerns from the public about biased policing.

These efforts notwithstanding, we continue to have concerns about the effectiveness of SCPD's implementation of the community engagement provisions of the Agreement. In particular, we recommend that SCPD continue making efforts to better integrate its COPE officers with its CRB and COPE officers, and also to involve *all* of its officers, and not only those formally involved in community engagement, in community policing. In addition, we recommend that SCPD make efforts to be more proactive and thoughtful in seeking to engage less traditional partners and the more underserved parts of the Suffolk County community in its community engagement programs, and also in seeking to address the current informational needs and concerns of the community in its outreach efforts. We describe SCPD's areas of improvement and our outstanding concerns in more detail below.

### 1. Maintaining Community Relationships and Community Outreach

As we noted above, we recognize Police Commissioner Sini and the leadership of SCPD's CRB, including Lieutenant O'Malley and Sergeant Kenneally, for their stated commitment to making community engagement a priority for SCPD. We also commend SCPD for making that commitment clear through regularly meeting in person with representatives of the community, including leaders of advocacy groups and service providers working with the Latino community in Suffolk County. It does appear that these meetings are helping to make SCPD leadership and the Department, in general, more accessible to the community.

SCPD still needs to think beyond its established community engagement events when conceiving of how to adopt a community policing model throughout its Department. The Department needs to be more proactive and thoughtful in planning its outreach, both in order to reach segments of the community with which it still has not made sufficient inroads and, importantly, to assuage the community's concerns and provide needed information about current criminal justice issues affecting Suffolk County. As an example, we were impressed with the manner in which SCPD handled a political campaign rally some months ago; it reflected significant coordination between different parts of the Department, advance outreach to community organizations that SCPD anticipated would be affected by the rally and potential protests, and advance plans to have a heightened officer presence in the area. By contrast, we heard from Latino advocates and individuals in the community that they are extremely fearful about a string of recent abductions and murders of Latina girls, and that this anxiety is exacerbated by a lack of clarity or information about SCPD's policies and practices for taking and responding to reports of missing persons. We would urge SCPD to respond to these concerns by taking proactive steps to reach out to potentially affected communities, and by dedicating officer resources to making people feel informed and protected in the wake of these crimes. Similarly, we would urge SCPD to continue to hold community forums like the ones that it organized in response to the national concerns about officer-involved shootings and racial profiling, either about these issues or about other criminal justice issues that arise and seem pressing to the communities served by the Department.

In addition, SCPD appears to be facing some challenges implementing some of the more innovative ideas that it had proposed to improve its community engagement efforts. For example, SCPD's plans for revising and implementing a survey of the community appear to have not yet been implemented. We urge SCPD to either resolve the financial and logistical disputes that appear to have caused this impasse, or to seek out a reasonable alternative for conducting and analyzing such a community survey. As we have expressed in our past reports, the community survey, and analysis of the survey results, should serve as a key data point for SCPD in determining how to improve its community engagement programs.

Moreover, we found that SCPD is still not using its community relations daily activity reporting system in a consistent or effective way. It seemed to us that the officers who are intended to use this system to report on their activities did not have the same understanding of what the current capabilities of the system are as was described to us by CRB leadership; for example, we heard both that a feature for recording community contacts had been developed as a mock-up simply for the purpose of showing it to DOJ during our site visit, and then, in a separate meeting with SCPD leadership, that the program was operational and should be being used by all COPE and CLO officers. Having a consistent and accurate means of tracking officers' community engagement work, and of keeping information on community contacts developed at the precinct and CRB levels, is an essential, but still lacking, component of developing an effective community engagement program.

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

Although we recognize that CLO and COPE officers are working well together at the precinct level, we continue to think that SCPD would benefit from improving communication between CLO and COPE officers across different precincts and from having better and more regular communication not just between CLO and leadership in CRB, but also COPE and CRB. To begin with, as we have expressed in past reports, improving communication across precincts should allow them to share with one another useful information about the successes and challenges of their own community engagement programs. Moreover, based on our interviews with CLO and COPE officers, we have the impression that these officers largely perceive of their roles as distinct: the CLO officers are responsible for implementing the community engagement and public relations strategies set by SCPD leadership, while the COPE officers are responsible for attending and participating in the day-to-day activities in their precinct – the list of which is largely unchanging and determined by invitations from local organizations or individuals. This perception is not consistent either with the expressed intention of leadership in the CRB or, we believe, with effective implementation of a coordinated community engagement program. We recommend that SCPD, and in particular, the CRB take steps to improve the communication and collaboration of the COPE officers with their leadership in CRB. For example, COPE officers might be invited to and participate once a month in the weekly meetings between the CLO officers and the CRB. Similarly, it may be useful to hold quarterly meetings including the CLO and COPE officers, the CRB, and the Deputy Police Commissioner, either at SCPD headquarters or at locations rotating among the various precincts.

In addition, we renew our recommendation, expressed in our April 2016 report, that SCPD take affirmative steps to involve the entire Department – and not only its COPE and CLO

officers – in community policing. It is essential that community engagement be perceived as relevant to, and part of the responsibility of, *all* police officers and command staff in SCPD—and it is the responsibility of SCPD leadership and command staff to take concrete, affirmative steps to get patrol and investigative units involved in community engagement programs. For example, SCPD should encourage patrol officers to attend community events and make it clear that such activities are an integral part of their law enforcement responsibilities. While we did hear examples of patrol attending community events along with their CLO and COPE colleagues – most notably, at one precinct where the precinct commander assigned a rotating list of patrol to attend such events – this remains the exception rather than the norm. Moreover, even having patrol officers occasionally attend community events, while welcome, would not reflect the kind of culture change that is needed in order for the Department to truly operate with a community policing model. Instead, community policing should infuse the context of everything that officers do, regardless of whether their job description focuses on patrol, detective work, or community engagement. We were encouraged by Commissioner Sini’s commitment to this principle during our meetings with him on this site visit, and are hopeful that progress in this area will be made during the next several months.

To be clear, we recognize that such culture change can be difficult and slow, and that the steps needed to achieve it may be harder to recognize or to measure than, for example, increasing the number of events that COPE and CLO officers attend or the number of new community contacts that they develop. We have appreciated the open spirit with which SCPD has taken to our suggestions about how to improve its compliance with the Agreement’s community engagement provisions, including by participating in periodic conference calls between DOJ and representatives of the CRB, and we remain very willing to working cooperatively with the Department to discuss and strategize about how to continue and improve this work going forward. In addition, we note that the procedural justice training that the Department will be receiving and implementing over the course of the next year (discussed in more detail in the section on Bias-Free Policing) should provide the Department with useful guidance about how to incorporate community policing into all of its law enforcement work.

Going forward, we will continue to meet with representatives of the CRB command staff, both during our site visits to SCPD and during our periodic conference calls with CRB command staff and SCPD legal counsel, to discuss SCPD’s implementation efforts and, to the extent appropriate, to give our recommendations and feedback on these efforts. We also will meet with COPE and CLO officers during our site visits and review documents and information about their community meetings and outreach events, both to assess the quantity and quality of the COPE and CLO officers’ outreach efforts, to gauge SCPD’s progress in developing a system for recording and tracking such outreach, and to assess the extent to which SCPD is improving the communication and cooperation between the different officers and command staff involved in community outreach. As has been our practice in the past, we will be joined by and will consult with subject matter experts in community engagement by law enforcement in conducting these meetings and our assessment. In addition, we will continue to monitor SCPD’s progress in developing and implementing a community survey, and expect that this work will include reviewing drafts of the survey instrument itself as well as plans for the survey’s implementation, and meetings with the individuals involved in the survey’s development and implementation.