

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



January 27, 2023

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.¹ 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 ninth Assessment Report, which addresses SCPD’s efforts from the second half of 2019 through the end of 2021. The period covered by this report aligns in large part with the COVID-19 pandemic, which impacted nearly every facet of American life, including SCPD and DOJ activities related to implementation of the Settlement Agreement.

Since we issued our last Assessment Report in 2019 (the “Eighth 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 entries in SCPD’s community relations daily activity reporting system, documentation regarding hate crimes and language assistance, and other reports. We met with the previous Commissioner of the Suffolk County Police Department, Geraldine Hart, to discuss the progress made to date and the challenges that remain. We met with SCPD officials, SCPD command staff and other supervisors, and SCPD officers. We met with members of specialized units, including the Hate Crimes Unit and the Community Response Bureau. We also met with advocates and solicited the views of the Suffolk County community, including the Latino community. In conducting these activities, we consulted with experts in police practices.

We thank the 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.

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.

II. SUMMARY OF 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

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

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 Department has achieved compliance with most or all components of the relevant provisions of the Agreement.
- “Partial Compliance” indicates that the Department has achieved compliance on some of the components of the relevant provisions of the Agreement, but significant work remains.

<u>Settlement Agreement Area</u>	<u>Status of Compliance</u>
III. BIAS-FREE POLICING	
a. Policies and Procedures	Substantial Compliance
b. Traffic-Stop Data	Partial Compliance
c. Training	Substantial Compliance
IV. HATE CRIMES AND HATE INCIDENTS	
a. Training	Substantial Compliance
b. Tracking and Reporting	Substantial Compliance
c. Quality Assurance	Substantial Compliance
V. LANGUAGE ASSISTANCE	
a. Policies Related to Language Access	Partial Compliance
b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Substantial Compliance
d. Spanish-Language Access to SCPD Website	Partial Compliance
e. Incentives for Interpreters	Substantial Compliance
f. Consultation with the Latino Community	Substantial Compliance
g. Language Assistance Training	Substantial Compliance

h. Community Survey	Substantial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	
a. Reporting Misconduct	Substantial Compliance
b. Investigation of Misconduct	Substantial Compliance
VII. COMMUNITY ENGAGEMENT	
a. Maintaining Community Relationships	Substantial Compliance
b. Community Liaison Officers	Substantial Compliance
c. Community Oriented Policing Enforcement (COPE)	Substantial Compliance
d. Community Response Bureau	Substantial Compliance
e. Community Outreach	Substantial Compliance
f. Social Media and Notification Systems	Substantial Compliance
VIII. POLICIES AND TRAINING GENERALLY	Substantial Compliance

As this table demonstrates, SCPD has reached substantial compliance with nearly all provisions of the Settlement Agreement. We summarize here the specific steps that would lead SCPD to achieve substantial compliance with the areas that remain in partial compliance. Those steps are:

- Traffic-Stop Data:** SCPD must ensure and demonstrate that traffic-stop data is captured and preserved in a transparent and reliable manner. We recommend that SCPD conduct additional quality-assurance checks on the data that its vendor relied upon to address apparently duplicated records. If it identifies errors or discrepancies in the dataset, we recommend that SCPD’s vendor re-run its analysis on a dataset that is accurate and reliable. Alternatively, SCPD could conduct a new analysis with more updated data that it subjects to rigorous quality-assurance processes to ensure its accuracy and reliability. Once SCPD has completed a study of its traffic stop data based on accurate and reliable datasets, it must evaluate whether the study suggests that changes are necessary to address any disparities that may exist.
- Policies Related to Language Access:** To ensure that the language-access policies required by the Agreement are meaningfully guiding its day-to-day operations, SCPD should audit officer response to calls in which 911 operators indicate language assistance is required and SCPD officers, who were the primary responders, nonetheless documented that the individual “spoke sufficient English.” Such an audit should evaluate whether officers are failing to provide appropriate language-access services. In addition, SCPD must take appropriate action in response to problems that it learns about through

“Quality of Service” contacts with 911 callers who have Limited English Proficiency (LEP).

- **Spanish-Language Access to SCPD Website:** SCPD must translate forms that it makes available on its website into languages other than English and make those forms as readily available as the English versions. SCPD should also ensure that the most recent versions of forms are available in languages other than English, and consider dating all translated documents. SCPD must ensure that the current version of the Language Access Plan is translated into languages other than English and Spanish that are frequently spoken by LEP individuals in Suffolk County, including Chinese, Haitian Creole, Polish, Italian, and Portuguese.

We look forward to working with SCPD so it can successfully implement these steps.

III. ANALYSIS OF SCPD’S COMPLIANCE TO DATE

III. BIAS-FREE POLICING	
a. Policies and Procedures	Substantial Compliance
b. Traffic-Stop Data	Partial Compliance
c. Training	Substantial 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.

The Department continues to be in substantial compliance with the policies and procedures, and the training provisions of the Agreement. But it remains in partial compliance with the provisions of the Agreement related to the collection and analysis of data related to traffic stops. SCPD will achieve substantial compliance once it demonstrates that it is able to appropriately manage, analyze, and respond to the data it is collecting.

a. 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 be an ongoing endeavor, accomplished in part through appropriate data collection and analyses, which continues to be a work in progress for the Department, as discussed below.

b. Traffic-Stop Data

So that the department can better ensure bias-free policing, the Agreement requires SCPD to collect accurate traffic-stop data, analyze it for indications of bias, and explain any measures it will take in response to that analysis. *See* Agreement III(c) at 6. SCPD has taken significant steps towards compliance in this area. *See* Seventh Assessment Report at 6-8 and Eighth Assessment Report at 6-7.

During this assessment period, SCPD retained the services of the Finn Institute (Finn), which analyzed the data from March 5, 2018 to March 4, 2019 and produced a report in September 2020. *See* <https://perma.cc/PVA4-9ZLH>. Finn concluded that SCPD’s data did not support an inference of bias against Black or Hispanic drivers with regard to officers’ decisions to initiate stops. However, Finn’s analysis found that the data did indicate bias in SCPD’s post-stop activities. The data that Finn analyzed showed that SCPD officers searched Black and Hispanic drivers, their vehicles, and passengers at rates higher than those of their white

counterparts. Further, SCPD's searches of Black and Hispanic people were less likely to yield any contraband than searches of white subjects. SCPD has related several measures it says it has taken since our visit to address these concerns, including the elimination of consent searches during traffic stops absent a founded suspicion that the person is involved in criminal activity, as well as efforts to improve the collection, analysis, and publication of traffic stop data. We look forward to reviewing and assessing these changes during our next visit.

United for Justice in Policing Long Island ("UJPLI") published an analysis that highlighted the apparent insertion or alteration of 112,000 duplicate records for stops in 2017 and 2018. A majority of these duplicate records involved stops of white people, which UJPLI alleged had a mitigating effect on the racial disparities identified in Finn's review. *See* <https://www.ujpli.org/li-law-enforcement>. DOJ's independent analysis of the data available on SCPD's website confirmed evidence consistent with the duplicate records identified by UJPLI. As a result, we have concerns about whether Finn's analysis may have understated racial disparities in SCPD's traffic stop activities.

SCPD has taken steps to address issues with its traffic stop data. At the time of our eighth assessment, in 2019, SCPD had transitioned to a new data system that was developed and maintained by its information technology unit. This system gave SCPD greater control over its data collection than the previous system. The system improved SCPD's analysis of traffic-stop data relevant to bias-free policing practices. Throughout the system's development, SCPD and DOJ worked together to address issues that could impact the quality of the data and its analysis. Although these developments reflect progress, the Department must address concerns raised about the data used in Finn's analysis.

In order to gain substantial compliance with the traffic-stop data provisions of the Agreement, SCPD must ensure and demonstrate that data is captured and preserved in a transparent and reliable manner. We recommend that SCPD conduct additional quality assurance checks on the data that Finn relied upon to address the apparently duplicated records. If it identifies errors or discrepancies in the dataset, we recommend that Finn re-run its analysis on a dataset that is accurate and reliable. Alternatively, SCPD could conduct a new analysis with more updated data that it subjects to rigorous quality assurance processes to ensure its accuracy and reliability. SCPD informs us that it will be addressing these concerns in 2023. We look forward to reviewing its efforts during our next visit.

In furtherance of its compliance efforts and to help rebuild community confidence, we also recommend, as a matter of technical assistance, that SCPD work with stakeholders to ensure that its analyses of traffic stop data satisfy not only its direct law enforcement needs, but also is responsive to the concerns of community stakeholders. We will continue to monitor SCPD's data management and transparency practices to ensure they are meeting the intent of the Agreement.

Once SCPD has a study of its traffic stop data based on accurate and reliable datasets, the Agreement requires SCPD to explain what steps it will take, if any, to address the findings of the study: "SCPD will provide to the United States a report analyzing the collected traffic stop data and *explaining what measures, if any, SCPD will take as a result of the analysis.*" Agreement ¶

III(c.)(ii.) at 6 (emphasis added). The Finn study did not include this kind of explanation, and SCPD did not otherwise convey an explanation to DOJ. **Once SCPD has completed a study of its traffic stop data based on accurate and reliable datasets, they must, in order to come into substantial compliance with the traffic-stop data provisions of the agreement, evaluate whether the study suggests that changes are necessary to address any disparities identified in its data.** SCPD may consider reviewing its policies and practices related to traffic stops to determine whether different approaches to traffic enforcement may impact any disparities identified. SCPD could also further analyze its data to identify the particular precincts, units, or officers who may be engaging in biased activities, and address any issues it identifies.

c. 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 seventh assessment report, when we determined that SCPD’s training was sufficiently thorough and clear, providing officers with the necessary 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. Due to the pandemic’s limitations on travel and in-person interactions, we were unable to observe SPCD’s training for this report. However, SCPD has continued to provide relevant training despite the limitations of the pandemic. SCPD had trained a total of 2,325 officers by the end of 2021—791 in 2018, 680 in 2018, 552 in 2020, and 292 in 2021. SCPD has scheduled seven additional classes for 2022. Based on our prior satisfaction with the quality and content of the training and SCPD’s continued progress toward training all officers, we have determined that SCPD has reached substantial compliance with this requirement of the Settlement Agreement.

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

We previously found SCPD to be in substantial compliance with the hate crimes portions of the Agreement. *See* Seventh Report at 8, Eighth Report at 7. We continue to find SCPD in substantial compliance. To ensure that SCPD’s compliance is durable, and as a matter of technical assistance, we make several recommendations below for continued focus and refinement this this area.

a. 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. Despite the challenges imposed by pandemic, the Department continues to deliver the approved training and remains in substantial compliance.

b. Tracking, Reporting, and Pattern Analyses

In our last report, we described how SCPD addressed a deficiency in an electronic form used to identify and track potential hate crimes and incidents. Under SCPD policy, a hate crime is the commission of a specific crime where the suspect intentionally selected the victim because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. A hate incident is a broader category that would include any incident of hate or bias, regardless of whether a crime occurred. In the electronic form that SCPD uses to document hate crimes and incidents, if the Hate Crimes Unit (HCU) determined that a report of a possible hate crime was in fact only a hate *incident* and unchecked the hate crime checkbox on the electronic form, SCPD’s system would automatically uncheck the hate crime motivation box on the form as well. As a result, SCPD’s system would not track the incident for inclusion in summary reports regarding hate incidents that were originally marked as possible hate crimes. SCPD has successfully resolved this issue so that its data and summary reports will be more accurate. SCPD is therefore in substantial compliance with the hate crimes tracking, reporting, and pattern analysis provisions of the Agreement.

c. 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.” The Agreement also requires SCPD to 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.

Notwithstanding SCPD’s continuing compliance in this area, we note that SCPD reported declining hate crime rates at the same time that the rate of hate crimes increased across the State of New York and in much of the rest of the country. We recommend, as a matter of technical assistance, that SCPD analyze this discrepancy to determine what may account for it, as it is unclear why Suffolk County would be an outlier from other parts of the state or country. We also note that this discrepancy has reinforced existing skepticism of SCPD’s hate-crime reporting practices among members of the public who believe that, as in other parts of the state and country, the rate of hate crimes increased in Suffolk County at the same time that SCPD reported a decrease. We encourage SCPD to work with community stakeholders and re-evaluate its practices regarding hate crimes and incidents. We will continue to monitor developments in this area.

V. LANGUAGE ASSISTANCE

a. Policies Related to Language Access	Partial Compliance
b. Language Line Order	Substantial Compliance
c. Policy on Persons with Limited English Proficiency	Substantial Compliance
d. Spanish-Language Access to SCPD Website	Partial Compliance
e. Incentives for Interpreters	Substantial Compliance
f. Consultation with the Latino Community	Substantial Compliance
g. Language Assistance Training	Substantial Compliance
h. Community Survey	Substantial Compliance

The Agreement requires SCPD to develop and implement language-access policies and practices so that persons who have Limited English Proficiency (LEP) have meaningful access to police services. *See* Agreement ¶ V at 8-11.

As we have noted in past reports, SCPD has developed excellent language-access policies and departmental protocols. SCPD policies are aimed at increasing its employees’ ability to understand and respond to all LEP individuals, whether witnesses, suspects, or members of the public generally. However, SCPD still has work to do to achieve successful implementation of those policies. While SCPD’s 2021 Language Assistance Report notes that the department “has made significant progress over the last 6 years in providing competent and consistent language assistance,” the Department needs to be vigilant about monitoring and course-correction to ensure that there is full departmental implementation of the Language Access Plan (LAP) and language-access training content, and that LEP community members are routinely experiencing the intended outcomes of the language-access reforms. This area continues to require more diligent efforts to achieve substantial compliance.

- a. Policies Related to Language Access
- b. Language Line Order
- c. Policy on Persons with Limited English Proficiency

Subparagraphs (a), (b), and (c) of the Language Assistance section of the Agreement all require SCPD to adopt policies that ensure adequate language access for LEP individuals who have encounters with the police. We evaluated these policies to ensure that they comport with the requirements of the Agreement. As described in subsection 1, below, the policies themselves comply with the Agreement. We also evaluated SCPD’s implementation of these policies, to ensure that the policies meaningfully guided SCPD in its day-to-day operations. For the reasons set forth in subsection 2, below, SCPD must take additional steps to fully implement its language-access policies and bring its operations into compliance with the Agreement.

1. Evaluation of SCPD Policies

As we noted above, SCPD's language-access policies continue to comply with the requirements of the Settlement Agreement. SCPD has further strengthened those policies in response to guidance we previously provided. For example, SCPD has now included in its LAP requirements:

- a precinct-level audit procedure of all services rendered to 911 callers based upon quarterly LIMA Reports (which provide data regarding the use of language-access services in the field after interpretation was needed during the 911 call. Such calls are referred to as "LIMA" calls.);
- strict prohibition of using children as interpreters unless no other option is available and only in emergency situations; and
- a requirement that statements taken from LEP individuals are read back to the individual in their primary language.

If properly implemented, these changes will further strengthen the Department's communications with LEP individuals.

We reviewed the Language Access Department Memo 19-87, DMEM 18-96 (Language Access Tracking Database), DTE 15-03 (Online Tracking of Language Assistance), DMEM 20-01 (Quarterly Lima Report Review), PDMEM 19-01 Language Line Quality of Service Audits, Affidavit of Translation directive, and PDCS 3111 (Affidavit of Translation form). All of these communications match the required protocols and practices delineated in the LAP.

We also reviewed the Language Access Plan Memo Book Entry 18-01 (PDCS 7045), a document that summarizes the LAP for SCPD employees. It is a good practice to provide officers with a summary of the key points of the LAP in their memo books. This document, however, is six pages long and too wordy to be useful to an officer on patrol. As a matter of technical assistance, we recommend that SCPD boil down this document to the main points of the LAP. SCPD should also consider providing officers with the flow chart used in training that summarizes the process for using language-access services. (We note that SCPD still needs to update this flow chart to reflect the requirement from its policy that children should not be used as interpreters.) We recommend that SCPD keep this insert to two pages in length to ensure that officers can use it efficiently and effectively.

SCPD recently informed us that the LAP Memo Book insert has been discontinued, along with the rest of the hard-copy memo book. SCPD has replaced the hard-copy book with an electronic version that includes the LAP information on a single page of text, with a second page showing a flow chart. We look forward to reviewing those changes during our next visit.

2. Evaluation of SCPD's Implementation of Policies

As noted above, SCPD must continue working toward Department-wide implementation of its policies related to language-access services. The Agreement requires SCPD to "provide meaningful access to police services" to LEP individuals. Agreement ¶ V(a)(i) at 8. We commend the Department for the steps it has taken to fulfill this requirement. SCPD has

dedicated substantial resources to making it easier for officers to use language services, including the installation of tablets in every patrol car loaded with the Language Line app. SCPD has significantly increased the number of certified bilingual officers and Department Authorized Interpreters. SCPD also has made progress in ensuring that the Department monitors language access among patrol officers and supervisors. Further, SCPD's data shows incremental improvement in officers' provision of language-access services. The percentage of LIMA calls where officers provided no language-access services because the officer believed the individual "spoke sufficient English" declined from more than 50 percent of LIMA calls in 2016 to under 20 percent in 2020.

Still, issues remain. The reduction in LIMA calls where officers documented that the individual "spoke sufficient English," for example, was due in large part to SCPD eliminating from its analysis "aided calls" where the Department was not the primary responder. SCPD has not, as far as we are aware, analyzed the remaining 20% of LIMA calls in which SCPD was the primary responder and the officer documented that the person "spoke sufficient English." **To come into substantial compliance with the Agreement, SCPD should audit officer responses to LIMA calls during which SCPD is the primary responder and the officer documents that the individual "spoke sufficient English."** SCPD should design this audit to assess whether patrol officers may simply be muddling through conversations with LEP individuals without an interpreter. Video from officers' body cameras may be useful for such an audit. SCPD recently informed us that IAB will be reviewing footage from body worn cameras in addition to IAB's other quality assurance audits. We look forward to reviewing this change during our next visit. Even if an officer believes that they are able to understand the statements of an LEP individual and resultingly documents that the individual "spoke sufficient English," there is no assurance that the LEP individual actually understood what the officer told them. The individual may not have been able to effectively communicate questions or concerns.

SCPD's Internal Affairs Bureau reviews language-access services by making "Quality of Service" contacts with LEP 911 callers. Although we commend the Department for proactively reaching out to LEP individuals to gather information about their experiences with the police, SCPD reports that these reviews demonstrate minimal improvement in the provision of language-access services. Many of the 911 callers reached through Quality of Service contacts say that officers did not provide interpretation services and were unable to communicate effectively. **In order to come into substantial compliance with the Agreement, the Department must take appropriate action in response to what it is learning through these Quality of Service contacts and develop more expansive audit tools to evaluate officer compliance.** Expanding these contacts and conducting effective audits will allow SCPD to obtain more and better data on the provision of language-access services. SCPD must also act on any allegations that it receives that officers violated policies related to language access and, where SCPD determines that officers violated policy, take appropriate corrective action.

As noted above, SCPD added a provision to the LAP prohibiting use of children as interpreters, absent an emergency. But, as with the Quality of Service contacts, advocates reported incidents even after issuance of the policy where officers have used children as interpreters in non-emergency situations. Advocates also said that, as in the past, officers at times direct conversations during domestic violence calls involving an LEP and an English

proficient partner to the person who is proficient in English. We recommend, as a matter of technical assistance, that the Department evaluate and address these issues, perhaps as part of the audit of LIMA calls, or through the Quality of Service contacts.

We also note that officers may at times be *underreporting* their use of the Language Line. When we compared documentation from Language Line Services to officer reports, we learned that as many as two-thirds of the time that the Language Line provided interpretation, officers did not report its use. In other words, officers were actually doing the right thing, but not reporting it. SCPD must examine and rectify this discrepancy.

IAB also conducts monthly “desk audits” in which it calls precincts’ front desks to gauge their responses to LEP individuals. These audits—consistent with the experiences of community members and advocates—indicate that Suffolk officers at the precinct front desks are not consistently providing appropriate, courteous service to LEP individuals. Further, community stakeholders told us that in the Third Precinct, which serves a predominantly Spanish-speaking community, has turned away individuals because language assistance was not available. It is unclear why this would be, since each precinct is supposed to have a Language Line dual telephone available at the front desk. To address this problem, we recommend, as a matter of technical assistance, that SCPD continue to assign bilingual personnel to all precinct front desks wherever possible.

In addition to addressing patrol officers’ use of language services, we recommend, as a matter of technical assistance, that SCPD also monitor and assess the use of language-access services among SCPD detectives. While we understand that detectives are more likely to provide language-access services to ensure the success of their investigations, SCPD does not collect data to show the type or frequency of language-access services that detectives may be providing. SCPD does not require detectives to document instances in which they provide language-access services, and neither supervisors nor IAB monitor the language-access services that detectives may provide.

Finally, we recommend, as a matter of technical assistance, that SCPD consider how it can incorporate language access into the implementation of new programs. For example, SCPD launched a pilot program focusing on police encounters with people who may have mental health disabilities. SCPD told us that officers in this pilot have not encountered individuals with mental health disabilities who are also LEP. It seems unlikely that this trend will continue. We therefore recommend that SCPD consider how it could build language-access services into this program, as well as other programs that they may develop in the future.

Finally, we recommend, as a matter of technical assistance, that SCPD create summary reports of all of its monitoring activities and actions that it takes to enhance language-access services, and that it provide these reports to advocates and the public at large, to demonstrate SCPD’s commitment to language access.

d. Spanish Language Access to the SCPD Website

SCPD recently revamped its entire website. We applaud SCPD for publishing and highlighting relevant data on its Transparency Hub, creating Spanish language recruitment videos, providing information about neighborhood watch organizations in Spanish. We are pleased that the Department has translated hate crimes notices into a number of Asian languages, including Chinese, Korean, Japanese, Tagalog, Hindi, and Urdu.

Still, work remains to be done. The most notable problem with the website is that, although SCPD has translated the pages of the new website into Spanish, and a Spanish icon appears clearly on the homepage, most documents and reports available on the website are still only in English, particularly those in PDF format. Accordingly, even when working from the Spanish language homepage, forms (e.g., application for a gun permit) are only in English. **To come into substantial compliance with the Agreement, SCPD must translate forms into languages other than English and make those forms as readily available as the English versions. SCPD should also ensure that the most recent versions of forms are available in languages other than English, and consider dating all translated documents. The LAP in languages other than Spanish and English is an outdated version from 2015. SCPD must ensure that the current version of the LAP is translated into languages other than English and Spanish that are frequently spoken by LEP individuals in Suffolk County, including Chinese, Haitian Creole, Polish, Italian, and Portuguese.**

We also recommend, as a matter of technical assistance, that SCPD translate press releases into Spanish, and other common languages as appropriate. We also recommend that SCPD translate its website's pages into common languages other than English and Spanish. The website only offers translation into other languages through Google Translate, which is not accurate or reliable as the sole source for translation.

e. Incentives for Interpreters

We have seen a steady increase in the number of certified bilingual officers and Department Authorized Interpreters (DAIs). We understand that testing and preparation courses were delayed due to COVID-19, but that these will pick up again in the near future. The Department should continue to recruit officers who speak languages other than English and Spanish. SCPD told us that its personnel speak, among other languages, Mandarin, Korean, Hindi, and Haitian Kreyol/Creole. These are valuable and important skills to have to better serve the ever-changing population of Suffolk County.

We recommend, as a matter of technical assistance, that SCPD consider what steps it can take to better inform the community about its efforts regarding bilingual officers. Community members we spoke with told us they believed that officers are becoming certified without any testing.

f. Consultation with the Latino Community

The Agreement requires that the Department consult with representatives of the Latino community regarding language-access issues. While the Department has been engaged in these efforts, there appears to have been limited contact during the pandemic. We hope that, going forward, the Department will step up its consultations with the community once again. As a matter of technical assistance, we also endorse the recommendation we received from a number of individuals we spoke with—both within and outside the Department—that the Latino Outreach Liaison should be full-time and that the position should continue reporting to the Commissioner. At present, the current liaison’s ability to perform her duties is limited by her part-time work schedule. Making the position full-time, and having this person report directly to the Commissioner, will not only demonstrate that community outreach is a Department priority, but it will also ensure that agency leadership is kept abreast of what is going well and what must be improved.

We commend the leadership of the Third Precinct for holding dedicated Spanish-language community meetings and establishing a Hispanic Advisory Board. This is a positive development and we recommend, as a matter of technical assistance, that SCPD expand the Advisory Boards to the First, Second, Fifth, and Sixth precincts, which all have large populations of Spanish-speaking community members. SCPD informs us that it is in the final stages of developing a “Precinct Level Advisory Board” program to provide a precinct-level consultation on community issues. We look forward to reviewing this program during our next visit.

g. Language Assistance Training

SCPD continued providing training to officers on language access and remains in substantial compliance with this provision of the Agreement. We note that many members of the Department have attended the language-access training multiple times. We therefore recommend, as a matter of technical assistance, that SCPD assess officers’ mastery of the material. SCPD should consider administering a short assessment a few weeks after the training to determine whether participants retained the content and what topics SCPD should reinforce in future trainings.

We commend SCPD for making investments in enhancing officers’ language skills. In April 2019, the Department partnered with Stony Brook University’s Department of Professional Development to offer a test preparation course for personnel seeking to become certified as a DAI. In addition, the Department offered a “Spanish for Law Enforcement” class to employees who wished to learn or enhance their Spanish skills. This was a six-week class, taught by a Suffolk County Community College Spanish professor. SCPD offered the class to officers from various parts of the Department. The class met at SCPD headquarters and was live-streamed to the individual Precincts via the Department’s video education system.

h. Community Survey

In April 2021, the Department issued a report of its most recent satisfaction survey of the community, aimed at helping the Department assess the adequacy of its language-access services. The report of the survey is available on SCPD’s website. SCPD has achieved substantial compliance with this provision of the Agreement.

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

Under the police misconduct 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 SCPD thoroughly investigates all complaints. *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.

As discussed in our previous report and the community engagement section below, we recommend, as a matter of technical assistance, that IAB continue working to build trust and support among members of the community while they investigate complaints. One way that SCPD can build trust is by completing misconduct investigations in a timely and thorough manner.

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

SCPD has achieved substantial compliance with its Community Engagement obligations under the Agreement. SCPD has continued improving its community engagement efforts despite limitations imposed by the pandemic. Individuals assigned to community engagement at headquarters and in the precincts continue working on communication between the Department

and the community. SCPD holds periodic meetings at the precinct and county levels. SCPD is incorporating patrol officers into its engagement efforts. We remain impressed with SCPD's Community Liaison Officers (CLO), Community Oriented Policing Enforcement (COPE) officers, and the command staff in SCPD's Community Response Bureau (CRB). We address all of the subparagraphs of the Community Engagement section of the Agreement below.

SCPD's community engagement tracking system is operational. The CLO and COPE officers continue to organize and participate in a wide variety of activities. The Department and its individual precincts continue engaging in a number of community outreach events and even found new ways to engage with community members during the pandemic.

In our previous assessment, we noted that SCPD was developing an effective system for tracking and analyzing community outreach events, and that until that system was completed and implemented, SCPD could not demonstrate that officers were regularly conducting and recording community outreach efforts. Prior to our virtual site visit in 2021, the Department had implemented a new community activity statistic in its system to track officers' interactions with the community. SCPD plans to include this data about community engagement with other measures of policing activity, like arrests and tickets, in its evaluations of officers' performance. At the time of our tour, SCPD reported that although it had implemented the ability to track community engagement, the Department still needed to conduct an informational campaign to ensure that officers were aware of the change. We believe this approach has the potential to help improve SCPD officers' approach to community engagement and look forward to seeing its effects in future reviews. In addition, we note that the tracking system treats all interactions the same, whether it is an officer's one-on-one encounter with a community member or a large-scale community event involving hundreds of community members. We recommend, as a matter of technical assistance, that SCPD consider ways to track community engagement with greater precision.

SCPD also responded to the recommendation in our last report that it attempt to broaden its community engagement efforts beyond structured events to foster community partnerships. We suggested finding new and less formal ways of building connections, with the goal of creating an environment where members of the community feel and see evidence that their needs are heard and addressed by SCPD. As a result, SCPD came up with new forms of outreach, including iPad giveaways, contactless food distributions, helping immigrants obtain legal identification, and various non-traditional interactions with youth, including activities focused on youth's career interests, and outdoor activities during the pandemic like hiking and fishing.

As noted above, SCPD developed and implemented a community survey, as required by paragraph VII.d.3 of the Agreement. The Finn Instituted conducted the survey and produced a report in April 2021. The survey queried residents in several areas, including perceptions of safety and crime in their neighborhood, police legitimacy, effectiveness and response to community concerns, bias, and police accountability. The survey showed that many community members have positive views of SCPD. But the results were not universally positive. The survey revealed a significant concern in the community pertaining to bias in SCPD's interactions with Black and Latino residents. We encourage SCPD, and CRB in

particular, to work to address these concerns in future community engagement strategies, consistent with paragraph VII.d.4 of the Agreement.

SCPD continues to maintain substantial compliance with the provisions of the Agreement relating to the responsibilities of the CLO and COPE officers. We encourage SCPD to continue building upon this foundation, expanding outreach opportunities, and improving relations with the Latino community.

Overall, we commend SCPD for its outreach efforts with the Latino community. SCPD has made tremendous changes in the past five years. But, while SCPD has achieved substantial compliance with the Community Engagement section of the Agreement, it must remain diligent in its community outreach and engagement efforts to maintain this status. The Department must ensure that it maintains current relationships and build new ones with community stakeholders, especially in the Latino community, and that outreach efforts involve ongoing dialogues with community members.

VII. POLICIES AND TRAINING GENERALLY

Substantial Compliance

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.