

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



**October 11, 2018**

## 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 seventh Assessment Report, which focuses on the first six months of 2018, but also addresses conduct from earlier periods where necessary.

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

In addition, we met with the new Commissioner of the Suffolk County Police Department, Geraldine Hart, to discuss the progress made to date and the enduring challenges that remain. We thank Commissioner Hart and the other SCPD officials with whom we met during this assessment period, and we appreciate the cooperation and sustained commitment that SCPD and Suffolk County leadership continue to show in addressing the requirements of the Agreement. We also thank the many members of the Suffolk County community who have met with us and provided us with invaluable feedback.

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.

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

## II. CURRENT COMPLIANCE RATINGS

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

The definition of each rating type is as follows:

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

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

c. Quality Assurance	Substantial Compliance
V. LANGUAGE ASSISTANCE	Partial Compliance
a. Policy	Substantial Compliance
b. Language 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	Partial Compliance
g. Language Assistance Training	Substantial Compliance
h. Community Survey	Partial Compliance
VI. ALLEGATIONS OF POLICE MISCONDUCT	Substantial Compliance
a. Reporting Misconduct	Substantial Compliance
b. Investigation of Misconduct	Substantial Compliance
VII. COMMUNITY ENGAGEMENT	Partial Compliance
a. Maintaining Community Relationships	Partial Compliance
b. Community Liaison Officers	Substantial Compliance
c. Community Oriented Policing Enforcement (COPE)	Substantial Compliance
d. Community Response Bureau	Substantial Compliance

e. Community Outreach	Partial Compliance
f. Social Media and Notification Systems	Substantial Compliance
VIII. POLICIES AND TRAINING GENERALLY	Substantial Compliance

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

#### A. BIAS-FREE POLICING

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

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

During the last assessment period, the Department has made significant progress in this area. While there is still a significant amount of work that remains to ensure compliance with this portion of the Agreement, in the last six months the Department has taken meaningful steps to put itself on the right track.

#### 1. Continued Delivery of Bias-Free Policing

In our Sixth Assessment Report, we noted that two main obstacles to SCPD achieving substantial compliance in this area remained: (a) collecting appropriate traffic-stop data that helps the Department analyze its conduct to ensure it is policing free from unlawful bias, and (b) development and delivery of training on bias-free policing. *See* Sixth Assessment Report at 6. While SCPD’s work is not yet complete and a rating of substantial compliance is not yet

appropriate, the strides SCPD has made in these two components, detailed below, represent the most significant progress to date in the area of bias-free policing.

## 2. Policies and Procedures

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

## 3. Traffic-Stop Data

Under the Agreement, SCPD must collect accurate traffic-stop data and analyze it for indications of bias in order to ensure bias-free policing. *See* Agreement III(c) at 6. This has been a significant challenge for the Department, as detailed in previous assessment reports. *See* Third Assessment Report at 7-8; Fourth Assessment Report at 6-7; Fifth Assessment Report at 6-7; Sixth Assessment Report at 6. During this rating period, however, SCPD finalized and implemented a robust data collection system that is consistent with the objectives of the Agreement.

A number of steps were necessary to bring this project to completion. First, the Department transitioned from a computerized data terminal system designed by an outside vendor to one developed and maintained by SCPD's information technology (IT) unit, which gave SCPD greater control over the data collection fields and will ultimately improve the Department's ability to analyze up-to-date data. In order to complete this transition, the Department's IT unit began designing the data collection module last winter, and worked with DOJ to ensure that all necessary data fields were included. *See id.* This new system was initially launched on August 28, 2017, but within the first few hours of the system going into operation, officers reported that the slowness of the system unnecessarily increased the time to complete a stop report. Additionally, SCPD reported that officers found the design of the new system difficult to navigate because the fields were not linear or easy to scroll through. To correct these issues, the Department built an entirely separate database for stop reports. The Department also redesigned the fields so that they are easy to scroll through and include gateway questions to streamline the process (e.g., an answer of "no" to the question of whether there was a search would drop all the attendant questions).

Prior to launching the revamped system, the Department also conducted beta-testing with a select group of patrol officers. This process helped identify shortcomings and allowed them to be corrected before the system was reintroduced throughout the Department.

During our tour in April 2018, we observed the new system that had been launched throughout the Department. The system contains the full range of required data points so that officers can collect – and the Department can analyze – all factors relevant to ensuring bias-free policing practices. The revamped system also address the shortcomings that existed in the previous iteration of this program.

This is a considerable step forward for the Department. In order to achieve substantial compliance, however, several steps must be taken. First, it is critical that the Department ensure that officers are fully using this system and collecting accurate and comprehensive data for each traffic stop. We will evaluate this during the next assessment period. To that end, we renew our recommendation that SCPD supervisors develop specific protocols for the substantive review of traffic-stop data as part of supervisors' regular supervisory activities and that SCPD provide updated training for supervisors, many of whom have not received supervisor-specific training since attaining the rank of sergeant. *See* Fourth Assessment Report at 7; Fifth Assessment Report at 6-7; Sixth Assessment Report at 7. Additionally, it is important that the Department develop a robust plan for the analysis of this data. The Department has committed to the fact that, once a year's worth of data is collected, it will begin the analysis process and make its analysis available to the public. We encourage the Department to begin working on protocols for data analysis as soon as possible to ensure that this necessary measure can be implemented effectively.

Finally, in our last Assessment Report, we recommended that the Department collect basic demographic data for its checkpoint stops (e.g., DWI, safety checkpoints). We provided the Department a sample form for collecting such data that would not impede its checkpoint operations and the Department has begun using this form. We commend SCPD for its proactive work in this area.

#### 4. 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.* As detailed in our previous reports, SCPD suspended its initial bias-free policing training after we determined that it was deficient. *See* Fourth Assessment Report at 8; Fifth Assessment Report at 7. Thereafter, SCPD attempted to coordinate with the Office of Justice Programs (OJP) of the United States Department of Justice on a revised training program, but in June 2017 OJP notified SCPD it had stopped providing procedural justice and bias-free training assistance. SCPD then met with training coordinators from a major-city police department that had obtained procedural justice and bias-free training in the past. This process is described in detail in our Sixth Assessment Report. *See* Sixth Assessment Report at 8.

During the last rating period, SCPD used the information it acquired from the major-city police department to develop its own bias-free policing and procedural justice training. Once a curriculum was developed, the Department also approached community stakeholders to observe an initial version of the training and provide feedback. SCPD met with these community stakeholders on several occasions, and diligently worked to incorporate the comments received.

The training that has resulted from this process is thorough and clear, and it provides officers with an in-depth understanding of the psychological and situational factors that can result in bias influencing law enforcement outcomes, and the techniques that officers should use

to prevent this from happening. We observed the training firsthand during our site visit and were extremely impressed not only with the curriculum, but also with the manner that the instructors at the SCPD academy delivered this material. We commend the Department for the progress made in this area. Now that SCPD has begun delivering this training, we will continue to assess its delivery, as well as training schedules, to ensure that all SCPD officers are trained as required by the Agreement. Based on our conversations with SCPD, we understand that this process will take nearly two years to complete.

Finally, given the positive results that were achieved for the bias-free policing training by consulting with community partners, we recommend that SCPD perform similar outreach regarding other training modules delivered by the academy. This process not only promises to strengthen existing training programs, but will help enhance relationships between SCPD and the community it serves.

**B. HATE CRIMES AND HATE INCIDENTS**

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

Our last compliance report noted that while SCPD had implemented several of the Agreement’s requirements regarding responding to hate crimes and hate incidents, the Department was not in substantial compliance with this area due to shortcomings with the implementation of a hate crimes mapping system. *See Sixth Assessment Report at 9-11.* During this last rating period, however, the Department launched a mapping system that will substantially improve SCPD’s ability to track and analyze these crimes and other incidents. Accordingly, SCPD has reached substantial compliance with these portions of the Agreement.

**1. Training**

Under the Agreement, SCPD must ensure that all officers receive annual hate crimes and hate incident training. *See Agreement ¶ IV(a) at 7.* We found SCPD to be in substantial compliance with this provision of the Agreement in October 2016. *See Fourth Assessment Report at 9-10.* The Department continues to deliver the approved training and it has not made any changes to the training material or curriculum since our assessment. While we will continue to monitor whether SCPD is adequately training its members to identify and report hate crimes and hate incidents, the Department remains in substantial compliance with this requirement.

## 2. Tracking, Reporting, and Pattern Analyses

As we noted in our last assessment report, a critical factor for SCPD to adequately and effectively combat hate crimes and hate incidents is its tracking and mapping of crime trends and crime patterns, as required by the Agreement. *See Sixth Assessment Report at 9-10.* The Department has now fully implemented a mapping system for hate crimes and hate incidents that comports with this requirement.

During our last site visit, we observed the hate crimes mapping system firsthand. This system reliably and clearly tracks hate crimes and other hate incidents in a manner that enables detailed analysis that will ultimately lead to better law enforcement action. The mapping system has an integrated heat-mapping function that depicts concentrations of potential hate crimes and hate incidents. The application also has a feature that allows users to click on the dots (each of which depicts a potential hate crime or hate incident) to bring up information about individual events. SCPD members can also isolate mapped incidents by bias-motivation, e.g., anti-Jewish or anti-Muslim. The system also links the CC numbers (which are identifiers assigned to individual events) to the narratives in the incident reports so that information about the incidents is integrated into the maps and members can easily access an incident's full record.

We commend the Hate Crimes Unit (HCU) and other members of SCPD for the development and implementation of this system. Over the next assessment periods, we will continue to assess SCPD's use of the system to ensure it is properly maintained and used effectively to detect trends and identify perpetrators of hate crimes and hate incidents. We also will be conducting reviews to ensure that all HCU members are trained on the system and are equipped to use it and harness the information it contains.

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

## 3. Quality Assurance

The Agreement requires SCPD to "implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures," and that SCPD will conduct random audits of HCU investigations and any corrective actions taken because of the audits. *See Agreement ¶ IV(c) at 7-8.* We have previously found SCPD to be in substantial compliance with the quality assurance requirements of the Agreement. *See Fifth Assessment Report at 9-10.*

The Department continued its quality assurance processes during this assessment period. We will continue to assess SCPD's efforts in this area to ensure that substantial compliance is maintained.

C. LANGUAGE ASSISTANCE

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

The Agreement requires SCPD to develop and implement language access policies and practices so that persons who are Limited English Proficiency (LEP) have meaningful access to police services. *See* Agreement ¶ V at 8-11. Effective communication with LEP individuals is critical for effective policing. LEP individuals are vulnerable to victimization and marginalization. Accordingly, as we have noted in previous reports, the Agreement requires that SCPD personnel be able to understand and respond to LEP individuals, whether witnesses, suspects or members of the public, especially during enforcement actions, criminal investigations, interrogations, and detentions.

We commend SCPD for its ongoing effort in this area and recognize the significant progress it has made in the last six months. It now has the necessary protocols and resources in place to fully implement the Language Access Plan (LAP). When the LAP is fully implemented, the Department will be in Substantial Compliance in this area. We hope that the Department will achieve Substantial Compliance in the next assessment period and we provide the following observations and recommendations with the aim of supporting the Department in achieving that goal.

1. Language Access Policy and Language Line Order

Our last report noted that SCPD has developed a strong LAP, and we commend it for combining both rules and procedures into one document. *See* SCPD LAP, Rules & Procedures, Ch. 26, Sec. 5. We made three recommendations in the last report, which SCPD has carefully

considered and addressed. First, we recommended that SCPD expressly prohibit the use of children for language assistance, even in exigent circumstances, if other options are available. SCPD has revised the rules and procedures issued to officers to reflect this prohibition. Second, we recommended that the SCPD create a hierarchy for the use of language assistance resources in common situations. SCPD has rejected that recommendation, explaining that it wishes to provide officers discretion in the field to determine the best means of ensuring efficiency and effectiveness of communication. We accept SCPD's determination, with the *caveat* that this approach means that SCPD will need to monitor such field decisions. Finally, we recommended that SCPD take statements from LEP individuals in the individual's preferred or dominant language rather than use an interpreter to translate the statement immediately into English. SCPD has determined that it does not have the resources necessary to translate statements taken in another language into English, but will instead use interpreters to take statements in the speaker's native language and transcribe them immediately into English. We accept this rationale, but note that this process may make it more difficult for LEP individuals to read and affirm the accuracy of their written statements. We urge SCPD to continue seeking feedback about whether and to what extent this approach will compromise the accuracy of statements from LEP individuals.

We commend the SCPD Community Relations Bureau (CRB) for producing materials for the public summarizing the LAP. The Department has developed a five-point "Did You Know" card for distribution to members of the public to inform them of their rights to language services and about how to file a complaint with the Internal Affairs Bureau. CRB also has created an LAP flip guide for officers' memo books.

## 2. Implementation of Language Access Plan (LAP)

Although implementation of the LAP is finally moving in a positive direction, it requires more attention and improvement. From our interviews and discussions with officers and supervisors, there does not appear to be full recognition of the importance of providing appropriate language services. Further, we continue to receive reports of LEP individuals failing to receive appropriate, courteous services, particularly at precinct front desks.

First, Language Line use appears to have declined at the end of 2017. This could be a typical seasonal variation, but this still warrants further review. There had been an upward trend in the usage of Language Line between 2014 and 2017 and we would have hoped and expected this trend to continue. The SCPD should monitor Language Line usage for the rest of 2018 and consider if a continued decrease in the use of Language Line is a reason for concern.

Second, Language Line billing data do not correspond with the data generated by officers' interpretation tracking forms. For example, in February 2018, Language Line billed for Haitian Creole services 11 times. No interpreter tracking forms reflect such services. Similarly, between November 2017 and March 2018, there were 106 Chinese Language Line Services calls. During that same time, interpretation tracking forms reported only 16 instances of Chinese language interpretation. One possible explanation is that officers are using Language Line more often but not accurately reporting that usage. Such discrepancies need to be reviewed and rectified.

The SCPD just recently hired a data analyst to support data collection and analysis for all DOJ compliance efforts. This is a positive development. The analyst should be able to collect, review, and analyze data regarding calls designated as “Lima”, *i.e.*, designated by 911 operator as needing language access services. In addition, supervisors must be trained and encouraged to conduct macro-level reviews of language access data, and regularly review the documentation of language assistance, to flag problems, ensure that officers provide language access services when necessary and to document the use of language services accurately.

The Department is currently piloting the use of detachable tablets that are VoIP (Voice Over Internet Protocol) ready in patrol cars. Officers will be able to call Language Line using the tablet. Department-wide distribution of tablets will eliminate the use of inadequate department-issued flip phones or officers’ personal phones and will constitute a very positive development which will greatly facilitate the use of Language Line services and officers’ adherence to the LAP. Once the transition is complete, we recommend that the Department institute a policy prohibiting the use of personal phones for Language Line calls.

Once again, we found different versions of the survey and LAP at the headquarters’ front desk and other precinct locations. In addition, at more than one precinct, we found two different versions of the community survey at the precinct’s front desk. This lack of consistency is confusing to the public and may compromise the survey results. SCPD should resolve this issue. The entire LAP document does not need to be distributed at precinct offices; instead, the five-point “Did You Know” card and LAP summary (in English and the other priority languages for translation) are more appropriate for public distribution. Furthermore, because the survey instrument itself is being revamped and the current version does not appear to be in use at present (*see* the discussion below), the current version should be removed from the precinct front desks.

Finally, we note that SCPD is still receiving a low volume of complaints and compliments in languages other than English. This has been an ongoing issue. The SCPD should work more closely with community-based service providers to identify different ways of enabling and encouraging feedback from non-English speakers.

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

The SCPD has very recently updated its website but, as of the time of our visit, it had not yet posted translated forms and documents.

### 4. Incentives for Interpreters

Our previous report notes that the Department’s methods for incentivizing personnel to participate in its language assistance efforts appear to be effective and the number of officers who are qualified as bilingual is growing. We commend SCPD for this development and expect that the corps of bilingual officers and interpreters will continue to grow. SCPD should review and analyze its use of bilingual officers and interpreters in the same fashion as its usage of Language Line.

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

Over the course of the Agreement, we have seen improvement in the Department’s contacts and relationship with Latino community leaders. We understand, however, that some community leaders are no longer active in the engagement process. Identification and outreach to new community representatives can be challenging but is essential. The Department also should invite community members to participate or observe its initiatives, such as its training and community survey development, so that there is a constant level of communication and collaboration. We understand that community members were invited to observe and encouraged to comment critically on recent trainings. This was well received and we encourage the SCPD to continue such efforts.

The Agreement requires that SCPD survey community representatives regarding SCPD’s LEP efforts. *See* Agreement ¶ V(h) at 10-11. We understand that the Department is in discussion with some universities about producing and administering a community survey. We look forward to hearing about future progress and encourage the Department to engage a wide array of community representatives in developing a dissemination strategy for the survey to ensure confidence in the representativeness of the findings.

6. Language Assistance Training

We did not observe the language assistance training on this tour but understand that it continues to be updated as changes to the overall policy are instituted. Further, we heard positive feedback from students at Suffolk Community College who observed the training. We encourage the Department to continue these types of efforts.

We understand that the Department is continuing to work on developing a curriculum for a Spanish language course for officers who are marginally fluent in Spanish. We look forward to seeing the final curriculum and implementation of the course.

D. ALLEGATIONS OF POLICE MISCONDUCT

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

Under the police misconduct reporting requirements of the Agreement, SCPD must have a policy that requires all members to report allegations of discriminatory policing, ensures that all complaints are investigated, and allows third-persons to submit complaints on behalf of victims. Agreement ¶ V(a) at 11. The Agreement also includes various provisions concerning the investigation of misconduct, which are aimed at ensuring that all complaints are thoroughly

investigated. *See* Agreement ¶ V(b) at 11-12. Through its sustained efforts over the last several reporting periods, the Department has reached substantial compliance with these provisions of the Agreement.

### 1. Reporting Misconduct

The Department's Civilian Complaint Procedure, Order 15-56, and its ongoing implementation of that order, continues to satisfy the three requirements of the Reporting Misconduct section of the Agreement: (1) members' duty to report allegations of discriminatory policing, (2) ensuring that the Internal Affairs Bureau (IAB) investigates all complaints regardless of how the complainant submits the complaint, and (3) allowing third parties to file complaints on behalf of victims. *See* Fifth Assessment Report at 16; Agreement VI(a) at 11. In addition to complying with the provisions of this section, the Department has continued to undertake efforts not required by the Agreement to ensure robust reporting of misconduct. Specifically, SCPD has implemented an official policy that requires it to keep complainants apprised of the status of their complaint. *See* SCPD Directive, Order No. 17-01, Mar. 17, 2017. We have commended the Department in the past, and do so again, for instituting the policy. *See* Sixth Assessment Report at 16. By increasing transparency around the investigative process, and maintaining an adequate level of responsiveness toward complainants, the Department will improve the public's perception of the validity of the internal affairs process. We will continue to monitor this section of the Agreement, including any related policies, to ensure that SCPD remains in substantial compliance.

### 2. Investigating Misconduct

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

The Department has improved its recruitment of investigators, and the position has now become viewed as a stepping-stone for advancement within the Department. *See* Agreement VI(b)(ii) at 11. Indeed, in the last year alone, SCPD promoted approximately a half-dozen of its IAB investigators to other positions within the Department. The Department has also invested in the professional development of its investigators by sending them to trainings, such as a forensic science training and an internal investigations course. By investing in IAB in this manner, the Department will continue to attract qualified candidates to IAB and ensure a higher quality of investigations.

SCPD has instituted processes and methods to ensure that complaints do not lag indefinitely without a final disposition. Complaints are assigned a unique identifier, and the Department timely refers complaints to IAB. We will continue monitoring this provision to ensure that these referrals continue in a manner that is consistent with the Agreement's requirements regarding timeliness. *See* Agreement VI(b)(i) at 11. IAB uses a computer program, called "Blue Team", to receive automatic notifications when a case has reached 120 days, allowing supervisors to intervene if needed. IAB notifies complainants by letter after 180

days if the investigation is ongoing. The Department also tracks its biased policing investigations, analyzes trends, and publishes its conclusions in an annual report.

IAB has continued to work on clearing its backlog of unresolved cases and to investigate new cases in a timely manner. Our review of biased-policing investigations that the Department completed during this assessment period showed that, while work on the backlog remains, newly filed complaints are being resolved in an expeditious manner. Of the complaints filed between November 2017 and March 2018, the average investigation duration was 91 days – a marked improvement over the length of time it has taken to complete investigations in the past. *See Sixth Assessment Report at 17* (noting complaints from 2015 had taken an average of two years to complete; those from 2016 took an average of 11 months to complete).

In our last assessment report, we noted that the length of investigations was the primary impediment to SCPD achieving substantial compliance in this area. Given the positive improvements made during this rating period, we have determined that SCPD has achieved substantial compliance in this area. We will continue to monitor all aspects of this section of the Agreement to ensure that investigations continue to be conducted in a timely and effective manner that helps ensure accountability within the Department.

E. COMMUNITY ENGAGEMENT

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

SCPD has developed a robust approach to community engagement since entry of the Settlement Agreement in 2014. It has created new positions in headquarters and in each precinct to encourage and coordinate interaction and communication between the Department and the community. It holds regular meetings at the precinct level and countywide and is beginning to incorporate patrol officers into its engagement efforts. Over this past reporting period, SCPD, 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

toward community engagement. We remain impressed with the work of CRB, in particular Sergeant Kathleen Kenneally. New Commissioner Geraldine Hart has already demonstrated her commitment to building on her predecessor's outreach work and further improve relations.

SCPD continues to be in partial compliance with this section overall but is very close to substantial compliance. In order to achieve substantial compliance on the remaining two provisions – which requires SCPD to “maintain robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and community confidence in the Department” – it should reach out to the community in new and different ways. While SCPD leadership has taken several commendable initiatives that we have noted in this and other reports, these initiatives may not have sufficiently filtered down to precinct officers. Our conversations with community members continue to reveal a persistent mistrust of SCPD. As we noted in our last report, more still needs to be done to ensure that all officers understand that improving community relations is an integral part of their daily duties, and not limited to participation in organized events. Additionally, SCPD needs to be more proactive, analytical, and strategic to engage with less traditional partners and the more underserved parts of the Suffolk County community and it should enhance its efforts to address current questions and concerns of the community through outreach and distribution of informational materials.

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

SCPD has maintained the partial compliance ratings that it had achieved in these areas in past reporting periods. We continue to be impressed with the array of activities that the CLO and COPE officers plan and execute. The Department and its individual precincts continue to maintain a busy schedule of community outreach events, including quarterly meetings with the Latino Community Outreach Committee, monthly community meetings at the precincts, and popular programs such as sports programs for local youth and trainings targeted at educating about the risks of opioid addiction. Patrol officers appear to be attending community outreach events organized by the CLO and COPE officers in their precincts more often, including attending their precinct's monthly community meetings. In addition, SCPD is continuing to meet its obligation of producing and publishing annual reports with its own analysis of CRB's successes, areas in need of improvement, and strategies for making improvements, including posting these reports on its own website.

Former Commissioner Sini's quarterly meetings with Latino advocates were a significant improvement. However, community advocates have told us that they continue to find the meetings unsatisfying. Advocates still feel that many of their questions go unanswered and that SCPD officials do not address their concerns. Although SCPD has somewhat restructured these meetings, we suggest that it continue to look for ways to include additional participation and better communication by, among other things, holding the meetings at different times of day and locations. Commissioner Hart and the Community Response Bureau have begun the implementation of this recommendation and seen increased community attendance.

As we stated in our last report, to achieve substantial compliance in this area, SCPD

needs to develop an effective computer system for tracking and analysis of community outreach events. We recognize that SCPD has been trying to develop such a system for quite a while and that the project is underway. Until it is completed and fully implemented, SCPD cannot demonstrate that its officers are regularly conducting and accurately recording their community outreach work, or that community contacts and supervisors at all levels possess sufficient information to measure and analyze the effectiveness of community outreach. This in turn impacts SCPD's ability to appropriately share information across precincts, to identify potential gaps in community outreach, and to strategize about how to improve the effectiveness and breadth of community outreach. Relatedly, although SCPD has built the database it will use to maintain and share community contacts within SCPD, it still needs to finalize and disseminate a training bulletin explaining how to use the database. We are unclear what barriers exist to completing this project. As noted in the discussion of Language Access above, SCPD has recently retained a data analyst, and we hope that his work will include analysis and further development of these computer systems, and that we will see them in place on our next tour.

We also note that the Agreement requires SCPD to “engage the public through the dissemination of public information on a regular basis.” Agreement ¶ VII(a) at 12-13. The public information to be disseminated could include information about SCPD policies and procedures that relate to functions of SCPD other than CRB—for example, the policies and processes relating to how members of the public may submit complaints about officer misconduct. This requires collaboration between CRB and the various departments; there continues to be uncertainty as to who has the responsibility for generation of the materials. We recommend that CRB take on the coordination of this project. We also recommend that SCPD assign responsibility within the Department for identifying informational materials that would be useful to the public, other than just community outreach materials, for facilitating the creation of those materials in coordination with the relevant SCPD component, and for determining how SCPD will disseminate these materials to the public. In light of the significant impact this will have on community engagement, CRB may be the most appropriate component for this responsibility.

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

As we noted above, SCPD has maintained a rating of substantial compliance with the provisions of the Agreement relating to the responsibilities of the CLO and COPE officers. We continue to be impressed with the dedication and expertise of the individual officers in these roles. They not only help restore trust between SCPD and the communities it serves, but also better enable SCPD to prevent and fight crime by broadening its partnerships and expanding the range of individuals coordinating to protect public safety.

We encourage SCPD to think creatively and strategically about how to achieve these goals even more broadly. For SCPD to “maintain robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and community confidence in the Department” in “all of its policing operations[,]” see Agreement at ¶ VII(a), *all* officers and command staff will need to be involved, and not only the CLO and COPE officers assigned to conduct community outreach.

This also may involve strategies and actions outside of the traditional community outreach events organized by the CLO and COPE officers. For example, the Department’s community policing could include building relationships between the Department and other local governmental agencies, service providers, and community advocacy organizations.

Finally, to achieve substantial compliance with the provisions of the Agreement relating to community outreach, and to maximize the impact of SCPD’s community engagement efforts, SCPD needs to develop and implement a community survey, as required by the Agreement. This project has been underway for a substantial time and needs to be completed as soon as possible.

Commissioner Hart recognizes that building strong community partnerships throughout the entire Suffolk County community is critical to the Department’s ability to effectively fight crime. We commend SCPD for its efforts to date on building those partnerships, and stand ready to provide SCPD with technical assistance, including guidance from our subject matter experts, examples from other law enforcement agencies, and written resources, which may be useful to SCPD as it builds upon the significant progress already achieved. In this area, SCPD has made tremendous changes and the responses from some members of the community are quite positive.

F. POLICIES AND TRAINING GENERALLY

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