COUNTY OF SUFFOLK

STEVEN BELLONE
COUNTY EXECUTIVE

EDWARD WEBBER
POLICE COMMISSIONER

POLICE DEPARTMENT

December 16 , 2014

Michael Goldberger
Chief of Civil Rights
Civil Division
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: United States letter to SCPD dated September 22, 2014.

Dear Mr. Goldberger:

Our response to your letter of September 22, 2014 follows, and is arranged using the same headings.

1. BIAS-FREE POLICING

A. Introduction

Thank you for your comments on our Compliance Report of July, 2014. The Department shares your belief that we have made notable and significant steps toward compliance with the Settlement Agreement, and we recognize that ongoing efforts will be necessary to fully implement the policy goals we have stated. To that end we appreciate the continued assistance and guidance provided by the United States.

B. Policies and Procedures

Regarding the United States' concerns with Section III(b)(ii) of the Settlement Agreement, the proposed definitions of "Illegal Profiling" and "Biased Policing" contained in Rules and Procedures Chapter 1, §1, and Chapter 2, §2 have been amended to eliminate the possible "safe harbor" provision identified by the United States. The proposed definitions have also been relocated within the Rules and Procedures for purposes of continuity and clarity. Chapter 1, §1 retains the commitment to Bias Free Policing in the Mission Statement, while the prohibition regarding Illegal Profiling has been placed in Chapter 2 which addresses "Rules of Conduct" for all members of the Department. (**Attachment 1**)

The United States has also voiced concern over a perception that the Department attributes responsibility for policy and procedural changes to the United States. References to the "DOJ" on the Department Directive form (PDCS-2008-1) have been removed, and will not appear on future Rules and Procedures revisions.

Regarding steps which the Department has taken to promote bias-free policing in its personnel decisions, the United States offers favorable comments and also some additional suggestions. Most notably, the Department agrees that policy amendments are necessary to memorialize this commitment in its hiring practices. An Applicant Investigations Section Command General Order will be issued to specifically include mandatory screening of all applicants for past incidents of biased policing or biased related incidents. Additionally, R&P Chapter 26, §1 will be amended to direct the Recruitment Unit to convey the Department's commitment to bias-free policing in its solicitation of applicants.

Regarding policies and procedures addressing performance assessments, R&P Chapter 10, §3 (VI)(B)(7) requires precinct-level supervisors to conduct a detailed review of their subordinates' general monthly activity. (**Attachment 2**) In addition, R&P Chapter 13, §9 VI(C) (**Attachment 3**) and proposed Chapter 10, §3 (VI)(B)(13) direct supervisors to review the entry of Traffic Stop Data Collection Program information by their subordinates in order to detect possible biased based enforcement. Finally, proposed R&P Chapter 5, §5 addresses the Department's "Early Warning – Early Intervention" system and requires supervisors to review the demographic data of their subordinates' arrestees. (**Attachment 4** in (VI)(F)), and add biased-based policing to the defined triggers of automated alerts described in (III)(B).

Finally, with regard to the United States' review of Internal Affairs Case #14-128i the Department appreciates the potential chilling effect an accusatory tone can evoke at the outset of the interview process, and has amended R&P Chapter 5, §2 (VI)(A) accordingly. (**Attachment 5**)

C. Traffic Stop Data

The Department will detail all policies amended and measures implemented regarding the new Traffic Stop Data Collection Program in the January 2015 Compliance Report.

D. Training on Bias-Free Policing

The Department has adopted the United States' suggested changes to the substance and arrangement of the curriculum on bias-free policing. Specifically, portions dealing with the administrative disciplinary process have been removed, lectures have been more clearly focused on bias-free policing and statements attributing responsibility for the training to the United States have been deleted. Instructional materials which address the United States' concerns on pages 5, 6 and 7 of the September 22, 2014 letter were forwarded via email on November 12, 2014, and are attached for reference. (**Attachment 6**). The Department looks forward to meeting with the United States and collaborating on the continued development of this curriculum.

2. HATE CRIMES AND HATE INCIDENTS

A. Training

The Department has adopted the United States' suggestion to conduct hate crimes/incidents training separately from bias-free policing and cultural sensitivity. Similarly, the substantive additions of the inchoate offenses, avoidance of downgrading offenses and the immateriality of suspect perceptions will be added to the curriculum and made available to the United States immediately upon completion.

B. Tracking and Reporting

The suggestions offered by the United States regarding the procedures for tracking and analyzing hate crimes and incidents have been incorporated into Rules and Procedures Chapter 24, §6(VI)(I). (**Attachment 7** page 13 of 17)

C. Quality Assurance

Similarly, the suggested additions regarding quality assurance, command review and random audits of hate crimes investigations have also been made to Rules and Procedures Chapter 24, §6(VI)(F). (**Attachment 7** page 11 of 17).

3. LANGUAGE ASSISTANCE

A. SCPD Policy on Language Access

The General Order which implemented the approved Language Access Plan is attached. (**Attachment 8**) The Department has also sent the latest proposed revision of R&P Chapter 26, §5 to the United States via email on October 15, 2014. Upon approval of that revision, the Department will be able to certify its "Authorized Interpreters" and implement the protocols contained in R&P 26/5 and 26/6.

As reported in the July 2014 Compliance Report, the translation of vital documents is an ongoing process. Thirty-five Departmental forms are available in Spanish as described in the July 2014 Compliance Report. Eight additional forms have been sent out for translation into Spanish, Haitian Creole, Italian, Polish, Portuguese, and Mandarin Chinese. The Compliment/Complaint Form is also being amended to include notice that a "Spanish speaking operator is available" on the dedicated Spanish language complaint line (631) 775-2077. All of these forms will be listed in the next update to the LAP, and will, thereby, be memorialized into policy (R&P 26, §6). Finally, proposed language establishing an audit process of the dedicated Spanish language complaint line is provided for review. (**Attachment 9**)

B. Revised Language Line Translating and Interpreting Service

The United States has requested a copy of Department Memorandum 10-58b which explains the process for utilizing the Language Line interpretation service. This request stems from an explanation provided by the Department in the July 2014 Compliance Report regarding the amendment of Department Memorandum 09-117, also dealing with the utilization of Language Line in the field. (**Attachment 10**) To some degree all of these Memoranda use "translation" and "interpretation" interchangeably. The Department has recognized this inconsistency, and has issued Special Training Bulletins in the 14-02 series to serve as a more current and accurate resource for officers utilizing Language Line. (**Attachment 11**) Devoting this series to Language Line Services allows the Department to update pertinent information, such as sector deployment of cell phones, and also advise personnel of enhanced functionality, such as conference calling. Updates to this series will issue quarterly, and relevant procedural changes will be incorporated into R&P Chapter 26, §§5 and 6.

C. Revised "Persons with Limited English Proficiency

As the United States is aware, the Department has forwarded our latest proposed modification to R&P Chapter 26, §5 by email on October 15, 2014, and has discussed issues surrounding those modifications via email and conference calls on several occasions. The Department has received and acknowledged the United States' request for time to further analyze those modifications.

D. SCPD Website

The Department will report all amendments and additions to its website in the January 2015 Compliance Report.

E. Incentives for Department Authorized Interpreters

Incentives currently available to bilingual employees providing interpretation services include potential overtime compensation and preference for selection to special assignments. The Department will revisit the need to extend incentives once a certification mechanism is in place and a reliable measure of participation can be gauged.

F. Consultation with the Latino Community

As detailed in the Department's response to the United States' letter of May 8, 2014, consultation with representatives of the Latino community is ongoing and extensive. A detailed account of meetings held and issues addressed will be included in the January 2015 Compliance Report. Additionally, the Department's Police Technology Bureau is currently developing a database to allow for the centralized storage and management of information pertaining to community relations. Responsibility for maintenance and use of this database will be detailed in Rules and Procedures Chapter 26, §1 and provided to the United States upon completion.

G. Training on Language Access

Lesson plans and instructional materials for this training will be forwarded to the United States under separate cover.

H. Satisfaction Survey

The Department will report all amendments, additions and developments regarding its Community Survey efforts in the January 2015 Compliance Report.

4. ALLEGATIONS OF POLICE MISCONDUCT

The Department welcomes input during the upcoming on-site visit regarding its use of IAPro to track and analyze trends in misconduct allegations.

5. COMMUNITY ENGAGEMENT

A. Introduction

The Department will report all developments and measures implemented regarding its engagement with the community in the January 2015 Compliance Report.

B. Community Liaison Officers ("CLOs")

CLOs are covered briefly in R&P Chapter 1, §5 which provides an overview of all units within the Department. Assignment of CLOs, including the selection preference for bilingual officers, will be detailed in R&P Chapter 26, §1, which specifically addresses community relations functions.

As stated in the July 2014 Compliance Report, the Department provided all CLOs with training in Police Legitimacy and Procedural Justice on May 20, 2014 and May 21, 2014. (**Attachment 12**) An additional four hour block of instruction on Enhanced Community Relations was also provided to all CLOs, SROs and COPE officers on October 29, 2014. (**Attachment 13**)

Finally, hours of availability for each CLO are posted under the "Precinct" tab on the Department's website, located at http://apps.suffolkcountyny.gov/police/precincts.htm

C. Community Oriented Policing Enforcement ("COPE")

The definition of COPE officers is also briefly addressed in R&P Chapter 1, §5 and will be more fully described in Chapter 26, §1. Both sections will include definitional language identical to that contained in the Settlement Agreement.

D. Community Response Bureau ("CRB")

The assignment of CLOs to the CRB will be memorialized in R&P Chapter 26, §1.

E. Community Outreach

As the Commissioner, Deputy Commissioner, Chief of Department and other senior staff members continue to attend community meetings throughout the police district they will record the details of those meetings on the Community Meeting/Presentation Report. (**Attachment 14**) This will allow for a more uniform tracking of issues raised and actions taken. The procedure for maintaining the information captured on the 1310a, along with information regarding existing outreach programs will be included in R&P Chapter 26, §1. Finally, The January 2015 Compliance Report will contain a review of all outreach programs conducted in 2014 as a part of the report required under §VII(d)(iv) of the Agreement.

The mandatory language training curriculum which is required by the Settlement Agreement will be forwarded to the United States as soon as it is complete. Supplemental language learning opportunities are being explored on a continuing basis and will be made available as they are developed. Again, these initiatives will be reviewed annually by the CRB to evaluate participation levels, cost, and overall success.

F. Social Media and Notification Systems

The Department advertises its social media availability on its main website, its recruitment website and at monthly community meetings. As new recruitment and program literature is printed, social media advertisements will be included. Additionally, recruitment public service announcements will also contain references to the Department's social media outlets.

The Department presently uses Nixle to "push" information to its social media outlets and end users. All Spanish language notifications on Facebook or Twitter originate from that Nixle source. The Department is currently researching the feasibility of using Facebook and Twitter in a more interactive manner in both English and Spanish.

6. POLICIES AND TRAINING GENERALLY

The Department assesses compliance with measures implemented under the Settlement Agreement utilizing existing internal controls, and also continually evaluates the need for additional controls. The "action committee" referred to in the July 2014 Compliance Report provides strategic coordination for this assessment. Its resultant directives and plans are communicated to all members

of the Department through the issuance of Department General Orders, Memoranda, Special Orders, Training Bulletins, Personnel Orders and Forms Orders, all of which are in turn reported to the United States. In response to the United States' request, a synopsis of committee meeting agendas is being compiled for the January 2015 Compliance Report.

The self-assessment mechanisms already in place range from small-unit supervisory oversight, to command staff review, to field auditing, to Internal Affairs administrative investigations. An example of one set of controls is contained in R&P Chapter 13, §9 which deals with traffic stop data entry. (**Attachment 3**) Responsibility for monitoring input compliance is assigned to platoon level supervisors (§VI(C)(1), (2)), initial statistical analysis is assigned to the Precinct Bureau command (§VI(C)(3)), and ultimate responsibility for corrective action after a full analysis of the data lies with the Internal Affairs Bureau (§VI(D)(2)). New initiatives, which are focused on compliance with the bias free policing and LEP measures of the Agreement will augment existing controls. Some of these new measures, such as random audits of Internal Affairs cases, review of calls made to the Spanish complaint line and quality control procedures in Hate Crimes investigations are borne out of the Agreement itself. Other checks, such as self-initiated field audits, are performed to ensure operational implementation of policy and procedural changes. Examples of such audits include spot checks of signage and literature in public access areas, and the verification of the availability and use of interpretation services. Finally, the department will utilize input from community meetings, the direct solicitation of community leaders and the results of the written survey to aid in gauging operational compliance with, and implementation of, the Agreement. A significant resource to that end will involve the database of community relations information discussed above.

CONCLUSION

We hope that all of the questions and concerns voiced in the United States' letter of September 22, 2014 have been addressed. The Department is eager to meet with representatives of the United States in order to further our collaboration in developing measures to implement the Agreement, and we look forward to the on-site visit so that we may discuss that implementation in greater detail.

Sincerely,

Love Sgt 1086/1000

Christopher A. Love, Sergeant
Compliance Coordinator
Suffolk County Police Department

ATTACHMENT 1

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	12/0~~404/21~~/14 VERSION

SUBJECT/TOPIC/TITLE
POLICE MISSION

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	06/01/92		

Chapter 1, Section 1 of the Rules and Procedures has been amended to ~~redefine, per USDOJ suggested guidelines, the police mission, core values and guiding principles~~ add the definition of "Biased Policing". For continuity, the section has been reprinted in its entirety; changes have been highlighted.

RULES AND PROCEDURES

CHAPTER 1: TITLE: ORGANIZATION AND PHILOSOPHY OF THE DEPARTMENT

SECTION 1: TITLE: POLICE MISSION

I. PURPOSE

To describe the organization's mission and to identify the goals of the organization.

II. POLICY

A. The mission of the Suffolk County Police Department is to provide and maintain a safe environment for every person in Suffolk County regardless of that person's residency or immigration status. If individuals believe that they cannot come forward to report a crime or that they cannot freely cooperate with law enforcement because of their immigration status, the mission of the Police Department and the safety of all residents are compromised.

B. The Department recognizes that the ability of the police to perform their task is dependent upon public approval of their existence, actions, behavior, and on the ability of the police to secure and maintain public respect.

C. Every member of the Service acknowledges his or her obligation to treat all persons with dignity and respect; to provide professional services by rendering aid to those in need; to provide an environment free from fear, bringing to justice those who violate the law, and protect all persons and property in accordance with legal and ethical standards.

D. The Department core values and guiding principles are:

1. Vision - Provide bias-free professional police services to all.

2. Mission - To serve and protect all the citizens, while enforcing the law with impartiality, respect, and compassion.

3. Goal - Protect the lives and property of the people we serve.

4. Guiding Principles - The following guiding principles assist us in maintaining our focus on our mission and vision:

a. Integrity - The Suffolk County Police Department pledges the highest standards of ethical behavior by all its members.

b. Professionalism - Suffolk County Police Department employees will act professionally when interacting with each other and members of the public.

c. Respect - Members of the Department will treat everyone with dignity and respect.

d. Knowledge - Members of the Department will be provided with continuous training throughout their careers. They will be supported in the pursuit of knowledge.

e. Standards for performance - The following Standards for Performance are referred to as the *"Five E's"* and should be embraced by all Department members.

(1) *Energy* (Vigor - Work Ethic)

(2) *Enthusiasm* (Lively Interest & Passion for the police profession)

(3) *Efficiency* (Acting Effectively - Working Smart)

(4) *Effectiveness* (Producing Results)

(5) *Ethics* (Doing the Right Thing)

III. DEFINITIONS

A.

~~Illegal Profiling - is defined as the unequal treatment of any person, including stopping, questioning, detaining, searching, or arresting on the basis of one's race, color, ethnic~~

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~~characteristics, national origin, residency, immigration status, religion, age, gender, or sexual orientation. Illegal profiling does not mean using any reliable and recent suspect-specific description of race, ethnicity or any other identifying characteristic to identify and locate a suspect.~~

~~B.~~ Biased Policing - is synonymous with "discriminatory policing" and means selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, based upon an individual's race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity~~membership in a demographic category~~. Biased policing does not mean using any trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity to an identified criminal incident or scheme. ~~reliable and recent suspect-specific description of race, ethnicity or any other identifying characteristic to identify and locate a suspect.~~

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IV. REFERENCES

N/A

V. RULES AND REGULATIONS

~~A. Officers shall not stop, detain, search, or arrest anyone on the basis of illegal profiling.~~

~~B. Officers shall ensure that members of the public receive equal protection of the law, without bias based upon race, color, ethnic characteristics, national origin, residency, immigration status, religion, age, gender, or sexual orientation.~~

VI. PROCEDURE

N/A

VII. ACCREDITATION STANDARD REFERENCES

CALEA
NYSLEAP

VIII. INDEX

Mission Statement - 1/1
Values Statement - 1/1

Commanding Officers are directed to inform all members of their respective commands of these amendments and to have them note the changes in the appropriate section of their Rules and Procedures. The reprinting of the updated section will be distributed in the future.

END

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
RULES OF CONDUCT – MEMBERS OF THE DEPARTMENT

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	06/01/92 06/01/92	04/25/14 11/07/14	04/25/14 11/07/14

RULES AND PROCEDURES

CHAPTER 2: TITLE: GENERAL REGULATIONS

SECTION 2: TITLE: RULES OF CONDUCT - MEMBERS OF THE DEPARTMENT

I. PURPOSE

To set forth rules which govern the conduct of members of the Department in specific situations.

II. POLICY

Members of the Department are responsible for the faithful and diligent performance of their assigned duties. Anything less violates the trust placed in the Department and its members by the community, and demonstrates unprofessional conduct.

III. DEFINITIONS

~~N/A~~

A. Illegal Profiling

1. Illegal Profiling is the reliance, to any degree, on race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity, in selecting which individuals are subjected to routine or spontaneous investigatory activities; or in deciding upon the scope and substance of law enforcement activity following the initial activity.

2. Exception. The term Illegal Profiling does not include the reliance on race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity, when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, age, gender, religion, sexual orientation, or gender identity to an identified criminal incident, scheme, or organization.

B. Routine or spontaneous investigatory activities - sworn members of the Department sometimes engage in spontaneous action in response to the activities of individuals whom they encounter in the course of their duties, and about whom they have no information other than their observations. Examples of these routine or spontaneous investigatory activities include traffic stops, pedestrian stops or street encounters, questioning, frisks and other types of body searches, consensual and nonconsensual searches of persons and property, detentions, and arrests.

IV. REFERENCES

A. New York State Penal Law Sections 265.20 and 400 § 12

B. Suffolk County Standard Operating Procedure H-01, dated 7-27-98

C. Suffolk County Resolution 565-1989

V. RULES AND REGULATIONS

A. Members shall not engage in illegal profiling in selecting which individuals are subjected to routine or spontaneous investigatory activities; or in deciding upon the scope and substance of law enforcement activity following the initial activity.

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B. Officers shall ensure that members of the public receive equal protection of the law, without bias based upon race, ethnicity, national origin, age, gender, religion, sexual orientation or gender identity.

~~A~~C. Rules of Conduct And General Regulations

1. Police Commissioner Interview - A member of the Department applies for an interview with the Police

Commissioner through official channels in writing, unless extenuating personal circumstances or the good of the Department warrants direct contact with the Police Commissioner for permission.

2. Confidential Department Business - A member of the Department treats as confidential all official business of the Police Department. A member does not use any information obtained from Department computers, records, or other Department sources for any reason other than in the performance of official duties. A member does not provide or otherwise convey any confidential codes or information to unauthorized persons, entities or organizations. A member does not inform unauthorized individuals how to access information, records, etc. from Department computers, other Department sources or other agencies. Unauthorized access, use or release of any information obtained through any source is prohibited and is grounds for Departmental discipline, and/or criminal prosecution. A member does not talk for publication, nor be interviewed, nor make public speeches, nor impart information relating to the official business of the Department to anyone except:

a. Under due process of law

b. As directed by, or with the permission of the Police Commissioner

c. As directed by the Rules and Procedures

d. As directed by Departmental orders

Each member of the Department shall, on an annual basis, acknowledge that they have read the Rules and Procedures that are currently in effect regarding Confidential Department Business, and attest to such by signing and dating the Confidential Department Business Procedures Acknowledgement Form (PDCS-5024).

3. Official Capacity - A member of the Department does not use their official capacity to obtain information from any source for any reason other than in the performance of authorized Department business.

a. Members are prohibited from taking photographs or video recordings at crime scenes

or on calls for service. Only members assigned to commands that, due to the nature of the command's duties and responsibilities, may take or make photographs or video images. Any such photographs or video recordings shall be for official Department use only, and shall not be disclosed to unauthorized personnel.

b. A member during the course of their official duties does not use any device capable of recording sound to make an audio recording of another member of the Department without the permission of one of the following individuals:

(1) Police Commissioner
(2) Office of the Deputy Police Commissioner
(3) Chief of Department
(4) The member's Division Chief
(5) Commanding Officer of Internal Affairs.

4. Interference with Citizens - A member of the Department does not unjustifiably interfere with, nor attempts to influence, the lawful business of any person.

5. Transfer of Information - Members of the Department, regardless of assignment or duty, cooperate with each other. When a member of the Department obtains information which may be of value to a unit other than their own, the member reports the facts to their commanding officer, who transmits the information to the command affected.

6. Order of Protection - A member of the Department shall immediately notify their commanding officer of the existence of any temporary or permanent order of protection in which they are the respondent/defendant via an Internal Correspondence, PDCS-2042. Members must make this notification <u>regardless</u> of whether or not this temporary or permanent order of protection is related to a domestic incident. A copy of the order must be attached to this initial notification. Members must also immediately notify their commanding officer via an Internal Correspondence whenever they become aware of any change to the order, (e.g., order vacated, order expired, order modified, etc.).

a. The commanding officer shall immediately cause a copy of the Internal Correspondence related to the existence or change to a temporary or permanent order of protection to be sent to the Internal Affairs Bureau via facsimile. Commanding officers must make these notifications regardless of whether or not the order is related to a domestic incident.

7. Liability Against County - A member of the Department does not incur any unauthorized liability chargeable against the County.

8. Admission of Liability - A member of the Department does not admit any liability of the Police Department, County of Suffolk, New York, or any other governmental jurisdiction, nor does the member make any recommendations as to the collection of claims, except as specifically provided herein. This applies, but is not limited to, formal, informal, oral or written admissions. The term admissions includes, but is not limited to, direct statements affixing responsibility or any statement, in any form which could be used in any legal proceedings against the Department or any other governmental jurisdiction.

9. Legal Actions to County Attorney - A member of the Department who becomes involved in an injury or damage case in any manner, upon request, advises the person involved to write a letter or go in person to the office of the County Attorney, Suffolk County, New York, setting forth their claim.

10. Arrest of Department Member - Any member of the Department arrested by any means, including physical arrest, or an arrest accomplished by criminal summons or appearance ticket, shall immediately notify their commanding officer and provide information and/or written reports pertaining to the date, time and location of the arrest, the offense or offenses charged and the name of the arresting agency. This notification is required regardless of incident location or arresting agency and must be made in addition to other notifications required by Chapter 23, Section 5, "Administrative Notification Procedures" of the Rules and Procedures. No notification is required for a traffic ticket unless

the traffic offense is a misdemeanor or felony, according to the laws of the State in which the ticket was issued.

11. Department Member named as Criminal Suspect - Any member of the Department who learns that they are a suspect in any criminal investigation shall immediately notify their commanding officer and provide information regarding the nature of the investigation, as well as the offense or offenses the member is suspected of committing. The commanding officer, or designee, will immediately notify the Internal Affairs Bureau of the circumstances.

12. Civil Suit Notification - A member of the Department shall immediately notify their commanding officer via an Internal Correspondence, PDCS-2042, if they are named as a party in a civil suit for on-duty conduct and/or for off-duty conduct which alleges physical violence or racial bias. A copy of the law suit must be attached to this initial notification and the commanding officer shall immediately cause a copy of this Internal Correspondence to be sent to the Internal Affairs Bureau via facsimile.

13. General Harassment - Members of the Department are entitled to work in an environment that is free of all forms of harassing, intimidating, threatening or coercive behavior, directed towards them by a fellow member. The offended member, or any member of the Department who becomes aware of such behavior being directed towards the offended member, shall immediately bring this matter to the attention of a supervisor. This reporting action is mandatory, independent of the personal wishes of the offended. The reporting process is as follows:

a. Notify a supervisor.

b. The supervisor shall submit a PDCS-2042 to the commanding officer detailing the incident.

c. The supervisor shall obtain an Internal Affairs Alert Number.

d. If the behavior is criminal in nature, the supervisor shall ensure a Central Complaint

Number is assigned and the necessary police reports are prepared.

e. The supervisor shall commence a criminal or administrative investigation as directed by the commanding officer.

Specific procedures regarding Sexual Harassment and Discrimination are detailed in the Rules & Procedures Chapter 5, Section 7 "Sexual Harassment in the Workplace" and Chapter 5, Section 8 "Discrimination In The Workplace".

14. Member's Knowledge of Misconduct - Whenever a member of the Department reasonably suspects any member of the Department is engaged, has engaged, or may engage in employee misconduct, the informed member shall immediately notify a superior officer. The member will promptly prepare any written report(s) the superior officer may deem necessary.

15. Member's Knowledge of Unlawful Misconduct - Whenever a member of the Department becomes aware or receives allegations that another member may have engaged in conduct of a serious or sensitive nature, such as drug use, bribery, or excessive force resulting in egregious bodily injury, the informed member shall immediately notify the Internal Affairs Bureau and prepare any reports that the Internal Affairs Bureau deems necessary.

16. Retaliation - No member of the Department shall retaliate against, or solicit or obtain the assistance of any third party to retaliate against, any member of the Department who is required to report employee misconduct or unlawful conduct as outlined above.

17. Driver License - Members of the Department may not drive a County vehicle or their own vehicle on County business, without a valid NYS Driver License. Any member of the Department experiencing a change in their Driver License status must immediately notify their Commanding Officer in writing. When the Suffolk County Department of Civil Service receives a NYS DMV License Event Notification in regard to a member of the Department, Civil Service notifies the Police Commissioner and the Human Resources Bureau. Upon this

notification the following procedure will be followed:

a. The Human Resources Bureau will notify the member's commanding officer of the DMV notification and request an explanation within 24 hours.

b. The commanding officer, or designee, will respond to the Human Resources Bureau with appropriate proof of a valid Driver License or describe the corrective action being taken and when the situation will be resolved.

c. The Human Resources Bureau will notify the Department of Civil Service and the Police Commissioner, with details concerning the final disposition of the DMV notification, such as license reinstatement, disciplinary action taken, clerical error, etc.

18. Duties required by N.Y.S. Public Officers Law Article 4 and/or N.Y.S. General Municipal Law, Article 18 - This law imposes several affirmative duties of Public Officers, including:

a. Disclosure of any interest in any contract or dealing with the employing government.

b. Disclosure of the fact that a municipal or State employee has an interest in any real property for which an application for any sort of variance is made.

c. Effective January 1, 1991, annual filing of financial disclosure forms will be required of certain employees.

19. Personal Use of Department Vehicles - No member of the Department, except the Police Commissioner, may use any Department vehicle for their personal use.

20. Payments of Debts - A member of the Department promptly pays just debts, and does not incur liabilities which the member is unable or unwilling to discharge.

21. Payment Consent and Advise - A member of the Department does not consent to the payment by any person of money or any other valuable items to a pawnbroker, or to any other person, in order to regain possession of property stolen, nor does the member advise such payment except by permission of their commanding officer.

22. Organization Membership - A member of the Department is prohibited from affiliating with any organization with a constitution or regulations, with the exception of the National Guard or Military Reserves, which would in any way exact prior consideration and prevent the member from performing Departmental duties. A member of the Department who joins the National Guard or Military Reserves is required to notify their commanding officer, via an Internal Correspondence, PDCS-2042, of such enlistment, as per procedures contained in Chapter 3, Section 1, VI.B.9.

23. Use of Department Name, Uniforms, Emblems or Insignia - Members are prohibited from using the Department name, or the likeness of any Department uniforms, emblems or insignia, for other than official Department purposes, unless permission for such use is obtained from the Police Commissioner. Requests for permission to use the Department name, or the likeness of any Department uniforms, emblems or insignia, shall be submitted in writing to the Police Commissioner via the member's commanding officer.

24. Release of Address and Phone Number - A member's residence address, mailing address or telephone number is not released to the public without the authorization of the Police Commissioner or express written consent of the member. However, such information may be released to a governmental agency when formally requested in furtherance of its official function or when mandated by court order.

25. Release of Confidential Information - An employee of the State of New York or the County of Suffolk Civil Service Commission, upon being properly identified, may be furnished with such information which, in the opinion of a superior officer, may be necessary to aid those commissions. Information

concerning applicants for positions in the Federal Service may be given to properly identified representatives of the United States governments.

26. Residence Address - Members of the Department must furnish the Personnel Section with their actual place of residence upon first joining the Department and at any time thereafter when their residence changes. The use of a post office box is prohibited. The residence address must include house and apartment number when appropriate, street, hamlet, and zip code.

27. Completion of General Reporting Forms Requiring a Member's Residence Address - Members of the Department completing any general reporting forms requiring their home address and/or telephone number shall enter the address and/or telephone number of their assigned command in the applicable spaces. This requirement does not include forms for Personnel Section use, such as the Report of Change form, PDCS 2039.

28. Employee Withholding Certificates - When a payroll change is to be made regarding federal and state withholding taxes a Federal Employee's Withholding Certificate is forwarded to the Human Resources Bureau, Payroll Section.

29. General Firearms Safety Procedures - The following rules shall be adhered to in order to safely and effectively handle, unload or discharge a firearm:

a. Always assume the weapon is loaded.

b. Always point the firearm in a safe direction.

c. Fingers shall be kept off the trigger until ready to shoot.

d. Be sure of the backstop behind the target of any shot.

e. Note anything in the surroundings that may interfere with the handling of the weapon and/or render a discharge unsafe to a bystander or the person handling the firearm.

30. Unloading Firearms - A member of the Department unloading a firearm at a police facility shall do so out of doors, not inside the building. Members already indoors shall exit the building prior to unloading any firearm. Members are further directed to utilize any device designed to enhance the safety of others while unloading a firearm, such as a sand filled barrel, when such a device is provided at the facility.

31. Resignation/Termination of Service - Members of the Department may resign/terminate their service by completing Departmental form entitled "Resignation of Member", PDCS-1038, and submitting it to their commanding officer. Upon receiving the form, it shall be the responsibility of the commanding officer to immediately fax a copy to the Personnel Section. The commanding officer shall also be responsible for any and all department equipment issued to the resigning member as per these Rules and Procedures.

32. Retirement Notification - Members of the Department must notify the Police Commissioner in writing prior to the time such member files for any type of retirement with the New York State and Local Retirement System. Additional information regarding the retirement of members is located on the Departmental Intranet in the posted Retirement Outline.

33. Receipt of Gratuities - A member of the Department shall not ask for, receive, consent or agree to receive any emolument, gratuity or reward or any promise of the same, or any personal advantage; nor shall the member solicit, contribute, cause to be solicited, contributed or paid directly or indirectly, any money or valuable offering upon an agreement or understanding that the member's vote, opinion, judgment, action, decision or exercise of discretion as a member of the Department will thereby be influenced.

a. The selling or giving of any tickets, objects or promises by any group or individual representing the Department or by a member when on Department business or on Department property is prohibited, except if authorized by the Police Commissioner. This does not apply to membership dues or assessments, paid to authorized

Department organizations or for other authorized purposes.

34. Acceptance of Gifts - Only the County Executive has the authority to accept gifts on behalf of the County without legislative resolution. Therefore, any member of the Department to whom a gift for the County or Department is offered shall not accept such gift but instead coordinate with the Office of the Police Commissioner via the chain of command to initiate the acceptance process. The Office of the Police Commissioner shall be responsible for the preparation and submission of the legislative resolutions.

35. Personal Recommendation - A member of the Department does not recommend or suggest to anyone the employment or name of any person, firm, partnership, company or corporation, or their representatives as attorney, counsel, bondsman, undertaker or funeral director, garage service station or towing service. A member does not inform any of the foregoing directly or indirectly of any details respecting any case or individual that are Department matters, except that nothing herein contained is construed as restricting the rights of members of the Department in connection with the administration of their private affairs, or in prohibiting authorized official notifications in aided cases.

36. Social Status and Residence Notifications - Members of the Department shall immediately notify the Personnel Section via a Report of Change form, PDCS 2039, whenever there is a change in marital status, number of dependents, person to be contacted in the event of an emergency, legal name, phone number, residence, or mailing address.

37. Testimonial Dinners - A member of the Department is not given official sanctions to accept testimonial dinners proposed to be tendered them for any purpose by a civic or other organization, body or individual, except by permission of the Police Commissioner.

38. Personal Advertisement - A member of the Department does not authorize the use of a photograph of themselves in connection with any testimonial or advertisement of any commodity or commercial enterprise. A member of the

Department does not, in their official capacity, endorse or subscribe any testimonial or advertisement; nor is the member to authorize any mention to be made of their official title, rank or membership in the Police Department in connection with such testimonial or advertisement.

39. Appearance in Television or Film Productions - A member of the Department is not authorized to appear in their Department uniform or to display Department vehicles and equipment in non-Departmental television or film productions, except by permission of the Police Commissioner. Members are directed to refer to Chapter 26, Section 2, titled "Media Relations", of the Rules and Procedures manual for information on policies specific to news media protocol.

40. Services of Entertainers - A member of the Department neither employs, engages, solicits nor obtains, nor causes to be employed, engaged, solicited, nor obtained, whether directly or indirectly, either with or without compensation, the services of any artist, entertainer or performer in connection with any dinner entertainment, or other function sponsored by the individual member of the Department, or organization, or group composed of or including members of the Department, without written permission of the Police Commissioner. Nothing herein is construed as restricting the rights of members of the Department in the regulation of their personal affairs, which are strictly private in nature.

41. Games of Chance on Duty - Unless it is during the course of an official investigation and with the approval of a supervisor, a member of the Department does not indulge in games of cards or chance while on duty.

42. Smoking Outside Police Facilities and All Other County Owned or Leased Facilities - All members of the Department shall refrain from smoking within fifty (50) feet of all entrances and exits of Police and County owned or leased facilities. (Local Law No. 9-2002 References All County Facilities)

43. Use of Profanity - Words which imply derogatory connotations or manifest contempt or disrespect toward

any race, creed, religion, sexual orientation, or national origin shall not be used at any time by members of the Department in the course of their duties or at any other time so as to bring the Department or themselves into disrepute. The use of profanity is generally prohibited and discouraged. However, it is understood that it will occur occasionally in a law enforcement environment. The use of profanity will be judged based upon the totality of the circumstances in which it is used.

44. Department Business Cards - A member of the Department of the rank of lieutenant or above, a member of the Internal Affairs Bureau regardless of rank, or a member or command receiving written authorization, may use Department business cards.

a. A Department member or command commanding officer, on behalf of the command, may make a written request to the appropriate division chief to use business cards. Commands above the division level will submit requests to the Chief of Department.

b. On receipt of authorization, the requestor will submit a requisition for business cards and a copy of the authorization to the Supply Section.

c. Business cards will be used when on Department business only and will not be used for any other purpose.

45. Auctions Held by Suffolk County - A member of the Department, as well as their spouse or children under eighteen years of age, are prohibited from bidding on or purchasing goods at an auction held by Suffolk County or any unit of the County.

46. Freedom of Information Law (FOIL) - Inspection of records of the Department are subject to the mandate of Article Six of the Public Officers Law of the State of New York and are administered under procedures established by the Police Commissioner.

a. Document requests will be submitted to the Central Records Section. The Freedom of

Information Officer (FIO) will review all requests. A bill for each FOIL should accompany the certified documents. Upon approval the certified documents will be released to the requestor.

b. Photograph requests will be submitted to the Identification Section. Upon review, approval and certification, the photograph(s) will be submitted by the Identification Section to the Central Records Section. A bill for each FOIL should accompany the certified photograph(s). The certified photograph(s) will then be released to the requestor.

c. Audio/Video requests will be made to the case officer, who will clear the request through the Assistant District Attorney. The case officer will then:

(1) Sign out the original material from the Property Section.

(2) Review the entire content of the audio/video material, certify the material and approve release.

(3) Submit a standard work order to the Electronic Investigations Section for a copy as appropriate.

(4) Return the original audio/video material to the Property Section.

(5) The Electronic Investigations Section will submit the certified audio/video material to the Central Records Section. A bill for each FOIL should accompany the certified audio/video material. The certified audio/video material will then be released to the requestor.

47. AIDS Related Illness, Personal Conduct - The Acquired Immune Deficiency Syndrome (AIDS) virus is a health concern in our nation. Several laws have been enacted prohibiting discrimination against anyone infected by the AIDS virus or other AIDS related

illnesses. The Surgeon General of the United States, as well as the medical community in general, have determined that AIDS is not transmitted by casual contact. This means that the AIDS virus cannot be spread by merely working alongside of someone who has contracted AIDS or even by sharing restrooms or lunch facilities, etc. In order for the AIDS virus to be spread, it requires that intimate physical contact occur. It is the purpose of this section to set forth the legal responsibilities of all members toward fellow members or any person who may have AIDS, an AIDS related illness or who has tested positive for the HIV antibody.

a. In accordance with law, no member of this Department shall deny any reasonable safe aid or assistance to any person with Acquired Immune Deficiency Syndrome (AIDS), AIDS related illnesses or persons with a positive HIV antibody blood test.

b. This provision does not prevent any member from taking any appropriate reasonable, safe precaution to prevent the spread of AIDS or any other disease while attending to the needs of someone afflicted with any illness that can be communicated to another.

c. Whenever a member of the Department gains knowledge that another person within or without (outside) the Department has AIDS or an AIDS related illness or has tested positive for the HIV antibody, such member shall not disclose this information to anyone, either verbally or on a written record (i.e., Prisoner Activity Log, Arrest Worksheet, etc.). This prohibition also extends to recording the fact that an individual is taking the type of medication (e.g. AZT) which may be prescribed for HIV or AIDS. Members shall record only the prescription number of the medication, pharmacy where prescription was prepared and name of prescribing physician. The only exception to this rule of non-disclosure is when the patient or arrestee has signed a written authorization allowing the release of this confidential information.

48. Ownership of Invention, Copyright, Trademark, etc. - Members of the Department who create any invention, copyright, trademark, patent, computer program, technique, process, idea, design, development, or other intellectual property in the scope of their employment do so as employees of the County. These creations may also occur off duty when they arise while acting in an official capacity, or from assignment relating to actual or anticipated official Police Department business. It is presumed that said creations are the sole property of the County.

Any member of the Department who has an invention, copyright, trademark, etc., created entirely off duty, and without the use of Department equipment, supplies, facilities, computer programs and/or any other proprietary or confidential Department information, and not otherwise included above, shall notify the Commissioner of same. The Commissioner shall then cause an evaluation to be made whether the creation was made as a result of the member's scope of employment and whether exclusive ownership interest of said invention, copyright, trademark, etc., is in conflict with the ownership interests of the County, the Suffolk County Code of Ethics or these Rules and Procedures. Such evaluation may be made internally or by a suitable outside party, whichever is deemed, in the opinion of the Commissioner, to be appropriate for the circumstances. The Commissioner shall then make a determination whether the member of the Department may retain ownership interest of the invention, copyright, etc.

VI. PROCEDURES

N/A

VII. ACCREDITATION STANDARD REFERENCES

A. CALEA

B. NYSLEAP 14.3

VIII. INDEX

Arrest of Department Member, Reporting of 2/2

Department Member Named as Suspect, Reporting of 2/2
Employee Misconduct, Reporting of 2/2
Orders of Protection, Reporting of, All Department Members 2/2
Resignation of Service 2/2
Retaliation Prohibition 2/2
Termination of Service 2/2

END

ATTACHMENT 2

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008-1

ORDER NUMBER **DRAFT**

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
PATROL SUPERVISOR DUTIES AND RESPONSIBILITIES

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	06/01/92	06/18/13	06/18/13

RULES AND PROCEDURES

CHAPTER 10: TITLE: PATROL METHODS

SECTION 3: TITLE: PATROL SUPERVISOR DUTIES AND RESPONSIBILITIES

I. PURPOSE

To enumerate those duties which are particular to a supervisor assigned to the patrol function.

II. POLICY

A. Field supervision begins with the sergeant as the first line of supervision of the Department and it is upon him/her that the primary burden of training, guidance, motivation, ethical decision making and supervision rests.

B. In addition to the duties and responsibilities common to all supervisors, set forth in Chapter 1 of these Rules and Procedures, the patrol supervisor shall familiarize himself with the following duties and responsibilities specific to the patrol function.

C. Since emergency situations occur without warning, and their duration is often brief, officers must frequently make critical decisions without benefit of on-the-scene direction. In most police operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the police task and directs the energies of the Department into an organized effort. Proper supervision is essential to maintain a professional level of competence in law enforcement operations.

III. DEFINITIONS

N/A

IV. REFERENCES

A. Suffolk County Police Department Rules and Procedures;

1. Chapter 2, Section 14
2. Chapter 3, Sections 2 and 3
3. Chapter 4, Section 7
4. Chapter 5, Section 5
5. Chapter 8, Section 2
6. Chapter 9, Section 6
7. Chapter 13, Sections 5 and 7
8. Chapter 16, Sections 10 and 11
9. Chapter 17, Section 12
10. Chapter 26, Section 2

V. RULES AND REGULATIONS

N/A

VI. PROCEDURES

A. DUTIES RELATING TO THE SUPERVISOR'S PERSONAL PERFORMANCE:

1. Reporting for Duty - A supervising officer on patrol reports of duty at his/her assigned post and notifies the OIC. Additional notifications are made at the discretion of the supervising officer.

2. Notifications - Timely flow of information to department personnel is critical to allow for the appropriate management of significant incidents. These notifications must be made as expediently as possible.

a. Information During Emergency - During an emergency, a supervising officer keeps the officer in charge and Communications Section

supervisor informed of developments, and makes other notifications as directed by his or her Commanding Officer.

b. Information During Operations - During field operations, appropriate notifications, including those requested by other governmental/police agencies, are made as outlined in Chapter 23, Section 5.

3. Maintains Memo Book - As further contained in Chapter 2, Section 14 of the Rules and Procedures, a supervising officer assigned to any patrol command, other than the Aviation Section, will maintain a Memorandum Book to record all activities and actions taken by him, except when assigned to administrative duties or other non-enforcement, non-patrol duties.

4. Leaving Assigned Areas - Supervising officers assigned to Patrol will remain within the boundaries of their respective assigned areas unless in close pursuit, on official police business, or upon authorization of their supervising officer. The supervisor advises the Communications Section when leaving his or her assigned area and immediately upon return to same.

5. Adherence to Rules and Procedures - A supervising officer is responsible for adherence to these Rules and Procedures and all authorized orders. Furthermore, the patrol supervisor will be responsible for following all applicable supervisory directions, not unique to patrol operations, as outlined in these Rules and Procedures.

6. Special Events - A member of the Service supervising a special event detail notifies the Communications Section and special event command post when the event enters and leaves his/her supervisory area. He/she reports any accidents, arrests, unusual delays or incidents connected with the special event. {Refer to Chapter 15, Section 9}.

7. Field Orders - In addition to developing standard operational procedures, the Department periodically develops plans to effectively accomplish raids, special details and activities. Any supervisor designated as the "officer-in-charge" of a raid, special detail or other special activity shall prepare a written plan prior to

such activity with sufficient copies to properly orient all assigned personnel. An exception to this rule is recognized when immediate emergency action is required with insufficient time available to comply. In such instance an internal report justifying non-compliance and briefly outlining the details is forwarded as soon as possible to the Police Commissioner, through the Chief of the division involved. {Refer to Chapter 15, Section 12}.

8. Licensed Premise Inspections - As directed by the precinct or Marine Bureau commander, patrol sergeants will conduct licensed premise inspections. The exact hour and day the premises will be inspected will be left to the discretion of the assigned patrol sergeant but must be accomplished within ten (10) working days of the assigned inspection. If during an inspection a patrol sergeant issues a warning instead of a referral for a violation, it will be the responsibility of the patrol sergeant to re-check the premises to see that the situation has been rectified. For each licensed premise inspected, the patrol sergeant will submit an S.L.A. Checklist to the Precinct Crime Section supervisor or Marine Bureau commander. The supervising officer has the authority to inspect license premises at his/her discretion based on the existing situation.

9. Requests for Supervision - Supervisors promptly acknowledge and respond to any requests from subordinates for supervision.

10. Coordination With Dispatcher - The supervisor coordinates with the dispatcher by re-deploying or reassigning sector car/patrol officers to respond to specific assignments or emergency situations.

11. Documentation of Performance - The supervisor documents any ongoing or serious performance deficiencies or exceptional achievements by his/her subordinates and notifies the commanding officer of same, through the chain of command.

12. Investigations - The supervisor promptly and objectively conducts any assigned investigation and initiates investigations as necessary.

B. DUTIES RELATING TO THE SUPERVISION OF SUBORDINATES:

1. Enforcement of Rules and Procedures - A supervising officer is responsible for the enforcement of these Rules and Procedures, all authorized orders, and the critical supervision of subordinates. The supervisor is also charged with the proper maintenance and condition of Departmental equipment within the command and promptly reports any condition requiring attention to his/her superior officer. {Refer to Chapter 1, Section 7}.

2. Central Supervision - A supervising officer is charged with exacting the proper performance of police duty from members subject to his/her supervision. The supervisor assists and instructs the members in the discharge of their duties and performs any other duties assigned by competent authority. {Refer to Chapter 1, Section 7}

3. Memo Book Inspection - Absent unusual circumstances and as further contained in Chapter 2, Section 14 of the Rules and Procedures, a supervising officer inspects at least once each tour of duty the Memorandum Books of members on duty and certifies that a full and accurate record of duty performed and all other necessary information has been entered therein, as well as checking that there are no unaccounted for or missing pages. The supervising officer certifies same entering date, time, location of inspection, and signature. This certification signifies that the Memo Book is properly maintained, legible and complete, that the officer is fit for duty, is in the proper uniform, meets all required grooming standards, has all required equipment, and where applicable, the police vehicle is being maintained and operated in proper condition. The supervising officer reviews any previous page in the Memorandum Book that has not been certified by a supervisor and adheres his/her signature to the bottom of those pages, certifying the inspection and proper completion of the Memorandum Book on those previous dates.

4. Police Sub-Station/Annex Inspection - A supervising officer makes every effort to visit any sub-stations or annexes within his/her patrol area at least once during each tour of duty and ensures it is properly maintained.

5. Special Posts Inspection

a. A supervising officer visits at least once during each tour of duty the members assigned to any special posts, e.g. hospitals, crime scenes, etc., within his/her patrol area. He/she insures that the officer(s) are assigned in an efficient and cost effective manner, have any necessary equipment, e.g. portable radio, etc. and arranges for relief for meals or other necessities.

b. A supervising officer shall when appropriate visit school/church crossing guard posts, provide assistance whenever necessary, instruct and exchange police information and inspect the crossing guard employee to insure compliance with the School Crossing Guards Rules and Procedures.

6. Monitors Activities of Subordinates - The supervisor monitors activities of subordinates throughout the tour of duty to insure the accomplishment of the police mission. This monitoring will include but not be limited to the following:

a. Uniform and equipment - A patrol supervisor will ensure that subordinates are properly uniformed and equipped as prescribed by the Police Commissioner. {Refer to Chapter 4, Section 1}. In addition, supervisors ensure that subordinates comply with contamination guidelines as outlined in Chapter 4, Section 7.

b. Post and/or sector assignments. {Refer to Chapter 10, Section 1}.

(1) Maintains knowledge of the status of officers, their locations, and the nature of their assignments.

(2) Meal periods taken by subordinates. {Refer to Chapter 10, Section 1}

(3) Supervising officers routinely check the relief points within their patrol area and are responsible for insuring that officers do not loiter or remain unnecessarily at these relief points at any time during their tour of duty. The supervisor also conducts periodic checks to insure that officers are relieved as required.

(4) Supervising officers ensure that all assignments are properly and expeditiously handled.

c. Radio Communications - It is the responsibility of the field supervisor to identify and correct misuse of radio equipment, as well as improper radio procedure. The supervising officer monitors all radio transmissions and insures that all calls are promptly acknowledged, taking both immediate and follow-up action in any instance where this does not occur. {Refer to Chapter 23, Section 1}.

d. Training - A primary function of the patrol supervisor is training. It is each supervisor's responsibility to determine the existing training needs of their subordinates and to retrain or recommend retraining when such action is warranted. Supervising officers routinely observe their subordinates in the performance of their duties, including periodic, unrequested, responses to assignments to assure familiarity with department policies and procedures. Supervising officers are required to correct deficiencies through training and the proper application of discipline, and by suggesting methods to improve performance. {Refer to Chapter 18, Section 6}.

e. Strikes and Labor Disputes - Supervisory personnel at the scene of a strike or labor dispute instruct subordinates in the proper methods of policing a labor dispute. He/she

schedules post assignments, relief and meal periods. {Refer to Chapter 15, Section 2}.

f. Arrests - It is the responsibility of the field supervisor to ensure subordinates arrest and transport prisoners in compliance with the procedures outlined in Chapter 16, Section 10.

(1) Strip searches by any personnel, including female detention attendants, shall be conducted only with the approval of a superior officer and in compliance with Chapter 16, Section 11.

7. Monthly Activity - Supervising officers shall review the monthly activity of their subordinates. The supervisor is to immediately address incidents of substandard performance. The supervisor counsels any officer whose performance does not meet expected standards. The supervisor apprises his/her superior of the situation and the corrective action taken.

a. Patrol Division Monthly Activity Report Review (PDCS-1092) - Patrol Division immediate supervisors assigned to Precincts, Marine Bureau and the Highway Patrol Bureau will print out a Patrol Division Monthly Activity Report (PDCS-1092) for all officers for which they are responsible. This Monthly Activity Report will print out with pre-populated statistics from various sources. The immediate supervisor shall print out the activity report and meet with the corresponding officer. The activity report will be given to the officer for his or her review. After both the supervisor and officer have had a chance to review and discuss the activity report, the supervisory comments section shall be completed as follows:

- **Monthly** - Supervisors will only indicate that the officer's activity was reviewed and discussed with the officer. No further detail other than "*Discussed officer's activity*" is required for the non-quarter calendar months. For months ending a quarter, a year to date review of prior activity (as noted below) is required and

require, all sworn supervisors shall review, via the Department Intranet, the early intervention alerts of all subordinates under their command. (The procedures for monitoring EI Alerts can be found within Chapter 5, Section 5.)

9. Overtime - Supervising officers insure that all officers within their patrol areas are assigned in an efficient manner and that all overtime expenditures incurred are necessary.

10. Inspection of Personnel - The supervisor performs frequent field inspections of personnel and equipment and keeps subordinates apprised of all important matters pertaining to the police mission.

11. Field Training of Probationary Police Officers - A supervising officer is charged with exacting the proper performance of police duty from probationary police officers subject to his/her supervision. The supervisor assists and instructs the members in the discharge of their duties and performs any other assigned duties. A supervisor oversees the daily training of probationary Police Officers in accordance with department guidelines, and insures the timely completion and submission of all evaluation reports. {Refer to Chapter 18, Section 4}.

12. Supervisory Review of Documents and Reports.

a. Supervisors will review all reports, including summonses {Uniform Traffic Tickets, PDCS-6160}, submitted to them during a tour of duty. The review will check for clarity, accuracy, timeliness of reporting, and completeness. Reports are processed in accordance with Chapter 13, Section 5. In addition, the road supervisor is responsible to ensure the timely delivery of reports. Inaccurate or incomplete reports are returned to the submitting officer for correction/completion.

b. Voided Summons or Memorandum Book Pages - These voided documents are reviewed and if the request is justified, the appropriate report (Voided Summons Report or Voided Memorandum Book Page) is signed by the supervisor and forwarded to the commanding officer for concurrence and signature. These

documents may be voided only under the circumstances as outlined in Chapter 13, Section 7 or Chapter 2, Section 14.

c. Supervisors will review each Major Incident Record and affix signature to verify accuracy before forwarding to the appropriate member of the command. {Chapter 15, Section 6}.

d. Supervisors will ensure that his/her subordinates follow the traffic stop data collection procedures. This means ensuring full compliance and active participation by all members under his/her command. This includes identifying incomplete traffic stop records and contacting the appropriate officer for correction.

e. Supervisors will ensure that their subordinates conduct frequent and irregular patrol checks of critical infrastructure sites, religious institutions, vulnerable entities or other locations as contained within the Patrol Check System or when given additional direction by the Department. Supervisors shall frequently review the respective entries in the electronic Patrol Check System and individual Memorandum Book entries of all members under their command to ensure that these patrol checks are being properly entered and documented. The electronic Patrol Check System is accessible via the SCPD Intranet under the "Programs" menu.

13. <u>Traffic Stop Data Entry</u>

1. As provided in Chapter 13, Section 9 of these Rules and Procedures, Patrol Sergeants are to:

   a. Conduct random audits of data base entries for observed self initiated V&T stops.
   b. Check incomplete entries on a weekly basis.

2. Patrol Lieutenants shall monitor the incomplete traffic stop records and disseminate this information to first line supervision for completion of said records.

C. INCIDENTS REQUIRING A SUPERVISORY RESPONSE:

Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with a problem. The patrol supervisor will respond when practical and without unnecessary delay when requested to do so by a subordinate, and to all calls of major consequence, or serious emergency. Upon arrival at the scene, the supervisor shall take direct control. He or she immediately coordinates searches as well as the initial deployment of personnel at crime scenes, disasters, large disturbances, and other unusual incidents.

1. Examples of major consequence, serious emergencies, or required supervisory response calls include, but are not limited to:

a. Bomb threat/explosions:

(1) Bomb threats in schools - The supervisor at the scene shall present the two optional procedures (evacuate or search) to the principal or person in charge of the school and have him decide the search procedure the school authorities will undertake. {Refer to Chapter 15, Section 4}.

b. Hostage/barricaded person situations;

c. Traumatic incidents as defined in Chapter 17, Section 12 - A supervisor shall respond to all scenes involving traumatic incidents. Once such an incident is confirmed, the supervisor at the scene will notify the Communications Section supervisor to notify the Employee Assistance Section.

d. Volatile arrest situations;

e. Bank robbery;

f. D.O.A. calls/serious injury:

(1) A supervisor shall respond in all cases of natural deaths. {Refer to

Chapter 8, Section 3}.

(2) A supervisor shall respond in all cases of Suicides, Accidental, and Unattended Deaths. {Refer to Chapter 8, Section 3}.

(3) A supervisor shall respond in all cases of homicides. {Refer to Chapter 8, Section 3}.

g. Domestic Incidents:

(1) In cases of domestic incidents involving allegations of physical contact between the complaint/victim and the offender, a supervisor shall respond to the scene, the seriousness of the offense not withstanding.

(2) If an arrest is to be made and the suspect is at the scene, the supervisor will insure that the arrest is effected.

(3) If an arrest is to be made and the suspect is NOT at the scene, the supervisor shall verify that the officer has taken all reasonable efforts to locate and arrest the suspect within his or her sector and shall then direct that appropriate and reasonable steps be taken to arrest the suspect within the precinct or within the Police District if the suspect's exact location is known. If all reasonable efforts to locate the suspect are exhausted, the supervising officer shall notify the desk supervisor.

(4) No Field Appearance Ticket will be issued for domestic incident arrests unless extenuating circumstances exist, and then ONLY upon authorization of a supervisor. {Refer to Chapter 16, Section 6}.

h. Traffic crashes involving fatalities,

serious injuries, leaving the scene, reckless driving, child in the vehicle (Leandra's Law) and police owned vehicles:

(1) Upon arrival at the scene where probable cause exists that one or more operators is in violation of any subdivision of VTL Section 1192, the supervisor will ensure that a Detective from the appropriate Precinct Detective Squad has been requested and shall further request a member of the Crime Scene Section. (See also Chapter 8, Section 2 concerning the below procedures.)

(2) The Supervisor shall contact the appropriate Precinct Detective Supervisor immediately.

(3) If deemed appropriate by the Precinct Detective Supervisor, either the Patrol Supervisor or the Detective Supervisor will notify:

(a) During business hours, (Monday to Friday, 0900-1700 hours): the District Attorney's Vehicular Crime Bureau at 853-6488;
(b) After business hours: The on-call ADA for Blood Warrants (a.k.a. Blood Beeper ADA), regardless whether or not an order to compel/warrant is needed. Between 0100 and 0900 hours, the assigned Patrol Supervisor will make the initial notification and brief the assigned Detective upon their arrival.

(4) Additional actions of the Supervisor:

(a) Request a Physician's Assistant from the Medical Examiner's Office;
(b) Assign a Police Officer to

accompany any defendant(s) in the ambulance to the hospital;

(c) Request a Drug Recognition Expert in those cases involving known or suspected drug use by the motor vehicle operator;

(d) If a defendant is to be removed to a hospital, a second Supervisor should respond to the hospital to ensure a Prisoner Activity Log (PDCS-2032) is prepared as soon as possible and to assist with necessary notifications and paperwork.

(5) If the crash is a leaving the scene, and if other than minor property damage only, the patrol supervisor should be notified.

(6) If the crash involves a police vehicle, the patrol supervisor will follow the procedures outlined in Chapter 8, Section 2. In addition, if the operator of the police vehicle involved is from a command other than the command of the patrol supervisor, the patrol supervisor shall be responsible to forward all related paperwork to the operator's commanding officer via the Precinct of occurrence.

(7) If the crash involves a police vehicle, the responsibilities of the investigating supervisor will be fulfilled by a regular patrol sergeant of the Precinct of occurrence except:

(a) When adherence to said procedure would create an undue or unreasonable delay.

(b) When a sergeant of Highway Patrol Bureau, Marine Bureau or Canine Section is present at the scene or more readily available, he or she will act as the

investigating supervisor. Completed reports shall be forwarded to the member's commanding officer via the Precinct of occurrence.

i. In-custody deaths - A supervisor shall respond in all cases of in-custody deaths. {Refer to Chapter 8 Section 3 and Chapter 16, Section 11}.

j. Hate related offenses - A supervisor shall respond in all cases of hate related offenses. {Refer to Chapter 24, Section 6}.

k. Impounds:

(1) Upon notification of an impending impound, the supervisor will either communicate with the impounding officer or respond to the scene as deemed appropriate. He/she will ensure that the Rules and Procedures are followed. In addition, the supervisor will ensure that a copy of the completed impound worksheet is promptly forwarded to the Impound Unit via the facsimile network. {Refer to Chapter 20, Section 4}.

(2) In a case where a member of the Patrol Division wants to effect an impound, the patrol supervisor will determine that the impound is both legal and necessary before authorizing same. Impound stickers are to be carried by uniformed road sergeants of the Patrol Division. {Refer to Chapter 20, Section 4}. The supervisor may direct the arresting/investigating officer or another officer to remain with the vehicle until the Crime Scene Unit can respond, or secure the vehicle at the precinct until the Crime Scene Unit can respond, or impound the vehicle as an evidentiary impound and advise the Crime Scene Unit to take the photographs at the impound facility.

l. Unusual disorder and disasters:

(1) Incidents which are considered unusual disorders and/or disasters require a specific plan with sufficient flexibility to enable the affected personnel to take appropriate action. {Refer to Chapter 15, Section 10}.

(2) When encountering Weapons of Mass Destruction, emphasis should be placed on establishing a command post with fire and E.M.S. personnel, establishing a secure inner and outer perimeter, and notification to the appropriate commands. {Refer to Chapter 15, Section 10}.

m. Emergency mobilizations - In the event of an unusual occurrence, disorder, or similar incident requiring an inordinate number of police personnel, the various mobilization plans provide for specific assignments to enable the appropriate level of response. If personnel, equipment or specialized services in addition to those provided for in a mobilization plan are required, the superior officer in command at the scene makes this request to the superior officer on duty in the Communications Section. {Refer to Chapter 15, Section 13}.

n. Injured employees:

(1) A supervisor shall assure that the member's welfare needs are met and shall inspect the location where the injury occurred.

(2) Assure that the injured member is treated as soon as possible at the nearest hospital emergency room. {Refer to Chapter 3 Section 2 for complete guidelines}.

o. Communicable diseases:

(1) Assure that the member's welfare needs are met.

(2) Exposure incident - The investigating supervisor will complete the Contact/Exposure Report form. {Refer to Chapter 3, Section 3}.

(3) Contact Incident - The investigating supervisor shall immediately complete Injured Employee paperwork pursuant to Rules and Procedures Chapter 3, Sections 2 and 3.

p. Escaped prisoners from custody - A supervisor will respond to the scene to take command. After evaluating the situation, the supervisor will cause a district-wide alarm to be broadcast, if appropriate. {Refer to Chapter 16, Section 15}.

q. Persons With Possible Mental/Emotional Issues (PMI) Armed and/or Violent - Patrol supervisors shall monitor all assignments and situations involving PMIs and shall respond when needed or requested. Patrol supervisors shall respond to all cases involving PMIs who are armed and/or violent. The supervisor shall ensure that the PMI is isolated, contained, and a zone of safety is established until custody can be safely effected. The Patrol Supervisor shall ensure appropriate support commands are requested, including the Emergency Services Section, as appropriate. [Refer to Chapter 9, Section 6, Police Response to Incidents Involving Persons with Possible Mental /Emotional Issues (PMI)]

r. Firearms discharge by members of the Service - The responding supervisor shall assess the situation, take command, and secure the scene until superseded by an officer of superior rank, or by the lead investigator assigned to the incident. {Refer to Chapter 5, Section 10}.

s. Firearms discharge for the destruction of an animal - The patrol supervisor shall respond to the scene and investigate as required by the circumstances. He/she shall promptly notify Internal Affairs Bureau and shall provide the bureau with a copy of the Internal Correspondence which is generated. The supervisor shall submit a report through channels, to the Chief of Department, concerning policy compliance and any other appropriate comments regarding remedial training or procedures. {Refer to Chapter 5, Section 10}.

t. Any other criminal and non-criminal incidents he/she deems necessary.

2. In addition to the guidelines listed above, upon arrival at the scene, the supervisor's responsibilities may further include, but are not limited to:

a. Evaluating the call;

b. Deployment of personnel;

c. Identifying and segregating witnesses;

d. Protecting the scene;

e. Establishing perimeters and a command post, if appropriate;

f. Requesting additional resources;

g. <u>Notification to the Crime Stoppers and Public Information Bureau</u> - All Department supervisors, and in the absence of a supervisor, the Detective-in-charge of an investigation, shall, without unnecessary delay, transmit details of newsworthy matters to the Crime Stoppers and Public Information Bureau. Questions pertaining to Department policy shall be referred to the Crime Stoppers and Public Information Bureau. Supervisors interviewed by a representative of the media shall immediately notify the Crime Stoppers and Public Information Bureau of the occurrence and content of the

interview. (Refer to Chapter 26, Section 2, Media Relations.) The following types of incidents are considered newsworthy and shall be reported to the Crime Stoppers and Public Information Bureau:

(1) Robbery, kidnapping and other major crimes

(2) Arrests made in major investigations

(3) Missing children younger than 10 years of age

(4) Serious automobile crashes

(5) Incidents resulting in accidental deaths or serious injuries

(6) Suicides (so that the Crime Stoppers and Public Information Bureau can advise media and minimize media interest)

(7) All homicides and attempted homicides

(8) Natural deaths if deceased of notable persons.

(9) Police-involved shootings that result in injury

(10) Fires causing considerable damage, or involving structures of community or historical significance

(11) Rescues made by members of the Department

(12) Details of any other event or occurrence of unusual nature (explosions, riots, mass arrests, bombing, hazardous material spill, found or detonated explosive devices, etc.)

h. Notification to the Communications Section supervisor.

D. <u>ADDITIONAL RESPONSIBILITIES:</u>

In addition to complying to the above procedures, as they relate to a patrol supervisor's immediate subordinates or to an assigned patrol area for a specific tour of duty, supervisors are responsible to take appropriate action whenever necessary in the absence or immediate unavailability of an adjacent supervisor. This includes but is not limited to, items such as Emergencies or Unusual Occurrences, Special Post Inspection, Relief Points, Radio Transmissions, Request for Supervision, and Overtime.

VII. ACCREDITATION STANDARD REFERENCES

N/A

VIII. INDEX

Child in Vehicle - 10/3
Leandra's Law - 10/3

END

ATTACHMENT 3

ORDER NUMBER **14-11**
14-54

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
TRAFFIC STOP DATA COLLECTION

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	01/26/09 01/26/09	02/14/14 09/04/14	02/14/14 09/04/14

RULES AND PROCEDURES

CHAPTER 13: TITLE: RECORDS/REPORTING PROCEDURES

SECTION 9: TITLE: TRAFFIC STOP DATA COLLECTION

I. PURPOSE

To establish guidelines for the recording and collection of officer initiated traffic stop data. The data collected will be maintained by the Research and Development Section for statistical review and analysis. These analyses will be published when sufficient data has been collected to support reliable statistical analysis.

II. POLICY

In support of the Department's commitment to bias free policing, the Traffic Stop Data Collection Program will collect data on all traffic stops initiated by SCPD officers throughout the Police District. This collected data shall be used to conduct a meaningful examination of the Department's traffic enforcement activity and provide a basis to respond to allegations of racial profiling or racially biased policing. Implementation of this data collection process will demonstrate to the community the Department's sensitivity and responsiveness to their concerns about the issue of racially biased policing. This procedure applies to all uniformed Patrol Division personnel.

III. DEFINITIONS

A. Mobile for Public Safety (MPS) - Program utilized by this Department for the enhanced reception and disposition of assignments, NYSPIN, NCIC, and local data inquiry, input of

supplemental information on assignments, mapping and routing, and assignment specific messaging.

B. Traffic stop" for the purposes of this section of the Rules and Procedures means all self-initiated vehicle and traffic enforcement action regardless of whether any enforcement action is undertaken. Exceptions to this definition are non-discretionary traffic stops based on any call for service that is associated with a central complaint number, check points that are approved by a ranking supervisor, and traffic stops resulting from broadcasts notifications (BOLOs).

IV. REFERENCES

N/A

V. RULES AND REGULATIONS

N/A

VI. PROCEDURES - Data shall be collected on all self-initiated traffic stops.

The required information shall be entered into the Mobile Data Computers (MDC's), which are installed in most Department vehicles or shall be recorded manually on the "Traffic Stop Data Collection Report" (PDCS-3226), when a Mobile Data Computer is not available.

A. MDC Procedure

1. Preliminary Data Collection - Before exiting the vehicle, or as soon as possible thereafter, officers shall push the "**T-STOP**" button and input the following:

a. Plate *: Enter the registration number and any other required information from the drop down menus: State, Type of Vehicle, and Year.

b. Location: Check the pre-populated location information to ensure it is correct. If the location will not verify, uncheck the "Verify Location?" field and enter the location of the stop. This entry should be at least as specific as the location information entered on a uniform traffic ticket (UTT).

c. Description: Make, Model, and Color of Vehicle.

(*Required Field)

Once the above information is entered, the officer will press "**SUBMIT FORM**" and a CC number will be assigned. This CC number must be recorded on the top right corner of the UTT for all self-initiated traffic stops which result in enforcement activity.

2. Completion of the Traffic Stop - Upon completion of the stop, the officer will press the "**Dispo**" button from within the MPS System to record the final disposition of the traffic stop. The officer will then select the "T-Stop Data" function from the "Dispo" screen. The unit's status in C.A.D. will not be returned to "Reporting in Service" (10-27), until the officer then describes the final disposition of the stop, using a series of fields with drop-down lists as described below. Officers will complete the series of fields for each occupant of the vehicle. Fields requiring the input of narrative details are labeled "n":

a. First Field *: Age
- Less than 16
- 16 to 25
- 26 to 35
- 36 to 45
- 46 to 55
- 56 to 65
- 66 and Over

b. Second Field *: Sex
- Male
- Female

c. Third Field *: Apparent Race/Ethnicity
- Asian
- Black
- Hispanic
- White
- **Other**

d. Fourth Field *: Disposition
- Arrest

- Ticket issued
- Incident Report Completed
- Field Report Completed
- Intelligence Debriefing Worksheet (PDCS-1206) Completed
- Data Inquiry Made
- Verbal Warning Issued
- No Police Action Taken

e. Fifth Field *: Search Conducted
- No search conducted
- Search conducted with signed consent
- Search conducted without signed consent
- Search conducted without consent

f. Sixth Field *: Reason for Search
- consent search [n] [detail reason for asking]
- observation of suspected contraband [n] [detail if contraband seized]
- protective frisk
- probable cause search
- search incident to arrest
- no search

g. Seventh Field: CC#
- Officers shall record this number on any summonses issued, and, if appropriate, in Memorandum Books.

h. Eighth Field *: Reason for Traffic Stop (Use Drop Down List)
- Reasonable suspicion of a crime [n]
- VTL

(*Required Fields)

Upon entering the required information the officer shall press the **"Submit"** button to add the T-Stop data. The officer will then add summons numbers, if any, using the "Ticket Issued" function from the Dispo screen. Upon completion of this, the officer will then select disposition code "Back In Service-TSTOP (27-TSTOP)" from the "Disposition Code" drop down menu. Upon selecting "Submit Form", the unit's status will then be listed as

"Back In Service" (10-27) in the CAD System.

Officers forced off the traffic stop due to another assignment, or advising Communications Section that they are "Reporting in Service" (10-27), prior to completing the T-STOP Data Screen, will be unable to use the "Complete" button. In these instances officers can complete the T-Stop data entry function at a later time. The officer must first record the CC# which will be needed to complete the T-Stop data entry activity. Officers will then, as soon as is practicable, update the T-Stop data in the Department's MAPPER system, utilizing the "update incomplete T-Stop statistic" function in the IRS system under "Stats".

B. Procedure Without MDC - Officers without MDC's who engage in traffic stops as defined in subsection III of this section will still be required to collect the data in the format described above. In those cases, officers shall complete the "Traffic Stop Data Collection Report" (PDCS-3226), for each tour of duty in which traffic stops occur. A Central Complaint number will be generated by the dispatcher as requested by the officer on the traffic stop. For all self-initiated traffic stops which result in enforcement activity the CC number must be recorded in the upper right corner of the UTT, and must also be recorded on the PDCS-3226 "Traffic Stop Data Collection Report". The data collected in this manner will be entered into the IRS system upon submittal of the PDCS-3226.

C. Supervisor's Responsibility

1. Patrol Sergeants are to:

a. Conduct random audits of data base entries for observed self initiated V&T stops.

b. Check incomplete entries on a weekly basis.

2. Patrol Lieutenants are to monitor the incomplete traffic stop records and disseminate this information to first line supervision for completion of said records.

3. Commanding Officers shall review analysis of the data, as described in "D." below, to identify atypical patterns of traffic stops and/or enforcement activity. Evidence of racial profiling or biased based policing will be referred to the Internal Affairs Bureau for

investigation.

4. The Office of the Chief of Patrol will conduct monthly audits of T-Stop data. Incomplete or atypical traffic stops and/or enforcement activity identified will be referred to a precinct or bureau commanding officer for investigation. Evidence of racial profiling or biased based policing will be referred directly to the Internal Affairs Bureau for investigation.

D. Responsibility of the Research and Development Section ("R&D")

1. Analysis - R&D shall analyze traffic stop data on an annual basis.

a. the raw data collected during the preceding calendar year shall be compiled and categorized by R&D no later than the first day of March.

(1) the Information Technologies Section shall assist in providing R&D the raw data in an electronic format suitable to conduct analysis.

(2) R&D shall categorize the raw data according to the classifications as detailed above in paragraph VI.A.2. (a. through h.).

b. R&D shall determine and identify relevant and reliable benchmarks which reflect as closely as possible the racial/ethnic demographic of the driving population within the Police District. These benchmarks may include, but are not limited to:

(1) U.S. Census data of the race/ethnicity of the driving age population within the Police District

(2) prior years' aggregate data collected by the Traffic Stop Data Collection Program

(a) comparing night stops against daytime stops.

(b) comparing stops performed by Highway Patrol units against precinct

(1) if further analysis suggests that identifiable units or individuals are engaged in biased based policing, the Police Commissioner shall refer the findings to the Internal Affairs Bureau for investigation.

(2) if further analysis suggests possible evidence of biased based policing which is not attributable to any identifiable individual or unit, the Police Commissioner shall determine the need for programmatic training and/or modifications to operations.

(3) if further analysis reveals no credible evidence of biased based policing, the Commissioner shall cause the final report to be amended to include the findings of the further analysis, and when satisfied that the report is complete shall cause the report to be published in relevant part in the appropriate public medium.

VII. ACCREDITATION STANDARDS

N/A

VIII. INDEX

N/A

END

ATTACHMENT 4

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER ACTING POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
DEPARTMENT EARLY WARNING - EARLY INTERVENTION SYSTEM

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	11/04/11	04/19/12	04/19/12

RULES AND PROCEDURES

CHAPTER 5: TITLE: INSPECTIONAL CONTROLS

SECTION 5: TITLE: DEPARTMENT EARLY WARNING - EARLY INTERVENTION SYSTEM

I. PURPOSE

To provide procedures for the use of the Departmental Early Warning-Early Intervention and Officer Profile systems. When utilized regularly and proactively, these systems will assist management, improve officer accountability and promote professional police service to the communities we serve.

II. POLICY

It is the policy of the Suffolk County Police Department to identify patterns or trends of individual officers which may be indicative of improper or unprofessional conduct. Best police practices indicate that identifying, monitoring and addressing such conduct will enhance performance and prevent misconduct. To that end, the Department maintains an early warning and early intervention case management system known as IAPro.

III. DEFINITIONS

A. IAPro - An early warning and early intervention case management system which automatically tracks the number of citizen complaints, use of force incidents, vehicle pursuits, firearm discharges, domestic incidents, Department-involved vehicle crashes, missed Traffic Violations Bureau (TVB) court appearances, and notifications involving an individual officer.

B. Early Intervention Alert (EI Alert) - IAPro is set up to automatically generate an early management intervention alert for certain types of incidents when certain time-constrained numerical thresholds, (i.e., defined triggers), are reached. IAB and police management utilize thresholds to monitor patterns or trends for the following types of incidents:

1. Citizen Complaint Alert

2. Use-of-Force (UOF) Alert
3. Vehicle Pursuit (VP) Alert
4. Overall Alert
5. Missed TVB/Court
6. Domestic Alert/Orders of Protection
7. Citizen Complaint Alert

IV. REFERENCES

N/A

V. RULES AND REGULATIONS

Rules and Procedures Chapter 2, Section 2, Miscellaneous Regulations, contains several important reporting and self-reporting requirements for all members of the Department. These and other requirements are also contained in several other Chapters and Sections throughout these Rules and Procedures. Members of the Department are required to be familiar with applicable provisions of the Rules and Procedures.

VI. PROCEDURES

A. Designated Internal Affairs personnel shall regularly review and monitor IAPro and the Officer Profile System for alerts, trends and/or patterns of officer activity which could be indicative of improper or unprofessional conduct. Noticeable trends or patterns of an officer's aberrant behavior will be promptly reported to the IAB Executive Officer or Commanding Officer.

B. Alerts - General IAB Responsibilities - Based upon the nature of the alert, the Internal Affairs Bureau shall develop suitable guidelines to review and assess each alert that is generated. The officer's pertinent complaint history will be reviewed to ensure the alert was generated correctly and/or no mitigating circumstances exist to negate the alert. Any decisions to negate an alert will be made by an IAB team captain, the IAB Executive Officer or Commanding Officer.

C. Alerts - IAB/Command Responsibilities - After review and approval by appropriate IAB personnel, some alerts may be forwarded to the officer's Commanding Officer or Division Chief with an appropriate notification. Upon return of the notification to IAB, the action taken by the involved officer's command will be noted in IAPro Alert folder by IAB staff.

D. Domestic Alerts - The IAB administrative staff shall forward all generated Domestic Alerts to a designated Internal Affairs Captain. The Captain shall assess the Alert to determine if further examination by the officer's commanding officer is

warranted. If the Alert is to be forwarded, a "Domestic Notification Report", Alert and related paperwork shall be forwarded to the officer's Division Chief.

1. Orders of Protection Involving Department Members - The same IAB Captain assigned to monitor Domestic Alerts shall also review all orders of protection involving members of the Department. The reviewer shall ensure that all appropriate court paperwork has been submitted by the member and that the current status of each Order is known, i.e., temporary or permanent, as well as any appropriate stipulations, sanctions and/or firearms restrictions. He or she will alert the IAB C.O. or X.O. to any circumstances involving these aforementioned members that might require Departmental action.

E. Early Intervention Command Responsibilities - Quarterly, or more frequently as circumstances require, all sworn supervisors shall review, via the Department Intranet, the early intervention alerts of all subordinates under their command. EI Alerts can be monitored as follows:

1. To access this report, select "Programs" from the Department Intranet page and click on the "Online Civilian Complaint Report" link. If you have not logged into this program before, enter your retirement number (including initial capitalized letter) as indicated, and then enter your retirement number again in the password field. You will then be prompted to create a password for future use. [If you have already created a password and forgotten it, contact IAB for assistance.]

2. Once logged in, click on the icon labeled "EI Dashboard", at which time a report will be generated (this might take several seconds). The report will list, in rows, all the employees in your command, including civilians. The type of alert will be labeled across the top in columns. As you scroll through the employees, any ***yellow dots*** indicate an employee who is close to generating an alert; ***red dots*** indicate an employee who has generated an alert. Click on the employee's name to view the summary of the alert details. To return to the list page, click EI Dashboard. When you are finished reviewing the report, click on the main page and then log out of the program.

3. Supervisors shall obtain the alert information from Internal Affairs Bureau, and seek appropriate guidance concerning potential remedial action or corrective measures, including services required.

4. Supervisors shall report any known discrepancies, including the accuracy of the list of employees, to Internal Affairs as soon as possible.

5. Commanding Officers shall be responsible for review and monitoring of this process to ensure they aware of any positive or negative trends impacting his or her command. Commanding Officers shall also be knowledgeable of any discipline or supervisory corrective action taken to improve their subordinates' accountability.

6. Division Chiefs shall endeavor to reduce the risk of police misconduct and police liability. Quarterly reports shall be forwarded via Internal Correspondence to the Chief of Department, addressing, as appropriate, their action, goals and accomplishments in reducing civilian complaints, improving officer and supervisory accountability and overall performance of the police mission.

F. IRS Officer Profile Database - Intermediate and first-line supervisors shall review the IRS Officer Profile database for each subordinate employee on a monthly basis. Precinct command staff shall review this data on a quarterly basis, or more frequently as deemed necessary. This review will focus upon the following activities:

1. Attendance and use of Sick Leave
2. Arrests activity, including demographics of arrestees
3. Tickets issued
4. Field Interview Reports
5. Search and seizure
6. Other relevant data contained therein

Supervisors shall utilize this review in conjunction with a review of IAPro.

G. Patrol Division Monthly Activity Report Review (PDCS-1092) - Patrol Division immediate supervisors assigned to Precincts, Marine Bureau and the Highway Patrol Bureau will print out a Patrol Division Monthly Activity Report (PDCS-1092) for all officers for which they are responsible. This Monthly Activity Report will print out with pre-populated statistics from various sources. The immediate supervisor shall print out the activity report and meet with the corresponding officer. The activity report will be given to the officer for his or her review. After both the supervisor and officer have had a chance to review and discuss the activity report, the supervisory comments section shall be completed as follows:

1. **Monthly** - Supervisors will only indicate that the officer's activity was reviewed and discussed with the officer. No further detail other than "*Discussed officer's*

activity" is required for the non-quarter calendar months. For months ending a quarter, a year to date review of prior activity (as noted below) is required and specific language documenting the review, conference, and any supervisory direction provided, is required from the supervisor.

2. **First Quarter (March Monthly Activity Report):** The supervisor's comments will pertain to the officer's activity for the first three months of the year.

3. **Second Quarter (June Monthly Activity Report):** The supervisor's comments will relate to the officer's activity for the first half of the year.

4. **Third Quarter (September Monthly Activity Report):** The supervisor's comments will cover the officer's activity for the first nine months of the year.

5. **Fourth Quarter (December Monthly Activity Report):** The supervisor's comments will encompass the officer's activity for the full year.

6. The Supervisor shall hand print, in black ink, comments referencing the officer's activity and the discussion that took place regarding the activity as outlined above (**these comments are mandatory)**. After the comments have been entered, the supervisor and officer shall each sign and date the form in the appropriate areas and the completed, signed report will be provided to the appropriate Squad Lieutenant for review, signature and date. The completed activity reports will then be forwarded to the Commanding Officer for review and appropriate retention at the command.

VII. ACCREDITATION STANDARD REFERENCES

N/A

VIII. INDEX

Early Intervention Alert 5/5
Early Warning - Early Intervention System 5/5
EI Alert 5/5
IAPro 5/5
IRS Officer Profile Database 5/5
Monthly Activity Report - Patrol Division 5/5

END

ATTACHMENT 5

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
CIVILIAN COMPLAINT PROCEDURE

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	06/01/92	09/10/14	09/10/14

RULES AND PROCEDURES

CHAPTER 5: TITLE: INSPECTIONAL CONTROLS

SECTION 2: TITLE: CIVILIAN COMPLAINT PROCEDURE

I. PURPOSE

The purpose of the Civilian Complaint Procedure is to ensure all members of the Department refer alleged violations of criminal or civil law, official misconduct, unnecessary force, and violations of the Rules and Procedures or written Directives to their officer in charge without delay.

II. POLICY

A. The rights of the employee as well as those of the public must be preserved, and any investigation or hearing arising from an allegation must be conducted in an open and fair manner with the truth as its primary objective. The Department accepts allegations against its members and fully investigates them to the appropriate disposition.

B. All allegations, regardless of the source, will be documented and received, and a determination shall be made by the Department as to the nature and extent of the appropriate investigation.

C. Allegations can be made in person, through mails or private courier, telephone/TDD (telecommunications device for the deaf), Departmental E-mail or websites, or facsimile. Allegations need not be submitted by the reporting party in writing.

III. DEFINITIONS

A. Civilian Complaint - An allegation made by any person reporting employee misconduct by a law enforcement officer or civilian member of a law enforcement agency. The reporting of any alleged employee misconduct is classified as either criminal: an act or omission of duty that, if substantiated, could result in a criminal conviction, or administrative: an act that, if substantiated, could result in disciplinary action up to and including dismissal.

B. Third Party Complaint - An allegation by a person acting as a representative of another (including representatives of community groups or organizations), who, although not directly involved, has witnessed misconduct or is basing the allegation on hearsay.

C. Negative Personal Contact - Allegations reported to the Department of a nature related solely to the involved member's alleged unprofessional attitude and/or language, while engaged in law enforcement or official actions.

D. Act - For the purposes of this section, act does not refer to the alleged specific act of misconduct itself, but rather the overall interaction between a complainant and the Department, such as an arrest, a verbal exchange or the use of force.

IV. REFERENCES

N/A

V. RULES AND REGULATIONS

A. Members of the Department shall not ignore, discourage, or persuade any person from filing a complaint, nor shall individuals be referred to another agency or authority as a substitute for this Department's involvement, nor shall questioning be conducted in an accusatory nature during complaint intake. This procedure is used when an allegation is made against a member of the Department, and not for complaints of a procedural nature which are covered in Chapter 5 Section 9 of these Rules and Procedures.

1. Department members shall ensure all allegations of employee misconduct are kept confidential, and discussed only on a strictly "need-to-know" basis.

2. Whenever a member of the Department (including civilian members) becomes aware an individual wishes

to report employee misconduct, including allegations regarding the receiving Department member, it shall be the responsibility of that member to immediately notify a supervisor.

a. In the event an individual prefers to file his or her complaint or allegation without the assistance of a member of the Department, that individual may complete Department Form PDCS-1300-1, titled Compliment/Complaint Information Report. This form shall be conspicuously displayed in each precinct and headquarters lobby, and at other appropriate public facilities (such as libraries), in a manner that the form can be obtained without asking. This form must also be provided to members of the public upon request.

(1) All completed Compliment/Complaint Information Reports received by members of the Department shall be immediately forwarded to the Internal Affairs Bureau.

B. When a person wishes to report employee misconduct against a member of the Department who is not assigned to the command receiving the complaint, the complaint is to be immediately taken by the command where the person reports the incident.

1. When a member of the Department is engaged in a police operation that makes receiving the allegation impractical (e.g., at a crime scene, directing traffic, investigating a motor vehicle crash, etc.), the person may be referred to the nearest Precinct building to make the report.

a. The fact that a police officer or civilian member of the Department is involved in some type of police activity (e.g., investigating a non-emergency call, etc.) does not remove the responsibility to immediately notify a supervisory member of the Service that the person wishes to report an allegation of employee misconduct.

C. Once a supervisory member of the Service has been notified that a person wishes to report employee misconduct, the supervisor will make every effort to assist the person. This shall include recording the allegation where the person is

physically located, unless doing so would jeopardize officer safety, interfere with a criminal investigation, or interfere with other police activity to an unacceptable degree.

1. If it cannot be immediately determined that a member of the Department was involved in the alleged misconduct, but the person describes circumstances that would warrant the reception of a civilian complaint, the supervisory member will receive the complaint.

D. If a person alleges employee misconduct by a law enforcement officer or civilian employee of another law enforcement agency, members of the Department shall immediately notify a supervisory member of the Service.

1. When a supervisor is advised that a person alleges employee misconduct by a member of another law enforcement agency, that supervisor shall immediately contact the Internal Affairs Bureau, who will be responsible for notifying the associated agency.

a. Notifications to the Internal Affairs Bureau will normally be made by telephone. During those hours
when the Internal Affairs Bureau is not staffed, notifications shall be made via Internal Correspondence, sent by facsimile.

2. The supervisory member of the Service shall immediately notify the associated law enforcement agency if there is an allegation of a threat to any person.

E. Whenever a member of the Department reasonably suspects any member of the Department is engaged, has engaged, or may engage in employee misconduct or unlawful conduct, such member shall immediately notify a superior officer. The member will promptly prepare any written report(s) the superior officer may deem necessary. Members are reminded that retaliation by a member whose conduct had been subject to these reporting requirements, or soliciting or obtaining the assistance of any third party to effect such retaliation, is prohibited.

F. Whenever a member of the Department becomes aware or receives allegations that a member of the Department may have engaged in conduct of a serious or sensitive nature, such as drug use, bribery, or excessive force resulting in egregious bodily injury, that Department member shall immediately notify

the Internal Affairs Bureau and prepare any reports that they shall deem necessary.

G. "Whistle-blower" definitions, protection and procedure are outlined within Chapter 5, Section 8 of these Rules and Procedures.

H. The procedural requirements for "self-reporting" of the following incidents are further contained within Chapter 2, Section 2 of these Rules and Procedures:

1. A member of the Department shall immediately notify their Commanding Officer via an Internal Correspondence (PDCS-2042) of the existence of <u>any</u> temporary or permanent order of protection in which they are the respondent/defendant.

2. Any member of the Department that is arrested by <u>any</u> <u>means</u> shall immediately notify their Commanding Officer and provide all pertinent information and/or written reports. This reporting requirement also includes criminal offenses involving the vehicle and traffic law of any State.

3. Any member of the Department who learns that he or she is a suspect in <u>any</u> criminal investigation shall immediately notify their Commanding Officer and provide information regarding the nature of the investigation.

4. A member of the Department shall immediately notify his or her Commanding Officer via an Internal Correspondence if they are named as a party in a civil suit for on-duty conduct, and/or for off-duty conduct which alleges physical violence or racial bias.

VI. <u>PROCEDURES</u>

A. <u>Complaints Received</u> - All allegations (written, verbal, anonymous or otherwise) received against members of the Department, including negative personal contacts, but excluding allegations received via the Compliment/Complaint Information Report (PDCS-1300-1<u>a and 1300-1a-SP</u>), shall be recorded via the on-line Civilian Complaint Report or manually on the PDCS-1300 when the Intranet is unavailable. Complaints prepared by the public via the Compliment/Complaint Information Report, if not forwarded directly to the Internal Affairs Bureau by the complainant, shall be forwarded directly to the Internal Affairs

Bureau by the command accepting the Compliment/Complaint Information Report.

1. The On-Line Civilian Complaint Report will be completed on the SCPD Intranet by following the instructions provided under the "Programs menu". The completed on-line Civilian Complaint Report will be forwarded electronically via the Intranet to the Internal Affairs Bureau.

2. A copy of either a printed on-line Civilian Complaint Report or the manually completed PDCS-1300 shall be given to the complainant upon initial completion. When the on-line report is utilized, the complainant shall also be given the "Record ID#". This number is automatically generated when the civilian complaint is entered on-line and the complainants can utilize the number to identify their complaint. The "Record ID#" is indicated on the Citizen Complaint Summary. Copies should also be forwarded to the Commanding Officer of the reporting Command. The person making the civilian complaint shall then be informed that the complaint will be investigated.

a. If any statements (written, recorded or otherwise) are taken from the complainant, or any other evidence is gathered by the supervisor taking the complaint, the existence of the evidence shall be noted in the complaint report summary and forwarded immediately to the Internal Affairs Bureau.

3. When an allegation of employee misconduct is received by the Communications Section via phone, the Communications Section supervisor shall immediately contact the Internal Affairs Bureau. During the hours when the Internal Affairs Bureau is not staffed, the Communications Section supervisor shall:

a. Record the complainant's information.

b. Immediately contact the Officer in Charge at the precinct of occurrence. The Officer in Charge will immediately contact the complainant, following the procedures otherwise set forth in this Section of the Rules and Procedures.

(1) Complainants who prefer to remain anonymous will be provided the phone number

of the Officer in Charge of the appropriate Precinct.

(2) In instances where the Precinct of occurrence cannot be determined, the Fifth Precinct has been tasked with the responsibility of processing the complaint.

B. Third party Complaints fall into several categories, as specified below:

1. Allegations reported by persons who are not themselves parties to the incident but are acting on behalf of another are accepted and investigated. This includes representatives of community groups and organizations.

2. Those reported by persons who have witnessed misconduct, although not directly involved, will be accepted and investigated.

3. All other allegations received from third parties, including but not limited to those based on hearsay, will be recorded in the same manner as a non-third party Civilian Complaint and will be investigated.

C. Civilian Complaint Report Routing:

1. The Internal Affairs Bureau will be notified of all allegations of employee misconduct, either automatically through the online civilian complaint reporting system, or by the reporting member forwarding the manually completed Civilian Complaint Report, PDCS-1300, or by the citizen-completed Compliment/Complaint Information Report, PDCS-1300-1a or 1300-1a-SP, or by any other report, as soon as possible via facsimile. Thereafter, the normally required form distribution process shall be followed. NOTE: All allegations of officer misconduct relating to illegal profiling, bias-based policing or discriminatory policing, regardless of the manner in which reported, shall be forwarded to Internal Affairs Bureau no later than 48 hours from receipt.

2. The Internal Affairs Bureau shall accept and review all allegations to determine if an investigation is warranted and the nature and extent of the investigation
to be conducted. Internal Affairs Bureau shall classify, process and disseminate all complaints

against Department members. All Internal Affairs Bureau complaints shall be maintained on a strictly need-to-know basis and access to such complaints shall be restricted to Internal Affairs personnel whenever possible.

3. Even if the complainant wishes to withdraw his or her allegation, an investigation shall continue to resolution.

4. Incidents that are determined to be performance issues shall be returned to the member's command through the proper chain-of-command for disposition, with a copy of the final resolution to be submitted to Internal Affairs.

5. Depending on the circumstances and nature of the conduct alleged, the Internal Affairs Bureau may either assume direct responsibility for the investigation or refer the complaint to the appropriate Division for follow-up investigation. Internal Affairs Bureau personnel shall be alert to investigations that might involve a conflict-of- interest between the investigator, supervisory reviewer and the accused Department member, and shall take steps to ensure said conflict does not occur.

6. All investigations conducted pursuant to this Order shall be completed as expeditiously as possible, without sacrificing accuracy, thoroughness and completeness. All investigations shall be completed within sixty days, notwithstanding the fact specific circumstances of each investigation may result in a longer investigation.

a. All investigations not completed within 60 days shall be immediately brought to the attention to the Deputy Police Commissioner, in writing.

D. Civilian Complaint Investigations:

1. Allegations by civilians, including those which are anonymous, will be thoroughly investigated. Form PDCS-1300-3, Acknowledgement of Complaint, shall be utilized by the receiving command to acknowledge receipt of an allegation either reporting a civilian complaint or negative personal contact. If a complaint is received over the telephone, the receiving

supervisor shall immediately mail an Acknowledgement of Complaint.

2. When a complaint is received by the command tasked with the investigation, including Internal Affairs Bureau, that command shall send a letter on Department letterhead to the complainant, thanking them for bringing this matter to our attention and include the following:

a. Internal Affairs Case Number.
b. Name of the Investigator.
c. Contact information for the investigator.
d. Notification that the complaint will be thoroughly and impartially investigated.
e. A request that the complainant contact the investigator with any additional witnesses, documentation or information regarding the allegation.

3. Contact with the complainant shall be in their primary language in adherence with the Department's Limited English Proficiency policy

4. Investigations not conducted by the Internal Affairs Bureau will be conducted by an officer of a rank superior to that of the accused member, as designated by the commanding officer of the investigating Command. This requirement shall not apply to investigations conducted by the Internal Affairs Bureau.

5. Investigating supervisors shall immediately report any additional misconduct that is discovered or the involvement of other Department members.

6. The investigation will be completed in a format designated by the Internal Affairs Bureau.

7. All relevant evidentiary information will be obtained and reviewed, including related Departmental records, complainant and witness statements and any other evidence necessary to formulate a conclusion.

a. The taking of written statements from a complainant or witness in an active civilian complaint who is currently in police custody at the command responsible to investigate the civilian complaint, is prohibited.

8. At the conclusion of the investigation, all relevant parties, including the complainant, will be notified of the disposition.

E. Negative Personal Contact Investigations:

1. Investigations will be assigned by the Internal Affairs Bureau after the initial allegation has been submitted via the on-line Civilian Complaint Report, the PDCS-1300, or the citizen-completed Compliment/Complaint Information Report, PDCS-1300-1. The investigation will be conducted by an officer of the accused member's command, as designated by the Commanding Officer of said command. The investigating officer shall hold a rank superior to that of the accused member. In all cases, an officer of the rank of Lieutenant or above shall interview the accused member of the Department.

2. Investigations will be conducted in a more expeditious manner as compared to other civilian complaints. The Negative Personal Contact-Supervisor's Investigation Report, PDCS-1299, requires only a summary of statements from the accused officer, the complainant, and any witnesses. Other evidence may be included if deemed necessary.

a. The taking of written statements from a complainant or witness in an active civilian complaint who is currently in police custody at the command responsible to investigate the civilian complaint, is prohibited.

3. The investigation will be completed on a Negative Personal Contact-Supervisor's Investigation Report (PDCS-1299, available on-line) or an Internal Correspondence in the format designated by the Internal Affairs Bureau (see the Programs menu of the SCPD Intranet).

4. Upon completion of the investigation, the investigating supervisor will document the supervisory action taken. The supervisor will also notify the complainant of the disposition either by telephone or letter and document the notification on the PDCS-1299. Contact with the complainant shall be in their primary language in adherence with the Department's Limited English Proficiency policy.

F. Disposition of complaints:

1. Conclusions reached as a result of investigations will be reported as follows:

a. Substantiated - The facts clearly support the allegations.

b. Unsubstantiated - Allegation cannot be resolved by investigation because sufficient evidence is not available to conclusively prove or disprove the conduct alleged.

c. Exonerated - The alleged act did occur but was legal, proper, and necessary. The following are examples of Exonerated:

(1) Allegations of false arrest wherein a legal, proper and necessary arrest did occur.

(1) Allegations of excessive force wherein legal, proper and necessary force was used.

(3)Allegations of an improper verbal exchange (rudeness, cursing etc.), wherein a proper verbal exchange did occur, consistent with Department guidelines, but the alleged misconduct did not.

d. Unfounded - The alleged act did not occur and the complaint is false. Any information that could lead one to believe that the act took place would require a conclusion other than Unfounded. The following are examples of Unfounded:

(1) Allegation of false arrest wherein no arrest occurred.

(2) Allegation of excessive force wherein no force was used.

(3) Allegation of an improper verbal exchange (rudeness, cursing etc.) and there was no contact between the complainant and the alleged officer(s) involved.

2. Upon completion, investigating officers will forward

complete reports, including all attachments, to their Commanding Officers.

G. Responsibilities of Commanding Officers:

1. Commanding Officers of investigating commands will be held accountable for all civilian complaint

investigations within their commands, assigned by the appropriate Division Chief.

2. Commanding Officers shall review all completed investigations for concurrence and if disciplinary action against the involved member is warranted, prepare a written report to the appropriate Division Chief including the findings and any action taken or recommended.

3. If the Commanding Officer believes the investigation should be conducted by another Command, that recommendation should be noted in a report to the appropriate Division Chief. If the Division Chief concurs with the recommendation, the Commanding Officer will notify the complainant advising of such action, giving the name, business phone number, and Command of the person who has been assigned to investigate the complaint.

4. Upon completion of the investigation and prior to sending any correspondence to the complainant detailing the results of the investigation, the Commanding Officer will contact a member of the legal staff of the Office of the Commissioner to ascertain whether or not a Notice of Claim has been received regarding the complaint. If a Notice of Claim has not been received, the Commanding Officer shall notify the complainant of the outcome of the investigation, or in the case of a Negative Personal Contact, ensure notification has been made. If a Notice of Claim has been received, the Commanding Officer will contact the Internal Affairs Bureau.

5. Commanding Officers will submit all civilian complaint investigations to their appropriate Division Chief and retain and file a copy of the Civilian Complaint Report for their files.

H. Responsibility of the Division Chief:

1. The appropriate Division Chief shall review all civilian complaints to ensure that a thorough and complete investigation has been conducted and that any recommendations, actions taken, or findings are supported by the facts of the investigation. Division Chiefs, after review and approval, will forward all complaint investigations to the Internal Affairs Bureau and retain a copy of the Civilian Complaint Report for their files.

I. The Internal Affairs Bureau is responsible for:

1. Conducting investigations as directed by the Police Commissioner, including those involving allegations against members of the Department emanating from legal action and those received from the Suffolk County Human Rights Commission. These investigations shall be conducted timely and, absent any unforeseen circumstances, shall be completed within sixty (60) days. The Deputy Police Commissioner shall be notified, in writing, of all instances where investigations exceed 60 days.

2. Conducting investigations when the following specific misconduct is alleged, against members of the service:

a. Criminal conduct and/or corruption, (with appropriate consultation with the District Attorney's Office.)

b. ~~Racial bias, racial discrimination and/or profiling~~Biased/discriminatory policing and/or illegal profiling..

c. Excessive force (excluding minor injury).

d. Improper drug and alcohol use.

3. The Internal Affairs Bureau will investigate those complaints which, by their nature, sensitivity or circumstances, are not appropriate for referral to a Division for investigation.

4. Notify the Police Commissioner and appropriate Division Chiefs of the outcome of all civilian complaints or investigations conducted within the Command. All completed cases involving allegations of biased/discriminatory policing and/or illegal

profiling shall be forwarded to the Police Commissioner immediately upon completion for review.

5. Immediately contact the Police Commissioner or his designee of alleged misconduct requiring timely notifications.

6. Retain written records of disciplinary actions of Department members. Records shall be kept on file in perpetuity, unless otherwise ordered by the Police Commissioner.

7. Review, for approval, all completed civilian complaint investigations forwarded from the Divisions.

8. Maintain records of civilian complaint and investigations and report statistics as directed by the Police Commissioner.

9. Conduct routine audits to ensure Departmental compliance with the intake process for civilian complaints.

VII. ACCREDITATION STANDARD REFERENCES

A. CALEA

B. NYSLEAP

VIII. INDEX

N/A

END

ATTACHMENT 6

BIAS FREE POLICING AND LEGAL ISSUES

OBJECTIVES

Define and discuss:

- Critical events in History and their effects on Human Rights and Modern day policing
- Constitutional Rights : including 1st, 4th and 14th Amendments
- Street Encounters/DeBour levels of inquiry
- Discuss Color of Law and effective policing
- Methods and strategies to enhance police legitimacy

Historical Events

- 1955 Rosa Parks jailed for refusing to move to the back of the bus in Montgomery Alabama
- 1957 Nine students blocked from entering Little Rock HS. Eisenhower sends in Fed Troops to allow students to enter
- 1960 Woolworth Dept. Store- Greensboro NC. 4 black college students begin sit-is where black patrons are not served.
- 1963 Dr. Martin Luther King Jr. delivers his "I have a dream" speech to hundreds of thousands in DC

Historical Events

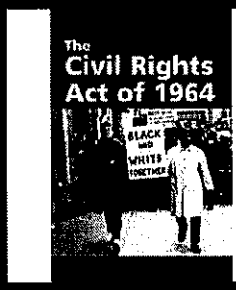
- 1863 Abraham Lincoln signs the Emancipation Proclamation
- 1865 13th Amendment ratified abolishing slavery
- 1868 14th Amendment ratified requiring equal protection under the law for all persons
- 1954 Brown vs. the Board of Education
  - US Supreme Ct declares school segregation unconstitutional

Historical Events

- These events are just a few of the many examples of events that collectively carried the civil rights movement to the forefront of American politics.
- They directly impacted the enactment of several laws making discrimination not only illegal but unconstitutional.

Civil Rights Act 1964

- Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.



Civil Rights Act 1964

- How does this effect how we do our jobs?
  - This also means that police officers as members of a dept. receiving federal aid must not engage in discriminatory acts in our everyday police practices.
    - i.e., refusing services to limited English speaking individuals or undocumented persons
    - Selective enforcement –stopping vehicles driven by Hispanic males looking for summonses

ID of Prohibited Behavior & Remedies

- Lets take a look at the various laws enacted to protect a persons rights, to govern police actions and provide remedies to effected parties when a unlawful act occurs
- Levels
  - Federal
  - State
  - Departmental

FIRST AMENDMENT

- RELIGION
- SPEECH
- PRESS
- ASSEMBLY
- PETITION

- **1ST AMENDMENT-**

- **EXAMPLE :**
  - Interference with Media at crime scene.
    - Datz v COS
  - R&P Sec.Ch. 9, Sec 21, 27-Recorded media of bystanders
  - R&P Sec 26, sec 2-Police-Media relations

- **4TH AMENDMENT** -The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.....

- **EXAMPLE:**
  - **Floyd v NYPD**- Found to be in violation of 4th amendment for Stop and Frisk policy

- **14TH AMENDMENT- EQUAL PROTECTION**

Mechanism by which the Federal Ct made the Bill of Rights applicable to the states.

EVERYONE is entitled to Equal Protection!!!

Floyd, et al. v. City of New York, et al

- Is a federal class action lawsuit filed against the NYPD charging them with engaging in ***racial profiling*** and suspicion-less stop-and-frisks in violation of their 4th and 14th amendment rights.
- **August 12, 2013**, a federal judge found NYPD liable for a pattern and practice of racial profiling and unconstitutional stop-and-frisks
- **January 30, 2014**, the City agreed to drop its appeal and begin the joint remedial process ordered by the court in August.

Floyd Decsion

In conclusion, I find that the City is liable for violating plaintiffs' **Fourth and Fourteenth Amendment rights.** The City acted with deliberate indifference toward the NYPD's practice of making unconstitutional stops and conducting unconstitutional frisks. Even if the City had not been deliberately indifferent, the NYPD's unconstitutional practices were sufficiently widespread as to have the force of law. In addition, the City adopted a policy of indirect racial profiling by targeting racially defined groups for stops based on local crime suspect data. This has resulted in the disproportionate and discriminatory stopping of blacks and Hispanics in violation of the Equal Protection Clause.

(Judge Sheindlin in her decision)

Floyd, et al. v. City of New York, et al

- To be clear- The Courts and the Judge are not saying that Stop and Frisk is not an effective tool, or that they should be stopped, simply that they should be ***conducted properly and within the boundaries of the law.***

  – ***COLOR OF LAW***

LEGAL BASIS

- COLOR OF LAW
  - Definition
  - How does this effect you, the police officer
  - Case Law

STREET ENCOUNTERS
  - DeBour Levels
  - Case Law- Floyd v City of New York

Color of Law

- Color of Law simply means that the person is using authority given to him or her by the local, state or federal government agency.
  - Detain & arrest subjects
  - Search and seizure
  - Use of force, DPF

Color of Law

- It is a federal crime for anyone acting under the "color of law" to willfully deprive or conspire to deprive a person of a right protected by the Constitution of the US. (Title 18,USC Section 242)
- As Police Officer, your actions whether making an arrest or a V&T stop, are authorized under the "Color of Law", and therefore create accountability to both the state and federal statutes.

Color of Law

- Title 18,USC Section 242 makes it unlawful for anyone, "under color of any law, statute, ordinance, regulation, or custom, willfully to subject any inhabitant of any State ... to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States...."

Color of Law

- Who is liable for violations of a persons rights under the color of law:
  - Municipality- SCPD as well as Suffolk County, NCPD, NYPD (Monell case)
    - Aware there was a problem and didn't take action to correct it.
  - YOU the Police Officer –
    - Risk not being indemnified.
    - criminal charges
    - civil charges.
    - departmental charges
  - FBI is the lead agency responsible for the investigation of Color of Law violations.

Color of Law

- Common Color of Law violations:
  - False Arrest and Fabrication of Evidence
  - 4th & 14 Amendment violations -Unreasonable S&S. and Due Process violations occur when there is unlawful detention or fabrication of evidence-
    - Resisting arrest
    - Dis con
    - Plain view
    - Deprivation of property

Color of Law

- It is a federal crime for anyone acting under the "color of law" to willfully deprive or conspire to deprive a person of a right protected by the Constitution of the US. (Title 18,USC Section 242)
- As Police Officer, your actions whether making an arrest or a V&T stop, are authorized under the "Color of Law", and therefore create accountability to both the state and federal statutes.

- RECENT NCPD CASE- charged subject with dis-con/resisting when he failed to produce ID-video shows no dis-con. Officers statements and paperwork do not agree with what is presented on the video.
  - 2/20/14 charges dropped
- Too recent to tell what will happen to Officers involved

Color of Law

- As Police Officer, your actions whether making an arrest or a V&T stop, are authorized under the "Color of Law", and therefore create accountability to both the state and federal statutes.
- It is a federal crime for anyone acting under the "color of law" to willfully deprive or conspire to deprive a person of a right protected by the Constitution of the US (Title 18,USC Section 242)

Color of Law

- NYS PENAL LAW 195.0
- A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:
  - 1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

Other potential charges

- In addition The Police Officer may be committing: (NYS PENAL LAW)
  - Conspiracy
  - Tampering with physical evidence
  - Falsifying business records (memo book)
  - Perjury
  - Various additional penal law offenses i.e., assault, harassment
    - Elevation of specified offense to a **HATE CRIME**

Immunity and Garrrity Protections

- THE CASE :
- The *Garrity* case involved officers who were questioned regarding a ticket-fixing scheme. **The officers were informed that their answers could be used against them in a criminal case and informed that the failure to answer could result in their dismissal from the police department in accordance with an existing state statute.**

[redacted]

[redacted]

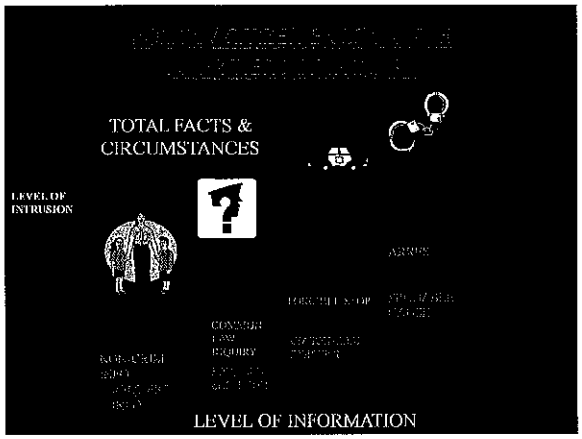
[redacted]

STREET ENCOUNTERS

- DEBOUR- LEVELS

  Level One- **Objective Credible Reason- approach to request information**

  - Level Two- **Founded Suspicion- articulable / can ask for consent to search- person is free to leave**
  - Level Three- **Reasonable Suspicion-(threshold for stop)- can forcibly detain & may frisk when in fear of item may cause you injury**
  - Level Four –**Probable/Reasonable Cause to Believe (Probable Cause)- Arrest**



STREET ENCOUNTERS

- **Founded Suspicion-**
  - Belief that criminality is afoot
  - Present indication of criminality based on conduct or reliable hearsay.
  - More pointed , intrusive questions permitted
  - May now ask for consent to search
  - Person may now feel they are focus of investigation

STREET ENCOUNTERS

- Reasonable Suspicion
- A police officer has the right to temporarily detain someone if there are specific facts that would lead a trained police officer to believe a crime has, is, or is about to occur.
  - "Specific facts" are pieces of "reliable information", that are essential building blocks to Probable Cause.
- In general, stop and frisks require only that reasonable suspicion can be articulated.

STREET ENCOUNTERS

- Probable Cause/Reasonable Cause to Believe
  - *Probable cause is where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution or prudence in the belief that a crime has been or is being committed.* –Draper v. U.S. 1959 - NYS CPL 70.10(2)
- Generally, arrests, searches, and seizures require probable cause.

STREET ENCOUNTERS

- FRISK: not automatic
  - Needs reasonable suspicion that the person has something that can hurt you
  - Nature of the reason for the stop ie., violent crime + description of suspect
  - Bulge in clothing that looks like weapon
  - Bottom line, articulate a combination of circumstances that lead you to **reasonable suspicion**

Street Encounters

- Scenario 1 –
  - The PO observes a known drug dealers vehicle parked in front of a residence known for drug dealing. The subject is seen exiting the residence and entering the vehicle. The PO initiates a car stop (pretext: failure to signal). The vehicle is searched due to reasonable belief that it may contain evidence or contraband.

Street Encounters

- What if any of this street encounter is justified?
  - Car Stop yes or no
  - Search yes or no
  - Car Stop – good based on pretext.
  - Search – NO good absent articulable facts or circumstances to support probable cause that drugs are in vehicle i.e., plain view, odor,

Street Encounters

- A PO sees un unknown male looking over his shoulder repeatedly, as if to see if the PO is following. PO observes from a short distance and decides to follow to see where male is headed. Male continues to look back, he sees the PO heading toward him. The PO sees subject lift up his jacket and seems to stuff something in his pants.

Street Encounters

- The PO Stops the male and asks for ID, asks what he is doing, where he is coming from, where he is going. The PO asks if he has anything on him (drugs, weapons). The subject starts to stutter and his hesitant with answers. The PO tells him he saw him stuff something down his pants and asks male to take it out. The male removes a bag of crack cocaine from his pants.

Street Encounters

- QUESTION: Is the PO at founded suspicion?
  - YES--- Displayed nervousness, looking over shoulder repeatedly, keeping an eye on PO, furtive movements..
  - A pat down would also be justified if the subjects actions place you in fear of a weapon.

ATTACHMENT 7

Rules and Procedures Chapter 24, Section 6 has been extensively amended to clarify and enhance existing procedure; changes are highlighted below. For continuity, this Section is reissued in its entirety.

RULES AND PROCEDURES

CHAPTER 24: TITLE: INVESTIGATIVE OPERATIONS

SECTION 6: TITLE: HATE CRIMES

I. PURPOSE

To facilitate members of the Service in identifying and investigating Hate Crimes, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), and Hate Incidents - and assisting victimized individuals and communities. A swift and strong response by the Department can help stabilize and calm the community as well as aid in a victim's recovery.

II. POLICY

A. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Suffolk County Police Department and will be given the highest priority. The Department shall employ necessary resources and vigorous law enforcement action to identify and arrest Hate Crime suspects. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, members of the Service shall be mindful of and responsive to the security concerns of victims and their families.

B. In addition, a member of the Service shall not inquire of any victim, witness, potential witness, or person receiving police assistance, as to his/her immigration status.

III. DEFINITIONS

A. Hate Crime - A person commits a Hate Crime when he or she commits a specified offense [NYS Penal Law §485.05(3) - see Appendix A at the end of this Rules and Procedures section] and either:

1. Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

-or-

2. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

3. As per NYS Penal Law §485.05(2), proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph 1 or paragraph 2 above.

B. Protected Class - The actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age (sixty years old or more), disability (physical or mental impairment that substantially limits a major life activity) or sexual orientation of a person.

C. Non-Designated Hate Offenses - Any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3). Members shall be cognizant that, although an offense may not be specifically categorized as a Hate Crime as per Penal Law §485.05(3), a non-specified offense may be committed by a perpetrator who intentionally selects the person against whom the offense is committed or intended to be committed - and/or who intentionally commits the act or acts constituting the offense - in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person,

regardless of whether the belief or perception is correct. Examples of such bias-motivated offenses that may evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3), are as follows:

1. Aggravated Harassment Second Degree P.L. §240.30 (Subdivisions 3 and 5) (Subdivisions 1, 2, and 4 are designated as Hate Crimes pursuant to P.L. §485.05(3))-

a. §240.30(3) - A person is guilty of Aggravated Harassment Second Degree when, with intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

b. §240.30(5) - A person is guilty of Aggravated Harassment Second Degree when he or she commits the crime of Harassment First Degree as defined by Section 240.25 within the preceding ten years.

2. Aggravated Harassment First Degree P.L. §240.31 - A person is guilty of Aggravated Harassment First Degree when with intent to harass, annoy, threaten, or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

a. §240.31(1) - Damages premises primarily used for religious purposes, or acquired pursuant to section six of the Religious Corporation Law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars.

b. §240.31(2) - Commits the crime of Aggravated Harassment Second Degree in the manner proscribed by the provisions of subdivision three of Section 240.30 of this article and has been previously convicted of the crime of Aggravated Harassment Second Degree for the commission of conduct proscribed by the provisions of subdivision three of Section 240.30 or he has been previously convicted

of the crime of Aggravated Harassment First Degree within the preceding ten years.

c. §240.31(3) - Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

d. §240.31(4) - Sets on fire a cross in public view.

e. §240.31(5) - Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

C. Hate Incident - An incident involving an element of hate or bias regarding a Protected Class, regardless of whether the belief or perception concerning the hate incident target's/victim's membership of a protected class is correct, and regardless of whether said incident is unlawful. The verbal use of racial or bias epithets motivated by the recipient's actual or perceived Protected Class shall constitute a Hate Incident.

IV. REFERENCES

A. NYS Hate Crimes Act of 2000
B. NYS Penal Law §485.05 Hate Crimes

V. RULES AND REGULATIONS

A. Responsibility - The Hate Crimes Unit will have primary investigative responsibility for Hate Crimes, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), and Hate Incidents, except for incidents involving death, or as determined by the Police Commissioner, Chief of Department, or Chief of Detectives. Although another investigative command may have primary investigative responsibility in such circumstances, the Hate Crimes Unit shall nevertheless investigate the hate related nature of the incident, and assist the primary investigator(s) as required. The Hate Crimes Unit is charged with

and will be responsible for determining at any stage of an investigation if the offense is a Hate Crime or Hate Incident.

1. Requests - Requests for the immediate response of the Hate Crimes Unit shall be made via the Communications Section supervisor.

B. Immigration Status - A member of the Service shall not inquire of any victim, witness, potential witness, or person receiving police assistance, as to his/her immigration status. Consistent with constitutional mandates, as well as basic principles of effective policing, victims, as well as witnesses and other persons requesting police assistance, should not be discouraged from approaching police officers out of fear of inquiry into their immigration status. An exception to this requirement shall exist if any of the following situations occur:

1. The District Attorney's Office determines, in writing, that good cause exists to inquire about or investigate the person's immigration status.

2. The person has been arrested for and charged with a crime.

3. As may be constitutionally or otherwise legally required during the criminal litigation discovery process.

VI. PROCEDURE

A. Officer's Duty

1. Officers shall conduct a thorough and complete investigation in all suspected and confirmed Hate Crimes, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), or Hate Incidents.

2. Officers shall make every effort to become familiar with organized hate groups operating in the community and information regarding such activity should be documented and a copy forwarded to the Hate Crimes Unit and the Criminal Intelligence Section.

B. Initial Response Procedures - Initial responding officers at the scene of a suspected Hate Crime, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law

§485.05(3)), or Hate Incident shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:

   a. Stabilizing injured victims and providing necessary medical aid.

   b. Providing protection to victims and witnesses at the scene.

   c. Protecting the crime scene and notifying the appropriate command that will cause the collection and photographing of physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.

2. Request a supervisor and notify the Hate Crimes Unit of the incident via the Communications Section supervisor.

3. Request the assistance of a translator or counselor when necessary.

4. Identify criminal evidence on the victim if applicable.

5. Conduct a preliminary investigation and record information on:

   a. The identity of suspects.

   b. The identity of witnesses, including those no longer at the scene.

   c. Statements made by suspects; exact language is critical.

   d. Information received or known regarding any prior bias motivated occurrences in the immediate area or of other victims of crimes similar in nature.

6. Arrest suspect(s) if probable cause exists.

   a. Detain and/or transport any arrested person to a police facility as directed by a supervisor and/or investigator.

b. The protective class status of the suspect, the victim, or of both, is not independently conclusive regarding whether an incident constitutes a Hate Crime.

c. Members of the Department are reminded, consistent with the New York State Penal Law, juveniles can be charged with committing Hate Crimes. Additionally, as per Penal Law Section 485.05 (3), any attempt or conspiracy to commit any of the designated Hate Crimes can be prosecuted as a Hate Crime.

7. Take measures to ensure necessary preliminary actions are taken and brief the responding supervisor as to actions taken. During the investigation, look for possible signs that the incident may be a Hate Crime, Non-Designated Hate Offenses (bias-motivated offenses that may evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), or Hate Incident:

a. The motivation of the suspect or lack of motive.

b. Statements made by the suspect.

c. The presence of multiple suspects.

d. The display of offensive symbols, words or acts.

e. Hate literature found in the possession of the suspect.

f. Consider whether the victim is from a Protected Class different from the suspect.

g. The absence of any motive. The brutal nature of a particular incident may be indicative of a possible Hate Crime, particularly when the suspect and victim don't know each other.

h. The suspects' perception of the victim, whether accurate or not.

i. The victim's perception that they were selected because they are a member of a Protected Class.

j. The date, time or circumstances of the occurrence - such as on a religious holiday, or at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.

k. Determine if the incident is an isolated occurrence or part of a pattern. The behavior may be part of a course of conduct that changes the severity of the event and helps establish criminal culpability in certain cases. The potential to connect incidents is important and may have significant investigative value.

l. Be alert for multiple incidents occurring in a short time period and all the victims are from the same Protected Class, potentially indicating the presence of a pattern.

m. Consider whether the incident occurred in proximity to an establishment that could be associated with one of the Protected Classes.

n. The suspect may have targeted a particular portion of the victim's body (e.g., a Sikh victim forcibly having their hair cut, or a victim targeted for their sexual orientation being attacked near or around their genitalia).

o. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies and may be specifically targeting elderly victims.

8. The mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias.

a. Even the mere perception that an incident may be motivated by bias shall necessitate a notification to a patrol supervisor and the Hate Crimes Unit.

C. Supervisory Responsibilities

1. Responds to the scene of all possible Hate Crimes, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), or Hate Incident and confers with the initial responding officer(s).

2. Takes preventive measures to ensure the safety of the victim.

3. Ensures necessary preliminary actions have been taken.

4. Notifies the Hate Crimes Unit and the responsible investigative command. Ensures that officers and investigators conduct a thorough preliminary investigation.

5. Notifies the Communications Section supervisor and other appropriate personnel in the chain of command, depending on the nature and seriousness of the possible Hate Crime, Non-Designated Hate Offenses (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), or Hate Incident, and its potential inflammatory and related impact on the community.

6. Ensures all relevant facts are documented; an Incident Report, Arrest Report, or both.

D. Hate Crime Investigators' Responsibilities

1. In responding to the scene of an alleged Hate Crime, Non-Designated Hate Offense (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)), or Hate Incident, investigators shall assume control of the investigation to include the following:

a. Ensures the scene is properly protected, preserved and processed.

b. Conducts a comprehensive interview of all victims and witnesses.

(1) Allows the victim opportunity to express their immediate concerns and express their feelings.

(2) Expresses the importance the Department places on these types of incidents and describes the measures that will be taken to apprehend the suspect(s).

c. Canvasses the neighborhood for additional sources of information.

d. Determines if the incident is an isolated occurrence or part of a pattern. The behavior may be part of a course of conduct that changes the severity of the event and helps establish criminal culpability in certain cases. The potential to

connect incidents is important and could have significant investigative value.

e. Works closely with the District Attorney's Office.

f. Coordinates the investigation with other units of the Department and with outside agencies where appropriate.

g. Coordinates the investigation with agency, state, and regional crime analysis centers. These sources shall provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the Hate Crime or Non-Designated Hate Offense (any offenses that are apparently bias-motivated and evince the requisite intent associated with Hate Crimes, but are not specifically categorized as Hate Crimes as per Penal Law §485.05(3)).

h. Ensures all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted and requested to take measures to ensure removal as soon as possible. The Hate Crimes investigator shall follow-up to ensure this is accomplished in a timely manner.

i. Notifies the Commanding Officer of the Hate Crimes Unit.

j. Maintains contact with the initial responding officer(s) and keeps them apprised of the status of the case.

2. Hate Crimes investigators shall take steps to ensure appropriate assistance is being provided to Hate Crime victims, to include the following:

a. Contacts the victim periodically to determine whether they are receiving adequate and appropriate assistance.

b. Provides ongoing information to the victim about the status of the criminal investigation.

c. Identifies individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or Departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services. Provides information regarding New York State Office of Victim Services.

d. Informs the victim about the probable sequence of events in the investigation and prosecution.

e. Explains security measures and precautions to the victim.

3. In every case where a Hate Crimes investigator is consulted and determines that an incident is not a Hate Crime, a non-designated Hate Offense or a Hate Incident, the Hate Crimes investigator will prepare a Supplementary Report indicating the Central Complaint number, the name of the notifying officer, the title of the incident, the follow up command, and the basis for determination by the Hate Crime investigator as to why the incident does not meet the criteria for a Hate Crime, Non-designated Hate Offense or a Hate Incident. This Supplementary Report will be forwarded to the assigned investigative command.

E. Hate Crimes Unit Commanding Officer's Responsibilities - The Commanding Officer of the Hate Crimes Unit closely reviews case folders relating to every Hate Crimes Unit investigation to ensure proper investigative techniques and Department procedures were followed and to make certain the victim(s) was contacted and kept apprised of the ongoing investigation and has been made aware of any appropriate victim services available. The Hate Crimes Unit Commanding Officer or designee shall further act as a liaison to the Suffolk County District Attorney's Office and the United States Attorney's Office to ensure the proper charging and prosecution of hate crimes.

F. Supervisory Review of Hate Crimes Cases -

1. The supervisory review of Hate Crimes Unit case will begin at the level of Detective Sergeant. The Detective Sergeant will review each case on an ongoing basis.

2. The Commanding Officer of the Special Victims Section will conduct random audits of Hate Crimes Unit cases and report the results via Internal Correspondence to the Commanding Officer of the Major Crimes Bureau on a quarterly basis. Fifteen percent (15%) of the cases will be selected, on a quarterly basis, for random audit using a computerized selection program. The Internal

Correspondence will provide a brief description of the case along with a synopsis of the investigation. The synopsis will be based on Subdivision **VI.** D. of this Section, Hate Crimes Investigators' Responsibilities.

3. The Commanding Officer of the Major Crimes Bureau will conduct a quarterly review of Hate Crimes Units cases with the Commanding Officer of the Special Victims Section, and any other personnel deemed necessary.

4. The Commanding Officer of the Major Crimes Bureau will prepare a report describing the aforementioned random audits and forward the same through the chain of command. Said report will be done every six months.

5. The Commanding Officer of the Special Victims Section or his /her designee will prepare a monthly report of Hate Crimes Unit cases. The report will consist of a description of the incident, a synopsis of the investigation, and the case status. This status report will be the subject of a monthly briefing conducted by the Chief of Department or his designee. The Commanding Officer of the Special Victims Section or his designee shall be prepared to describe the investigative techniques utilized in each case.

6. The Commanding Officer of the Special Victims Section, or his/her designee, upon completion of the quarterly review will notify Hate Crimes personnel via Internal Correspondence of the findings of the review to ensure compliance with Section VI., D. Hate Crime Investigators Responsibilities. Recommendations on investigation methods used will be provided, if needed.

G. Recommended Procedure When Suspect is Not in Custody or Has Not Been Identified -

1. Coordinate investigation with other Department units.

2. Conduct an extensive canvass and distribute bulletins in area of the incident.

3. Debrief individuals arrested in the area.

4. Work with media to attempt to garner witnesses and investigative leads.

5. Follow up leads in timely manner.

H. Incident Report Preparation - Incident Reports should clearly indicate the following information:

1. Hate Crime designated Penal Law.

2. Victim's Protected Class (if applicable).

3. Offender's Protected Class (if applicable).

4. The narrative portion of the Incident Report should document that the perpetrator intentionally selected the person against whom the offense is committed or intended to be committed - or, that the perpetrator intentionally committed the act or acts constituting the offense - in whole or in substantial part because of a belief or perception that the victim is a member of a protected class, regardless of whether the belief or perception is correct. The apparent specific bias motivation of the suspect should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc.).

I. Hate Crimes Unit Data Tracking and Analysis - A system for recording data related to Hate Crimes and Hate Incidents. Data captured will be analyzed, categorized, and mapped, with resultant information utilized to conduct educational, outreach and other initiatives geared towards reducing bias and the likelihood of the successful commission of Hate Crimes. The Commanding Officer of the Special Victims Section, or his /her designee, shall be responsible to maintain the Hate Crimes Unit database.

1. Data relating to Hate Crimes (as per New York State Department of Criminal Justice Services Hate Crime Incident Report, DCJS 3294), Hate Incidents and other incidents, (Possible Hate Offenses on Communications Section Log), will be entered into the appropriate category within the Hate Crimes Unit database. The Hate Crimes Unit will be responsible for entering, maintaining, and analyzing the Hate Crimes Unit database. The data will consist of: Central Complaint number, date of occurrence, address of occurrence, category (DCJS, Hate Incident, Other), Penal Law name and section(if applicable), bias motivation, latitude and longitude, Precinct of occurrence, the victim and offender(s) sex, age, race and ethnicity if known.

2. The Hate Crimes Unit analyzes the data in real time for the existence of patterns or trends that indicate hate crimes or hate incidents may be occurring wherein the victim(s) had been targeted as a member of a protected class. The analysis will also seek to identify clusters of incidents in a geographic area. The Hate

Crimes Unit will prepare a map from the data on a monthly basis. The map will be available through the GIS map portal to: the Police Commissioner, Deputy Police Commissioner, Deputy Chief in the Office of the Commissioner, Chief of Department, Chief of Detectives, Deputy Chief of Detectives, Chief of Patrol, Assistant Chief of Patrol, Deputy Chief of Patrol, , Inspector and Captain in the Chief of Patrols Office, Chief of Support Services, Inspector in the Office of Chief of Support Services, and the Inspector, Deputy Inspector, Captain, Detective Lieutenant and Crime Section Commanding Officer in each Precinct. The Commanding Officer of the Special Victims Section and all Hate Crimes personnel will also have access to the GIS map portal.

3. Information regarding trends and possible patterns of activity will be utilized to:

a. Alert appropriate Patrol and Detective Division personnel, including Precinct and Bureau Commanding Officers, of said activity.

b. Alert supervisory personnel within Community Response Bureau of potential patterns of activity. School Resource Officers will also be provided with said information.

c. Alert the Special Advisor to the Police Commissioner on Minority Affairs of potential patterns of activity.

d. Coordinate educational and other initiatives in an effort to reduce bias and prevent the possible commission of Hate Crimes.

e. Coordinate with associated governmental organizations and agencies such as the Human Rights Commission, the Suffolk County Office of Minority Affairs, etc.

f. Coordinate with community-based groups and religious organizations.

J. Hate Crime Victim Advocacy, Offender Awareness Education and Community Educational Services -

1. Suffolk County STOPBIAS - An educational program for Hate Crime offenders. Offenders meet with members of law enforcement agencies, a sensitivity facilitator and a representative from the offended community for the purpose of examining the incident itself, and the effect of hateful conduct on the injured party and the

community. STOPBIAS is also available as a community-wide educational program for schools, religious and civic associations. There are no age restrictions on program participation, and parents can attend with children. Participants are recommended by the Suffolk County Probation Department or a Judge as part of sentencing. Voluntary referrals can be made through the Department, District Attorney's Office, school districts and community-based organizations. Voluntary referrals may also be appropriate for Hate Incidents. The STOPBIAS phone number is 631-793-5488.

2. Suffolk County Crime Victims Center's Hate Crime Advocacy and Outreach Program - Victims of Hate Crimes can experience mental, physical and/or emotional trauma that can have a lifelong devastating impact. Early intervention and the provision of crime victim services can greatly reduce the negative impact crime has on victims, their family and the community. The Suffolk County Crime Victim Center's Hate Crime Advocacy and Outreach Program may assist with the provision of crime victim services to Hate Crime Victims, and is available twenty-four hours a day at 631-626-3156.

VII. ACCREDITATION STANDARDS

A. CALEA
B. NYSLEAP

VIII. INDEX

Hate Crime - 24/6

Hate Crimes 24.6 Appendix A

NYS Penal Law Specified Hate Crime Offenses §485.05(3)

120.00 assault in the third degree
120.05 assault in the second degree
120.10 assault in the first degree
120.12 aggravated assault upon a person less than eleven years old
120.13 menacing in the first degree
120.14 menacing in the second degree
120.15 menacing in the third degree
120.20 reckless endangerment in the second degree
120.25 reckless endangerment in the first degree
121.12 strangulation in the second degree
121.13 strangulation in the first degree
125.15 (sub div 1) manslaughter in the second degree
125.20 (sub div 1, 2 or 4) manslaughter in the first degree

125.25 murder in the second degree
120.45 stalking in the fourth degree
120.50 stalking in the third degree
120.55 stalking in the second degree
120.60 stalking in the first degree
130.35 (Sub div 1) rape in the first degree
130.50 (sub div 1) criminal sexual act in the first degree
130.65 (sub div 1) sexual abuse in the first degree
130.67 (Sub div 1a) aggravated sexual abuse in the second degree
130.70 (sub div 1a) aggravated sexual abuse in the first degree
135.05 unlawful imprisonment in the second degree
135.10 unlawful imprisonment in the first degree
135.20 kidnapping in the second degree
135.25 kidnapping in the first degree
135.60 coercion in the second degree
135.65 coercion in the first degree
140.10 criminal trespass in the third degree
140.15 criminal trespass in the second degree
140.17 criminal trespass in the first degree
140.20 burglary in the third degree
140.25 burglary in the second degree
140.30 burglary in the first degree
145.00 criminal mischief in the fourth degree
145.05 criminal mischief in the third degree
145.10 criminal mischief in the second degree
145.12 criminal mischief in the first degree
150.05 arson in the fourth degree
150.10 arson in the third degree
150.15 arson in the second degree
150.20 arson in the first degree
155.25 petit larceny
155.30 grand larceny in the fourth degree
155.35 grand larceny in the third degree
155.40 grand larceny in the second degree
155.42 grand larceny in the first degree
160.05 robbery in the third degree
160.10 robbery in the second degree
160.15 robbery in the first degree
240.25 harassment in the first degree
240.30 (sub divisions 1, 2, or 4) aggravated harassment in the second degree
- or any attempt or conspiracy to commit any of the foregoing offenses

Commanding Officers are directed to inform all members of their respective commands of these amendments and to have them note the changes in the appropriate section of their Rules and Procedures. The reprinting of the updated section will be distributed in the future.

END

ATTACHMENT 8

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
SUFFOLK COUNTY POLICE DEPARTMENT LANGUAGE ACCESS PLAN

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	08/25/14	08/25/14	08/25/14

Chapter 26, Section 6 of the Rules and Procedures has been created to publish the Department's Language Access Plan as mandated by the DOJ. D/Lieutenant Robert Donohue has been designated as the Department's Language Access Coordinator. He can be reached at 852-6109.

RULES AND PROCEDURES

CHAPTER 26: TITLE: COMMUNITY RELATIONS

SECTION 6: TITLE: SUFFOLK COUNTY POLICE DEPARTMENT LANGUAGE ACCESS PLAN

I. PURPOSE

Pursuant to Suffolk County Executive Order No. 10-2012, the Suffolk County Police Department has developed the **Suffolk County Police Department Language Access Plan** ("Plan") which sets forth the strategies to be implemented in an effort to ensure persons with Limited English Proficiency (LEP) have meaningful access to all Department services and programs.

II. POLICY

A. The mission of the Suffolk County Police Department is to provide and maintain a safe environment in which people can live and work. Every member of the Department acknowledges his or her obligation to provide professional services by rendering aid to those in need, providing an environment free from fear, bringing to justice those who violate the law and protecting all persons and property in accordance with legal and ethical standards.

B. The Department serves a diverse population with many residents whose primary language is not English and who have a limited ability to read, write, speak or understand English. Individuals with LEP may be capable of communicating through certain modes (e.g. speaking), but still have limited proficiency in others (e.g. reading or writing). The Department's Plan will address these needs in the most effective and efficient manner in its effort to afford all residents of the Suffolk County Police District the same high level of police service. The Department will regularly assess the language needs of residents as well as the Department's approach

in addressing these needs and will update its Plan annually in accordance with Executive Order No. 10-2012.

C. A person's use of the Police Department's language services shall not be deemed by any member of this Department as a basis for inquiring into their immigration status. No member of this Department shall inquire about or disclose, an individual's immigration status, unless such inquiry or disclosure is required by law.

D. This plan will be incorporated into the Department Rules and Procedures and will be made available to the public on the Department's website. The plan will also be distributed to LEP community groups.

III. DEFINITIONS

A. Bilingual - is the ability to use two languages to a level of proficiency sufficient to participate effectively in a conversation on practical, social and professional topics, and possession of a broad vocabulary, moderate accent and the comprehension level required for a normal rate of speech.

B. Department Authorized Interpreter (DAI) - a member of the Department, with a fluency in a language other than English, who is authorized to interpret for others.

IV. REFERENCES

A. Rules and Procedures, Chapter 26, Section 5, Persons With Limited English Proficiency

B. American Translators Association Code of Ethics and Professional Practice

V. RULES AND REGULATIONS

N/A

VI. PROCEDURES

A. Assessing the LEP Population and Language Needs - Members of the Suffolk County Police Department including but not limited to 911 Dispatchers, Police Officers and Investigators may come into contact with LEP individuals when answering 911 calls, responding to and investigating crimes, assisting members of the public over the phone and in informal encounters. The Department documents these contacts through the use of computer aided dispatch entries, incident reports, depositions and statements, as well as other forms and reports required by Department protocol and by law.

1. The County has identified the following six most common languages which are spoken by individuals with limited English proficiency within Suffolk County: Spanish, Mandarin Chinese, Polish, Italian, Portuguese and Haitian Creole.

2. The demand for interpretation services experienced by the Department in calendar year 2013 reflected a 90% need for Spanish, a 3.5% need for Mandarin Chinese, a 1.0% need for Haitian Creole and a 1.0% need for Polish.

B. Signage and Vital Documents - To ensure all residents are able to access the same level of service, the Department will enhance and/or implement the following policies and procedures:

1. At the entry point or lobby of all public police buildings and facilities, including all Police Precincts, Police Headquarters, Court Liaison Section, Property Section, Impound Section, Marine Bureau Headquarters, Police Academy Bureau (West) and the Airport Operations Section, signage shall be posted in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals who need to report a crime or for any other official business related to Police Department operations.

2. The Department has identified the following documents as Vital Documents. These documents will be included in an informational book, "***Your Suffolk County Police Department***" which will be available in the above six languages and maintained at all public police buildings and facilities as well as on the Department website.

a. How to Obtain a Police Report, (PDCS-8100)

b. Family Offense Assistance and Court Procedures, (PDCS-7109)

c. What to do When Stopped by the Police, (PDCS-7148)

d. Missing Person Guidelines

e. Special Needs/Silver Alert Program, (PDCS-8060)

f. Crime Victim Information Report, (PDCS-8105)

g. Compliment/Complaint Information Report, (PDCS-1300-1)

NOTE: The Compliment Complaint Information Report will be accepted by the Department when completed in languages other than English.

h. Mental Health Assistance Notification, (PDCS-7146)

3. The Department will maintain Language Identification Charts at all public police facilities and in all sector cars.

4. In the case of illiteracy or languages for which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary language by a Department Authorized Interpreter or through the Language Line Service.

5. Links will be available on the Department website in the six languages above which, when clicked on, will provide information on how to access language assistance services as well as a PDF version of ***Your Suffolk County Police Department***.

C. Services for Language Assistance - The Suffolk County Police Department will take all reasonable measures to provide timely, meaningful access to the services and programs of the Department regardless of the language spoken by persons seeking such service. Department personnel will provide free language assistance to all LEP individuals who are in need of or request such assistance. Department personnel will inform the public that all language assistance services are available free of charge. Members of the Department will adhere to the following procedures when securing interpretation services:

1. In accordance with County Executive direction, the Department will identify members who possess any level of fluency in a language other than English. These members will be evaluated by Civil Service to determine whether they meet the oral proficiency standards set by Civil Service. The Police Commissioner, or his designee, will authorize these members of the Department to serve as a DAI. A current list of all DAI's and the languages they speak will be maintained in the Communications Section Supervisor's office.

2. Members of the Department who are in need of interpretation services will attempt to identify the LEP individual's primary language, employing a Language Identification Chart if necessary, and will then request an appropriate DAI via the Communications Section Supervisor. If no DAI's are available, the member of the Department will contact the Language Line Service.

3. Exigent circumstances - Department personnel who must communicate with LEP individuals in dangerous or rapidly developing situations may temporarily use any available interpreter. Temporary interpreters may include bilingual Department personnel or bilingual bystanders.

a. Members of the Department utilizing these types of temporary interpreters shall first consider the

chosen interpreter's apparent proficiency in both the source and target languages, and shall also consider any apparent bias, personal interest, or confidentiality issues raised by the use of a particular temporary interpreter. Members of the Department utilizing these types of temporary interpreters are responsible for developing and asking all questions. Members shall also consider the degree to which the temporary interpreter appears to remain neutral, or appears to be inserting his or her own perspective or information into the communication.

b. Documentation of the use of temporary interpreters will be made in accordance with Rules and Procedures Chapter 26, Section 5, and Subdivision C. 9. contained below.

c. Duration of the exigency - When the circumstances giving rise to the exigency have passed, members of the Department shall determine whether a continued need for interpretation services exists.

d. If no further interpretation is required, members shall review the content of the interpretation for accuracy and sufficiency.

e. If the content provided by the temporary interpreter is incomplete, inaccurate or otherwise compromised, or if the need for interpretation services extends beyond the period of exigency, members of the Department shall utilize the DAI list, or the Language Line Service.

4. When correspondence is received by the Department in a language other than English, it will be translated into English. If an appropriate DAI cannot be located, the Community Response Bureau shall be contacted for direction. Once translated, if the correspondence would be considered a citizen complaint, it will be forwarded to the Commanding Officer of the Internal Affairs Bureau for investigation. The Department will respond to all correspondence in a timely manner.

5. The Department's Compliment/Complaint Information Reports that are in languages other than English will indicate on the form that interpretation services are available at Police facilities or over the phone.

6. All members of the Department, both sworn and civilian, have access to the Language Line service 24 hours a day, seven days a week. Language Line provides interpretation services in more than 200 different languages. Dual handset telephones for use in communicating via the

Language Line interpreter service have been installed in the following locations.

a. Front desk of every Precinct
b. Front desk at Headquarters
c. Crime Section in every Precinct
d. Detective Squad in every Precinct
e. Airport Operations Section
f. Central Records Section - public window
g. Domestic Violence Section
h. Hate Crimes Section
i. Homicide Section
j. Internal Affairs Bureau
k. Marine Bureau desk
l. Marine Bureau - Fire Island (two phones)
m. Pistol Licensing Bureau
n. Police Academy Bureau (West)
o. Special Victims Section
p. Special Patrol Bureau

7. Additionally, many sector cars within the Patrol Division are equipped with cell phones programmed to automatically dial the Language Line. These cell phones are deployed in the following patrol units:

First Precinct	102, 106, 108, 114, 117
Second Precinct	202, 203, 205, 206, 209, 217, 221
Third Precinct	302, 303, 310, 312, 316, 318, 321, 322, 323
Fourth Precinct	404, 406, 410, 417
Fifth Precinct	502, 509, 510, 512, 513, 515
Sixth Precinct	610, 613, 618, 619
Seventh Precinct	702, 708, 714

8. The County has contracted with Mill Neck Interpreter Service to obtain sign-language interpreter services for deaf and hearing-impaired persons. Sign language interpreters will respond to incident locations or to police facilities to assist with communicating. Department members can utilize this service 24 hours-a-day, seven-days-a-week. The Police Department is not required to have any specific equipment available to utilize this service. Members must first call Mill Neck at 516-512-6222 and follow the voice prompts. Members must then log onto their website at: http://www.millneck.org/services/interpreting/interpreting.html and then complete the request for services on the website.

9. Members using a DAI or any of the available interpretation services, including sign-language services, will complete the Interpretation Tracking Data Form, PDCS-7042, with all pertinent information and submit same for entry into the Department's tracking database.

10. The Department currently maintains a catalog of forms which are translated into Spanish. Many of these forms are incident-specific and are not vital or essential public documents but investigatory documents. When completing any form or obtaining a victim or witness statement/affidavit from an LEP individual, members of the Department shall request the appropriate language interpretation service and document the LEP individual's responses in English.

D. Training - The Department will conduct annual training for all members of the Department on LEP policies and procedures. This training will be conducted for Recruit and In-service personnel and will also include classroom instruction as well as training videos and Department Training Bulletins.

1. The Department will continue to provide 20 hours of Spanish Culture and Language training in its Recruit Training Program which will include LEP policies and procedures.

2. In-service members, both sworn and civilian, will receive annual training in the following:

a. How to identify the language assistance needs of an LEP individual during an in-person or telephone interaction.

b. How to access Department Authorized Interpreters, Language Line interpreters and the use of interpreters during exigent circumstances.

c. How to work with interpreters and assess interpreter quality.

d. How to account for cultural diversity and language barriers in policing.

e. Basic phrases, terms and commands in Spanish.

f. Bias-Free Policing, Cultural Sensitivity, Hate Crimes/Incidents, Language Access Plan and Limited English Proficiency.

3. Sworn personnel will be issued a Spanish language guide Memo Book Insert (PDCS 7041) to assist them in police related situations involving LEP individuals.

4. All Department members are also required to complete the following annual Decentralized Individualized In-Service Training (D.I.I.T.) courses:

a. Simple Spanish Commands - 27 minutes

b. Language Line Services - 3:35 minutes

E. Monitoring and Compliance - The Commanding Officer of the Community Response Bureau has been designated at the Language Access Coordinator (LAC). The Language Access Coordinator will be responsible for coordinating and implementing the Department's Language Access Plan. Such duties will include but not be limited to:

1. Assessing demographic data, reviewing interpreter utilization data from contracted language access services as well as data from the Interpretation Tracking Data Form, (PDCS-7042), to determine the changing needs of the community. The Department will be guided by the information collected to determine what changes and modifications should be made, what documents are designated as vital and the languages into which they should be translated. Examination of all available data and determination of the six most common non-English languages encountered within the Police District will guide the Department in assessing the need to translate Department documents into additional languages and/or the need for additional interpreter services.

2. Consulting with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

3. Reviewing new documents created by the Department and assessing the need for them to be translated into languages other than English.

4. Maintaining the Department's DAI list as well as coordinating with the Department of Civil Service to ensure members of the Department on these lists are certified and recertified as appropriate.

a. The Department will implement a method consistent with the standards of Suffolk County Civil Service to verify levels of proficiency employees possess in languages other than English.

b. The Department will establish a monitoring system to ensure authorized interpreters maintain a level of ethical standards.

5. The Department's Internal Affairs Bureau will review and respond to all language access complaints. The Bureau

will also review all complaints received by the Department in a language other than English to determine if any underlying systemic issues exist.

a. The Internal Affairs Bureau will periodically request a list of 9-1-1 calls which the Communications Section tied into Language Line. Investigators will randomly select a predetermined number of calls to audit in order to ensure complainants were satisfied with the police service provided.

6. If a member of this Department believes a DAI is engaging in unethical behavior, to include adding or omitting words, phrases or context, which denies meaningful access to an LEP individual, such member will immediately report such information to their immediate supervisor in an Internal Correspondence, PDCS 2042. Such correspondence will be forwarded through the immediate supervisor's chain of command to the Office of the Police Commissioner where a determination will be made reference such member's designation as a DAI.

7. The LAC will represent the Department in its partnership with Latino community leaders as well as leaders from other communities with significant LEP populations to ensure effective implementation of the Department's Language Access Plan. The Community Response Bureau will address community concerns about the plan as well as offer ideas and strategies for ensuring language access. The Community Response Bureau will conduct reviews to evaluate the plan's effectiveness, accuracy and quality of services.

a. Community Response Bureau will conduct a semi-annual survey of Latino and other minority advocacy groups to gauge the effectiveness of the Department's Language Access Plan as well as any other Department programs and initiatives.

b. Community Response Bureau will analyze the results of each survey and implement measures, if necessary, to improve the plan.

c. A report detailing the survey, its results and actions taken by the Department will be published on the Department's website and in other relevant and appropriate media.

VII. ACCREDITATION STANDARD REFERENCES

A. CALEA
B. NYSLEAP

VII. INDEX

Language Access Coordinator - 26/6

Language Access Plan - 26/6

Commanding Officers are directed to inform all members of their respective commands of these amendments and to have them note the changes in the appropriate section of their Rules and Procedures. The reprinting of the updated section will be distributed in the future.

END

ATTACHMENT 9

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
SUFFOLK COUNTY POLICE DEPARTMENT LANGUAGE ACCESS PLAN

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT			

Chapter 26, Section 6 of the Rules and Procedures has been amended to include reference to a Spanish language complaint line and an audit process for calls made to that line.

RULES AND PROCEDURES

CHAPTER 26: TITLE: COMMUNITY RELATIONS

SECTION 6: TITLE: SUFFOLK COUNTY POLICE DEPARTMENT LANGUAGE ACCESS PLAN

I thru VI(C)(4) remain unchanged

5.The Department's Compliment/Complaint Information Reports that are in languages other than English will indicate on the form that interpretation services are available at police facilities or over the phone. Additionally, the Spanish language version of this form will list the telephone number of the Internal Affairs Bureau's Spanish language complaint line.

6. thru 10. Remain unchanged.

11. The Internal Affairs Bureau shall have a dedicated telephone line for the receipt of non-emergency complaints from the Spanish speaking public. This line shall be answered by a Spanish speaking officer to take complaints in that language. Should no Spanish speaking officer be available, the complainant may leave a voice mail. A Spanish speaking officer will make a return call to the complainant as soon as practicable. This line shall be recorded at all times.

D. thru E(5)(a) remain unchanged.

b. All calls recorded on the dedicated Spanish language complaint line shall be audited on a biannual basis by a ranking Spanish speaking member of the service.

END

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT GENERAL ORDER	EDWARD WEBBER POLICE COMMISSIONER	

SUBJECT/TOPIC/TITLE
PERSONS WITH LIMITED ENGLISH PROFICIENCY

DISTRIBUTION	SECTION CREATED	DATE EFFECTIVE	DATE AMENDED
ALL MEMBERS OF THE DEPARTMENT	12/04/09		

Rules and Procedures Chapter 26, Section 5 has been amended to include an audit procedure for the Spanish Language Complaint Line.

This Section has been extensively reorganized and rewritten. Therefore, it is reprinted in its entirety.

RULES AND PROCEDURES

CHAPTER 26: TITLE: COMMUNITY RELATIONS

SECTION 5: TITLE: PERSONS WITH LIMITED ENGLISH PROFICIENCY

I. VI(C)(1) remain unchanged

C. Interrogation, Interviews, and Complaints

2. Complaints: Critical to maintaining the high professional standards of the Department is the ability of members of the public to promptly and accurately report alleged misconduct on the part of sworn or civilian members of the Department or another law enforcement agency. This ensures that the rights of the employee as well as those of the public are preserved. This applies to all persons and it is the responsibility of the Department to ensure that LEP individuals are afforded the same opportunity to have their complaints taken. To ensure the integrity of this process, the following complaint procedures for LEP Persons shall apply:

a. Any LEP individual who wishes to file a complaint regarding language access, or the discharge of SCPD's duties, shall be provided assistance in their primary language by a SCPDAI, or if none is available, by telephonic service (Language Line Services) for other LEP services.

b. In addition to the standard LEP procedures above, the Internal Affairs Bureau shall have a dedicated telephone line for the receipt of non-emergency complaints from the Spanish speaking public. This line shall be answered by a Spanish speaking officer to take complaints in that language. Should no Spanish speaking officer be available, the complainant may leave a voice mail. A Spanish speaking officer will make a return call to the complainant as soon as practicable. This line, as with the standard complaints line, shall be recorded at all times.

c. All calls recorded on the dedicated Spanish language complaint line shall be audited on a biannual basis by a ranking Spanish speaking member of the service.

d. The Internal Affairs Bureau shall provide written notice of the disposition of any LEP complaint to the complainant in their primary language.

END

ATTACHMENT 10

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008a

ORDER NUMBER **10-58b**

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT MEMORANDUM	JAMES C. BURKE CHIEF OF DEPARTMENT	

SUBJECT/TOPIC/TITLE
LANGUAGE LINE SERVICES – CHANGE IN INITIAL PROCEDURE

DISTRIBUTION	DATE ISSUED	DATE EFFECTIVE	DATE TO BE REVIEWED
ALL COMMANDS	02/10/12	02/15/12	N/A

Language Line Services has advised the Department that, **effective Wednesday, February 15, 2012 at 1000 hours**, a new automated call answering system will be implemented. The new system will enable faster connection time to interpreters, more accurate data collection, and a more consistent process with each call.

The following does not apply to Emergency Complaint Operators or Public Safety Dispatchers assigned to the Communications Section:

Use of a Language Line dual handset telephone will continue to be the preferred method for utilizing Language Line Services for face-to-face interactions when an interpreter is not available, as follows:

- Press red "Interpreter" button.
- When prompted, press white "CLIENT ID" button.
- Select language by pressing:
  - 1 for Spanish.
  - 2 for all other languages and state the language spoken.
  - 0 for assistance if the language needed is unknown.
- If "1" is selected, an interpreter will then come to the line.
- If "0" or "2" is selected, a Language Line representative will assist the caller with language selection and then route the caller to an interpreter.
- Once the caller is connected to an interpreter, inform him or her of what you wish to accomplish and provide any additional relevant instructions.
- Hand the left handset to the person with the Limited English Proficiency.
- At the end of the call, state "end of call".

If a Language Line dual handset is not available, the following procedure shall be followed:

- Dial 1-800-523-1786.
- Enter on the keypad the Department's Client ID: 102027
- Select language by pressing:
  - 1 for Spanish.
  - 2 for all other languages and state the language needed.
  - 0 for assistance if the language needed is unknown.

- If assistance with choice of language is needed, the member will be connected to a Language Line representative and then to an interpreter. Otherwise, the member will be connected directly to an interpreter.
- Brief the interpreter. Briefly summarize what needs to be accomplished and provide any additional details.
- To facilitate translation, pass the telephone between yourself and the person with Limited English Proficiency.
- At the end of the call, state "end of call".

END

POLICE DEPARTMENT, COUNTY OF SUFFOLK, NY
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008a

ORDER NUMBER 10-58a

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT MEMORANDUM	ROBERT ANTHONY MOORE CHIEF OF DEPARTMENT	

SUBJECT/TOPIC/TITLE
"LANGUAGE LINE" TRANSLATING AND INTERPRETING SERVICE

DISTRIBUTION	DATE ISSUED	DATE EFFECTIVE	DATE TO BE REVIEWED
ALL MEMBERS OF THE DEPARTMENT	3/26/10	3/26/10	N/A

Department members may now telephone the Language Line directly to obtain telephone translation services during face-to-face interactions with persons with limited English proficiency, as opposed to dialing 852-COPS (when a Department translator is not available).

The following do not apply to Emergency Complaint Operators or Public Safety Dispatchers assigned to the Communications Section:

Use of a Language Line dual handset telephone is the preferred method for utilizing Language Line services for face-to-face interactions when an interpreter is not available. If a Language Line dual-handset telephone is not available, the following procedure shall be followed:

- Dial 1-800-523-1786
- Provide the Client ID for our Department: 102027
- The following information must be provided to language line services when placing a call to request services:

  -Department member's badge number
  -If Department member does not have a badge number, the Department member must provide his or her name.
  -Central Complaint Number (if available)

- Provide the representative with the language needed.
- Brief the interpreter. Briefly summarize what you wish to accomplish and give any additional instructions.
- To facilitate translation, pass the telephone between yourself and the person with limited English proficiency.
- At the end of the call, state "end of call."

While this procedure is intended for face-to-face interactions with persons with Limited English Proficiency, it can also be utilized for telephone calls **when a telephone capable of conference calling is available.** Refer for Department General Order 09-63 and Patrol Division Memorandum 10-02 for procedures

to be followed for telephone contacts with persons with Limited English Proficiency.

Department members are reminded this interaction must be documented in the L.E.P. Log maintained on the Precinct desk, or in the body of the associated report delineating "L.E.P.-Language spoken-measures to overcome the language barrier." For additional direction in documentation of LEP assistance, consult Department Special Order 10-01 and Patrol Division Special Order 10-09.

Note: Language Line services are for official Departmental use only, and may be utilized only by on-duty Department personnel in the course of performing their official Departmental duties.

-END-

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008a

ORDER NUMBER 10-58

TYPE	AUTHORITY	SIGNATURE
DEPARTMENT MEMORANDUM	ROBERT ANTHONY MOORE CHIEF OF DEPARTMENT	

SUBJECT/TOPIC/TITLE
LANGUAGE-LINE TELEPHONE INSTALLATION

DISTRIBUTION	DATE ISSUED	DATE EFFECTIVE	DATE TO BE REVIEWED
ALL COMMANDS	03/18/10	03/18/10	N/A

The Department will be installing approximately 30 new Dual Handset Language-Line telephones at various commands throughout the Police Department for use during face-to-face contact with non-English speaking persons. Initially, these telephones will be installed at each of the precinct's and headquarters front desks, in precinct Crime Sections and Detective Squads, as well as in the Internal Affairs Bureau, Pistol Licensing Section, at the Police Academy reception desk, the Central Records public window and in the Special Victims Section.

These telephones will enhance the ability of Department members to communicate during face-to-face interactions with individuals who have limited English proficiency by facilitating a three-way conversation between the Department Member, the Language-Line interpreter, and the individual.

To utilize the telephone, Department members should follow the following procedure:

-Dial "9"
-Press the red "INTERPRETER" button
-Follow the language prompt
-Press the white "CLIENT ID" button
-Brief the interpreter who comes on the line
-Give the second handset to the non-English Speaker
-Communicate with the individual using the interpreter.
-Notify the interpreter when finished by stating "end of call"

Note: These telephones cannot be used to connect non-English telephone callers with Language Line Services as they are for face-to-face interactions only. Existing Departmental policies relating to non-English speaking callers must be followed.

END

ATTACHMENT 11

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY

Special Training Bulletin

NUMBER 14-02c

SUBJECT/TOPIC/TITLE
Overcoming Barriers to Communicating/Limited English Proficiency

DATE ISSUED
10/13/14

This addendum "c" to Department Special Training Bulletin 14-02 includes information about Language Line Services for encounters with persons with Limited English Proficiency. Language Line Services will be used by members of the Department to enhance police services.

The Suffolk County Police Department is committed to providing all members of the public who possess Limited English Proficiency (L.E.P.) meaningful access to police services.

HOW TO REACH LANGUAGE LINE SERVICES:

- **Any phone - Dial 1-800-523-1786 and use Client ID# 102027**
- **New pre-programmed dual handset phones located in all facilities**
- **Sergeant's vehicle cell phone - Use the above phone# and client ID#**
- **Pre-programmed Language Line cell phones maintained in the following vehicles:**

First Precinct	102, 106, 108, 114, 117
Second Precinct	202, 203, 205, 206, 209, 217, 221
Third Precinct	302, 303, 310, 312, 316, 318, 321, 322, 323
Fourth Precinct	404, 406, 410, 417
Fifth Precinct	502, 509, 510, 512, 513, 515
Sixth Precinct	610, 613, 618, 619
Seventh Precinct	702, 708, 714

HOW TO UTILIZE LANGUAGE LINE SERVICES INVOLVING CONFERENCE (3 WAY) CALLS:

- Desk officers may receive phone calls where it is necessary to provide language services to an LEP individual who is not physically present.
- Upon receiving a call from an LEP individual, and Language Line Services is required, the officer will place the caller on hold by pressing the FLASH button or the SWITCHOOK button, then dial Language Line 1-800-523-1786 and enter Client ID# 102027.
- After speaking with a Language Line representative and securing the appropriate interpreter, press the FLASH or SWITCHOOK button again and all three parties will be on a conference call.

INTERPRETER SERVICE FOR DEAF AND HEARING IMPAIRED

The county has contracted with Mill Neck Interpreter Service to obtain sign language interpreter services for deaf and hearing-impaired persons. Sign language interpreters will respond to incident locations or to police facilities to assist with communicating. Department members can utilize this service 24 hours a day, seven days a week, by calling the following numbers:

Monday through Friday, 0900-1700 hours: (516) 512-6222
After hours: 1-800-235-2594

QUESTIONS / CONCERNS / PROBLEMS

Questions or concerns about Language Line Services should be directed to the Community Response Bureau at 852-6109. Cell phone concerns should be directed to Sergeant William Okula of the Police Technology Bureau at 852-6621.

This information is to be disseminated to all members of the Department, both sworn and civilian, and will be thoroughly discussed at command inspections.

END

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY

Special Training Bulletin

NUMBER 14-02b

SUBJECT/TOPIC/TITLE
Overcoming Barriers to Communicating/Limited English Proficiency

DATE ISSUED
6/3/14

Addendum "b" to Department Special Training Bulletin 14-02

The Suffolk County Police Department is committed to providing all members of the public who possess Limited English Proficiency *(L.E.P.)* meaningful access to police services.

This addendum includes information about Language Line Services for encounters with persons who possess Limited English Proficiency. Language Line Services will be used by members of the Department when police services to the public will be enhanced.

How to Reach Language Line Services:

- **Any cell phone – Call 1-800-523-1786 and use Client ID# 102027**
- **Language Lines Services dual handset phones located in Police Department facilities**
- **Sergeant's vehicle cell phone – Use the above phone# and Client ID#**
- **Pre-programmed Language Line cell phones maintained in the following vehicles**

PRECINCT	SECTOR
1st Precinct	102,106,108,114, 117
2nd Precinct	202,203,205,206,209,217 221
3rd Precinct	302,303,310,312.316,318,321,322,323
4th Precinct	404,406,410,417
5th Precinct	502,509,510,512,513,515
6th Precinct	610, 613,618,619
7th Precinct	702, 708, 714

LANGUAGE LINE SERVICES

- **Dial 1-800-523-1786**
- **Use Client ID: 102027**
- **Available 24 / 7**
- **More than 200 languages.**
- ***Use any telephone***

Department personnel will use Language Line Services when Police services will be enhanced for members of the community.

Concerns / Questions / Problems

Questions or concerns about Language Line Services should be directed to P.O. Lara Corbett, of the Community Response Bureau at 852-6634 or 6109.

Cell Phone concerns should be directed to Sergeant William Okula, of the Police Technology Bureau at 852-6621.

This information is to be disseminated to all members of the department, both sworn and civilian, and will be thoroughly discussed at command inspections.

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY

Special Training Bulletin

NUMBER 14-02a

SUBJECT/TOPIC/TITLE
Overcoming Barriers to Communicating/Limited English Proficiency

DATE ISSUED
3/3/14

Addendum "a" to Department Special Training Bulletin 14-02

The Suffolk County Police Department is committed to providing all members of the public who possess Limited English Proficiency *(L.E.P.)* meaningful access to police services.

This addendum includes information about Language Line Services for encounters with persons who possess Limited English Proficiency. Language Line Services will be used by members of the Department when police services to the public will be enhanced.

How to Reach Language Line Services:

- **Any cell phone – Call 1-800-523-1786 and use Client ID# 102027**
- **Language Lines Services dual handset phones located in Police Department facilities**
- **Sergeant's vehicle cell phone – Use the above phone# and Client ID#**
- **Pre-programmed Language Line cell phones maintained in the following vehicles**

PRECINCT	SECTOR
1st Precinct	102,106,108,114,117
2nd Precinct	202,203,205,206,209,217, 221
3rd Precinct	302,303,310,312,316,318,321,322,323
4th Precinct	404,406,410,417
5th Precinct	502,509,510,512,513,515
6th Precinct	610,613,618,619
7th Precinct	702,714

LANGUAGE LINE SERVICES

- **Dial 1-800-523-1786**
- **Use Client ID: 102027**
- **Available 24/7**
- **More than 200 languages**
- ***Use any telephone***

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This information is to be disseminated to all members of the department, both sworn and civilian, and will be thoroughly discussed at command inspections.

END

POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY

Special Training Bulletin

NUMBER 14-02

SUBJECT/TOPIC/TITLE
Overcoming Barriers to Communicating/Limited English Proficiency

DATE ISSUED
1/3/14

The Suffolk County Police Department is committed to providing all members of the public who possess Limited English Proficiency *(L.E.P.)* meaningful access to police services.

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PRECINCT	SECTOR
1st Precinct	106, 114, 117
2nd Precinct	202, 203, 221
3rd Precinct	302, 310
4th Precinct	404, 417
5th Precinct	509, 510, 512, 513
6th Precinct	610, 613, 619
7th Precinct	705

LANGUAGE LINE SERVICES

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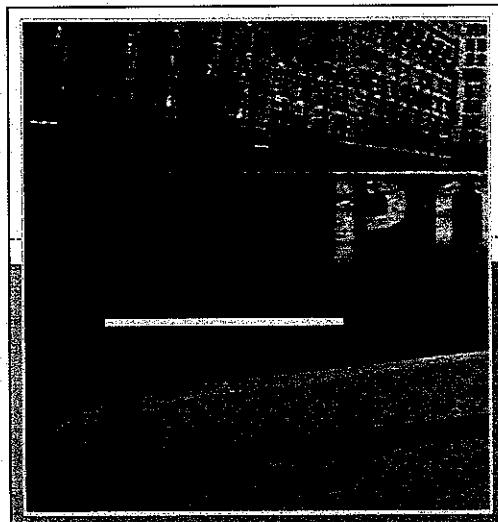
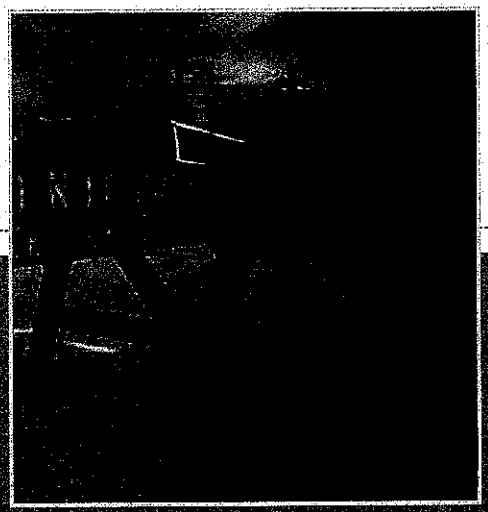
This information is to be disseminated to all members of the department, both sworn and civilian, and will be thoroughly discussed at command inspections.

ATTACHMENT 12

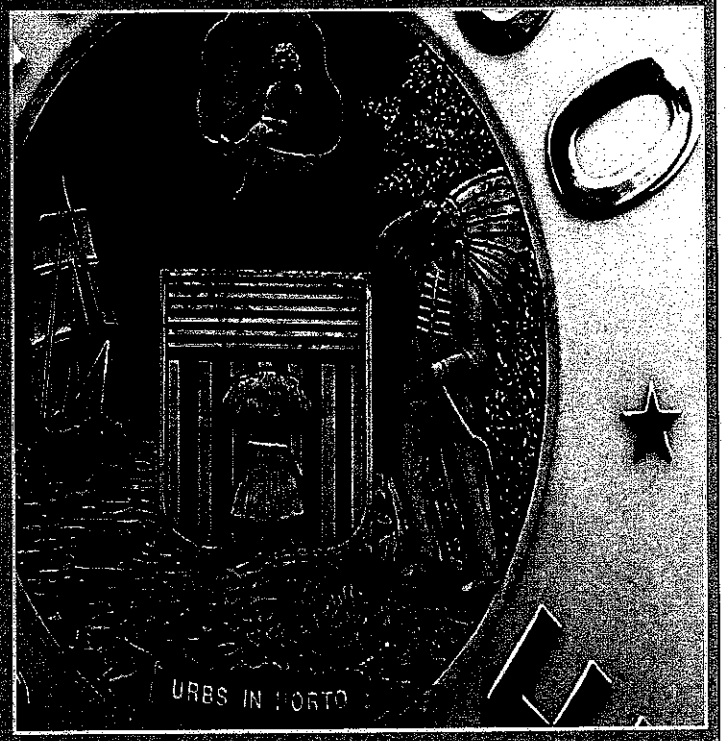




Procedural Justice and Police Legitimacy

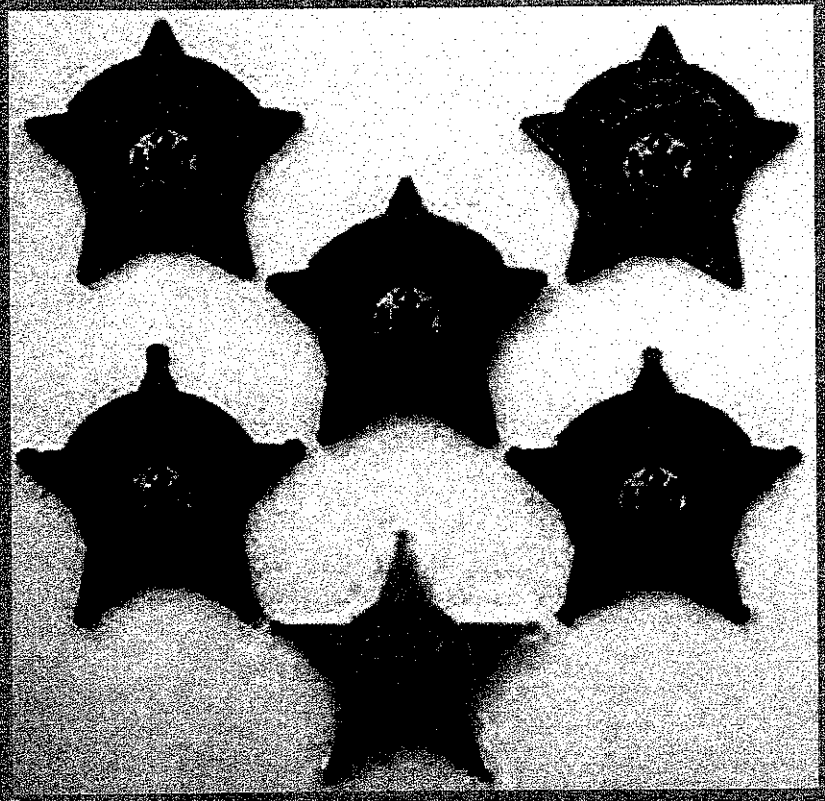
Chicago Police Department

Education and Training Division

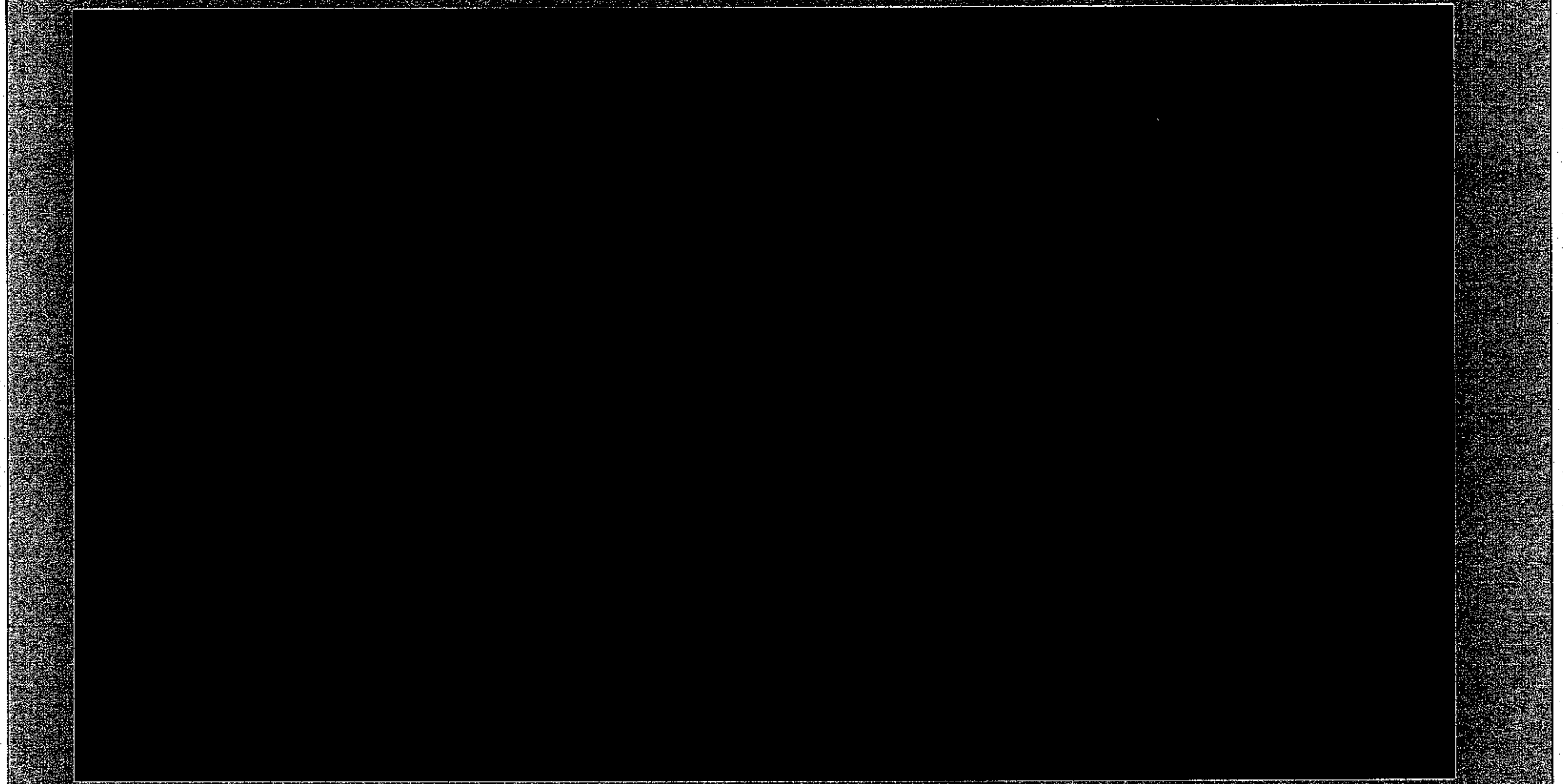


Housekeeping

- Please silence your cell phones...*there will be plenty of time to check your messages!*
- Restrooms
- Agenda - *Breaks & Lunch*
- Everyone has something to offer, so be respectful of the opinions of others
- Have an open mind!



Welcome!



Objectives

- Define Legitimacy and state how to increase police legitimacy.
- Define Procedural Justice and discuss the benefits.
- Review the relationship between the police and the community.
- Understand the role history has played in hindering legitimacy in some communities.

Module 1

The interactive nature between Legitimacy, Procedural Justice and goals in policing

Definitions

- **Legitimacy**: The public view the police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community.

- **Procedural Justice**: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.

Example of Procedural Justice - Video

Taser Video –

Spokane, WA

Procedural Justice Leads to Legitimacy

- When police officers give citizens a voice (listen) and are objective and respectful, police officers gain the trust of the citizenry.

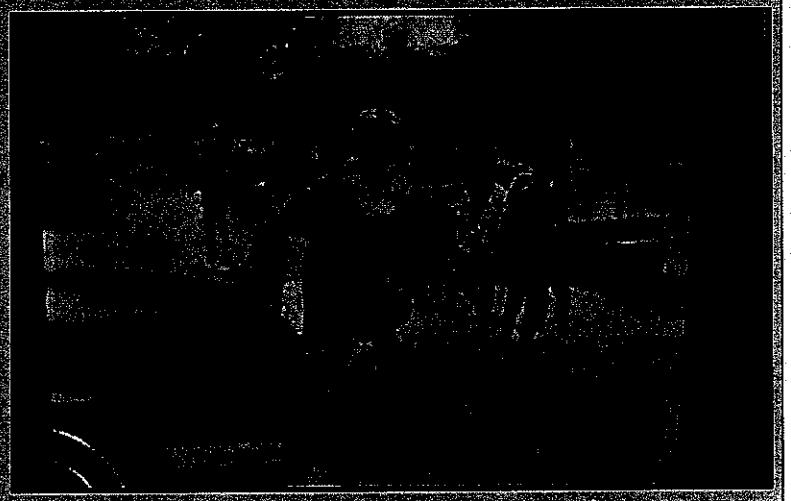
- The Procedural Justice process of fairness and respect leads citizens to view the police as legitimate and trustworthy.

Why are we here?

- When utilizing Procedural Justice and gaining legitimacy, police officers benefit:
  - ✓ Safety increases
  - ✓ Stress levels lower
  - ✓ Fewer complainants
  - ✓ Greater cooperation from citizens
  - ✓ Voluntary compliance gained
  - ✓ Crime is reduced

What are "Our Goals" in Policing?

- Maintain social order
- Prevent crime, stop crime
  - To be fair and impartial
- Ensure constitutional rights
- Safety, effectiveness, support
- Serve and Protect the public
- Generate and hold public trust

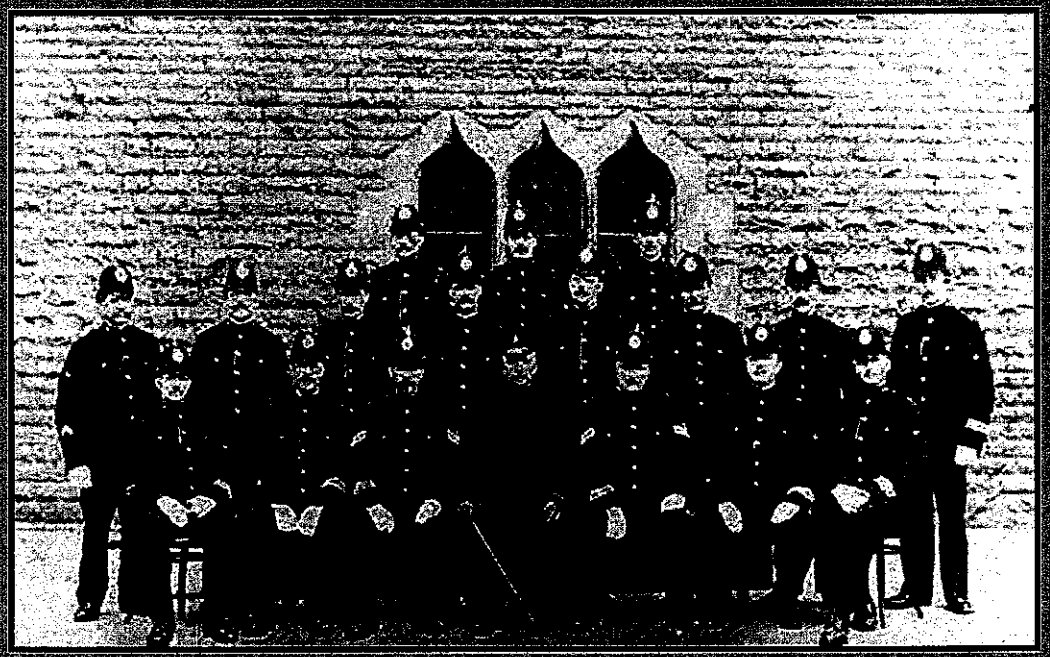


Chicago Police Department Mission Statement

"The Chicago Police Department, as part of and empowered by the community, is committed to protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially. We will provide quality police service in partnership with other members of the community. To fulfill our mission, we will strive to attain the highest degree of ethical behavior and professional conduct at all times."

Module 2

Expectations and Legitimacy

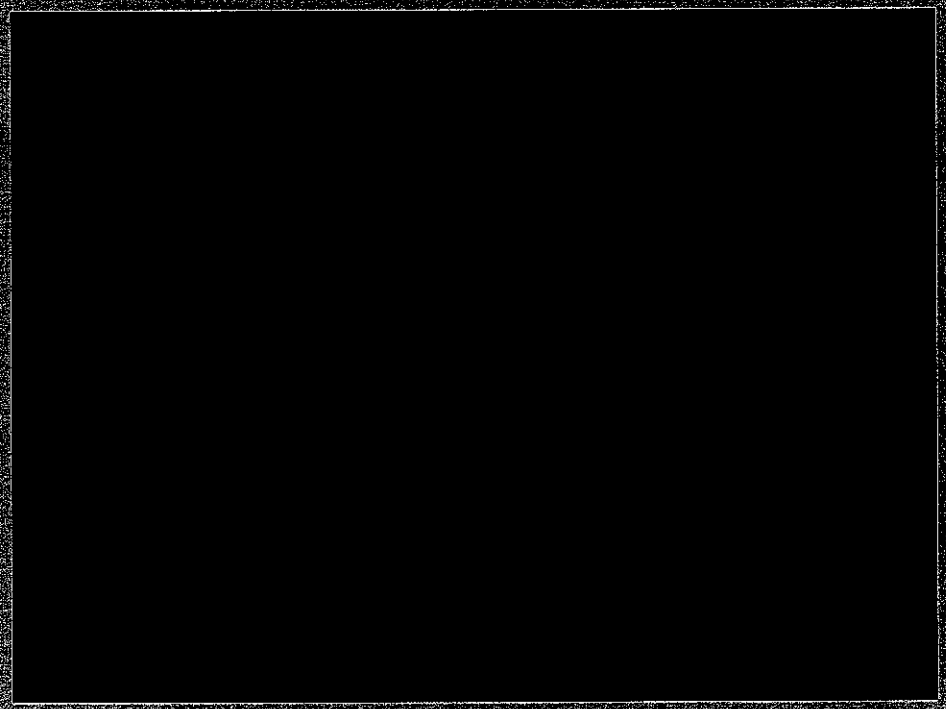


Sir Robert Peel

- It is important to point out that one of Peel's principles states that:

"The police should always have a relationship with the public that gives reality to the tradition that <u>the police are the public and the public are the police</u>."

Legitimacy-Video



"This is what a mustache looks like!"

NATO protest 20 MAY 12

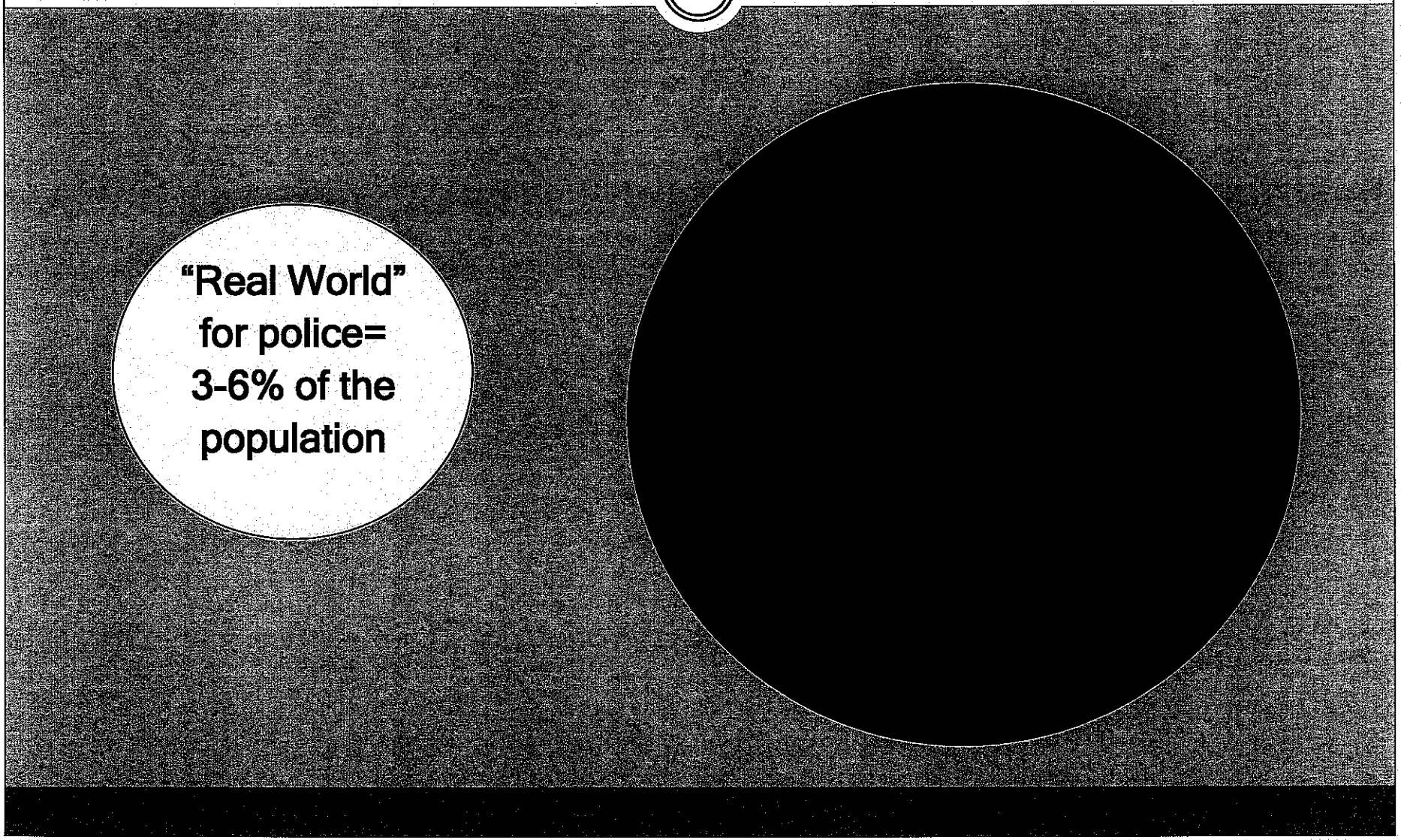
The Golden Rule

- Asking the question, "*How would I like to be treated in this situation?*" is an integrity guideline for any situation.
- The Golden Rule divides cultural and religious boundaries and is accepted by most people throughout the world.
- It can be used to create common ground with any reasonable person.

Cynicism

- Modern cynicism, as a product of mass society, is a distrust toward professed ethical and social values, especially when there are high expectations concerning society, institutions and authorities which are unfulfilled. Cynicism can manifest itself as a result of frustration, disillusionment, and distrust. It is perceived as due to organizations, authorities, and other aspects of society.
- A cynic expects nothing but the worst in human behavior. Cynicism is the antithesis of idealism, truth, and justice - which are the virtues that police officers swear to uphold.

Us Vs. Them



Expectations Exercise

- What does the community EXPECT/Want from police officers?
  - Group 1
- What do police officers EXPECT/Want from the community?
  - Group 2

Expectations Exercise - Group 1

Does the community expect...

- Service, Protection
  - Peace Keeper
- Lawfulness
  - Enforce Laws
  - Exemplary Behavior
- Fairness
  - Impartial process
  - Unbiased policing
- Partnership
  - Respect
  - To solve problems
- Trust

Expectations Exercise - Group 2

Police officers expect...

- Acceptance of our authority
- Compliance
  - With the laws
  - Orders
- Cooperation
- Information
  - Informant?
- Responsibility
- Respect
- Trust

How can the community and police work together to fight crime?

- Can the police fight crime without the community?

- ✓ Legitimacy and Procedural Justice lead to the community helping the police.

Why do people obey the Law?

- Deterrence
  - Expensive
  - Must follow through with punishment
- It is the right thing to do.
- Police have the right to tell them what to do. (Public Trust and Legitimacy)
- **Research shows overwhelmingly that the latter two are true!**

Legitimacy

How to gain it?

- Procedural Justice
  - The Four Principles:
    - Voice (Listen)
    - Neutrality (Be fair)
    - Respectful treatment (Be respectful)
    - Trustworthiness (Fair and transparent process)

Legitimacy

- What is Legitimacy?
  - The public view the police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community
- Legitimacy reflects:
  - Trust and confidence in the police
  - Acceptance of police authority (less confrontation)
  - Police actions are morally correct and appropriate (fairness)

Lawfulness vs. Legitimacy
Are police actions lawful and legitimate?

People are more concerned with how they are treated by the officer than they are about the outcome of the stop. They look for clues that the officer made a decision fairly and without bias.

Teachable Moment?

Skateboard Video --

Baltimore PD

Module 3

Procedural Justice

Procedural Justice

- **What is justice?**
  - The use of authority and power to uphold what is right, fair, or lawful.

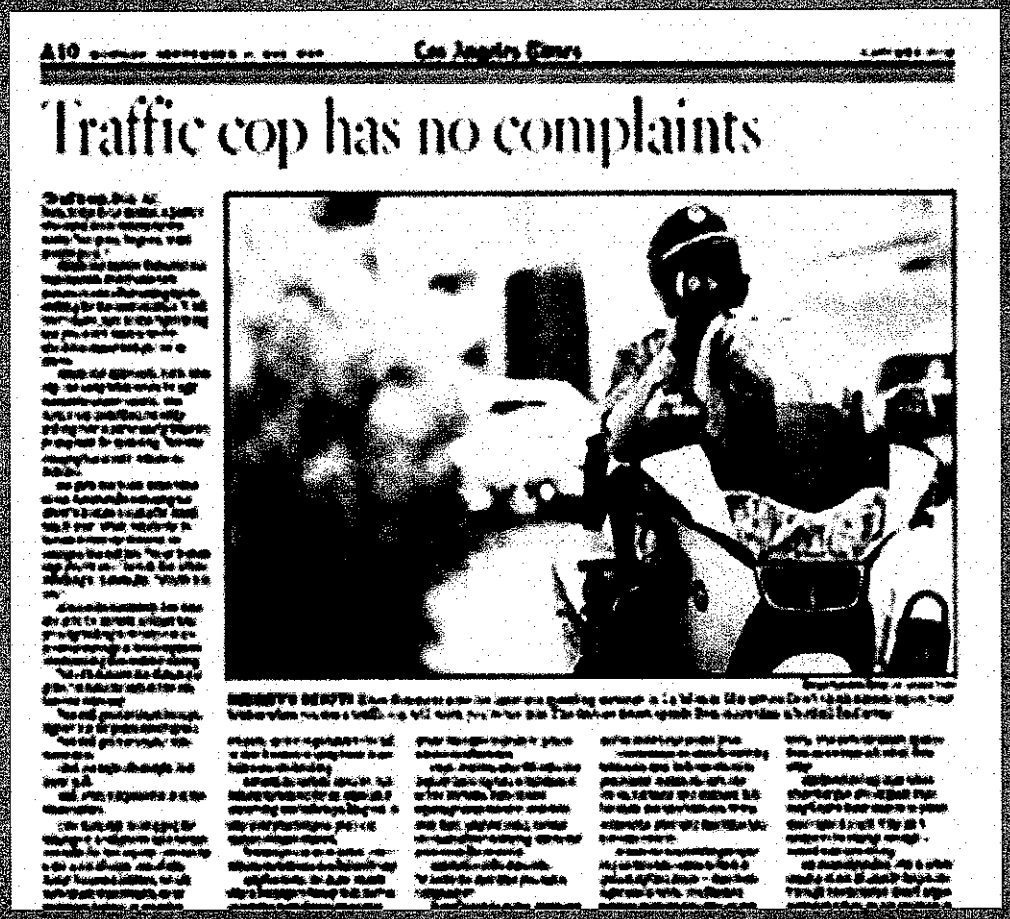
- **Procedural Justice**: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.

Procedural Justice

Citizen's assessment of an experience with the police:

Assessment = Outcome + - + Process

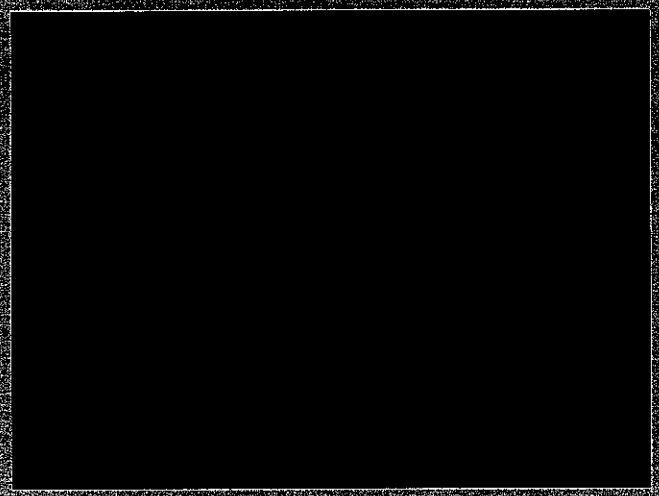
"Do Good, Be Good, Treat People Well."



A10 Los Angeles Times

Traffic cop has no complaints

Procedural Justice in Action – Video



One Good Cop

Illinois State Trooper

Procedural Justice

- Primary issue in how a community views police legitimacy:
  - Are police exercising their authority in a fair, just way?
    - Procedural Justice
- Procedural Justice
  - Research shows Procedural Justice is more important than the outcome of the encounter
  - A positive or negative outcome mostly does not have an affect on legitimacy

Procedural Justice

Procedural Justice -

- Quality of decision making
  - Voice
  - Neutrality (Fair process)
- Quality of treatment
  - Respect for people and their rights
  - Trustworthiness (Transparent process)

Procedural Justice - Voice

- Quality of decision making...Voice
  - Allowing the participant to voice their point of view or offer an explanation
    - Active listening by the officer
      - Allow them to talk
  - Having a voice makes people feel that they are a part of the process and that they have input in the decision, even if it does not impact the decision.

Procedural Justice - Voice

Officer Safety!!!

- People want to be **heard** and **understood**
- **Non-Verbal** communication is as important as Verbal
- The subject's **perception** is what counts, don't argue
- **It's not about you**; It's more about values, feelings, and experiences
- Emotions are universal, experiences are not
- With every story, there is an emotion

Procedural Justice - Voice

- Under stress, non-verbal communication becomes dominant
  - Verbal communication accounts for 7 percent of information communicated
  - Tone and volume account for 38 percent of information communicated
  - Body language accounts for 55 percent of information communicated

Procedural Justice - Voice

- Non-verbal components of communication:
  - Stance
  - Gestures (movements of the body and face)
  - Eye movements
  - Personal attire
  - Motor movements
  - Facial expressions

Procedural Justice - Neutrality

- Quality of decision-making...Neutrality
  - Decision-making that is "neutral"
    - The officer exhibits neutral feelings toward the person
      - Non-verbal cues; What message are you sending?
    - Unbiased decision-making
      - The decision is not based on personal bias;
      - Consistent and Transparent
    - The decision is applied equally to all
      - Allows people to see the decision has been neutral
  - Explaining why a person has been stopped. Explain the process (Transparency).

Labeling

Table Exercise

Part I

Write one word that the police use to describe the people in the areas they work.

Part II

Write one word that area residents use to describe police.

Procedural Justice - Respect

- Quality of treatment...Respect and Dignity
  - Respect for the person, Respect for one's rights
    - Treating a person with dignity validates them as a human being
    - Showing empathy to the importance they place on the issue involving the police

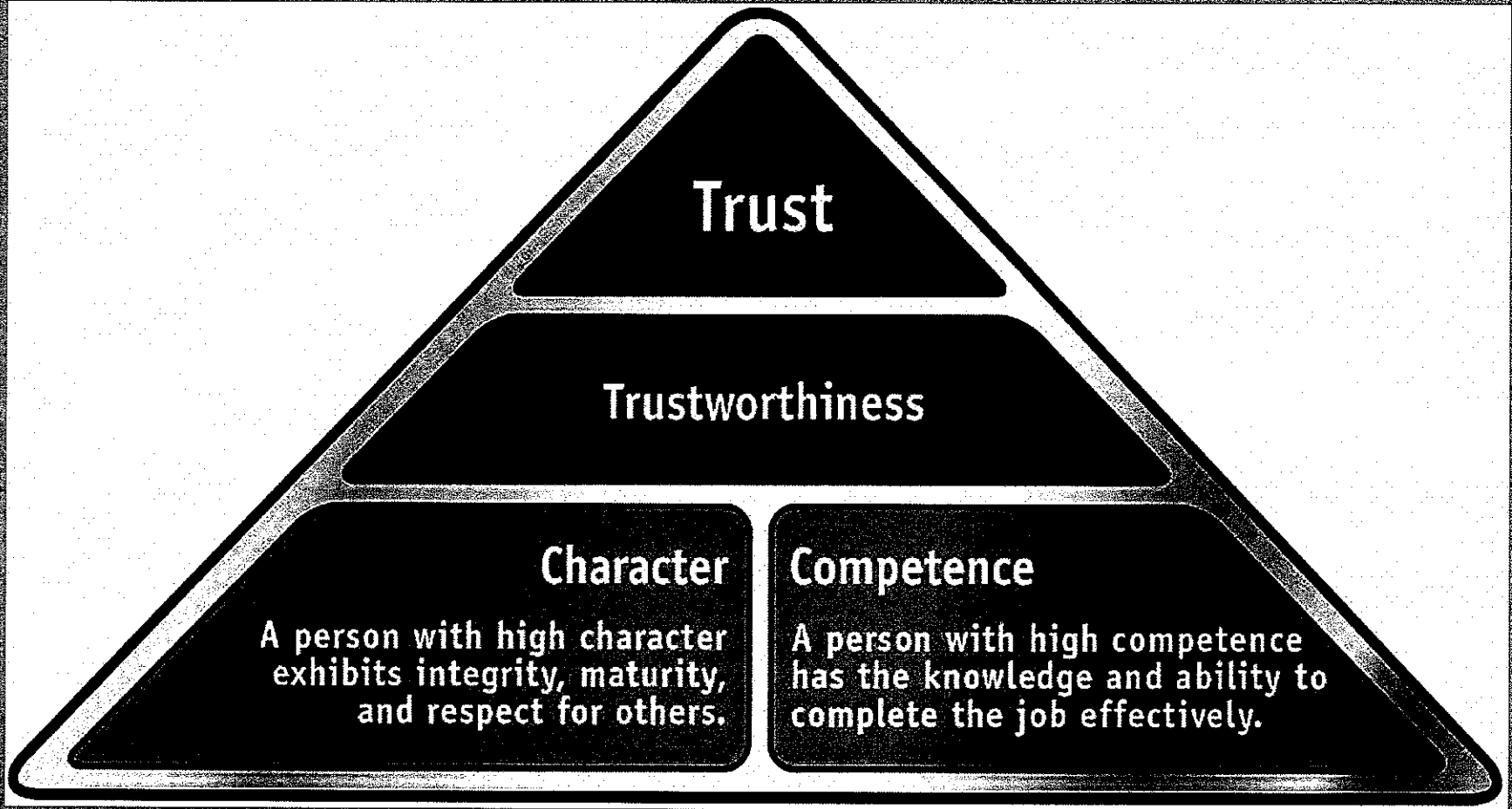
Results in voluntary compliance

Procedural Justice - Trustworthiness

- Quality of treatment leads to Trustworthiness
  - Listening to people
  - Considering their side of the argument
  - Take their needs and concerns into account (Benevolence)
  - Explaining the decision/action
    - Demonstrates that the officer has listened to them and considered their needs and concerns
    - The officer gains legitimacy for himself and the Department
      - Gains compliance

* Doing what is right!

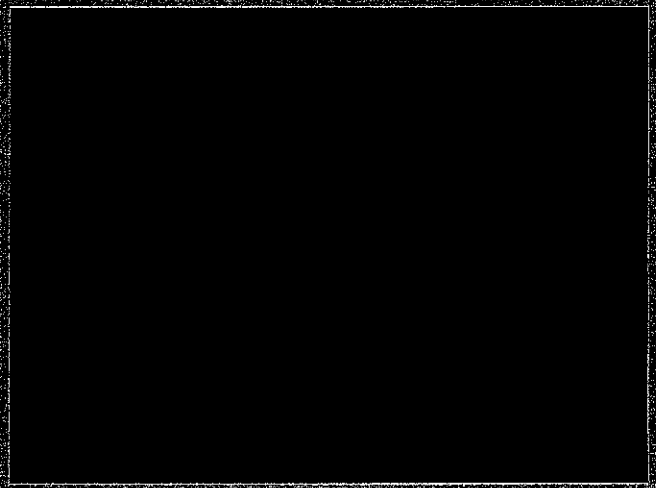
Trustworthiness



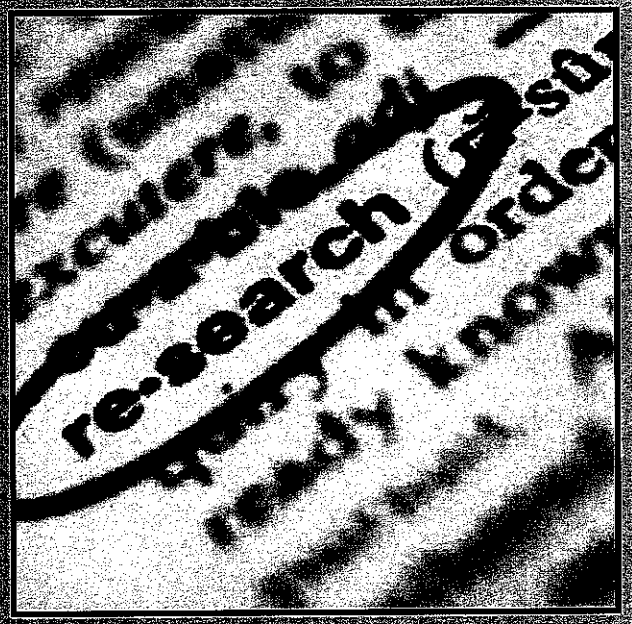
(FranklinCovey, 2005)

Ever Been Stopped?- Video

- Who has been stopped by the police?
- Who has a personal story about a family member being stopped by an officer?



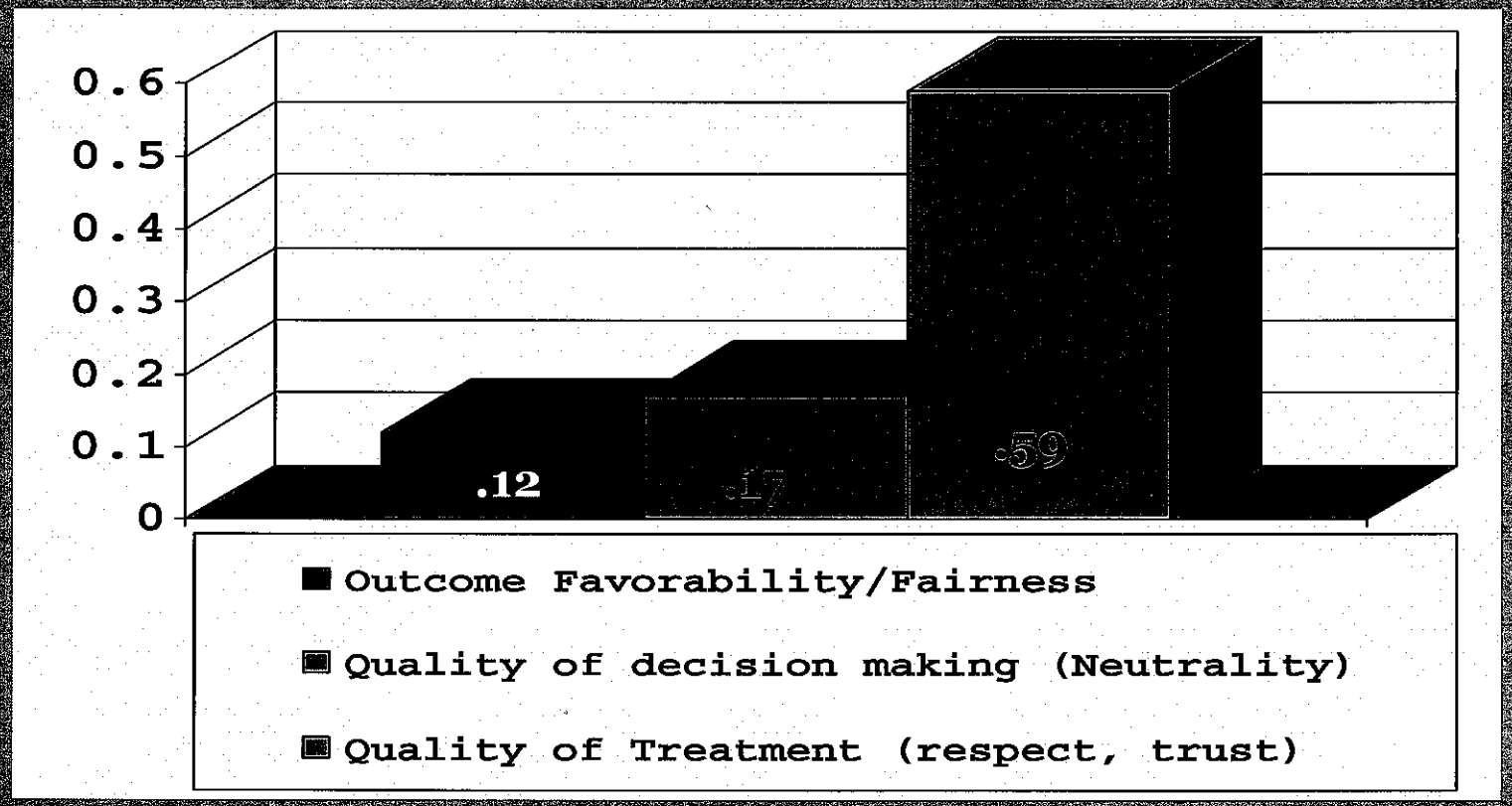
Research Supporting Procedural Justice



- ★ Study of California Street Stops
  - ☑ Conducted in Oakland and Los Angeles
  - ☑ Interviewed 1,656 people who had recent personal experiences with legal authorities

Why Procedural Justice?

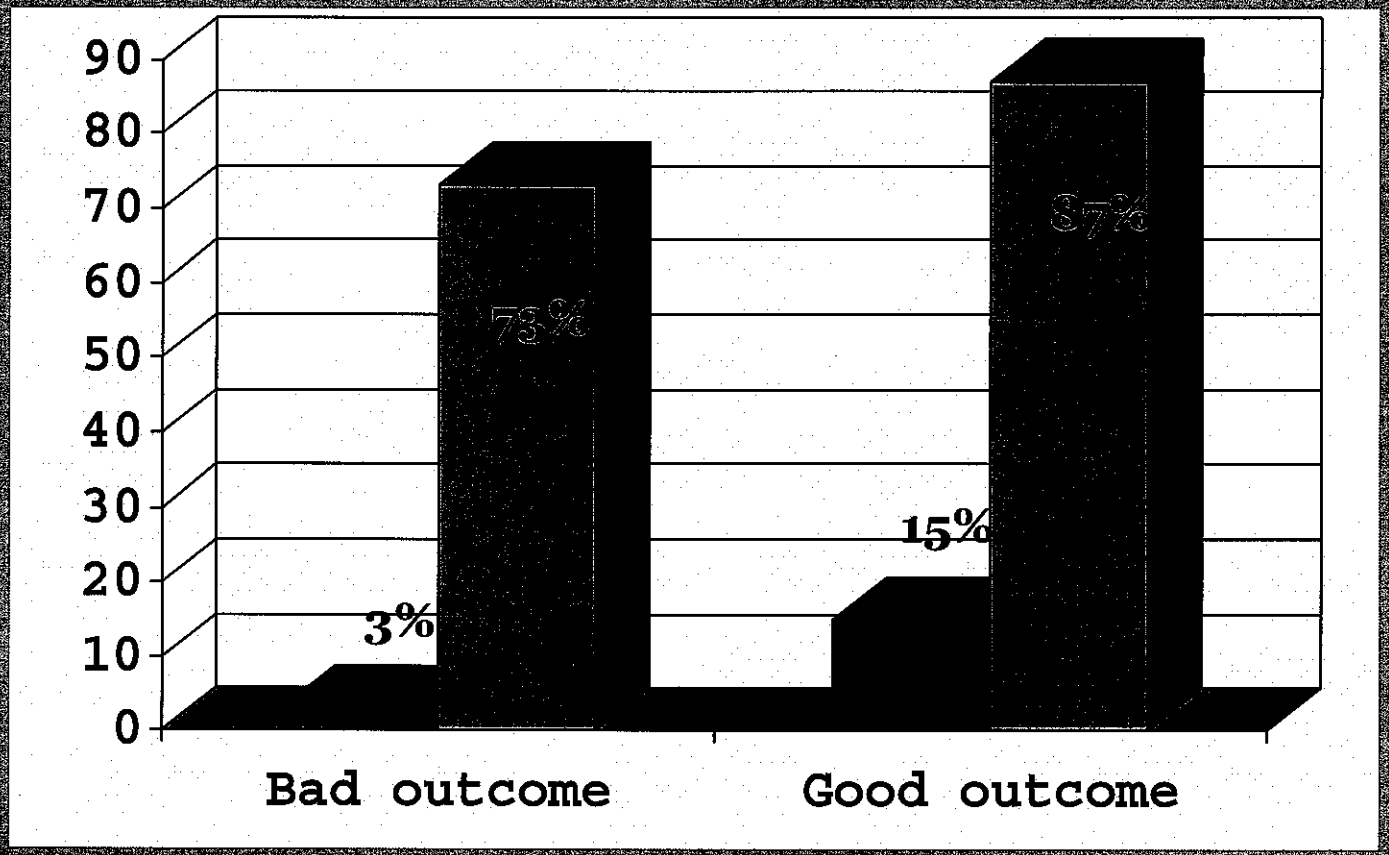
Will the citizen voluntarily accept police decisions?



(Taken from Tyler (2012) concerning street stops in California)

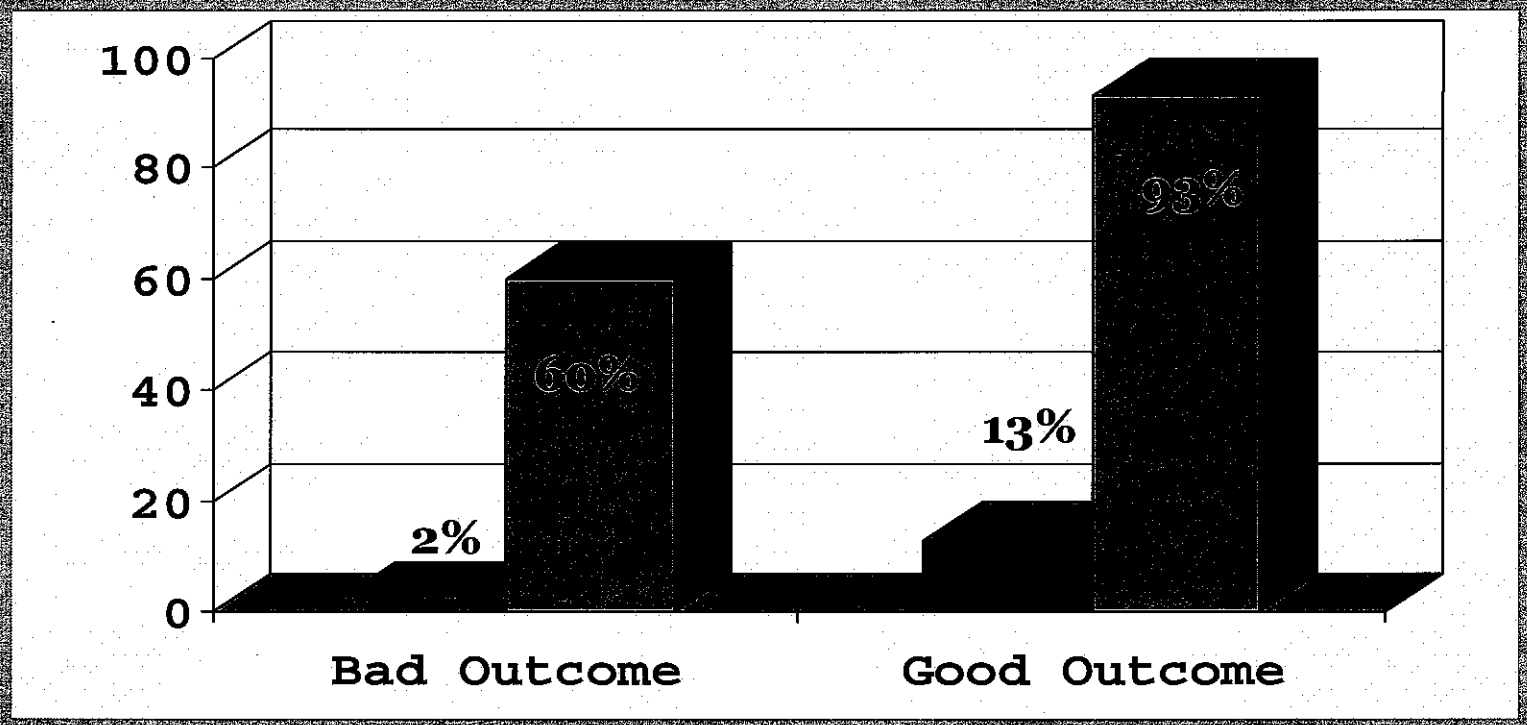
Why Procedural Justice?

Voluntarily accepting police decisions



(Taken from Tyler (2012) concerning street stops in California)

Why Procedural Justice?

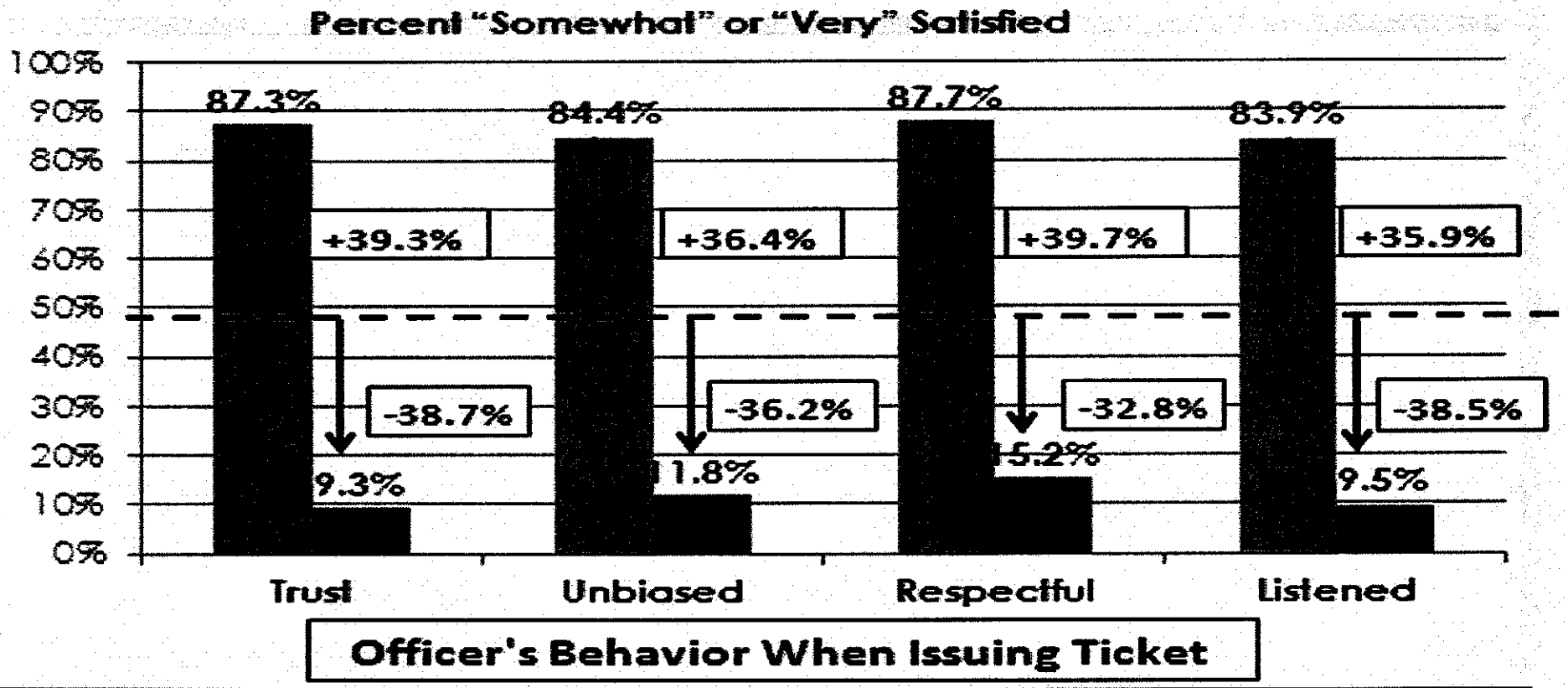


Percentage of citizens expressing satisfaction with police service when calling for help

Tyler (2012)

Research Supporting Procedural Justice

CHICAGO POLICE DEPARTMENT POLICE-COMMUNITY INTERACTION SURVEY (PCIS) RESULTS



Power

- **Power of Control:** Using coercion, threats, force, or the perception of power to gain compliance.
- **Power of Influence:** Using ethical principles to earn people's respect and make a positive difference in their lives. Also, the power to work effectively with others to get a better result.

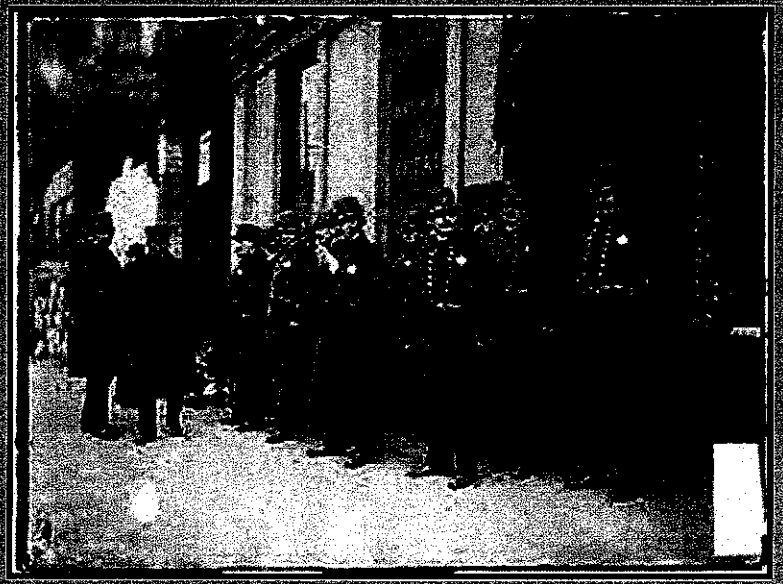
✓ **Procedural Justice leads to Legitimacy...**

THE POWER OF INFLUENCE

FranklinCovey (2009)

Module 4

Historical and Generational Effects of Policing



Historical Effects - Video

A Brief History of Policing in the United States.

By Bonnie Bucqueroux

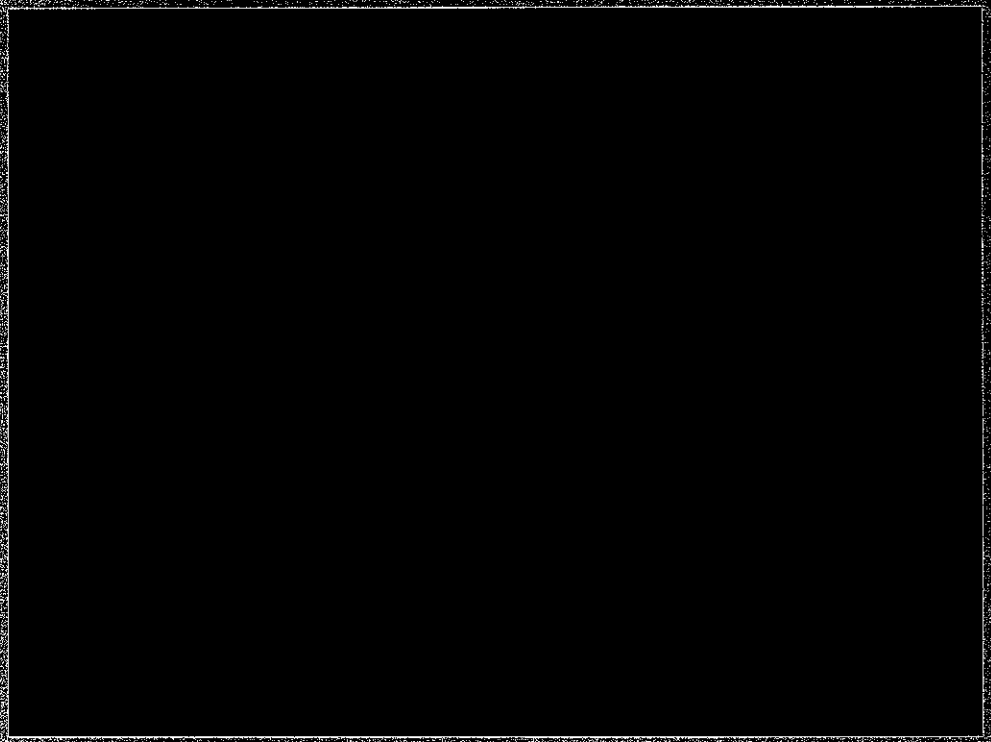
[redacted]

What role does the history of policing play in how the community views police legitimacy?

How Did We Get Here?

* Throughout the world and even in modern times, police are sometimes seen as the enemy of the people.
  - Not to be trusted
  - Part of the establishment
  - Goal to maintain power
  - Or worse?

Building Trust - Video



- Chicago Police building trust (Legitimacy)

Historical Effects – Civil Rights

Community Bank Account

- Community Bank Account
  - Are we making deposits or withdrawals?
  - What is the impact of a withdrawal to YOU? The Department? The community?
- What impact does our policing have on future generations?
  - Procedural Justice is a deposit!

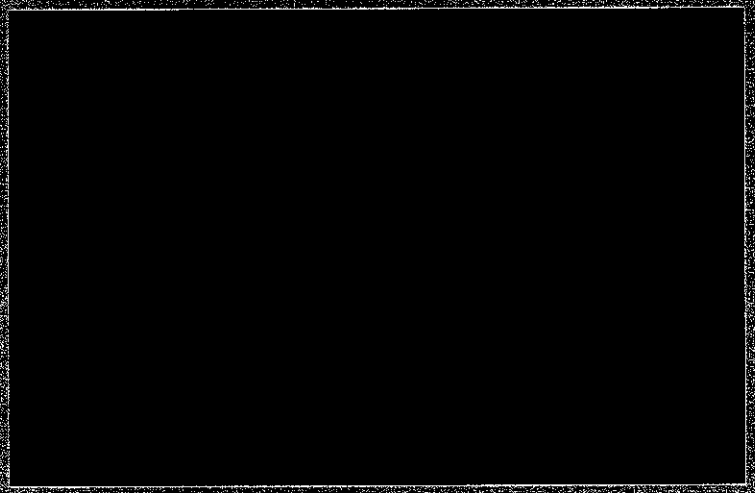
The Runaway – Norman Rockwell

Deposit or Withdrawal?

- Every encounter is either a **deposit** or a **withdrawal**
  - Every contact is an opportunity to increase our legitimacy
  - Are you making a deposit or withdrawal with the way you police?
- How many deposits does it take to make up for a withdrawal?
- Does one encounter affect how future generations view the police?

Deposit or Withdrawal? - Video

What can police officers do to make deposits in the community bank account?

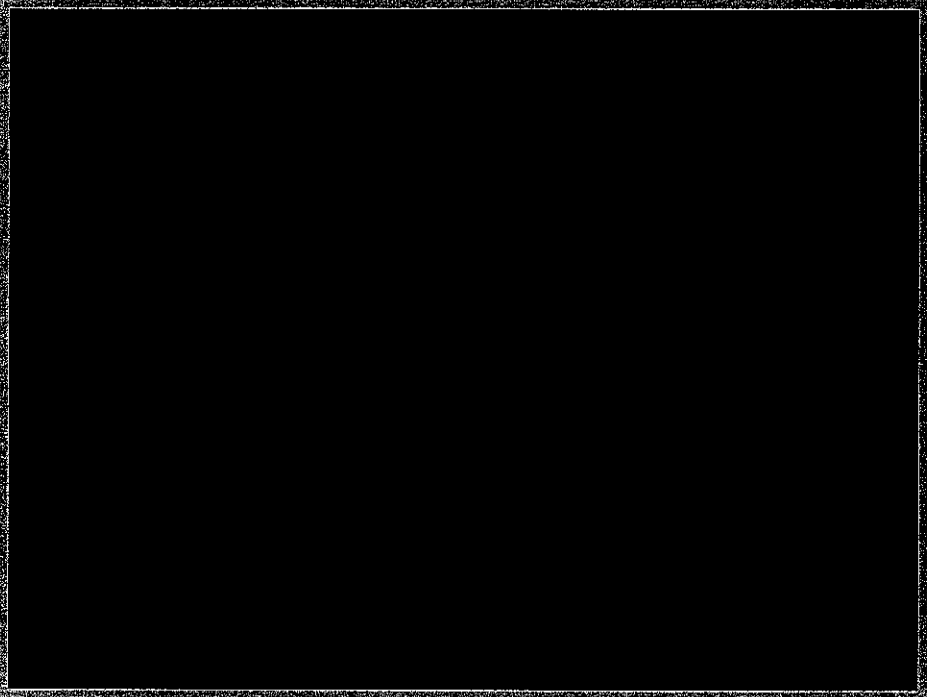


Traffic Stop video (part 2)

Module 5

Procedural Justice At Its Finest

Example of Procedural Justice - Video



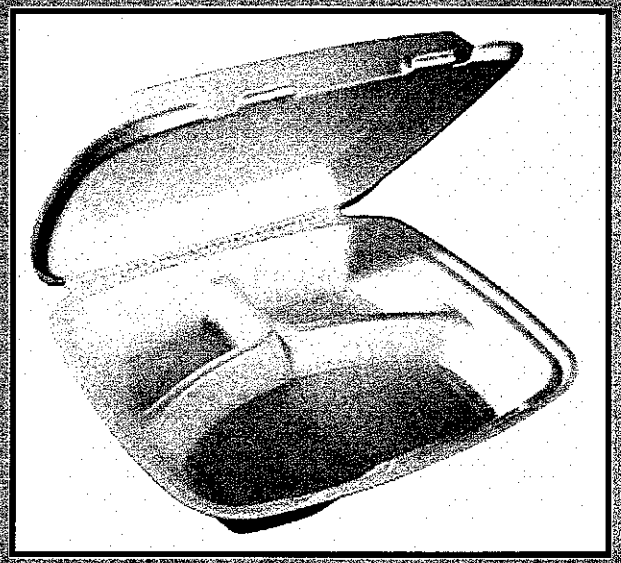
Atlanta P.D.
Drug Bust

Images Are Powerful

- Review the following images.
- Discuss how you perceive the images.
- *Do the images display Procedural Justice leading to Legitimacy?*

Take Away Message

* What can you take away from this class that may benefit you in becoming a more effective police officer and/or person?



Wrapping Up

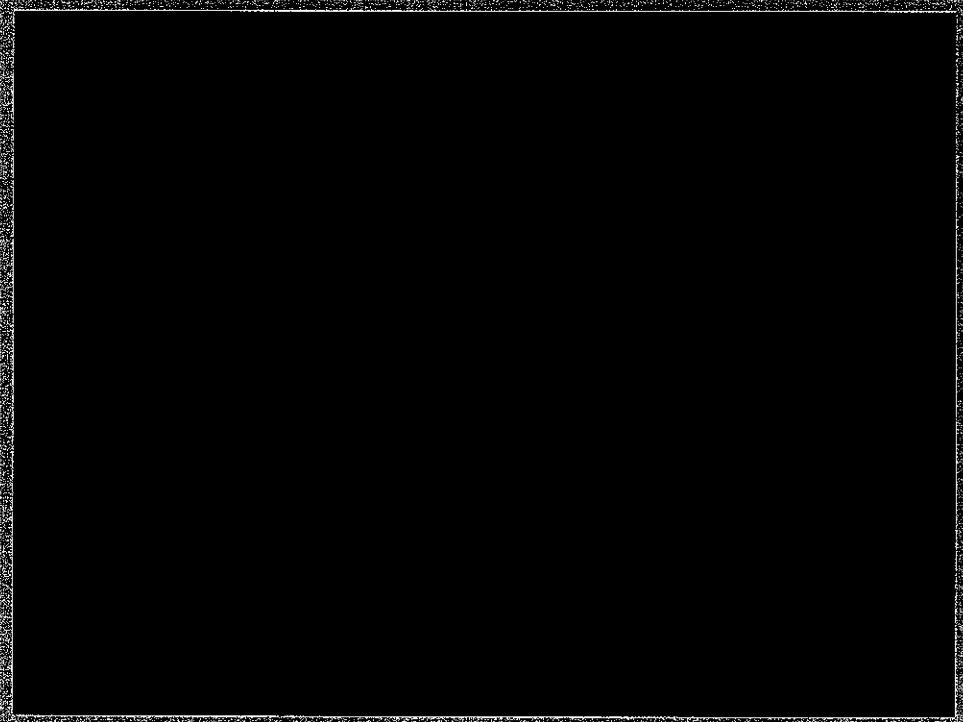
- ☑ Does this make sense?
- ☑ Legitimacy – The perceptions that the public has about the police:
  - ➢ They evaluate our behavior and practices which shape their views and behavior.
  - ➢ Our actions – good and bad – affect Legitimacy
- ☑ Procedural Justice – How we treat people has many effects on how we are viewed by the public.
- ☑ Every encounter is a deposit or withdrawal to the Departments' legitimacy.
- ☑ Don't let your environment define who you are!
- ☑ Procedural Justice leads to Legitimacy.

The Police Department Core Values

- Professionalism:
  - Our on and off duty conduct reflects both the highest standards of police service and personal responsibility.
- Obligation:
  - We serve all citizens equally with fairness, dignity and respect.
- Leadership:
  - Our leadership examples inspire respect for ourselves and admiration for our department.
- Integrity:
  - We are committed to the highest standards of honesty and ethical conduct.
- Courage:
  - We uphold and follow the law in the face of fear, danger and temptation.
- Excellence:
  - We proudly wear the Chicago Police Department star with excellence as our standard.

If we uphold our intrinsic values and practice the Golden Rule, we will build trust and legitimacy among the citizens of Chicago.

Example of Procedural Justice – Video



Funny Kid,
Backseat Arrestee

GOOD DEEDS = GREAT RESULTS

CHICAGO
POLICE

Duration of Instruction

Total Time: 8 Hours

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Materials and Equipment

- Computer with PowerPoint capability
- PowerPoint Slide Presentation
- Proxima Projector and screen

Lesson Goal

The goal of this course is for officers to understand the core concepts of police legitimacy and procedural justice in order to build better relationships within the communities that they serve.

Learning Objectives

By the end of this class, the officers will be able to:

- Define Legitimacy and state how to increase police legitimacy.
- Define Procedural Justice and discuss the benefits.
- Review the relationship between the police and the community
- Understand the role history has played in hindering legitimacy in some communities.

Instructor Note:

- In order for an instructor to teach and facilitate a class on procedural justice and police legitimacy, one must first possess a working knowledge of prior research conducted in this area. For this reason, this lesson plan has been divided into two distinct sections. The first section (titled "Research") provides ample information and data from extant research on the topic of Police Legitimacy. The second section offers a detailed plan on the delivery of material.
- The following represents a brief synopsis of some of the major studies concerning procedural justice and police legitimacy.

I. RESEARCH

The role of procedural justice and legitimacy in shaping public support for policing by Sunshine & Tyler (2003)

In 2003, Sunshine and Tyler stated that legitimacy is a property of an authority that leads people to feel that the authority is entitled to be deferred to and obeyed. It represents an acceptance by people of the need to bring their behavior into line with the dictates of an external authority. The researchers stated that the police gain acceptance when they are viewed by the public as fairly distributing police services across people and communities (distributive fairness).

The procedural justice perspective argues that the legitimacy of the police is linked to public judgments about the fairness of the processes through which the police make decisions and exercise authority. If the public judges that the police exercise their authority using fair procedures, their model suggests that the public will view the police as legitimate and will cooperate with policing efforts. However, unfairness in the exercise of authority will lead to alienation, defiance, and noncooperation.

Since the establishment of the first, formal, full-time police force in the United States, the police have endured numerous challenges to their legitimacy as an institution of social control. Throughout their history, the relationship between the police and the public has been tumultuous. Instances of police misconduct, with recent examples being the police use of force on Rodney King in Los Angeles, the shooting of Amadou Diallo in New York, and the sexual assault on Abner Louima in New York, have long sparked reactions ranging from full-scale riots to public

indictments of police practices and public mistrust of the police (Sunshine and Tyler, 2003).

Sunshine and Tyler (2003) stated that if the public views the police as legitimate, they will be more likely to assist the police with crime prevention (i.e., reporting crime or calling for help). They found that if the police are viewed as legitimate, they are given a wider range of discretion to perform their duties. When they are not viewed as legitimate, their actions are subject to challenge, their decisions are not accepted, and their directives can be ignored.

It has been recognized that the police want more from people than just their willingness to defer to law by limiting their engagement in illegal behavior. The police also want members of the community to engage in proactive behaviors that help the police fight crime. A wide body of research makes clear that people's reactions to their personal experiences with the police are shaped by their evaluations of the fairness of the procedures the police use to exercise their authority. When people view the police as legitimate, they are more likely to voluntarily defer to police action and less likely to challenge it. Further, intrusive police tactics are more widely tolerated by the public when the public trusts the motives that drive those tactics. Greater discretionary authority will enable the police to perform their regulatory role more effectively and efficiently (Sunshine and Tyler, 2003).

A procedural justice-based approach to policing allows the police to focus on controlling crime without alienating the public. Procedural justice-based policing is based on the expectation that, when people view legal authority as legitimate, they voluntarily follow the law. When people view the police as legitimate, they are more likely to call them to report crimes or volunteer their time to work with them in their communities. When the public views the police as legitimate, they are more likely to empower the police to perform their policing duties and less likely to try to circumscribe police activity or limit police discretion. Thus, public evaluations of legitimacy influence the degree to which the police have discretionary authority that they can use to function more effectively because the public is likely to give them more leeway to use their expertise (Sunshine and Tyler, 2003).

Policing based on the process judgment of procedural justice rests on the assumption that people form assessments of legitimacy based more on how the police exercise their authority than on their effectiveness or on how equally police provide assistance to the various communities where they work. This latter aspect of the procedural justice-based model (i.e. the role of procedural justice in shaping legitimacy) is crucial because more often than not, the police cannot provide people with what they want, nor can they control the crime rate. Though they are charged with the responsibility of controlling crime, they only partially control the factors that lead people to become criminals, and the resources may or may not exist for the police to engage in what they

think will be effective strategies of crime control. Thus, the police cannot rely on effectiveness defined in terms of performance. They do, however, have some degree of control over how they exercise their authority when dealing with members of the public. According to the procedural justice-based model of regulation, it is through procedurally just interactions with the public that the police can impact their own legitimacy. Public evaluations of police legitimacy impact people's compliance with law, their willingness to cooperate with and assist the police, and whether the public will empower the police (Sunshine and Tyler, 2003).

Procedural justice during police-citizen encounters by Dai (2007)

Dai (2007) stated that process-based policing is a type of proactive strategy of regulation in which the police are supposed to follow fair procedures during encounters. In this way, the police will increase their effectiveness and, at the same time, build and maintain their legitimacy. It is further suggested that there is a spiraling effect during regulation because legitimacy makes process-based policing more effective in the future. Process-based policing, therefore, has implications for establishing a law-abiding society.

The process-based approach to policing does supply a set of directions for its implementation. It is argued that some key elements of a procedure about the quality of interpersonal treatment and the quality of police decision-making lead a procedure to be viewed as fair. In particular, those elements are that decision making is viewed as being neutral, consistent, rule-based, and without bias; that people are treated with dignity and respect and their rights are acknowledged; and that they have an opportunity to participate in the situation by explaining their perspective and indicating their views about how problems should be resolved. In fact, by doing so, this process-based perspective is taking fairness as an objective fact about these procedures rather than an individual judgment about them (Dai, 2007).

The Legitimacy of Police Among Young African-American Men by Meares (2009)

Meares (2009) argues that the police have a unique opportunity to make a difference in the lives of young African-American men. Police officers are members of the government agency with which poorly educated, young African-American men as a group of people are likely to have the most contact outside of public school officials. It is true that police officers provide young African-American men with many opportunities to shape negative opinions of law enforcement. However, this observation leads to the prospect of its opposite. Police officers as state officials have more opportunities than most state agents to make a positive difference.

Meares (2009) states that positive experiences lead to positive evaluations of police legitimacy at a later date. This occurs even when the relevant experience that the respondent had with the police led to a negative outcome. It might seem strange to say that one could have both a positive experience and a negative outcome, but there is a psychological theory that helps to make the point more clear. That theory is centered on the notion of legitimacy, and to explain what it means, it is useful to ask the following question: Why do people obey the law? Many people believe that people obey the law because they fear the consequences of failing to do so. The theory is simple and lies in deterrence theory. Deterrence theorists believe that people rationally maximize their utility and shape their behavior in response to incentives and penalties in the criminal code. If the cost of breaking the law becomes high enough because sentences are long, or because the likelihood of getting caught increases, then people will choose to obey rather than break the law.

Social psychologists have offered a different view that will likely resonate with people. Social psychologists point to normative bases for compliance rather than instrumental ones, and they have connected voluntary compliance with the law to the fact that individuals believe that the law is just or that the authority enforcing the law has the right to do so. These factors are considered normative; individuals respond to them differently from the way they respond to rewards and punishments. In contrast to the individual who complies with the law because he/she is responding to externally imposed punishments, the individual who complies for normative reasons does so because he/she feels an internal obligation. It is the suggestion that citizens will voluntarily act against their self-interest that is the key to the social value of normative influences (Meares, 2009).

The next question is to ask what it means to say that people will comply because they believe an authority has the right to dictate to them proper behavior. This is the essence of legitimacy. Social psychologists have helpfully tied together an explanation of governmental legitimacy to thought processes that people undertake when evaluating official behavior and actions. Procedures that all parties regard as fair facilitate positive relations among group members and preserve the fabric of society even in the face of conflicts of interest that exist in any group whose members have different preference structures and different beliefs concerning how the group should manage its affairs. Putting this point another way, procedures might be considered more trait-like than outcomes, which are variable, or which may be extremely indeterminate in a particular case. While it may not be obvious how a particular case should come out, it is almost always clear how parties should proceed and be treated in that particular case (Meares, 2009).

Researchers offer views regarding how people connect their treatment by government officials to

assessments of social value. Individuals focus on three factors: standing, neutrality, and trust. By *standing*, researchers are referring to indications that the authority recognizes an individual's status and membership in a valued group, such as polite treatment and treatment that accords dignity and respect, such as concern for rights. *Neutrality* refers to indications to the perceiver that she is not being made to feel less worthy than others because of an authority's bias, discrimination, or incompetence. And *trust* refers to the extent to which a perceiver believes that the authority in question will act fairly and benevolently in the future. Of course, individuals making assessments do not disaggregate them in terms of these factors; rather, they come to conclusions regarding authorities by considering information that is *relevant* to these factors. A legitimacy-based program of law enforcement will focus more on persuasion than it will focus on punishment. And to achieve persuasion, authorities will have to pay attention to the creation of the necessary social capital that engenders trusting relationships between governors and the governed (Meares, 2009).

Legitimacy in law enforcement is not just a nascent strategy. It is a movement. It is movement with the potential to transform the way this nation does law enforcement, achieves community safety, and heals longstanding rifts between police and minority communities. It is, in short, about nothing less than ensuring domestic tranquility (Meares, 2009).

Mechanisms of legal effect: Theories of procedural justice by Tyler & Mentovich (2011)

Tyler and Mentovich (2011) state that the issue of legitimacy is widely studied in the arena of law, and it is clear both that the legitimacy of legal authorities and of the law itself shapes law related behavior. Legitimacy is a quality that is possessed by an authority, a law, or an institution that leads others to feel obligated to accept its directives. When people ascribe legitimacy to the system that governs them, they become willing subjects whose behavior is strongly influenced by official (and unofficial) doctrine.

Procedures are mechanisms for making decisions. When thinking about those mechanisms, people evaluate fairness along several dimensions. First, do they have opportunities for input before decisions are made? Second, are decisions made following understandable and transparent rules? Third, are decision-making bodies acting neutrally, basing their decisions upon objective information and appropriate criteria, rather than acting out of personal prejudices and biases? Fourth, are the rules applied consistently across people and over time? (Tyler and Mentovich, 2011).

The quality of interpersonal treatment is found to be very important. It involves the manner in

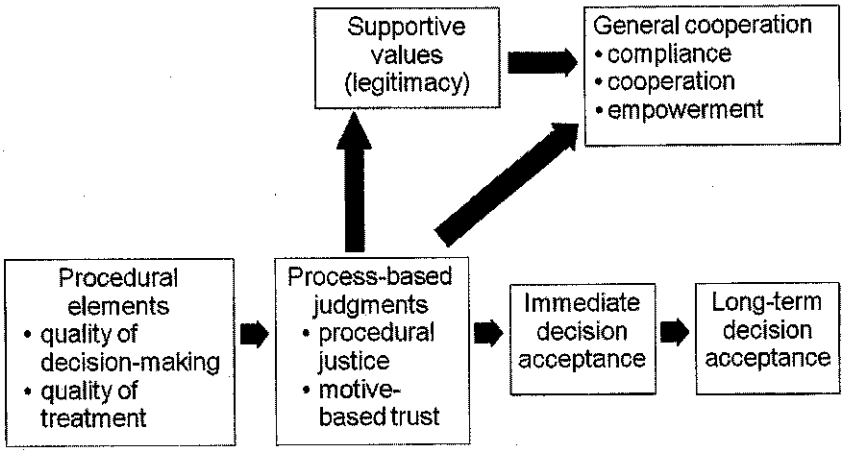
which people are treated during a decision-making process. First, are people's rights respected? For example, do authorities follow the rules consistently and correctly? Second, is their right as a person to be treated politely and with dignity acknowledged, and does such treatment occur? Third, do authorities consider people's input when making decisions, and are decision-makers concerned about people's needs and concerns when they make decisions? Finally, do authorities account for their actions by giving honest explanations about what they have decided and why they made their decisions? Do they make clear that they have considered people's arguments and why they can or cannot do as people want? Judgments about the character and motivation of the decision-maker (issues of trust in the intentions of others) are conceptualized in the procedural justice literature as a distinct aspect of interpersonal treatment. So, in the procedural justice literature, trust in intentions (motive-based trust) is usually framed as being a component of procedural justice (Tyler and Mentovich, 2011).

Beyond procedural justice: A dialogic approach to legitimacy in criminal justice by Bottoms & Tankebe (2012)

Bottoms and Tankebe (2012) state that it is the perceived procedural fairness of law enforcement authorities, rather than the favorability or the perceived fairness of the outcome of the citizen's encounter, that is particularly important in shaping respondents' subsequent compliance.

Bottoms and Tankebe (2012) state that the concept of procedural justice is divided into two components. These are, first, whether citizens are treated fairly when law enforcement authorities make decisions about them (for example, by being allowed to have their say, without interruption or harassment, prior to a decision being made: "quality of decision making"); and secondly, whether law enforcement officers treat citizens with proper respect as human beings, each with his or her own needs for dignity, privacy, and so on ("quality of treatment"). Procedural fairness, if present, is more likely to lead to (1) immediate decision acceptance, and (2) an initial ascription of legitimacy to the law enforcement authority. The degree that people do regard the police and courts as legitimate, they are more willing to accept the directives and decisions of the police and courts, and the likelihood of defiance, hostility, and resistance is diminished. Authority is legitimate when people believe that the decisions made and rules enacted by that authority or institution are in some way 'right' or 'proper' and ought to be followed.

Model of "Process-Based Regulation"



II. LESSON

How to Facilitate This Course Successfully (FranklinCovey, 2009)

Provide a Safe Learning Environment

- Set a positive tone and create an atmosphere where it's safe to share ideas.
- Guide group discussions in order to avoid inappropriate personal comments, unconstructive criticism, or hurtful remarks.
- Don't let a few people monopolize discussions. Make sure everyone is involved in the exercises and discussions.
- Don't ask a question and then call on an individual to answer it. Ask your question and then ask if anyone has a suggestion or an answer. If your group is quiet, they may prefer opportunities to address questions at their individual table groups and share highlights with the large group.

Timing and Pace

- Stay within specified time limits as closely as possible to ensure ample time for completing all sections of the course.
- Keep the pace of the program energetic and interesting.

Breaks

- Provide breaks to maintain participants' energy and interest.

Modeling and Personalizing

- You will increase the power of your teaching to the degree you model the habits of procedural justice. What you are will be as powerful in the eyes of your participants as what you say.
- Sharing your own experiences and viewpoint will also increase the impact of your teaching. Use powerful personal stories to illustrate the concepts from your own experience.
- Make the learning as interactive as possible and avoid lecturing too much.
- Vary the activities. Let participants work as individuals, in pairs, in table groups, or with randomly selected teams, as room size and the number of participants allow.
- Remember to set up and debrief videos appropriately and do not just show them. To debrief a video, seek insights from participants on what they learned.

Introduction

At the outset of the class, the instructor(s) should introduce himself or herself, welcome the learners to the class, and provide a brief overview of the course of instruction.

Instructor Note:
- Slide 1: Introduction
- Slide 2: Housekeeping

Housekeeping

Review a few of the housekeeping rules.

- Please silence cell phones…*there will be plenty of time to check your messages!*
- Everyone has something to offer, so be respectful of the opinions of others.
- Have an open mind!

Instructor Note:
- Slide 3: Welcome video
- Slide 4: Objectives

State the Learning Objectives

- Define Legitimacy and state how to increase Police Legitimacy.
- Define Procedural Justice and discuss the benefits.
- Review the relationship between the police and the community
- Understand the role history has played in hindering legitimacy in some communities.

MODULE ONE
The Interactive Nature between Procedural Justice, Legitimacy, and Goals in Policing

Instructor Note:
- Slide 5: Module 1
- Slide 6: Definitions
- Slide 7: Example of PJ Video (Spokane, WA – Taser Incident)
- Slide 8: Procedural Justice affects legitimacy

Define Procedural Justice

Procedural Justice: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.

Define Legitimacy

Legitimacy: The public view the police as entitled to exercise their authority in order to maintain social order, manage conflicts, and solve problems in the community.

Spokane, WA – Taser Incident Video

Show example of Procedural Justice video with the Spokane Washington police officer taser incident. Set up video and debrief. Even though the officers are dealing with an active resister (pulling arms away from the officers and stiffening arms), the officers continually treat the resister with respect and professionalism in order to accomplish their objective (arresting the subject).

Procedural Justice affects Legitimacy

Policing based on the process judgment of procedural justice rests on the assumption that people form assessments of legitimacy based on how the police exercise their authority. When police officers give citizens a voice (listen) and are objective and respectful, police officers gain the trust of the citizenry. The procedural justice process of fairness and respect leads citizens to view the police as legitimate and trustworthy.

Instructor Note:
- Slide 9: Why are we here?

When utilizing procedural justice and gaining legitimacy, police officers benefit because:

- Safety increases (i.e. Not having to fight as often)
- Stress levels lower (i.e. When everyone treats people with decency, we can be happier and more pleasant at work and at home)
- There are fewer complainants (i.e. By talking to others professionally, we can receive fewer complaints)
- There is greater Cooperation from citizens (i.e. When we build rapport with the community by utilizing procedural justice, we are more likely to gain information about crime that is occurring in the community)
- Voluntary compliance is gained from citizens (i.e. When we treat others how we want to be treated, the police are more likely to walk offenders into a pair of handcuffs)
- Crime is reduced (i.e. When talking to others in the proper manner, there is greater likelihood that there will be less aggravated batteries on police officers)

Instructor Note:
- Slide 10: What are "our goals" in policing?

Instructor Note:
- After introducing the learners to procedural justice and legitimacy, ask the learners what their goals are as police officers. Instructors need to emphasize how the concepts of Procedural Justice and Legitimacy will help to achieve their goals. Procedural Justice, Legitimacy, and police officer's goals are interactive in nature.

EXERCISE

What are "our goals" in policing? Have the learners work as a group and list what their goals are as police officers. Many of the answers will be the following:

- Maintain social order
- Prevent crime, stop crime (To be fair and impartial)
- Ensure constitutional rights
- Safety, effectiveness, support
- Protect and serve the public
- Generate and hold public trust

Again, emphasize how the concepts of Procedural Justice and Legitimacy will help to achieve their goals in policing.

Instructor Note:
- Slide 11: The Chicago Police Department Mission Statement

The Chicago Police Department Mission Statement

Next, examine the Chicago Police mission statement and point out the similarities between their individual goals and the agency's goals. Emphasize how the concepts of procedural justice and legitimacy will help to achieve agency goals.

"The Chicago Police Department, as part of and empowered by the community, is committed to protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially. We will provide quality police service in partnership with other members of the community. To fulfill our mission, we will strive to attain the highest degree of ethical behavior and professional conduct at all times."

END OF MODULE ONE

MODULE TWO
Expectations and Legitimacy

Instructor Note:
- Slide 12: Module 2

Instructor Note:
- Slide 13: Sir Robert Peel

In 1829, Sir Robert Peel wrote his famous "Nine Principles of Policing." It is important to point out that one of Peel's Principles states that the police should always have a relationship with the public that gives reality to the tradition that the police are the public and the public are the police (Josephson, 2007). Emphasize that the police are members of the community and that we gain our authority from citizens in a democracy. We are paid to serve the public interests.

Instructor Note:
- Slide 14: Video – "This is what a mustache looks like!"

Concerning the "Mustache Video," emphasize that we are all people who like to joke around and have fun even in tense moments. Reasonable people can find common ground.

The video is intended to show how both officer safety and public trust increases when the public views the police as legitimate in their right to exercise control and authority. The video (from a NATO protest) shows a lighthearted moment between protesters and the police. Debrief the video by explaining to the class that despite heightened tensions and the protest at Cermak and Michigan earlier that day, the public viewed police actions throughout the NATO protests as legitimate and just. As a result, it helped make this lighthearted moment possible through the police display of professionalism and public trust being high.

Instructor Note:
- Slide 15: The Golden Rule

The community and the police expect many of the same things from each other. The underlying fundamental concept that needs to be talked about is the Golden Rule. Asking the question, "How would I like to be treated in this situation?" is an integrity guideline for any situation. The Golden Rule divides cultural and religious boundaries and is accepted by most people throughout the world. It can be used to create common ground with any reasonable person (Maxwell, 2005).

Instructor Note:
- Slide 16: Cynacism
- Slide 17: Us Vs. Them

CYNACISM

Modern cynicism, as a product of mass society, is a distrust toward professed ethical and social values, especially when there are high expectations concerning society, institutions and authorities which are unfulfilled. Cynicism can manifest itself as a result of frustration, disillusionment, and distrust. It is perceived as due to organizations, authorities, and other aspects of society. A cynic expects nothing but the worst in human behavior. Cynicism is the antithesis of idealism, truth, and justice - which are the virtues that police officers swear to uphold.

The cynic is not a realist. Realists are never disappointed in life because they expect so little of it. The cynic's disappointment—so many police officers' disappointment—comes from their fatal love of virtue (The Cynic's Sanctuary).

Cynacism is a reason why some police officers may not agree with the tenets of procedural justice and police legitimacy. This topic should be addressed in order to help police officers understand where some of their beliefs may come from and realize the benefits of procedural justice and police legitimacy.

Kevin Gilmartin (2002) states that the police deal with 3-6 percent of the population daily. The 3-6 percent of the population that the police deal with are the people who normally commit crimes. The police rarely deal with the 94-97 percent of the population who do not commit crimes and are law abiding citizens. The percentages are based on the U.S. prison population Vs. the U.S. population. Police officers, over time, see the people and world they work in as the "Real World" in contrast to the world that everyone else lives in. This leads to an us Vs. them mentality.

Instructor Note:
- Slide 18-20: Expectations Exercise

EXERCISE

Do the expectations exercise. Split the learners into two groups and ask:

- What does the community EXPECT from police officers?
  - Group 1
- What do police officers EXPECT from the community?
  - Group 2

The learners should create their own list in order to answer the above questions. A facilitation of the commonalities should be discussed. Additionally, instructors should address whether or not the expectations are being met by both parties.

You will receive answers from group 1 similar to the following. The community expects:

- Service, Protection
  - Peace Keeper
- Lawfulness
  - Enforce Laws
  - Exemplary Behavior
- Fairness
  - Impartial process
  - Unbiased policing
- Partnership
  - Respect
  - To solve problems
- Trust

You will receive answers from group 2similar to the following. The police expect:

- Acceptance of our authority
- Compliance

With the laws
Orders

- Cooperation
- Information
  Informant acquisition
- Responsibility
- Respect
- Trust

Instructor Note:
- Slide 21: How can the community and police work together to fight crime?

How can the community and police work together to fight crime?

- ASK: Can the police fight crime without the community?
- Procedural justice and legitimacy lead to the community helping the police.

Discussion points: We need the community to solve and prevent crime. How do we build that relationship? We build that relationship through police legitimacy. DISCUSS: Will more officers on the street solve all the problems? DISCUSS: What will increase the Department's legitimacy? Procedural Justice will increase the Department's legitimacy.

Instructor Note:
- Slide 22: Why do people obey the law?

Why do people obey the Law?

Deterrence: Many people believe that people obey the law because they fear the consequences of failing to do so. The theory is simple and lies in deterrence theory. Deterrence theorists believe that people rationally maximize their utility and shape their behavior in response to incentives and penalties in the criminal code. If the cost of breaking the law becomes high enough because sentences are long, or because the likelihood of getting caught increases, then people will choose to obey rather than break the law (Meares, 2009). Deterrence can be expensive because of the court and incarceration costs. Also, for deterrence to be effective, the state must follow through

with the penalties/punishment. Lastly, it has been shown that harsher penalties do not always change behavior and make people obey the law.

Some people obey the law and lawful authorities because it is the right thing to do. They believe that the police have the right to tell them what to do. This stems from Public Trust and Legitimacy. Research shows overwhelmingly that most people obey the law and legal authorities because it is the right thing to do and they feel that the authorities are legitimate.

Legitimacy is the community's view and perception of the police. Procedural Justice is a ways to increase legitimacy. This concept is not new and the police have all had in-service classes similar to this topic. The gains/benefits of procedural justice and legitimacy are greater officer safety, a lower lever of resistance, acceptance of police decisions, and less use of "threats of force" for control.

Instructor Note:
- Slides 23-24: Legitimacy

Legitimacy
The police gain legitimacy through Procedural Justice. The four principles of Procedural Justice and Legitimacy are:

- Give people a Voice (Listen)
- Neutrality (Be fair)
- Respectful treatment (Be respectful)
- Trustworthiness comes from a Fair and transparent process
  - Explain the reason for the decision or actions

The public view the police as entitled to exercise their authority in order to maintain social order, manage conflicts, and solve problems in the community.

Legitimacy reflects trust and confidence in the police, acceptance of police authority (less confrontation), and views police actions as morally correct and appropriate (fairness).

Legitimacy is beneficial to the police because it promotes decision acceptance, desirable public behaviors (self regulation), compliance with the law, and cooperation with the police.
All of the above promote officer safety and public TRUST

Instructor Note:
- Slide 25: Lawfulness vs. Legitimacy

Lawfulness vs. Legitimacy: Are police actions lawful and legitimate?

The below is a summation of how Meares (2010) explains the east, west, north, south diagram and its relation to lawfulness and legitimacy.

Lawfulness, what is it? Citizens want police to be as lawful as possible. Citizens want the police to abide by the rules that authorize their behavior. That is, if a police officer is going to arrest someone, they can't unless there's a criminal law that says that whatever conduct the person is engaged in is prohibited. Citizens expect the police to conform with the regulatory rules of the agency or the administrative rules. That would be the standard operating procedures, the general orders of the agency. And citizens also expect policing agencies to conform with constitutional law, like the Fourth Amendment, the Fifth Amendment, the Sixth Amendment. And if citizens think about it in that way, they could say something like, "If police are as lawful as they could possibly be, they're headed east, and if they're not, they head west." So the wild, wild, west is unlawful and east, lawful.

It's important to understand that stops can be costly, even when they are lawful and constitutional. People don't automatically approve of a stop just because a police officer is legally entitled to make it. People typically care much more about how they're treated by police officers than they care about the particular outcome of the contact; that is, whether they are arrested or not. This may sound a little bit counterintuitive, but it's not. Research shows that people care about being treated with dignity and respect. And when encountering police officers, they typically look for behavioral signals that allow them to assess whether the officer's decision to arrest them was made accurately and without bias.

So what do people care about? Legitimacy is the belief that police are trustworthy, honest, and concerned about the well being of the people that they deal with, and when this is true, that police authority ought to be accepted. People should voluntarily accept police decisions, follow police directives, comply with the law, and cooperate with the police when they view the police as legitimate. If these things are true, if you have lawfulness on the one hand and legitimacy on the other, then what the police should want is to be as lawful and legitimate as possible. Where you don't want to be is in the Southwest; where you do want to be is in the Northeast (Meares, 2010).

Instructor Note:
- Slide 26: Teachable moment?

End this module with a video that shows a Baltimore police officer's interactions with children who are skateboarding. Debrief the video: discuss the officer's approach, demeanor, body language, tone, and volume of voice (This is a precursor into the next module of procedural justice). Question - Were his actions appropriate? Did this help the police to gain legitimacy?

END OF MODULE TWO

MODULE THREE
Procedural Justice

Instructor Note:
- Slide 27: Module 3
- Slides 28: Procedural Justice
- Slide 29: A = O + P
- Slide 30: Do good, be good, treat people well
- Slide 31: Procedural Justice in Action – One Good Cop Video
- Slides 32-33: Procedural Justice

ASK: **What is justice?**

Justice is the use of authority and power to uphold what is right, fair, or lawful.

Let's use this working definition of justice: "the use of authority and power to uphold what is right, just, or lawful." So, ensuring justice is ensuring fundamental fairness and equity. Ensuring justice doesn't always mean enforcing the law. It also means taking actions that serve the greater good. Here's a problem that prevents some police officers from seeing our profession as a noble calling: When police officers are asked to define justice, very few can articulate it. If we can't articulate it, how can we understand it? Even more important, how can we ensure justice on the streets every day? (FranklinCovey, 2009).

Procedural justice: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.

The primary issue in how a community views police legitimacy is if the police are exercising their authority in a fair and just way?

Procedural Justice research shows that it is more important than the outcome of the encounter. A positive or negative outcome mostly does not have an affect on legitimacy.

The 4 principles of Procedural Justice are broken into 2 parts by researcher Tom Tyler. The first is the quality of decision making or how an officer makes his/her decision. That is broken down into (1) Voice - allowing a person to talk and give a reason for their actions and (2) Neutrality -

the decision is fair, impartial, and objective. The second part is the Quality of treatment or how the police treat people. That is broken down into (3) Respect for people and their rights and (4) trustworthiness, which is gained by providing a transparent process.

Procedural Justice Formula

An easy way to remember the research findings behind Procedural Justice is to use the simple formula: A = O + P. A citizen's overall assessment of their interaction with the police (A) – whether positive or negative – depends on more than just the outcome (O). It is largely influenced by the citizen's perception of the way they were treated – in other words, the process used by the police (P). An outcome is defined as either negative (citizen received citation, physically arrested, etc.) or positive (citizen received no citation, was not arrested, etc.). Regardless, extant research indicates that the process used (i.e., fair or unfair treatment) is by far more important than the outcome. This is the key finding in understanding the concept of Procedural Justice in policing.

An example of A=O+P is Los Angeles County Deputy Elton Simmons. See the below article from the Los Angeles Times.

"Along with meter maids and IRS auditors, traffic cops may be the public servants most reviled just for doing their jobs. So perhaps it's inevitable that even the best will get a few citizen complaints filed against them from time to time. But when Los Angeles County sheriff's supervisors recently checked the numbers over the last 20 years for one of their veteran traffic cops, what they found shocked them. The number of complaints? Zero. None. Nada. Deputy Elton Simmons' bosses say such a record is near-impossible, that even good cops can get a few a year. The hulking, black-booted Simmons attributes his lack of complaints to showing simple respect. "Just treat people right, give a smile," Simmons says. "It's never 'Do you know why I stopped you?' It's 'Hey, how are you doing today?'" Simmons originally came to California as a young man to work for Hughes Aircraft, but cop shows like "CHIPS" stoked his interest in becoming a motor deputy. "You'd see it on TV and I was like 'I want to do that. "Now 53, his mustache graying, he's one of the department's most seasoned motor cops. For years, he's patrolled the streets of La Mirada, cracking down on bad drivers — always careful, he says, to try to make doling out the costly moving violations as pleasant as possible. His easygoing manner was cultivated by an uncle back home in Louisiana, a pastor who instilled in Simmons the motto "Do good, be good, treat people good. "Simmons says he thinks about that mantra every time he's parked in one of his hiding spots, waiting for the next violator. "I tell the rookies, just do the right thing and you don't have to worry about too many things," he explains. Simmons' approach, his bosses say, can keep what could be ugly moments under control. The motor cop described recently pulling over a particularly frazzled young man for speeding. "He was shaking like a leaf," Simmons recalled. He gave the youth some time alone, meanwhile scanning his driver's license looking for small talk fodder. When Simmons returned to the car window, he changed the subject: "Your license says you're 280," he told the driver, referring to his weight. "You're not 280." Almost immediately, the man about to be hit with a ticket was proudly telling how he'd lost 100 pounds through a strict regimen of swimming and healthy eating. "All of a sudden the shaking is gone," Simmons said at the station the next day. "He still got his ticket though, right?" his sergeant interrupted. "He still got his ticket," Simmons said. Civil, he says of his style, but never soft. Still, even his patience is sometimes tested. One motorist he stopped for talking on a cellphone said he had one wish for the deputy: Get hit by a car. A lot of cops, one of Simmons' bosses admitted, would have taken that remark as an invitation to tack on an extra infraction or two. Simmons chose to keep cool. "I said, 'Well, if you're gonna make a wish, it's not gonna come true.' He's a human, I'm a human," he said. On a recent summer day, Simmons was hiding from the sun — and passing motorists — under a shade tree along a sprawling stretch of road in La Mirada. His black

boots were planted firmly on the asphalt, a sheriff's black-and-white bike steadied in between. (One fact is evident: Motor cops have to be tall or else it's hard to keep their bikes balanced while idling.) Several motorists sped by, but Simmons waited for an especially deserving one before pulling out. It was a very nervous 19-year-old named Ismael Natera. "I want you to slow down, OK?" Simmons warned in a fatherly way. Maybe it was because Natera was a teenager sweaty with nerves, or maybe it was because he was late for work, but the youth got off with a warning. "I'll let you on your way," Simmons drawled. "He cut me some slack," Natera said afterward, growing even later to work but nevertheless willing to sing Simmons' praises. "I've been pulled over before and some cops have ... different attitudes." Simmons' next target was a woman behind the wheel of a shiny Lexus SUV. Legs spread like stilts, leaning casually into her window, Simmons was not so forgiving this time, tagging her with a ticket that would carry a hefty fine. This driver was less inclined to praise Simmons afterward. Capt. Patrick Maxwell said the deputy has long had a reputation at the Norwalk station as a squeaky clean mentor. But even with that, Maxwell said, he was shocked after reviewing Simmons' personnel file recently. Maxwell confronted him: "When's the last time you had a complaint?" "I really don't know," Simmons responded. As it turned out, it was in 1992. The streak without a complaint is particularly surprising because grievances arise from any number of perceived affronts, including rudeness, racism or simply on policy criticisms. And these days, complaints don't have to be made in person. They can be shot off online, making Simmons' record all the more remarkable. His record aside, Simmons insists he is far from a pushover. He believes tickets save lives. One woman he cited for driving without a seat belt ran into him years later. Simmons says she shook his hand and thanked him because she had been in a wreck some time later and that time had her seat belt on. Simmons acknowledges sparing drivers who seem to be in a genuinely bad place — that teenager late to work or a frazzled woman recently who was on her cellphone because she was talking to her divorce attorney. But for drivers who offer up phony excuses, the deputy says he's unforgiving. Some common pleas he hears: *I'm not from the area* ("which doesn't mean anything"), *Some car cut me off* ("A lot of times drivers don't realize I've been watching; there wasn't another car") and *I need to go to the bathroom* ("So?"). A word to the wise, Simmons adds: Slamming on your brakes when you drive by a motor cop with a speed gun also doesn't work. The devices detect speeds from more than a football field away. His favorite response when drivers argue is to point out they'll have their chance to plead their case in court. This isn't meant to be snarky, he says — sometimes he's wrong. He recently pulled over a driver talking on an unusually fat phone. Though the motorist didn't argue during the stop, he did show up in court, where he explained to the judge that he had actually been talking on a Dictaphone. When the judge asked Simmons if he was sure the device was a cellphone, the deputy admitted he wasn't. "It did look kind of thick to me," Simmons acknowledged. The driver explained that he hadn't protested at the time because Simmons had pulled him over once before. The cop had been so courteous, the man said, that he didn't want to cause him any trouble" (Faturechi, 2012).

Procedural Justice in Action – One Good Cop Video

Play the video as an example of the Illinois State Trooper's employment of the four principles of Procedural Justice in dealing with the protesters. Set up video and debrief. All of the other officers in the video become defensive and angered at the protesters who seem to purposely bait the officers into an argument. The Illinois State Trooper, however, takes a vested interest in their cause by allowing the protesters to have a voice and treats them with respect and in a fair, just manner.

Instructor Note:
- Slides 34-37: Voice

By giving others a **VOICE**, the police allow the person to voice their point of view or offer an

explanation. Active listening should be practiced by the officer and allow others to talk. Having a voice makes people feel that they are a part of the process and that they have input in the decision, even if it does not impact the decision.

Officer Safety!!

- People want to be **heard** and **understood**
- Non-Verbal communication is as important as Verbal
- The subject's perception is what counts, don't argue
- **It's not about you**; It's more about values, feelings, and experiences
- Emotions are universal, experiences are not
- With every story, there is an emotion

According to Mehrabian and Wiener (1967) **non-verbal communication becomes dominant under stress:**

- **Verbal communication** accounts for **7 percent** of information communicated.
- **Tone and volume** account for **38 percent** of information communicated.
- **Body language** accounts for **55 percent** of information communicated.

DISCUSS the following nonverbal behaviors of communication with the learners.

Nonverbal Behaviors of Communication
According to Gulfcoast South AHEC (2010), in order to deliver the full impact of a message, one should use nonverbal behaviors in order to improve interpersonal communication:

Eye contact: This helps to regulate the flow of communication. It signals interest in others and increases the speaker's credibility. People who make eye contact open the flow of communication and convey interest, concern, warmth, and credibility.

Facial Expressions: Smiling is a powerful cue that transmits happiness, friendliness, warmth, and liking. So, if you smile frequently you will be perceived as more likable, friendly, warm and approachable. Smiling is often contagious and people will react favorably. They will be more comfortable around you and will want to listen more.

Gestures: If you fail to gesture while speaking you may be perceived as boring and stiff. A lively speaking style captures the listener's attention, makes the conversation more interesting, and facilitates understanding.

Posture and body orientation: You communicate numerous messages by the way you talk and move. Standing erect and leaning forward communicates to listeners that you are approachable, receptive and friendly. Interpersonal closeness results when you and the listener face each other. Speaking with your back turned or looking at the floor or ceiling should be avoided as it communicates disinterest.

Proximity: Cultural norms dictate a comfortable distance for interaction with others. You should look for signals of discomfort caused by invading the other person's personal space. Some of these are: rocking, leg swinging, tapping, and gaze aversion.

Vocal: Speaking can signal nonverbal communication when you include such vocal elements as: tone, pitch, rhythm, timbre, loudness, and inflection. For maximum teaching effectiveness, learn to vary these six elements of your voice. One of the major criticisms of many speakers is that they speak in a monotone voice. Listeners perceive this type of speaker as boring and dull.

Additionally, Connellan (2003) states that the bulk of meaning lies in non-verbal communication. You can say words and your tone of voice can match the words, but if you're looking around, tapping your fingers, and shaking your head no you're not going to get the performance you want. Pay attention to the following five categories.

1. Body position. If your arms are crossed or your legs are crossed away from the person you're communicating with, then you're sending negative messages. On the other hand, if your body position is open—you're facing the person rather than looking away—you're communicating honesty, warmth and openness. If your posture is erect rather than slumping, you're communicating positive beliefs. And if you're leaning slightly forward, you're demonstrating interest in the other individual. These are all small things, but they all add up quickly.

2. Hand gestures. Avoid tapping your fingers ("I'm impatient"), hiding your mouth ("I'm hiding something"), finger wagging (the non-verbal equivalent of poking someone with your finger), and closed or clenched hands ("I'm upset"). These gestures all conflict with an "I believe in you" message. Instead, use open hands with palms up ("I'm being honest with nothing to hide") or touching your hands to your chest ("I believe in what I'm saying"). Both of these emphasize a positive message.

3. Head. If your head is shaking back and forth or tilted off to one side, you're sending a message of disbelief. But, if your head is facing directly toward someone and you're nodding up and down, you're delivering a non-verbal message of belief and confidence.

4. Facial expressions. Smile. Keep a relaxed mouth. Show alertness in your face and act like you're ready to listen. Do these regularly and you'll create an open communication pattern with someone where they believe you are sincere. On the other hand, if you're tight-lipped, your jaw muscles are clenched, have only a grim smile or no smile at all, or are frowning, you'll be sending a message of "no way can you possibly succeed at this project."

5. Eyes. Sometimes, the eyes say it all. Maintaining good eye contact is one of the most important non-verbal signals you can send. Doing so says "I'm interested in you and when I say I believe in you, I really do." Making sure that your eyes are open wide is also helpful. Squinting or the "narrow, beady eyes" look can be off-putting to the recipient. Worse yet is looking around, paying attention to other things and not paying attention to the person or topic at hand.

Instructor Note:
- Slide 38: Neutrality

Neutrality

Decision-making that is Neutral leads to good results. An officer needs to exhibit neutral feelings and objectivity toward all people. REMEMBER non-verbal cues and what type of message that they send.

Unbiased decision making is not based on personal bias; it is consistent and transparent. The decision is applied equally to all and allows people to see that the decision has been neutral. For example, when police officers explain why a person has been stopped, they are explaining the process and displaying Transparency.

Instructor Note:
- Slide 39: Labeling exercise

Labeling Exercise (This exercise shows the importance of the police remaining neutral, unbiased, and objective in order to function effectively)

Part I
Write one word that the police use to describe the people in the areas they work.

Part II
Write one word that area residents use to describe police.

Many negative words may be given during the exercise. This reminds the police that they need to stay neutral and moves the class into the next topic of "respect."

Instructor Note:
- Slide 40: Respect

Respect

Police officers should treat others with quality, respect, and dignity. Respect for the person shows that the police respect one's rights. Treating a person with dignity validates them as a human being.

Also, showing sensitivity to the importance that others place on an issue displays respect.

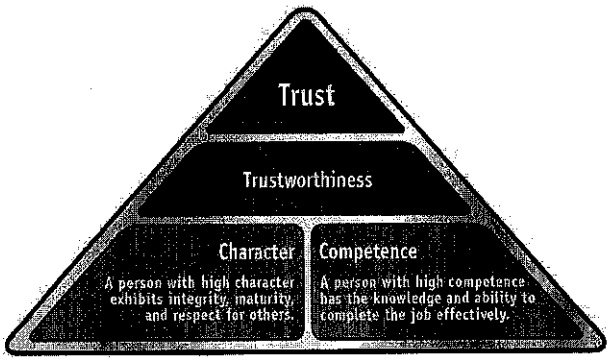
Instructor Note:
- Slides 41-42: Trustworthiness

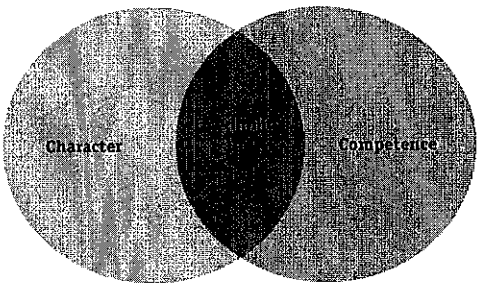
Trustworthiness

The quality of treatment leads to **Trust**worthiness
- Listening to people
- Considering their side of the argument
- Taking their needs and concerns into account (Benevolence)
- Explaining the decision/action
  - Demonstrates that the officer has listened to them and considered their needs and concerns
  - Gains legitimacy for the officer and the Department, which leads to compliance
- Doing what is right!

The following two diagrams display how character and competence lead to a person being trustworthy and then being trusted by others. A person with character has integrity, maturity, and respect for others. A competent person has the knowledge and skills to do a job effectively.

Character and competence are the building blocks for trustworthiness (FranklinCovey, 2005).





Instructor Note:

- Slide 43: Ever Been Stopped? (Supt. Hillard Video)

ASK: Who has been stopped by the police or had a family member stopped by the police? How was your experience? Facilitate a conversation on the positive and negative experiences of the learner's interactions with the police.

Show Supt. Hillard video. Set up video and debrief. Ask the learners if the four cornerstones of procedural justice (voice, neutrality, respect, trust) were followed in the video?

Instructor Note:

- Slide 44: Procedural Justice

Personal Stories Exercise: What if you go to the doctor and he/she does not listen to your symptoms?

- The doctor gives you medicine before you tell him what is wrong

- Does that build trust in the doctor or the office, HMO
- Do you tell others about your encounter
- Shaping the legitimacy of the system
- How do you feel when someone does not listen to you, when you feel you have no involvement in your care?
- What's your story? When was the learner not listened to?

Instructor Note:
- Slides 45-49: Research supporting procedural justice

Research Supporting Procedural Justice: Will the citizen voluntarily accept police decisions? (Taken from Tyler (2012) concerning street stops in California)

- Study of California Street Stops
- Conducted in Oakland and Los Angeles
- Interviewed 1656 people who had personal experiences with legal authorities

EXPLAIN GRAPHS

The study showed that citizens accept police decisions based upon outcome favorability/fairness .12 of the time, the quality of decision making (neutrality) .17 of the time, and the quality of treatment (respect, trust) .59 of the time. The numbers represent the strength of the correlation coefficient.

The research revealed:

- Citizens voluntarily accept police decisions when there is a bad outcome with unfair treatment 3% of the time.
- Citizens voluntarily accept police decisions when there is a bad outcome with fair treatment 73% of the time.
- Citizens voluntarily accept police decisions when there is a good outcome with unfair treatment 15% of the time.
- Citizens voluntarily accept police decisions when there is a good outcome with fair treatment 87% of the time.

The graph displays citizen satisfaction with police service after the citizen called for assistance. The research data explains that:

- When a citizen calls for help and there is a bad outcome with unfair treatment by the police, the citizen is satisfied with the police service 2% of the time.
- When a citizen calls for help and there is a bad outcome with fair treatment by the police, the citizen is satisfied with the police service 60% of the time.
- When a citizen calls for help and there is a good outcome with unfair treatment by the police, the citizen is satisfied with the police service 13% of the time.
- When a citizen calls for help and there is a good outcome with fair treatment by the police, the citizen is satisfied with the police service 93% of the time.

In Chicago, the University of Illinois at Chicago is currently collecting data citywide to measure legitimacy and procedural justice. The preliminary findings confirm the foundation of our training – that procedural justice is important to Chicago residents. The chart shows how many percentage points are gained when an officer who gives a ticket is considered respectful, unbiased in the decision, trustworthy, and willing to listen to the driver's story. Conversely, the chart shows how many percentage points are lost when the officer does not exhibit these behaviors. The dotted line is the middle ground. Let's take the example of being respectful. On average, when a ticket is written, 48% of the citizens are satisfied with the encounter. However, if the officer is respectful, his/her rating will increase about 40 percentage points to 87.7%. If the officer is disrespectful in the contact, his/her rating will drop nearly 33 percentage points to an average of 15.2%. So "car-side manners" make a huge difference when giving someone a ticket.

Instructor Note:
- Slide 50: Power

FranklinCovey (2009) states:

- Power of Control: Using coercion, threats, force, or the perception of power to gain compliance.
- Power of Influence: Using ethical principles to earn people's respect and make a positive difference in their lives. Also, the power to work effectively with others to get a better result.

Other words for this type of power are *leadership, character,* and *maturity*. A police officer's power of influence comes from our individual trustworthiness, maturity, attitude, and character. This influence creates the opportunity to earn respect and cooperation because of who we are rather than what we are. By essence of the responsibility a police officer has, every officer is a leader. All of us must understand the powers we carry—both the power of control and the power of influence. Procedural justice leads to legitimacy (THE POWER OF INFLUENCE).

END OF MODULE THREE

MODULE FOUR
Historical and Generational effects of policing

Instructor Note:
- Slide 51: Module 4
- Slide 52: Historical effects video

Show the Brief History of Policing in the United States video by Bonnie Bucqueroux. Set up the video and debrief.

ASK: What role does the history of policing play in how the community views police legitimacy?

Instructor Note:
- Slide 53: How did we get here?

How Did We Get Here?

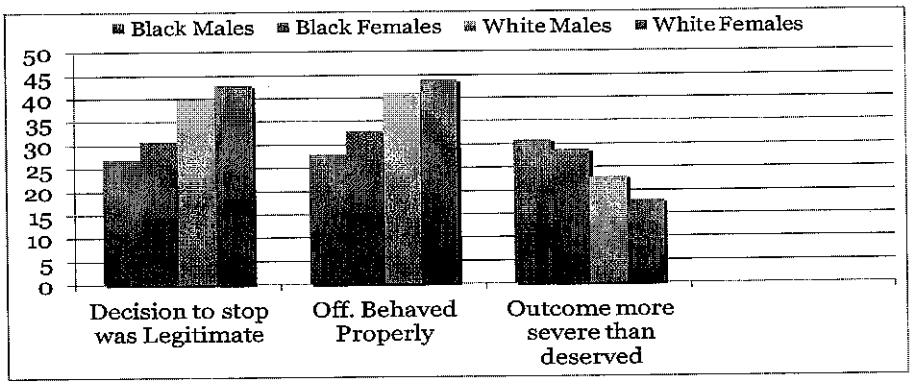
Throughout the world and even in modern times, police are sometimes seen as the enemy of the people who are not to be trusted, part of the establishment, power hungry, or worse.

Discuss the treatment of minorities by the police in the United States throughout history. Also, discuss the treatment of people by the police in other countries. We live in a diverse city and we need to understand that some people who live in our city come from different parts of the world where the police are corrupt and a brutal force. The police need to understand that some people from other countries fear ALL police because of their history.

HISTORICAL EFFECT GRAPH

Analyze the differences between African-American females, African-American males, white females, and white males in how each group perceives a stop by the police as legitimate, the officers' behavior as proper, and the outcome as more severe than deserved (Tyler and Fagan,

2008). Discuss the differences in perception and the possible historical effect.



Instructor Note:
- Slide 54: Building trust video

Show the Building Trust video. Set up the video and debrief. The Chicago Police need to build trust with the community, which leads to legitimacy. The Building Trust video does a good job of recognizing the diversity in Chicago and how the police can be objective to other cultures and races.

Instructor Note:
- Slide 55: Historical Effects – Civil Rights

Historical Effects – Civil Rights

This slide contains a series of images meant to illustrate how past police actions have served to shape the tenuous relationship that law enforcement has with the minority community – specifically, the African-American community. Stress to officers that these events still affect policing today and are often recalled by certain communities when dealing with the police.

Instructor Note:
- Slide 56: Community Bank Account

Community Bank Account

We make deposits into a financial bank account and build up a reserve from which we can make withdrawals, if needed. A community bank account is a metaphor that describes the amount of trust that has been built up by the police with the community. If the police make deposits into the community bank account through courtesy, kindness, and honesty, then they build up a reserve. The community trust towards the police becomes higher with a built up reserve and even if the police make a mistake, the reserve will compensate for the mistake. But if the police have a habit of showing the community discourtesy, disrespect, over reacting, ignoring people, and betraying trust, then eventually the community bank account will be overdrawn. If a large reserve of trust is not sustained by continuing deposits, the relationship will deteriorate. Building and repairing relationships are long-term investments (Covey, 2004).

ASK: How often do the citizens see the "withdrawals"?

QUESTIONS to ask the learners and consider:

- Are we making deposits or withdrawals while working with the citizens?
- What is the impact of a withdrawal to YOU, the Department, and the community?
- What impact does our policing have on future generations?

REMEMBER: Procedural Justice is a deposit in the community bank account.

Instructor Note:
- Slides 57: Deposit or withdrawal?

- Every encounter is either a deposit or a withdrawal. In other words, every contact is an opportunity to increase our legitimacy. (Are you making a deposit or withdrawal with the way you police?).
- How many deposits does it take to make up for one withdrawal? Does one encounter

affect how future generations look at the police?

Instructor Note:
- Slides 58-59: Deposit or withdrawal videos (Traffic Stop video – parts 1 & 2)

Show deposit or withdrawal videos "Traffic stop part 1 and 2." Set up both videos and debrief. Discus the effects of the traffic stops in the videos? What can police officers do to make deposits in the community bank account?

END OF MODULE FOUR

MODULE FIVE
Procedural Justice at its Finest

Instructor Note:
- Slide 60: Module 5
- Slide 61: Example of Procedural Justice video – *COPS* Atlanta Drug Bust video

COPS Atlanta Drug Bust video

This video is meant to show class participants a positive example of Procedural Justice in action. Debrief the video by asking the class to highlight as many concepts as possible from the course.

Instructor Note:
- Slides 62-68: Images are powerful

Images are powerful

- Review the following images
- Discuss how the learners perceive the images
- What is the nonverbal body language communicating?
- Do the images display procedural justice leading to legitimacy?

The instructors should bring in their own personal success stories while working with citizens in the communities that they patrolled. Also, ask the learners if they would like to share any positive stories about working with the community in which they work.

Instructor Note:
- Slide 69: Take Away Message

Take Away Message

ASK: What can you take away from this class that may benefit you in becoming a more effective police officer and/or person?

Have each group or officer (depending on the amount of time available) cite a specific message or lesson from the class that they will use to become more effective. The instructor should keep the comments positive and offer an example of a positive take away message, if necessary.

Instructor Note:
- Slide 70: Wrapping up

Wrapping Up

- Does this make sense?
- Legitimacy – The perceptions that the public has about the police
  The community evaluates police behavior and practices that shapes their views.
  Our actions – good and bad – affect legitimacy.
- Procedural Justice – How we treat people has many effects on how we are viewed by the public.
- Every encounter is a deposit or withdrawal to the Departments' legitimacy.
- Don't let your environment define who you are!
- Procedural justice leads to legitimacy

Instructor Note:
- Slide 71: The Chicago Police Department Core Values
- Slide 72: Example of Procedural Justice – Funny Kid video

The Chicago Police Department Core Values

- Professionalism: Our on and off duty conduct reflects both the highest standards of police service and personal responsibility.
- Obligation: We serve all citizens equally with fairness, dignity and respect.
- Leadership: Our leadership examples inspire respect for ourselves and admiration for our department.
- Integrity: We are committed to the highest standards of honesty and ethical conduct.
- Courage: We uphold and follow the law in the face of fear, danger and temptation.
- Excellence: We proudly wear the Chicago Police Department star with excellence as our standard.

Point out that the Chicago Police core values are the same values that we all believe in as members of a just society. As long as the police uphold their intrinsic values and practice the Golden Rule, they will build trust and legitimacy among the citizens of Chicago.

Funny Kid video

This video is meant to show class participants a positive example of Procedural Justice in action. Debrief the video by asking the class to highlight as many concepts as possible from the course.

Instructor Note:
- Slide 73: Good Deeds = Great Results

End the class with a positive image of the police utilizing procedural justice.

REMIND PARTICIPANTS: Good deeds equal great results. Procedural justice leads to police legitimacy.

END OF MODULE FIVE

ATTACHMENT 13

Implementing More Effective Crime Fighting Strategies in Violence Impacted Communities

RISCO MENTION-LEWIS
DEPUTY POLICE COMMISSIONER
SUFFOLK COUNTY, NEW YORK POLICE DEPARTMENT
OCTOBER, 2014

[redacted]

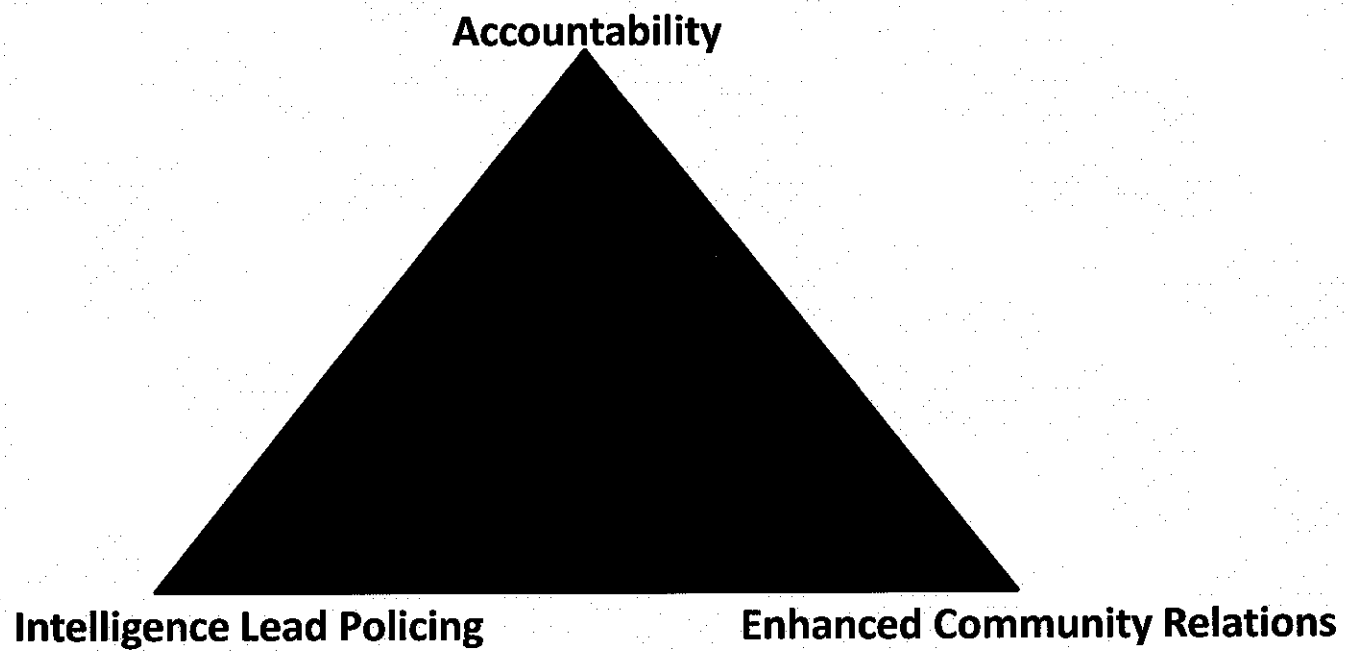
Community Based Intervention –CBI

- **Identify Chosen Few & Chosen Issues** *"Hot people, Hot place n Hot issues!"*
- **Mapping**- *"Know the community resources and go see them"*
- **Community Building** *"Meet all of the official and unofficial leaders"*
- **Shepherding the Chosen Few & Issues** *"Choose the correct solutions"*

Community Relations & Community Response-*"Choosing the right solutions"*

- *Community Problem Solvers*
- *Community Building*
- Community Building Solutions and Impediments
  - *Bias Free Policing*
  - *Microaggression*
  - *Procedural Justice/Police Legitimacy*
  - *Cultural Proficiency*
- *SCPD Community Collaboration Tools*
  - *Leadership Teams*
  - *PAL*
  - *Educational Programs*

[redacted]



Chief Burke January 16. 2012

- ***Community Response:*** Responds to incidents within a community typically utilizing a suppression oriented solution.

- **Community Relations:** Rather than simply responding to crimes once they have been committed, Community Relations focuses on building relationships, building collaboratives, community problem solving, preventing crime and addressing community feelings of safety.

[redacted]

- Create a strong County-Wide Community Response Bureau
- Create a system wherein all community Complaints (correspondence, phone complaints, and in person complaints) are entered into a central database
- Precinct Commanders would be accountable for resolution of the complaint
- The outcome would be reported to the Community Response Bureau

[redacted]

- CRB would be responsible for identifying issues(e.g. Prescription Drugs, Hate Crime Awareness, Bullying, Youth Violence) and preparing educational programs directed at the specific groups and/or sectors of society
- They Criminal Intelligence Bureau and Community Response Bureau will coordinate efforts to identify trends and resolve issues.

- **Community Relations concentrates on:**
  - **Becoming Community Problem Solvers**
    - Building trust
    - Maintaining robust community relationships
    - Preventing crime
    - Engaging constructively with community
    - Ensuring ethical and bias free relations
    - Increasing community feelings of safety
    - **Document all meetings!**

- **Community Problem Solvers**
  - **Build Trust of the community and partner with stakeholders:**
    - Addresses both the needs and factors that contribute to crime
    - Create SCPD and Community partnerships
    - Create better understanding
    - Increase the safety of officers and the communities they protect & serve.

Community Problems Solvers…

1. Work to identify Hot People, Hot Places and Hot Issues which negatively impact the safety of communities.
   - Community meetings
   - Meeting Stakeholders-Official and unofficial leaders
   - Criminal Intel
   - Walking the Streets
   - School Resource Officers
   - Interact with businesses

2. Successfully Collaborate with community stakeholders to address issues which negatively impact communities.

[redacted]

Collaboration occurs when a number of agencies and individuals make a commitment to work together and contribute resources to obtain a common, long-term goal.

[redacted]

1.)Stakeholders with a vested interested in the issue,

2.) Trust among and between the partners

3.) A shared vision and common goals

4.)Expertise among partners to solve community problems

5.) Teamwork strategies

6.) Open communication

7.) Motivated partners

8.)Sufficient means to implement & sustain the collaborative effort

9.) An action plan.

The process of building and sustaining collaboration is ongoing and circular in nature.

The process …

- Begins with developing a shared vision
- Ends with developing, implementing, and assessing the action plan.

[redacted]

Law enforcement agencies or personnel should engage in collaboration with other organizations or individuals when stakeholders :

- Have a common, long-term goal
- They are committed to working together as a team
- They cannot achieve the goal more efficiently as independent entities.

[redacted]

Under some circumstances law enforcement may…

- Establish a good communication plan
- Establish cooperation between two individuals
- Establish coordination between two agencies to avoid duplication of effort
- Create an issue coalition
  - ***Can you give some examples?***

- A conscious decision should be made as to what will achieve the desired result of the working relationship:
  - ***Communication Plan***
  - ***Coordination of partner agencies***
  - ***Cooperation between individuals***
  - ***Issue coalition***
  - ***Collaboration-Leadership Team***
    - ***Huntington Station?***

[redacted]

When working in any community… minority communities in particular, we must be aware of the following…

- Procedural Justice/Police Legitimacy
- Cultural Proficiency
- Implicit Bias
- Micro Aggression

- **Legitimacy**: The public view the police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community.

- **Procedural Justice**: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.

[redacted]

Legitimacy reflects:

- Trust and confidence in the police
- Acceptance of police authority (less confrontation)
- Police actions are morally correct and appropriate (fairness)

- **How do we gain it and maintain it?**

➢ Procedural Justice

⌘ The Four Principles:

- Voice (Listen)
- Neutrality (Be fair)
- Respectful treatment (Be respectful)
- Trustworthiness (Fair and transparent process)

- **Bias Free Policing**, Police action which is biased is illegal and violates the equal protection clause and the Fourth Amendment of the Constitution. It also alienates citizens, fosters distrust of police, and undermines legitimate law enforcement efforts.
- **Illegal profiling, or biased policing**, refers to a decision by an officer to stop, detain, interdict, or search an individual based on the race, color, ethnicity, national origin, religion, sexual orientation, gender, or economic status. Suffolk County Police Department prohibits illegal profiling and biased policing as a law enforcement tactic and does not tolerate or condone its use by any of its members in traffic contacts, field contacts, or in asset seizures or forfeiture efforts.

- **We are not racist** but we are all human. The science of bias teaches us that even the best-intentioned, most decent and honorable people can be influenced by the implicit bias all people have.
- **Example: Implicit bias** might lead the line officer to automatically perceive a crime in the making when she observes two young Hispanic males driving in an all-Caucasian neighborhood or lead an officer to be "under-vigilant" with a female subject because he associates crime and violence with males.
- It may manifest among agency command staff who decide (without crime-relevant evidence) that the forthcoming gathering of African-American college students bodes trouble, whereas the forthcoming gathering of white undergraduates does not.

It is our duty to identify and report implicit Bias

- All officers including Community Liaison, School Resource Officers and COPE officers must refer complains of police misconduct relating to discriminatory policing.
- If you hear or see something… you must do something!

- **Microaggressions** are the slights, indignities, put downs and insults that people of color experience in their everyday interactions with people.

This can extend to women, GLBT communities and others.

- *How might microaggressions harm community relations?*
  - *Example: Gang community meeting, Advertising*

Have you experience this or witnessed it?

- **Cultural proficiency is** the ability to effectively interact with diverse cultures and races.

- It is particularly important on Long Island due to its increasing diversity yet consistently segregated communities. Therefore, we must be prepared to understand and serve all of our communities and citizens equally.

  Race, gender, nationality, sexual orientation and religion.

- When we are aware of the perspective of others we have better community relations, increased criminal intelligence and keep officers safe…which is our bottom line.

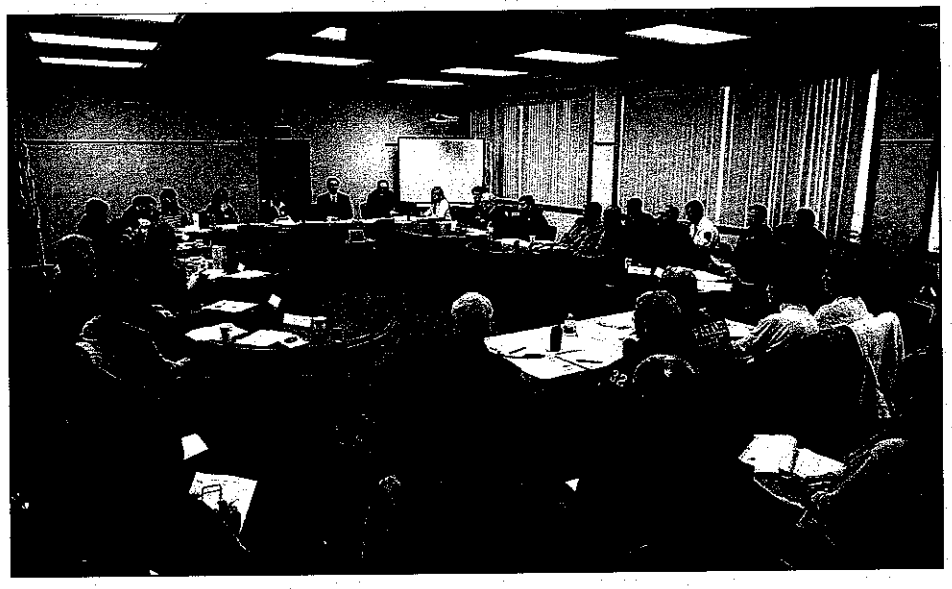
- Every encounter is either a deposit or a withdrawal
  - Every contact is an opportunity to increase SCPD legitimacy
  - Are you or others making a deposit or withdrawal during community interactions?

Great encounters affect how future generations view Suffolk County Police!

In Wyandanch a comprehensive, community- wide, multi phased approach was needed and is being utilized…

- **Youth Center**…worked to change Director. Served 22 per month now serve 300
- **Resource Center**…worked to change the Director. Served 30 per month now serve 250
- **Leadership Team**…SCPD created, it meets monthly to community-wide problem solve
- **Mother's for Change**… Created by SCPD, worked to Survey the youth, change the Youth Center Director
- **Council of Thought and Action "COTA"**… Created a weekly ex-offender support group
- **Wyandanch is Rising and So Am I campaign-**Working on a community-wide campaign of change

- Wyandanch and Bellport Leadership Teams



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In Wyandanch SCPD helped create the Mother's Club

A group that works to bring Wyandanch Mothers together to create programs, opportunities and a better life for the youth and families of Wyandanch

WYANDANCH MOTHERS FOR CHANGE

SUPPORT, EMPOWER & EDUCATE FOR CHANGE

The Mother's Club became Mother's for Change...

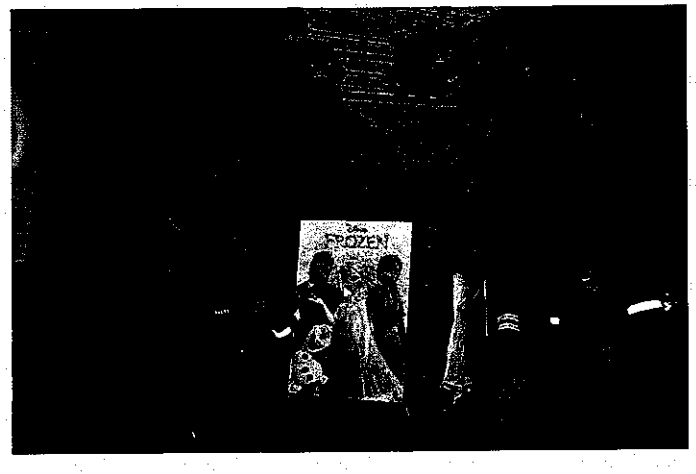
Projects: *They conducted a youth survey which discovered that Wyandanch Youth want to learn to cook!*

"ONE FAMILY, ONE COMMUNITY, MANY ISSUES"

The Mother's for Change surveyed Wyandanch middle and H.S. students and discovered that they wanted cooking classes…PAL with SRO and dedicated COPE officer Mike O'Neill created cooking classes!

How about Summer movies

a much needed family night out!



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COTA SCPD Ex-Offender Support Groups…

- Within Communities
- Tied to Resources
- Builds Relationships
- Changes lives

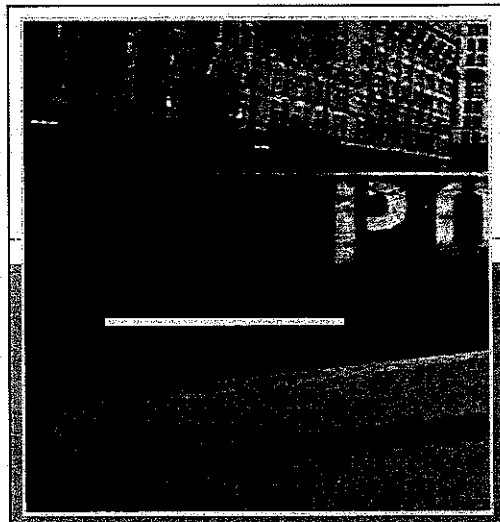
[redacted]

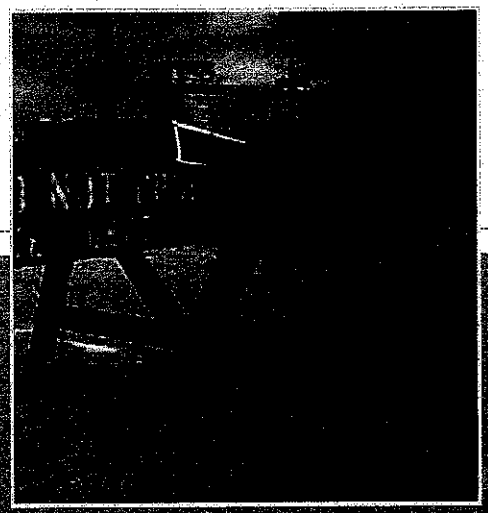
- **Enhanced Community Relations**
  - **Community Building**
    - Collaboration-Leadership Teams
    - Issue based collaborations
    - Mother's Clubs
    - Council of Thought and Action "COTA"
    - Community Surveys
    - Countywide Resources
    - Department wide Bias Free policing & Cultural Proficiency Training
    - Nixle
    - Police recruitments-culturally diverse focus
  - **Community Education**
    - Narcan Training
    - Heroin PowerPoint
    - Gang Prevention
    - Operation Medicine Cabinet
    - Active Shooter
    - Bullying
      - Female Bullying
      - Home Grown Terrorists

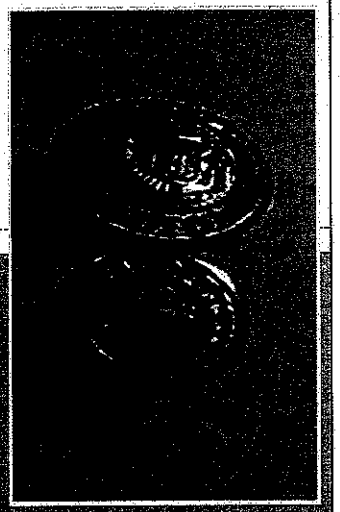
[redacted]

- **PAL**
  - Cooking classes
  - Movie Nights
  - Sports Programs with a Community volunteer

- **Crime Prevention**
  - Youth Conflict Insertion
  - Custom Notifications
  - Crime Stoppers
  - CPTED-Crime Prevention Through Environmental Design







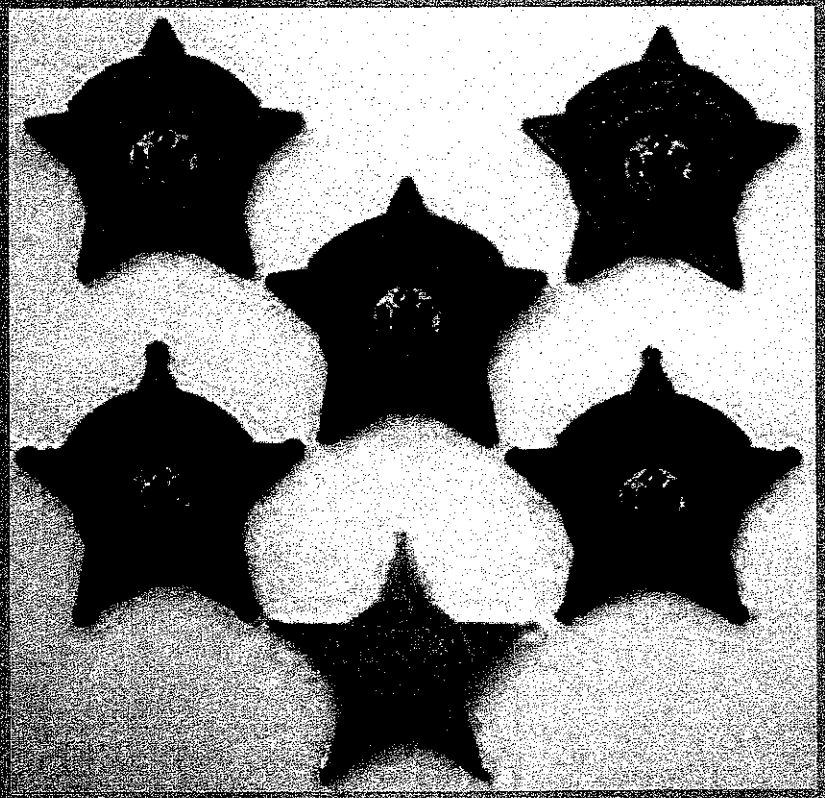
Procedural Justice and Police Legitimacy

Chicago Police Department

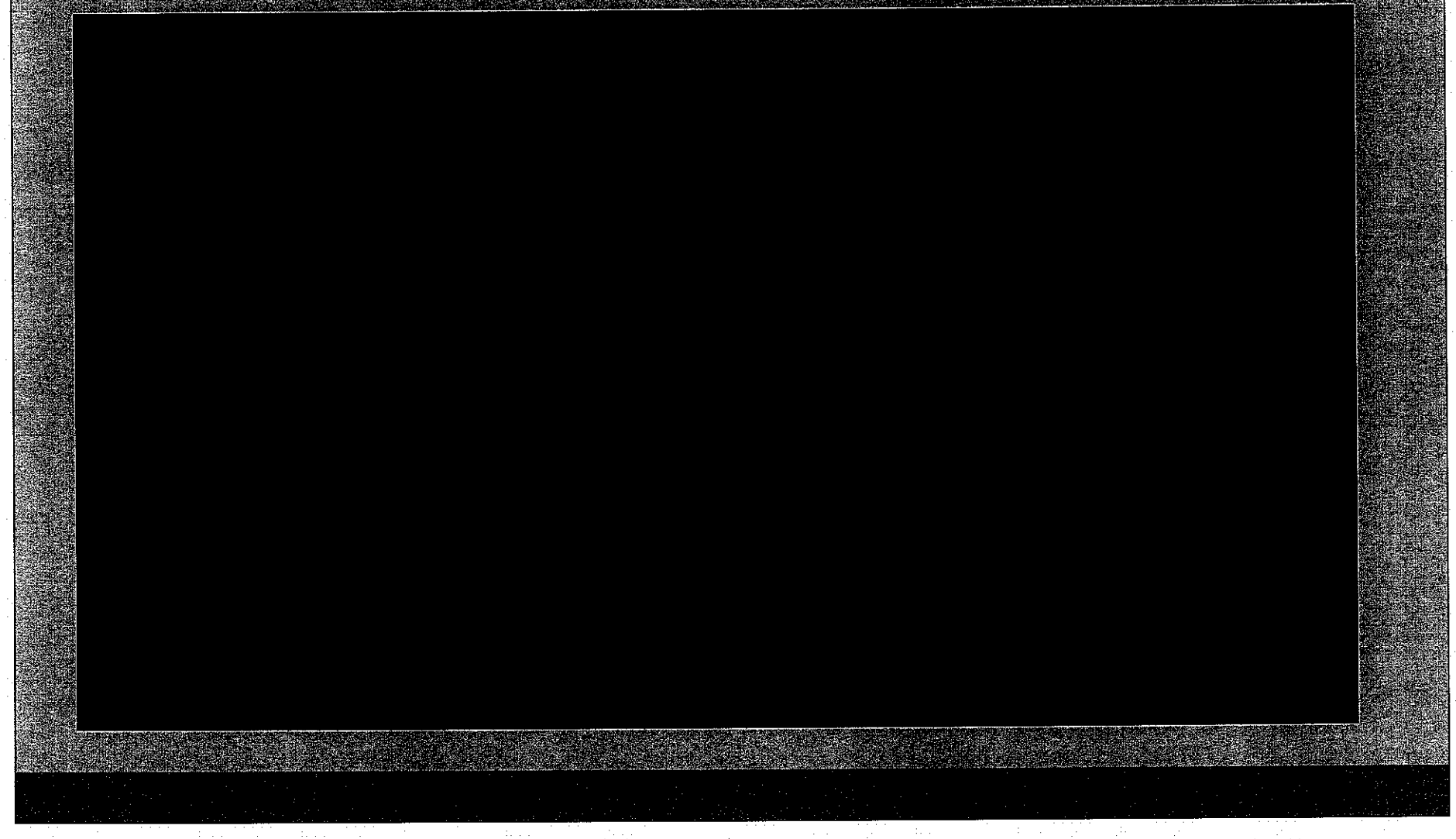
Education and Training Division

Housekeeping

- Please silence your cell phones...*there will be plenty of time to check your messages!*
- Restrooms
- Agenda – *Breaks & Lunch*
- Everyone has something to offer, so be respectful of the opinions of others
- Have an open mind!



Welcome!



Objectives

- Define Legitimacy and state how to increase police legitimacy.
- Define Procedural Justice and discuss the benefits.
- Review the relationship between the police and the community.
- Understand the role history has played in hindering legitimacy in some communities.

Module 1

The interactive nature between Legitimacy, Procedural Justice and goals in policing

ATTACHMENT 14

POLICE DEPARTMENT, COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY

COMMUNITY MEETING-PRESENTATION REPORT
PDCS-1310a

Upon Completion: **Precinct Commands:** All reports will be submitted to your Precinct Community Liaison Officer (CLO)
Non-Precinct Commands: will **FAX** to Community Response Bureau: **852-6112**

Organization Name	**Telephone #**	
Organization Street Address	**Town**	**Zip Code**
Organization Contact Person/Leader - Name	**Telephone #**	
Organization Contact Person/Leader - Address	**Town**	**Zip Code**
Organization E-mail Address	**Contact Person E-Mail Address**	
Location of Meeting	**Date of Meeting**	**Time of Meeting**

Department and Community Members Present - Names	Rank/Title	Shield #	Command #

Total # Attendees	# Caucasian	# African Americans	# Hispanic/Latino	# Others

Purpose of Meeting - Presentation

Summary of Issues Discussed

Proposed Solutions	Referral/Follow Up