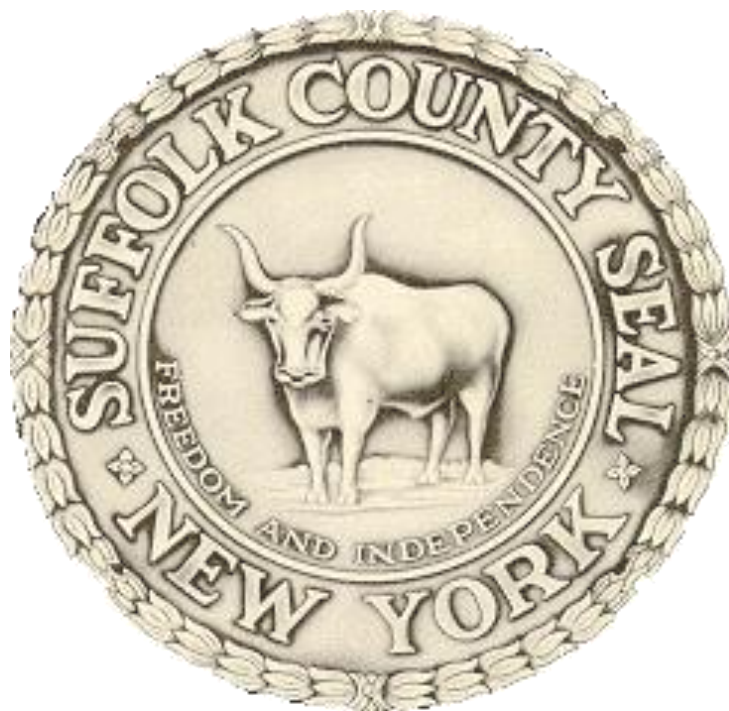


Suffolk County
Human Rights Commission
Administration of Justice Subcommittee



Civilian Police Oversight
Annual Report
2023-2024

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Message from Suffolk County Human Rights Commission Chair

In this July of 2024, I am delighted to declare that the Suffolk County Human Rights Commission (HRC) Administration of Justice (AOJ) Committee is presenting its first-ever annual report. The purpose of the HRC has always been to investigate discrimination complaints occurring in Suffolk County and to enforce various local, state, and federal laws that give all residents equal rights. The Commission, comprised of 15 volunteer commissioners, has several committees that support and educate the community on various discrimination issues.

In 2020, amidst a national outcry for stronger community relations and greater transparency of processes in policing, many local and national government entities initiated a process to secure police oversight programs. At the direction of New York State's Governor with Executive Order 203, Suffolk County became one of many municipalities in New York to initiate such a process.

As a member of the Suffolk County Police Reform and Reinvention Task Force, I had the honor and opportunity to hear and work with 30+ community advocates, residents, legislators, and organizations with an interest in the future of policing for the residents of Suffolk in conjunction with the support and work of the Suffolk County Police Department (SCPD). Although the Commission had previously accepted police misconduct complaints from Suffolk residents, the HRC had never been intrinsically involved in the process of the investigations as, following the reinvention of policing in Suffolk County, it is now. The mission of the Police Reform and Reinvention Task Force was to collaboratively examine current policies and procedures and receive input from the community and key stakeholders to develop a comprehensive Police Reform and Reinvention Plan.

During discussions, it was noted that HRC was already processing police misconduct complaints (though without the authority to follow or work on the investigations) and the existing HRC-Administration of Justice Subcommittee presented a viable option for providing meaningful, independent civilian oversight to improve community relations and increase policing transparency. Unlike other potential candidates, the AOJ subcommittee provides both an unbiased perspective and organizational ability to work with the SCPD, allowing the flexibility to determine the type and manner of modification that best suits the community's needs. Most importantly, their function is not to direct the activities of the police department but rather to ensure that police accountability and transparency – through fair, equitable, and unbiased policing – takes place.

Given the external limitations, I am very pleased with the work done thus far by our Executive Director, Investigators, and the AOJ Commissioners. With some training from the SCPD, in-depth external training and a review of other agencies, they have been working hard to put together a police misconduct investigation oversight system that can offer the community what it asked for: transparency, expeditious reviews, and fair resolution of investigations within a reasonable timeframe. Considering all the levels of discrimination that the Suffolk County Human Rights Commission investigates, this was a monumental task to take on in addition to the number of housing, employment, disability, and gender cases we investigate.

Thus, we are evolving and working toward a model that others can emulate in the future. This is about serving the community as we have since 1963.

With all respect,

Lynda Perdomo-Ayala
Chair, Suffolk County Human Rights Commission

Message from Administration of Justice Subcommittee Chair

The idea of civilian oversight of investigations into police misconduct in Suffolk County has been discussed by Suffolk County Human Rights Commissioners at different times over the years. We had a sense of its enormous potential role in ensuring that civilians in our County could depend on law enforcement to be a body that will not only enforce the law but uphold it in a way that is respectful of the rights and dignity of all the people with whom they come into contact, regardless of circumstance. It had always seemed like an unrealizable goal. Yet, as the Chair of our Human Rights Commission has detailed, enormous work by County and community leaders, community advocacy groups, and residents associated with the Suffolk County Police Reform and Reinvention Task Force made it possible for that seemingly unrealizable goal actually to see the light of day.

The resulting 2021 Suffolk County Police Reform and Reinvention Plan charged (and codified that charge) the Administration of Justice Subcommittee of the Suffolk County Human Rights Commission with the daunting, yet promising, responsibility of building a working civilian oversight process that would enable the Committee, with the leadership and amazing hard work and expertise of the HRC Executive Director and Investigators, to provide independent oversight of the investigation of police misconduct complaints by the SCPD Internal Affairs Bureau (IAB).

On the heels of extraordinary preparations undertaken since that Reinvention Plan, as well as challenges (including a 2022 ransomware attack on the County) that created frustrating delays, we finally began our work fifteen months ago. We came to realize that we were indeed “flying the plane while building it”.

As annual reports go, this particular document is of critical importance as it is mandated by the settlement decree in an action brought by the *LatinoJustice PRLDEF (Puerto Rican Legal Defense and Education Fund)* in 2015 against the Suffolk County Police Department alleging discriminatory policing practices and inadequate protection of Latino communities in Suffolk. The settlement reached in March 2023, and approved by the Suffolk County Legislature, requires pursuant to the Police Reform Plan, that HRC review all complaints of police misconduct in tandem with Internal Affairs, and to issue this annual report.

In addition to summarizing our review activities, observations and recommendations, this report documents how we got here, lays out important data that answers questions and highlights the need for further data, and presents an honest accounting of the ongoing “ramping-up” process and the work we have put into fostering a productive, cooperative, and yet fully independent working relationship with the leadership of SCPD Internal Affairs Bureau.

In that honest accounting, we share with you concerns that we have raised, changes that have resulted, and explanations we have received, some of which we, the Administration of Justice Subcommittee, are in truth not entirely satisfied with. You will read AOJ’s recommendations for changes in policies and procedures to both the Police Department and IAB. You’ll see that the leadership of Internal Affairs has expressed and demonstrated a commitment to the same goals that we seek even as there have been pushes and pulls, as one would expect with the establishment of an external independent body reviewing the work of an existing organizational system with a long and complex history.

We are, however, very hopeful because of the work that we have done, our ongoing interactions with Internal Affairs leadership, and the relentless dedication of the staff of the Commission and the AOJ commissioners to doing this right.

My AOJ colleagues and I have been involved in many different efforts to foster change in the interest of social justice and human dignity during our careers. We see this as one of the most important efforts in which we have engaged that, while still evolving, is actively working to ensure that all people who interact with law enforcement in Suffolk County can rely on the integrity of the investigation process in those situations where civilians raise complaints about how they are treated. We are honored by the trust invested in us and will continue to do our best to ensure the integrity of the process and live up to that trust.

With respect,

Carolyn G. Peabody, PhD, LCSW
Chair, Administration of Justice Committee

HISTORY OF POLICE OVERSIGHT

As described by the National Association for Civilian Oversight of Law Enforcement (NACOLE) at <https://www.nacole.org/>

Early forms of civilian oversight of law enforcement emerged during the Progressive Era amid calls for eliminating municipal corruption and disentangling the police from such corruption. In some cities, volunteer civilian police commissions were appointed by the mayor or city council to act as the board of directors for the police department, often with the authority to hire and fire the police chief and set department policy.¹ Ultimately, however, these early police commissions proved ineffective due to the political entrenchment of the appointed commissioners² and their frequent deference to the police chief.³

A more formalized concept of civilian oversight emerged amid tensions between police and minority communities in the late 1920s. In 1928, the Los Angeles Bar Association established a Committee on Constitutional Rights to record complaints of police misconduct.⁴ As a nongovernmental body, the commission had no authority to act on complaints received.⁵

From the 1930s to 1950s, riots over race relations and police violence in urban areas gave way to strengthened movements for police accountability and improved civilian complaint processes.⁶ A breakthrough came about in Washington, D.C., in 1948, when the nation's first civilian review board (CRB) was established in response to community concerns over police using excessive force against African Americans and to lobbying efforts by the Urban League and National Conference of Christians and Jews.⁷ This first CRB had limited visibility and effectiveness, reviewing just 54 cases in its first 16 years.⁸ The board was eventually abolished in 1995 amid a fiscal crisis and an unmanageable backlog of cases.⁹

¹ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 18; Police Assessment Resource Center, "Review of National Police Oversight Models for the Eugene Police Commission," 7.

² Attard and Olson, *Overview of Civilian Oversight of Law Enforcement in the United States*, 1–2.

³ Police Assessment Resource Center, "Review of National Police Oversight Models for the Eugene Police Commission," 8.

⁴ Alpert et al., "Citizen Oversight in the United States and Canada," 181.

⁵ Walker, "Chapter 1. The History of Citizen Oversight," 3.

⁶ Walker, "Chapter 1. The History of Citizen Oversight," 3; Walker, *Police Accountability: The Role of Citizen Oversight*, 21.

⁷ . Miller, *Civilian Oversight of Policing: Lessons from the Literature*, 36; De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 19.

⁸ De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 19; Miller, *Civilian Oversight of Policing: Lessons from the Literature*, 10.

⁹ The Office of Police Complaints (OPC) now provides civilian oversight in Washington, D.C. For more on the history and evolution of civilian oversight in Washington, D.C., see NACOLE's case study on the Office of Police Complaints.

In 1973, a group of community organizations in Berkeley, California, mounted a successful campaign prompting the city council to pass an ordinance establishing the Police Review Commission—the first civilian oversight agency specifically authorized to independently investigate police complaints.¹⁰ That same year, voters in Detroit approved a city charter amendment creating the all-civilian Detroit Board of Police Commissioners (BOPC), authorized to set department policy and independently investigate and resolve complaints.¹¹

Less than a decade later, the San Francisco Office of Citizen Complaints (OCC), now known as the Department of Police Accountability, was incorporated into the city’s charter in 1982. The OCC signaled a unique development, in that the agency replaced the civilian complaint investigation functions of the San Francisco Police Department.¹²

The 1990s brought about significant changes to American policing, reform efforts, and civilian oversight of law enforcement. This decade experienced sharp increases in police recruitment and resources,¹³ as well as a 41 percent spike in drug-related arrests,¹⁴ and a focus on quality-of-life policing that contributed to the dramatic expansion of practices such as stop-and-frisk.¹⁵ Racial disparities in such enforcement,¹⁶ as well as national media coverage of police misconduct and corruption, markedly increased unfavorable public perceptions of police, particularly within minority communities.¹⁷ Concurrently, a new wave of civilian oversight agencies with expanded powers emerged, as did new efforts by the DOJ to reform police departments engaging in patterns of unconstitutional policing.

During this period, a new model of civilian oversight focused on systemic issues in law enforcement policies and procedures began to take shape. In 1991, the Seattle city council passed an ordinance establishing an independent civilian auditor to audit and review civilian complaint

¹⁰ Andi, “Berkeley’s Establishment of a Police Review Commission;” Walker, “Chapter 1. The History of Citizen Oversight,” 4.

¹¹ City of Detroit, “Police Commissioners History;” Walker, *Police Accountability: The Role of Citizen Oversight*, 34.

¹² De Angelis, Rosenthal, and Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence*, 20.

¹³ Koper, Moore, and Roth, *Putting 100,000 Officers on the Street: A Survey-Based Assessment of the Federal COPS Program*.

¹⁴ King and Mauer, “The War on Marijuana: The Transformation of the War on Drugs in the 1990s,” 3.

¹⁵ Fagan and Davies, “Street Stops and Broken Windows;” Fagan et al., “Street Stops and Broken Windows Revisited: The Demography and Logic of Proactive Policing in a Safe and Changing City.”

¹⁶ King and Mauer, “The War on Marijuana: The Transformation of the War on Drugs in the 1990s,” 3; Fagan et al., “Street Stops and Broken Windows Revisited: The Demography and Logic of Proactive Policing in a Safe and Changing City,” 2–3; Mitchell and Caudy, “Examining Racial Disparities in Drug Arrests.”

¹⁷ Lasley, “The Impact of the Rodney King Incident on Citizen Attitudes toward Police;” Tuch and Weitzer, “Trends: Racial Differences in Attitudes Toward the Police;” Weitzer, “Incidents of Police Misconduct and Public Opinion;” Tyler and Fagan, “The Impact of Stop and Frisk Policies.”

investigations completed by the Seattle Police Department’s Internal Investigations Section.¹⁸ Two years later, city councilmembers in San Jose, California, proactively approved an ordinance creating an Independent Police Auditor (IPA). While modeled after Seattle’s civilian auditor,¹⁹ the San Jose IPA was given a broader mandate and was authorized to review the complaint investigations completed by the San Jose Police Department (SJPD), analyze complaint trends and statistics, and review and recommend improvements to SJPD policies and procedures.²⁰

The turn of the century has brought renewed attention to issues surrounding law enforcement misconduct. Several violent and sometimes fatal encounters captured on video and widely circulated through social media have yielded coalitions of community groups and campaigns organizing for police accountability and racial justice nationwide.²¹ In addition, the growing sophistication of data-based, investigative journalism has brought attention to these issues in many local contexts.²²

¹⁸ ACLU of Washington, “Seattle: A Call for an Independent Office for Police Accountability.”

¹⁹ ACLU of Washington, “Seattle: A Call for an Independent Office for Police Accountability.”

²⁰ Walker, “Chapter 1. The History of Citizen Oversight,” 5; Ferdik, Rojek, and Alpert, “Citizen Oversight in the United States and Canada,” 112–13.

²¹ For an overview of some of the organizing work sparked by these events, see Lowery, *They Can’t Kill Us All*.

²² See, for example, Kelly, Lower, and Rich, “Fired/Rehired: Police Chiefs Are Often Forced to Put Officers Fired for Misconduct Back on the Streets;” NJ Advance Media, “The Force Report;” Taggart, Hayes, and Pham, “Here are the Secret Records on Thousands of New York Police Misconduct Cases.”

POLICE OVERSIGHT IN SUFFOLK COUNTY

Suffolk County is an example of how this renewed focus on improving transparency, accountability, and trust in our police force has been turned into action. Former Governor Andrew Cuomo issued Executive Order 203 on June 12, 2020. The order required all government jurisdictions with a police agency to perform a comprehensive review of police policies and procedures, culminating in a reform plan to be ratified or adopted by the local legislative body by April 1, 2021.

In August and September of 2020, Suffolk County assembled 37 community, legislative, governmental and law enforcement representatives to serve on the county's Police Reform and Reinvention Task Force.

The County Executive at the time, Steve Bellone, assigned Deputy County Executives Vanessa Baird-Streeter and Jon Kaiman to lead the task force effort facilitating an extensive process necessary to meet the ambitious goals of reform. Both Baird-Streeter and Kaiman have a long history and deep understanding of public service, community recovery, and public engagement. Having a keen appreciation of the extensive inner-workings of SCPD and its policies, procedures, and collective bargaining process, both deputies were tasked with setting the tone for the County's reform process.

The collaborative process spanned more than 7 months, and included listening to leaders and hearing directly from residents from across the County who wanted to engage and share their ideas on ways to strengthen the relationship between diverse communities and those who are sworn to protect. The resulting plan is a reflection of the input that was received - a blueprint for lasting change - and serves as a roadmap to build upon the progress Suffolk County has already made.

The Suffolk County Police Reform and Reinvention Plan ("The Plan") was approved by the Suffolk County Legislature on March 30, 2021 and submitted to NYS on April 1, 2021.

In December 2021, the Suffolk County Legislature passed a resolution codifying the expansion of the HRC's role, as designed in the County's Plan, by tasking it with reviewing police misconduct investigations.

Consequently, the Office of the County Executive has collaborated with the Executive Director of the HRC to hire 4 additional Investigators (for a total of 7). This increase in staff necessitated a renovation of office space to accommodate the new and existing staff members who needed to be onboarded to the process.

The HRC also explored, selected, and contracted with the online platform, Oversight by Sivil to create an accessible mechanism for community members to share their interactions with Suffolk County Police Officers. The portal includes a pathway for compliments as well as complaints regarding police conduct.

The resolution allowed the HRC to take all complaints of police misconduct in addition to the mediums that previously existed:

- Mailing a complaint to IAB,
- Filing a complaint with local a precinct,
- Calling the IAB directly, or
- Faxing the complaint to IAB.

Finally, HRC Investigators and AOJ members involved in the review received substantial training in preparation for their new role.

HRC INVESTIGATOR AND ADMINISTRATION OF JUSTICE TRAINING

The training covered binding arbitration, the Axon-Evidence.com data portal (enabling the IAB to share evidence with HRC and AOJ), an overview of the Suffolk County Police Department IAB, and body-worn camera training alongside SCPD officers.

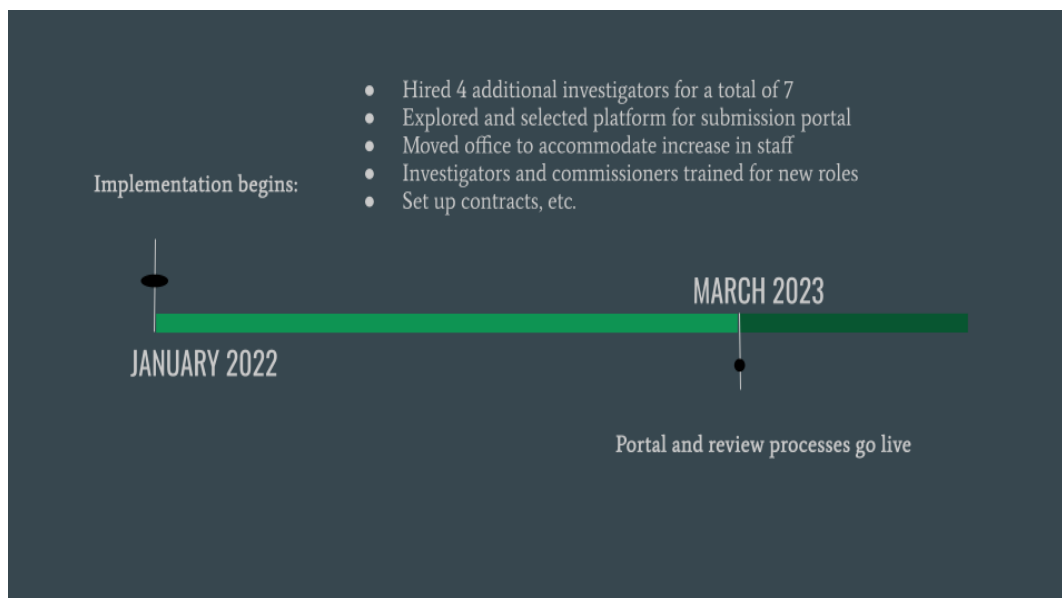
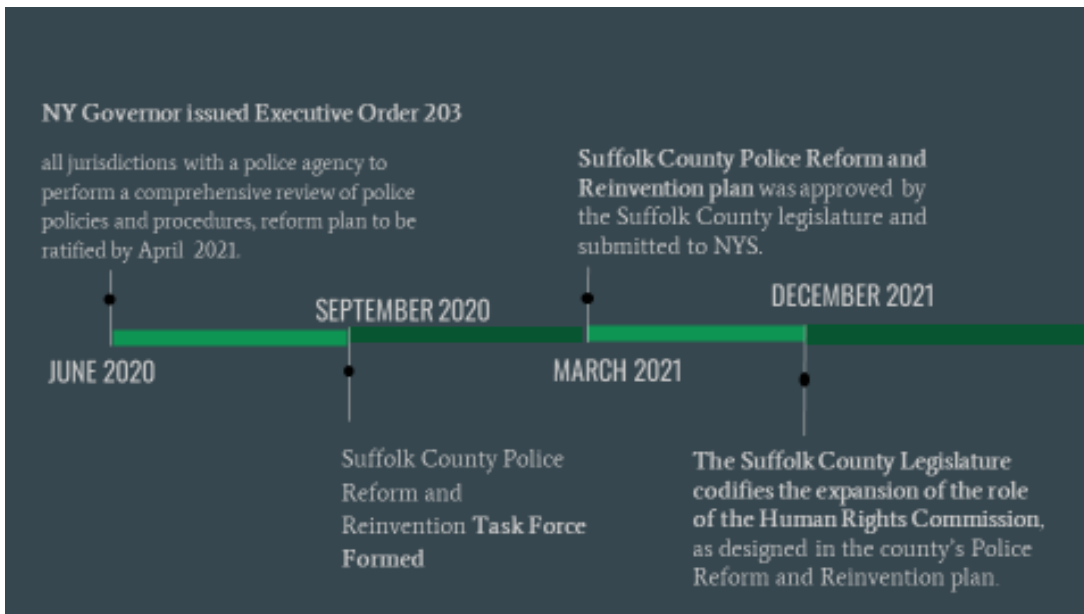
Additionally, external training was provided through the National Association of Civilian Oversight of Law Enforcement (NACOLE). The HRC became a NACOLE member in 2021 and a voting delegate. The HRC Executive Director, staff and County officials attended NACOLE'S Annual Conference in 2021, 2022 and 2023. The conference brings together field experts, civilians, victims, and law enforcement agencies to address challenges, resources, and mandates aimed at strengthening police transparency and accountability.

As NACOLE members, HRC participates in monthly forums with other civilian oversight practitioners nationwide and has access to various webinars and seminars related to police oversight, accountability and transparency. Some webinars attended include "Constitutional Police-Community Encounters," "Understanding Force Used in Effecting Arrests," and "Bias in Interpretation of Video Evidence."

HRC staff members also participated in a two-week training led by Evangula Brown, a Criminal Justice Professor and former Lead Investigator for the City of Baltimore. This training covered topics such as the history of civilian oversight in the U.S., probable cause, *Terry v. Ohio* (1968), applicable case law, and legal standards of proof in civil and criminal law proceedings.

Further training was provided by the CEO of Oversight by Sivil, HRC's online portal, with ongoing periodic training as needed. Training is ongoing.

SUFFOLK COUNTY CIVILIAN OVERSIGHT TIMELINE



MEET THE ADMINISTRATION OF JUSTICE SUBCOMMITTEE

Since its creation, the HRC has had several standing committees, including the Administration of Justice Subcommittee (AOJ). The AOJ is comprised of five independent members who have actively worked with all Suffolk County Law Enforcement entities on matters of concern to the Commission, such as:

- The tracking of complaints against the SCPD,
- Incidents involving the use of undue force,
- The Internal Affairs Bureau complaint process,
- Policies & procedures regarding designation of a "hate crime" to bias-involved incidents,
- The recording of racial data on stops and searches, and
- Increasing minority representation in the police service.

AOJ Civilian Police Oversight Subcommittee Members are:

- Lynda Perdomo-Ayala, LMSW CLC - HRC Chair
- Carolyn G. Peabody, Ph.D. - AOJ Chair
- Elizabeth Bojsza, MFA
- Curtis E. Highsmith, Jr.
- Gary R. Mar, Ph.D.
- Rabbi Lina Zerbarini

AOJ CIVILIAN POLICE OVERSIGHT MISSION STATEMENT

In 2021, the Suffolk County Executive's office authored the Police Reform and Reinvention Plan, which was subsequently approved by the Suffolk County Legislature. This plan designated the Administration of Justice Committee of HRC to provide real-time, independent oversight of investigations into alleged misconduct by Suffolk County Police Department officers. As an independent civilian oversight body, AOJ's mission is to monitor the reviews conducted by HRC Investigators of IAB investigations into complaints of police misconduct, thereby supporting the establishment of greater policing transparency for the community.

AOJ CIVILIAN OVERSIGHT AND REVIEW PROCESS GOALS

To effectively administer civilian oversight duties, the Administration of Justice Subcommittee conceived and focused on four primary process goals:

- 1. Providing an independent, third-party review of the investigation of complaints, brought against the SCPD to ensure that civil and human rights have been protected*
- 2. Soliciting community feedback and input regarding the public's experiences and interactions with the SCPD via community engagement and outreach efforts*
- 3. Actively providing the community with timely information about the investigation process and outcomes*
- 4. Monitoring the progress in interactions between the SCPD and the residents of Suffolk County, providing feedback and insights to the County Executive and Legislature on progress and/or problems that emerge*

See below for detailed objectives comprising each of the four process goals:

Providing an independent, third-party review of the investigation of complaints, brought against the SCPD to ensure that civil and human rights have been protected;

- Ensuring that HRC Investigators and AOJ Commission members are trained by independent experts in civilian oversight;
- Ensuring that HRC Investigators and AOJ Commission members are trained in the use of the online application that is to be used to document ongoing investigations as well as to receive the training that officers will receive for use of body-worn cameras.
- Ensuring that HRC Investigators and AOJ Commission members are fully informed about the policies and procedures of the IAB to provide effective oversight;
- Reviewing evidence, associated with alleged incidents;
- Requesting IAB Investigators to explore specific additional steps in a given investigation, such as witness queries, investigative areas, etc., should HRC Investigators and/or HRC-AOJ Commissioners consider such actions as necessary to fully inform the decisions made in given investigations of alleged police misconduct; and
- Independently issuing recommendations on complaints of misconduct.

Soliciting community feedback and input regarding the public’s experiences and interactions with the SCPD via community engagement and outreach efforts;

- Conducting community meetings, seeking input and feedback on the communities’ experiences with police complaint process;

Actively providing the community with timely information about the investigation process and outcomes;

- Conducting community meetings, detailing the work of the County’s current efforts towards civilian police oversight of IAB investigations; and
- Developing and undertaking information-sharing initiatives (e.g., social media; downloadable brochures; printed brochures) to bring visibility and ensure transparency in both the process and outcomes of IAB investigations.

Monitoring progress in relations between the SCPD and the residents of Suffolk County, providing feedback and insights to the County Executive and Legislature on progress and/or problems that emerge;

- Tracking key data points relevant to outcomes of police misconduct investigations and community relations;
- Collecting qualitative responses from Suffolk County community members related to their experience of the Police Department and of the IAB investigation process; and
- Issuing periodic reports related to data collected.

CIVILIAN OVERSIGHT COMPLAINT AND REVIEW PROCESS

INITIAL COMPLAINT FILING TO HRC

1. Via Phone
 - At the time of intake, HRC investigators will ask for all required information from the complainant to complete the police misconduct complaint form.
2. Via Online Submission – Oversight by Oversight by Sivil
 - When an online submission is received in any language other than English, the HRC investigator will call the complainant to verify all information submitted. Everyone gets a unique tracking number that can be used to view case updates.
 - Benefits of creating an account:
 - View the details of your case after submission.
 - Receive a tracking number via email.
 - Receive email notifications as your case is updated.
 - Portal Communication Stages
 - “Received”: Confirmation of receipt of complaint.
 - “In Progress”: Confirmation of complaint transferral to IAB.
 - “Complete”: Confirmation of completion of IAB investigation & HRC review.
3. Transfer to IAB
 - HRC transfers the complaint to the Internal Affairs Bureau (IAB).
 - IAB loads the complaint into the Evidence.com platform, allowing HRC Investigators to monitor the investigation until a determination is reached.

COMPLAINT REVIEW PROCESS

1. Pairing and Assignment

- HRC Executive Director has paired Administration of Justice (AOJ) members with a designated HRC Investigator for all cases.
- HRC Executive Director and Investigators are provided with an IAB complaint number associated with a given case file.
- HRC Investigators reviews police misconduct complaints and investigations in tandem with IAB via access to a shared data portal, Axon Evidence.
- HRC Executive Director assigns IAB Civilian Complaints and IAB Internal Administrative Complaints to HRC Investigators to review all police misconduct cases.
- HRC Investigators review cases on a daily basis.

2. Monthly AOJ Committee Briefings

- HRC Executive Director provides a general update on misconduct complaints:
 - Number of complaints received in the past month - overall.
 - Number of complaints received in the past month - by allegation.
 - The status of ongoing police misconduct investigations.
- AOJ members meet with their assigned HRC Investigator for an in-depth briefing on the status of misconduct investigations.
- AOJ members have the ability to review pertinent documents and media with the HRC Investigator as needed.

3. Requesting Additional Steps

- If an HRC Investigator and AOJ member agree to request additional steps by IAB in a given investigation, that request will be made in writing to the Chief of IAB.
- If IAB does not provide legal justification for declining to fulfill the request, HRC can notify the County Executive Police Accountability Liaison to address the matter.

CONCLUSION OF INVESTIGATION

1. Final Review and Determination

- Upon completion of the investigation, HRC will conduct a final review of the complaint and investigation.
- Prior to a final determination, IAB will share its recommended disposition (substantiated, unsubstantiated, exonerated, unfounded) with HRC Investigators who will share the same with the AOJ members.
- If an HRC Investigator and AOJ member disagree with the recommended disposition, the basis for the disagreement will be submitted in writing to the IAB investigator and Chief of IAB.
- If an impasse is reached regarding the final disposition, HRC can notify the Deputy Police Commissioner and/or County Executive Police Accountability Liaison to address the matter.

2. Communication to Complainant

- Once the disposition is final, the Human Rights Investigator and/or police department will provide the final determination and actions to be taken to the complainant.

2023-2024 OVERSIGHT INVESTIGATIONS

Filing Complaints with the HRC

A police complaint or compliment²³ can be filed directly with the HRC using the online platform, Oversight by Sivil. This platform offers 24-hour access for filing from a mobile device, computer or laptop, allowing evidence to be uploaded in real-time. Once the HRC receives the complaint or compliment, it is transferred to IAB. Then IAB uploads the complaint to Evidence.com.

Alternatively, a complaint can be filed with the SCPD IAB via phone, mail, or in-person. The SCPD uses the Evidence.com platform to share the complainant's file with the HRC, allowing HRC Investigators and AOJ Members to review the evidence (e.g., body-worn camera video, witness statements) obtained during an IAB investigation.

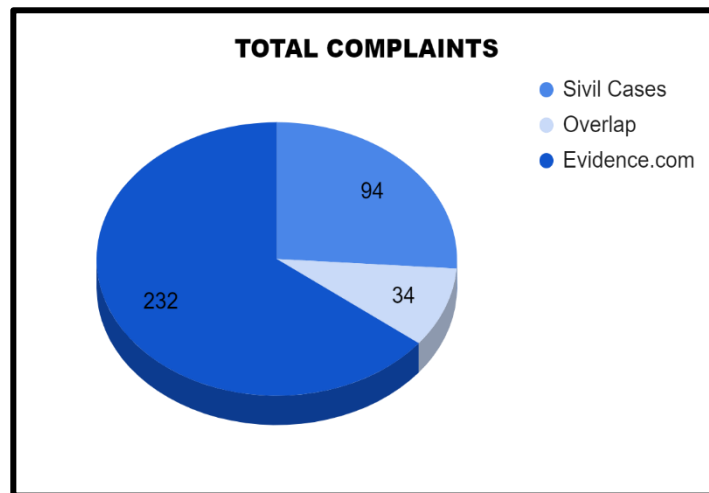
²³ HRC received 14 compliments during the 2023-2024 review period.

Review of 2023-2024 Complaints

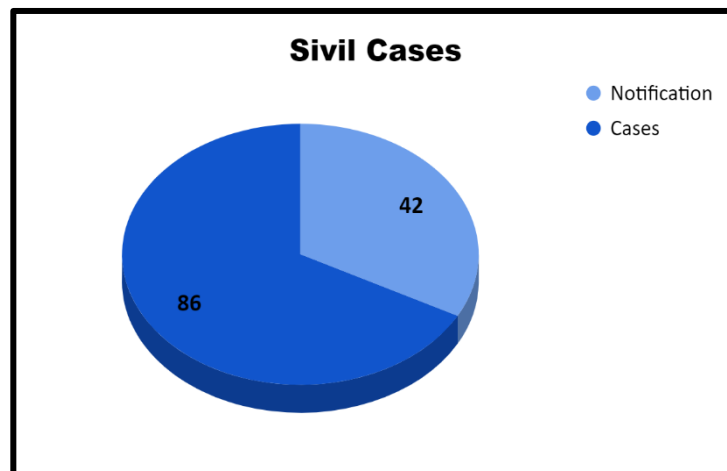
The data below is derived from the Oversight by Sivil and Evidence.com platforms and will be delineated accordingly. The review period is **March 8, 2023 to May 31, 2024**.

TOTAL SUM OF COMPLAINTS

The HRC and AOJ Members reviewed 360 complaints in the 2023-2024 review period. 128 of the 360 complaints were filed with HRC in Oversight by Sivil and 232 were filed with the SCPD IAB, as reflected below:



Of the 128 Oversight by Sivil complaints, 42 were classified as a *Notification*, which the IAB defines as allegations outside of their jurisdiction.



Note: This graph does not reflect the number of complaints filed with IAB that were classified as a *Notification*.

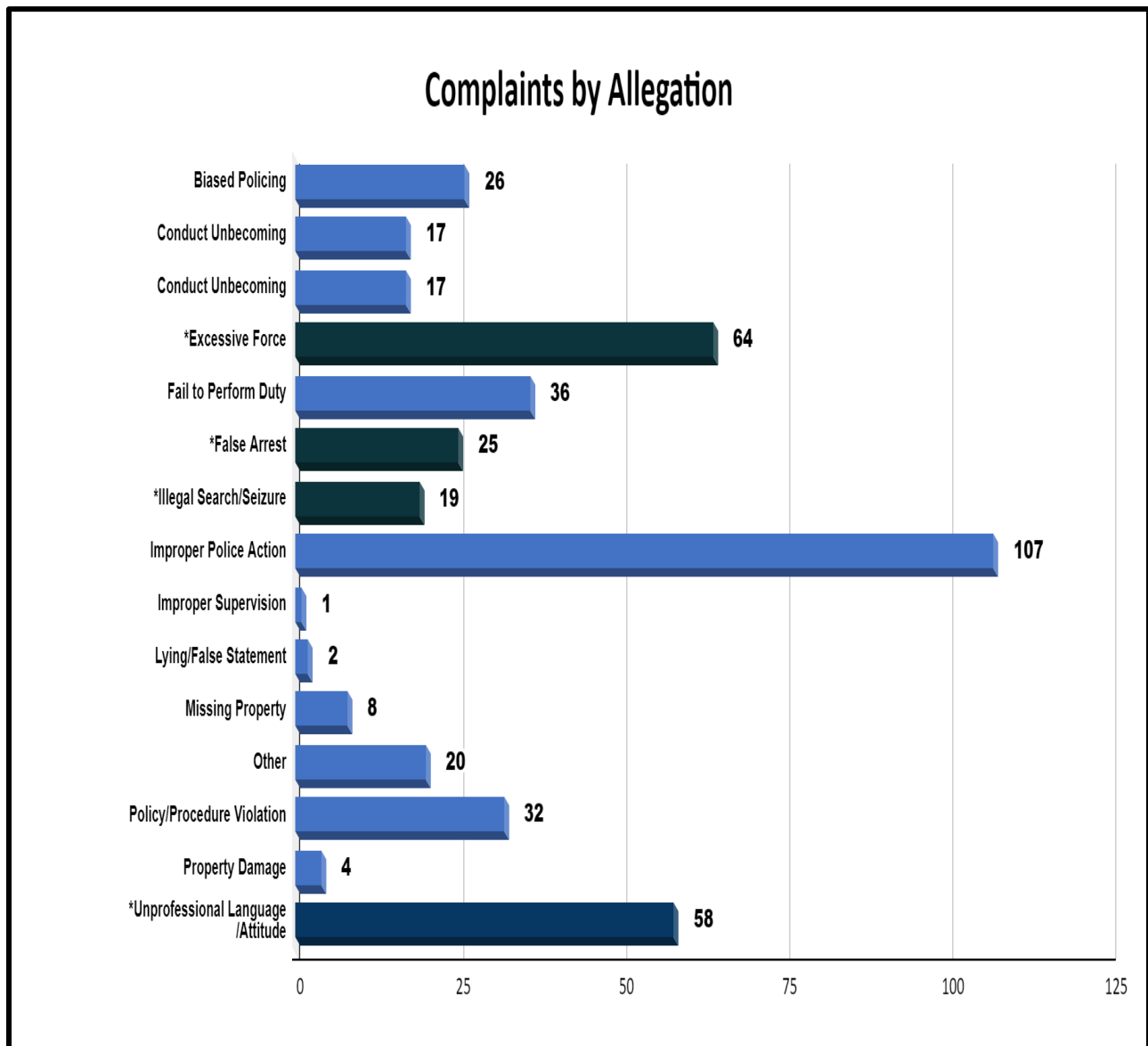
Review of 2023-2024 Complaints cont'd

COMPLAINTS BY ALLEGATION

The total number of allegations received in the 2023-2024 review period is 419. It is important to note that a complaint may have more than one allegation; hence, the total number of allegations received exceeds the total number of complaints received.

The most common allegations per SCPD are noted below, but the list is not exhaustive.

“Other” types of allegations includes a variety of charges such as Administrative (complaints that are filed by fellow officers).



COMPLAINTS BY RACE/ETHNICITY AND GENDER

The complainant’s self-identification captures demographics in complaints, and these two fields on the complaint form are not mandatory for filing a complaint. The rationale for this was, in part, to avoid presenting any barrier or impediment to filing a complaint.

Of those who opted to provide their race/ethnicity, we see in the 2023-2024 review period that:

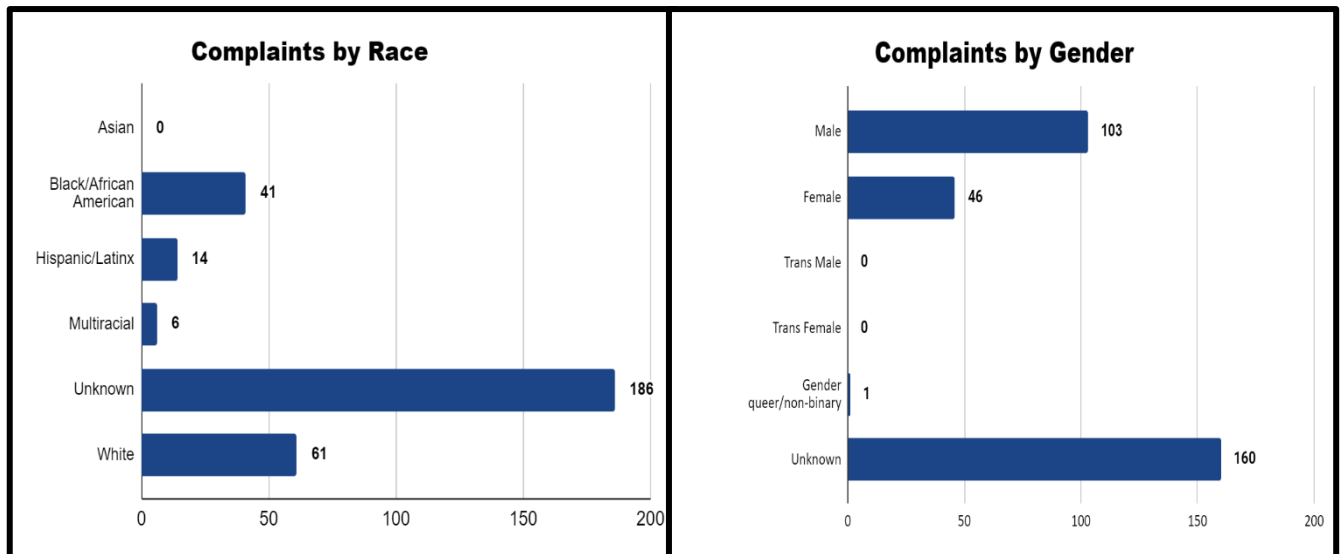
- 61 out of 124 complainants self-identified as White,
- 41 as Black/African-American, and
- 14 as Hispanic/Latinx.

“Unknown” represents those who declined to provide their gender and race/ethnicity.

For gender, 160 complainants did not provide their gender. Of the 150 who did:

- 103 complainants self-identified as male,
- 46 as female, and
- 1 as gender queer/gender non-binary.

More than half of complainants did not provide their gender, and even fewer provided their race. AOJ intends to review the lack of self-reporting and a mechanism to encourage individuals to provide this important data. Updating the complaint form to provide another response (“I’d prefer not to say”) or a community survey are options AOJ is considering to improve the reporting in this area



COMPLAINTS BY DISPOSITION

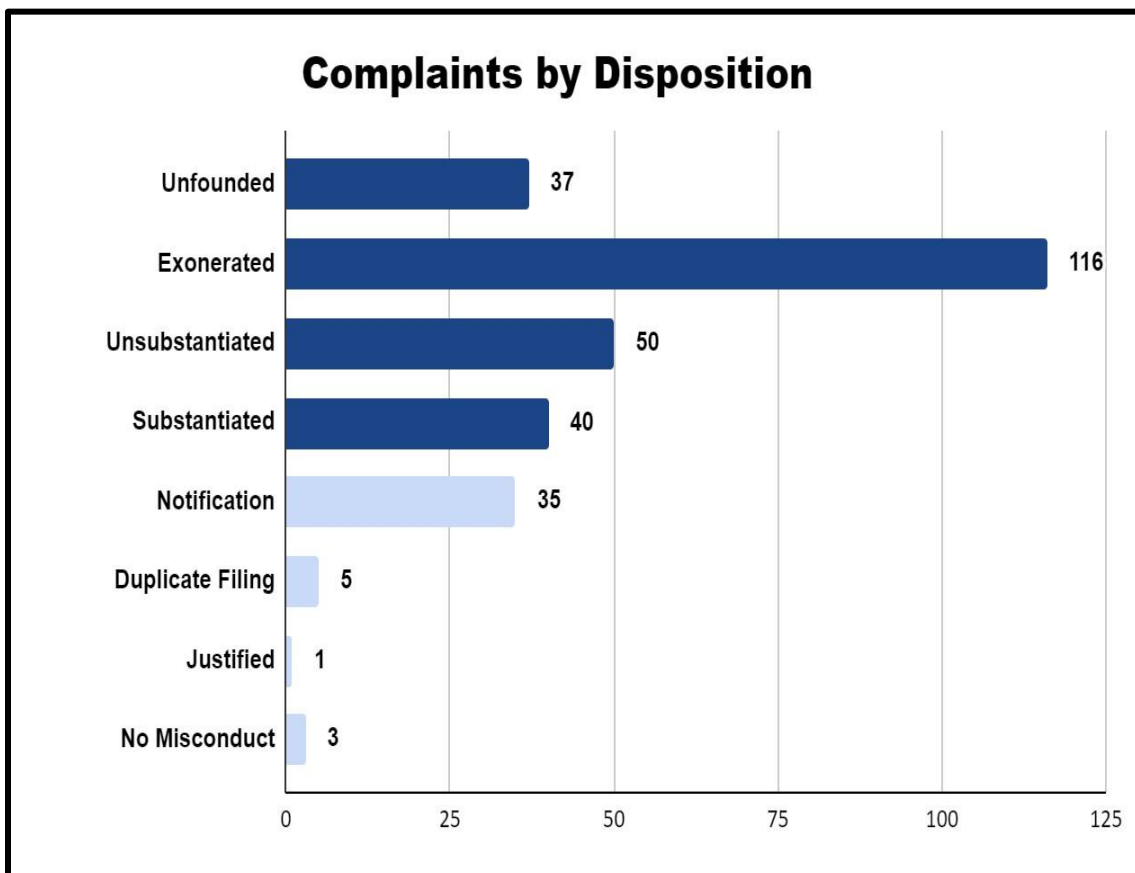
At the end of an IAB investigation, there are several possible investigative conclusions:

- **Substantiated:** The facts support the allegation.
- **Unsubstantiated:** The allegations cannot be resolved by investigation because sufficient evidence is unavailable, or there are material conflicts in the statements obtained.
- **Exonerated:** The act did occur, but was legal, proper, and necessary.
- **Unfounded:** The act did not occur and the complaint is false.
- **Notifications:** The complaint falls outside the SCPD's jurisdiction.

Other terms used to mark the conclusion of a case:

- **Duplicate Filing:** Complainant previously filed same allegations.
- **No Misconduct:** The act did occur, but was not an act of misconduct.
- **Justified:** The act did occur, but was legal.

*Every allegation has a corresponding disposition.



COMPLAINTS BY DISPOSITION cont'd

Prior to Suffolk County's civilian oversight, the Internal Affairs Bureau made case disposition determinations without making the evidence available to the public or external parties. This changed with the inaugural 2023-2024 review period, where AOJ and HRC Investigators had access to comprehensive evidence, including: Body-worn camera (BWC) video, 911 call recordings, witness statements, and officer statements.

Part of AOJ's role is to evaluate IAB's proposed dispositions, report whether further investigative action is recommended and agree or disagree with IAB's recommendations. During the review period, AOJ had the opportunity to examine entire case files to assess whether the evidence supported the recommendations and here's a summary of that process.

Agreement with IAB's Dispositions: AOJ has agreed with IAB's case dispositions. However, there has been disagreements, leading to AOJ proposing alternative dispositions and policy changes.

Exonerated Cases: On multiple occasions, AOJ could not agree or disagree with the proposed exoneration (e.g., Improper Police Action) due to an Officer's failure to activate the BWC as per SCPD policy.

Unsubstantiated Cases: Similar issues were noted with unsubstantiated cases (e.g., Unprofessional Language and Attitude) where BWC footage was missing.

Policy/Procedure Violations: AOJ disagreed with classifying the failure to activate BWCs as a "Policy/Procedure" violation. Instead, they recommended classifying it as "Failure to Perform Duty."

Notification Cases: AOJ objected to a Notification case where the allegation seemed to involve Bias Policing and requested further investigation.

AOJ's role in reviewing evidence and recommending alternative dispositions and policy changes demonstrates a commitment to enhancing the transparency and accountability of police practices in Suffolk County.

The data collected in the first year of this oversight program has provided us with a greater understanding of police oversight in Suffolk County. In the first 15 months, the HRC processed and investigated over 350 complaints, 128 of which were submitted directly to HRC through the Oversight by Sivil portal. This process testifies to both the increased capacity of the HRC to handle these cases on top of standard discrimination cases and to the increased level of transparency into issues of police oversight, being that all evidence involved with investigation into these complaints is available for HRC investigators and AOJ members.

As this is the first year of data collection, the information from this report is essential for establishing a baseline. This will help us identify issues in our data collection methods, data representation, and overall processes, allowing for necessary corrections and establishing consistencies moving forward. We are proactive in making decisions and recommendations both

to improve the process of investigating complaints of police misconduct, and the manner in which we collect information to ensure a more actionable dataset in the future.

The progress made in the last year cannot be understated. The data reviewed will serve as a baseline for next year and AOJ will also be looking to review the disciplinary action issued in those substantiated cases. While the discipline is outside of our purview and subject to the parties' collective bargaining agreement, this information is vital to civilian police oversight. The majority if not all the cases reviewed are within the 18-month investigatory period. As we approach the end of the established 18-month timeline we expect to see an increase in the quantity of data. The information collected so far will serve as an important foundation on which to base future assessments and trends. The lessons learned this year have prompted methodological adjustments that will help to improve the overall capacity for the HRC to collect and record information and improve the quality and direction of Suffolk County civilian police oversight.

COMMUNITY OUTREACH AND ENGAGEMENT

The following is a list of outreach engagements conducted by the various members of the AOJ subcommittee and the HRC Executive Director, in the past year, related to the second objective as outlined earlier in this document. Committee members wrote to organizations and received referrals and requests to engage in this outreach.

- **July 25, 2023**

In Person Presentation - Academy of Civic Life at Stony Brook University. This also included an overview of HRC as well as Civilian Review.

(Elizabeth Bojsza, Carolyn Peabody, Gary Mar)

- **Oct 12, 2023**

Virtual Presentation - League of Women Voters.

(Elizabeth Bojsza, Lina Zerbarini)

- **January 24, 2024**

Virtual Presentation - Huntington Anti-Bias Task Force.

(Lina Zerbarini)

- **March 6, 2024**

In-Person Presentation - "Fighting for Justice in Policing" Workshop Panel at LILAC Conference, Fighting for a Voice at the Table: Protecting Everyone's Right to Meaningful Language Access. Covered civilian review process, role of HRC AOJ, progress and challenges.

(Carolyn Peabody)

- **March 11, 2024**

Virtual Presentation - HRC Executive Director Dawn Lott presented to Long Island Advocates For Police Accountability, Inc (LIAFPA) monthly meeting.

- **May 2, 2024**

Virtual Presentation -HRC Executive Director Dawn Lott presented to the Just STOP UNjust Stops campaign.

(Rabbi Lina Zerbarini)

AOJ OVERVIEW AND ASSESSMENT OF THE EVOLVING PROCESS

“FLYING THE PLANE WHILE BUILDING IT”

As noted earlier, the process of getting the civilian oversight of complaints from nonexistent to up and running has been evolving both prior to March 2023 and since the actual initiation of the program. As this is the first effort of civilian oversight in Suffolk County, we realized in its early phases it required building a unique working relationship with the IAB. We must simultaneously foster trust while maintaining the distance and independence required to provide an objective critical eye on the entire process of investigations conducted by IAB.

To provide informed oversight, we needed to learn about existing procedures and policies that govern IAB in their investigations and processing of complaints about police misconduct. Having many questions about why so few complaints were substantiated and therefore founded in the past, we learned that without concrete evidence, allegations would inevitably be determined to be unsubstantiated. As frustrating as that was, it served to highlight the critical importance of police officers' use of body-worn cameras to provide needed evidence of misconduct or innocence.

Training meetings with Internal Affairs leadership also allowed AOJ Commissioners to pose any questions we had. They were receptive to our questions, listened to our concerns and provided explanations in response. The IAB Chiefs, Deputy Police Commissioner and Deputy County Executive, whom we met, were all deeply involved in the police reform task force process. They were keenly aware of the community's and our skepticism regarding the process. They demonstrated a remarkable willingness to be transparent and an openness to establishing the civilian oversight process.

As we have engaged in the work of civilian oversight over the fifteen months, we have identified significant questions about IAB procedures and policies as well as the working of the IAB/HRC AOJ interface, which will be documented in great detail in the next section. On the whole, we have experienced an ongoing willingness by IAB leadership to meet with us to hear our concerns and respond to them with modifications or explanations.

TRANSFORMING AOJ'S WORKING RELATIONS AND BUILDING INTERNAL PROCESSES WITH HRC EXECUTIVE DIRECTOR AND INVESTIGATORS

Before the charge to serve as Civilian Oversight, AOJ Commissioners worked relatively separately from the staff and monthly with the Executive Director (“ED”). Since then, however, our sub-committee and often, the Chair of the HRC, have been meeting with the ED on a nearly constant bi-weekly basis with phone contacts when necessary. The ED has a long history of effective and committed administration of the HRC Mission and organization. It is important to note that

considering the massive transformation in the work of the Commission through this process, we of AOJ cannot imagine this transition and process going smoothly without her knowledge, expertise, and perspective.

In addition, we have developed new and intensive working relationships with HRC Investigators. They demonstrate amazing dedication to and thoughtful assessment of voluminous amounts of evidentiary data, and effectively track relevant and missing evidence.

It would be nice to imagine that we had all of the insights and understanding of what this process would entail from day one. Flying the plane while building it required that we, the investigators and the ED inductively create mechanisms capable of tracking and documenting the assessment process in order to relay and and share the most important elements of cases and to identify critical questions and concerns about missing or troubling evidence.

The time demand has also evolved in AOJ meetings with HRC Investigators. Initially, we met with them for about two hours a month to review case updates. However, now that IAB has completed some of its investigations, we regularly meet with our assigned HRC Investigators to review IAB's case reports. This involves viewing the evidence in preparation for the last stage of review by the Deputy Police Commissioner (DPC). Each case report includes an attachment list identifying evidence used in IAB's determination. If, after reviewing this list and case report, AOJ determines that evidence is missing, the HRC Investigator will subsequently request that IAB provide it accordingly. Until a case report is received from IAB, we cannot know if all the necessary and relevant evidence for each case has been provided. Throughout the review process, in addition to weighing in on specific cases, AOJ's role is to identify concerning patterns regarding police conduct, as well as police and IAB investigative policies and procedures which appear to be problematic.

BUILDING MECHANISMS TO COMMUNICATE WITH IAB LEADERSHIP ABOUT CONCERNS

The ED is primarily responsible for compiling ongoing case questions identified by the HRC Investigators and/or AOJ and conveying them to IAB leadership weekly. Determining the nature and range of questions has also been a largely inductive process emerging from the work of the Investigators who may require that specific questions be answered to accurately review IAB'S investigations. As concerns for individual cases became indicative of patterns or began to reflect larger questions of procedure and/or policy, AOJ's role also evolved.

Our meetings with IAB Chiefs, and sometimes the DPC, to address questions, concerns and request modifications in IAB procedures enable us to identify and raise larger policy issues related to policing as well.

THE DISPOSITION PROCESS IS EVOLVING

The current administrative review process is as follows:

After Internal Affairs Investigators complete their investigation, recommendations are submitted and must proceed through the chain of command, beginning with their Captain, then to both Chiefs, and last to the DPC. It is at the point at which the Chief of IAB signs off on the investigation and forwards the report summary to the DPC that the HRC also receives the report and is apprised of the recommendation. At this point the HRC Investigator then re-examines the entire case, subsequently meets with their assigned AOJ member wherein the case investigation and evidence are assessed.

At that stage, AOJ and their HRC Investigator discuss the case at length and identify investigative questions or concerns, missing evidence, additional investigative actions by the IAB Investigator that should've been taken and assess whether the evidence provided supports IAB determination. AOJ can then request additional actions to be taken by the IAB investigator, such as interviewing additional witnesses including officers, or accessing other sources of evidence.

Regarding those cases wherein AOJ has disagreed with IAB's disposition, and notified IAB of our disagreement, we are not yet aware of IAB's procedures for processing such disagreements or the subsequent case status.

IDENTIFIED AREAS OF CONCERN, IAB RESPONSE AND AOJ CONCERNS STATUS

AOJ has identified five areas of concern in the 2023-2024 review period.

CONCERN 1: DELAYS IN UPLOADING EVIDENCE TO EVIDENCE.COM

Adding evidence to Evidence.com by IAB Investigators was a new step for the department. Early on, we found that there were significant delays in uploading evidence to Evidence.com. Prior to our first meeting with the Chiefs, AOJ sent a letter noting concerns to be raised. One of these reflected serious concerns about the chronic lack of uploading of evidence and even the complaints and allegations themselves to Evidence.com by IAB.

IAB Response:

Almost immediately, even before our scheduled meeting, IAB began to address the lag in uploading in response to the letter so that by the day of the meeting a substantial portion of missing evidence was already uploaded.

At the meeting, the Chiefs noted a lack of administrative support regarding uploading documentation on behalf of IAB Investigators and the IAB Investigators' workloads. They indicated that they were seeking to address these challenges.

The Chiefs also noted that elements in the IAB Case Notes that are deemed to lack evidentiary value are not uploaded. These may include reports that are noted in the record that the IA Investigator has run but that s/he determined was not of evidentiary value e.g. AVL (Auto Vehicle Locator) – if the location of the vehicle is not in question, it will be deemed non-evidentiary and not uploaded. But the report will be uploaded if AOJ requests it.

The Chiefs informed us that they meet with the Captains and require that they complete audit logs, which includes pulling the IAB Investigators' cases to ensure proper uploading.

Current Status of AOJ Concerns:

There are still instances where evidence is not uploaded until the final case report is provided. Additionally, some cases seem to have no action taken for months. We are actively monitoring and addressing these issues with Internal Affairs leadership.

NOTE: IAB's prompt response to AOJ's concerns regarding access to evidence speaks to their commitment to this process and their collaborative nature. This is not what the majority of oversight practitioners throughout the country experience.

CONCERN 2: UNCLEAR INFORMATION ON EVIDENCE.COM REGARDING POLICE MISCONDUCT ALLEGATIONS AND THE OFFICERS INVOLVED

Shortly after police oversight began, we raised concerns about the numerous cases on Evidence.com where the complaint, complainant, allegations, and/or involved officers were not identified.

IAB Response:

Any Evidence.com complaint filed after August 16, 2023 would now be accompanied by an HRC Overview Form that includes the complainant's name, the officer(s) involved, allegation(s) and a brief summary of cases. However, complaints filed before raising this concern, would not retroactively be accompanied by the HRC Overview Form.

Current Status of AOJ Concerns:

The introduction of the HRC Overview Form, as part of the Evidence.com record, has greatly improved the ability to discern important, basic information about the cases.

CONCERN 3: OFFICERS' INCONSISTENT USE OF BODY-WORN CAMERAS ("BWC")

Shortly after police oversight began, the HRC Investigators observed gaps in and non-activation of audio and/or video portions of Body-Worn Camera footage. They also discovered that desk officers were not wearing body-worn cameras inside the precincts. As such, when complainants visited the precinct to file complaints, there was no BWC footage to capture their encounters with the desk officers.

IAB Response:

1. IAB has an audit system in place. They have metrics developed through the BWC system that can show officers with a lower percentage of BWC activation than expected. This notifies supervisors to inquire about the issue and review the records of the identified officer. Supervisors can also conduct audits of available video records from officers' BWC.
2. Also, if an officer does not properly engage the BWC, that will be part of the review process. It may require reinforcement and training. The Department's response depends on whether it is a 1st, 2nd or 3rd incident of failing to use their BWC. Repercussions will move from training to more serious responses with increased incidences.
3. Initially, IAB leadership explained that Precinct Desk Officers did not wear body-worn cameras due to a policy prohibiting their use in precincts for privacy reasons. However, we highlighted incidents where complainants expressed dissatisfaction with their treatment by Precinct Desk Officers. In response, the Chief took action to ensure that all Precinct Desk Officers now wear BWCs.

Current Status of AOJ Concerns:

Internal Affairs leadership's responses to our concerns about the use and non-use of body-worn cameras have been very encouraging. We were particularly pleased when the Chief took action to ensure that Precinct Desk Officers would now wear BWCs. However, we continue to encounter instances where BWC footage uploaded to Evidence.com is either inconsistent or nonexistent.

CONCERN 4: USE OF “42S”

“42s” (also known as “Internal Correspondences”) are internal forms completed by police officers to their supervisors and/or to IAB when they are instructed to provide statements regarding an incident of misconduct that they have either witnessed or are the subject of. The form states that the officer has been ordered to make said statements by IAB or their supervisor and failure to do so will result in disciplinary action against the officer. It also states that the statement is for administrative purposes only and may not be admissible in criminal court. The critical issue is that this serves in place of an actual interview. Given the importance of having an interactive opportunity to ask follow-up questions when an officer provides a statement about what they have observed or participated in, we expressed strong misgivings about the choice of 42s, particularly for the subject officer of the investigation.

IAB Response:

The Chief of IAB agreed that 42s should not be used for the subject officer.

Current Status of AOJ Concerns:

We appreciated that the Chief of IAB affirmed that 42s are inappropriate for the subject officer. We anticipate that this will become a standard operating procedure. In addition, we requested that an IAB investigator provide a rationale for their decision in an instance where an IAB investigator uses a 42 instead of an interview.

CONCERN 5: EXCLUSION OF AOJ FROM REVIEW PROCESS UNTIL THE LAST STAGE OF ADMINISTRATIVE REVIEW

AOJ has expressed unease with IAB not notifying HRC of their recommended case disposition until the last stage, right before being forwarded to the police commissioner. To review, the IAB Investigator completes their initial investigation and submits the report with a recommendation on the disposition to his or her captain, who reviews the case investigation and may make additional recommendations for additional actions by the Investigator or not. When the Captain is satisfied, they sign off and submit the case to the Deputy Chief who also reviews the investigation, makes or does not make a recommendation for further investigation, and when satisfied then signs off and forwards the case to Chief of IAB, who again reviews the case investigation and may make a recommendation for further actions by the Investigator or, if satisfied, signs off and sends the case to the DPC. Only at this stage will the disposition be forwarded to the AOJ for our review. Our concern reflects two critical issues: first, we are not apprised of the full range of intended actions by the IAB Investigator until we receive the case report. It is then that we know all of the evidence is available for HRC Investigators to review and subsequently meet with AOJ to determine our assessment of the process and whether there are additional steps we believe should be taken by the IAB Investigator. Since this final review by the DPC is the last stage before the case goes to the Police Commissioner, we must make our determination as quickly as possible. Often, there have been no updates to Evidence.com for months regarding a case but then suddenly a substantial amount of evidence is uploaded for our review all at once. Secondly, we are concerned that this may delay the case's final disposition and resolution, or consequences for the accused officer if substantiated, especially if it requires training, discipline or other significant corrective action.

IAB Response:

IAB leadership's rationale for this process structure is that AOJ might make a recommendation that the Captain or Chiefs themselves might make. In this perspective, the investigation process has not actually been completed. Therefore, if we were to recommend additional steps be taken, it would just be redundant. Additionally, regarding the concern that we might add to the delay, they suggest that the DPC has much to do and many cases to review. Therefore, we would have plenty of time to review the case at that juncture. Furthermore, the opportunity for AOJ to weigh in exists even after the case is forwarded to the Police Commissioner.

Current Status of AOJ Concerns:

AOJ still wishes to receive the IAB's recommendation when the IA Investigator submits it. We also believe that it would be helpful and transparent for AOJ to be in on the evaluation of the case as it goes up the chain of command to the DPC.

AOJ CONCLUSIONS AND RECOMMENDATIONS

As noted above, this is the first civilian review effort in Suffolk County. The program is brand new and requires that we create new processes and procedures that enable the HRC AOJ to work effectively with an already-established organizational structure and procedures. It has inevitably required some pushes and pulls for clarification as well as modifications to ensure the civilian oversight is working in the direction of its intended goals.

While not always completely satisfied, AOJ has found the leadership of IAB to be accessible, cooperative, responsive, and expressive in their support of our shared goals which is unlike the experience of a majority of civilian oversight practitioners nationally. In areas where we continue to have concerns, as well as those that may become apparent in the future, we anticipate continuing to work with IAB leadership to address concerns to ensure the investigation of civilian complaints about police misconduct is fully and honestly investigated.

Areas about which we will be continuing to address that fall into the area of IAB and Police procedures and policy include:

- a. Ensuring that BWCs are to be activated whenever Police Officers (of any rank and unit) interact with the public;
- b. Ensuring that Police Officers utilize mental health resources, especially when the subject of an intervention appears psychologically agitated and distressed;
 - i. Ensuring that Officers are provided with thorough and ongoing training to assess the difference between “resistance” and psychological distress;
 - ii. Ensuring that there are mental health crisis teams available around the clock; (Currently, the Mobile Crisis Team is available Monday to Friday 0800 hours to 2400 hours)
- c. Ensuring that the demographics of individuals (officers and complainants) are collected;
- d. Ensuring that when BWC recordings show serious inappropriate police behavior (such as the appearance of officer behaviors that are taunting, aggressive, and escalating of tensions in the interaction with the subject of a police intervention) but that is not reflected in the actual complaint, nonetheless, the allegation or recommended disposition must address corrective action to prevent future similar behavior.
- e. Ensuring that evidence is uploaded to Evidence.com as it is gathered and in a timely fashion to avoid ongoing gaps of time without sufficient evidence necessary to grasp the elements of the case and to avoid last minute evidence dumps;

- f. Increasing the transparency of the decision-making process associated with the notification process;
- g. Establishing a process for engaging with the Captains and Chiefs to enable AOJ to weigh in earlier and throughout the process of investigation to review cases and their recommended dispositions at each stage going up the chain of command;
- h. Areas about which we will be continuing to address that will improve AOJ's effectiveness in evaluating evidence and police behavior:
 - i. Increased AOJ/HRC training in police procedures and policies;
 - ii. Increased AOJ/HRC training in understanding how IAB translates a complaint into an allegation and classification of allegations;
 - iii. Increased transparency in the relationship between the ultimate disposition and the department's decision about disciplinary or corrective action.