

# 13-3088-cv(L), 13-3461-cv(CON), 13-3524-cv(CON)

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## United States Court of Appeals *for the* Second Circuit

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DAVID FLOYD, LALIT CLARKSON, DEON DENNIS, DAVID OURLICHT,  
Individually and on behalf of all others similarly situated,

*Plaintiffs-Appellees,*

v.

CITY OF NEW YORK,

*Defendant-Appellant,*

SERGEANTS BENEVOLENT ASSOCIATION,

*Proposed Intervenor-Appellant,*

*(For Continuation of Caption See Inside Cover)*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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# POLICE STUDENT'S GUIDE

## Policing a Multicultural Society



In this chapter you will read about **Policing a Multicultural Society**. The Patrol Guide contains more extensive direction and procedures. The following mandatory Patrol Guide reading **must** be read in conjunction with this chapter. **Questions for the 1<sup>st</sup> Trimester Exam may come from these procedures.**

### MANDATORY PATROL GUIDE READING

- |                 |  |
|-----------------|--|
| I.O. 48 of 2011 | Revision to P.G. 208-56 Foreign Nationals  |
| P.G. 212-66     | Mayor's Executive Order # 34 & 41, City Policy Concerning Confidential Information and Immigrant Access to City Services (Interim Order 5 of 2004) |
| I.O. 31 of 2011 | Revision to P.G. 212-90 Guidelines for Interaction with Limited English Proficient (LEP) Persons   |

### WHY IS IT IMPORTANT FOR POLICE OFFICERS TO KNOW ABOUT POLICING A MULTICULTURAL SOCIETY?

New York City is composed of a vast array of people of diverse ethnic, racial, cultural /class backgrounds, different gender identities and sexual orientations. As a police officer, you will be in a unique position to learn the way of life of these different populations. Not only can this be personally enriching, it is also essential to your work. Being a part of your community means knowing and trying to understand all of your constituents or various people that comprise it.

As you read this chapter and begin to learn the basics of policing a multicultural society, keep in mind the following: Police Officers are service providers, not only protecting the public, but impartially enforcing the law and providing professional police services to ALL people they may encounter. Regardless of whom people are, where they may have come from, how long they have been here, what they believe, the language they speak, their gender identity / sexual orientation, or their membership in any other category, these are the "clients" in which you will be providing police services to. ***While you may not fully understand or agree with people's differences, all members of the public are owed the same thing: police officers that are obligated to treat everyone with courtesy, professionalism, and respect.***

In order to effectively police a diverse city composed of individuals from many backgrounds, it is critical that you become aware of and sensitive to the differences among these New Yorkers. Individuals assign different meaning to verbal and non-verbal behaviors, depending on their cultural background. What is normal behavior in one cultural group may seem inappropriate to another. Words and gestures that are

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innocuous from the perspective of one social group may be seen as disrespectful, obscene, or threatening to another. It is therefore essential that you develop skills in cross-cultural communication. Only then will you be able to accurately interpret behavior, gain the cooperation of the people you serve, avert violence, and avoid making costly mistakes.

**Cultural competence** is the ability to effectively communicate with individuals whose background is different from your own. It is absolutely critical to your performance on the street, and may someday even save your life or the life of an innocent person. Cultural competence requires that you abandon certain taken-for-granted notions and see the world in a new way. You can begin by acknowledging that your cultural experience influences your perception and interpretation of the world around you. From there, you can explore the possibility that people from other societies have alternative understandings of social reality which relate to their cultural backgrounds and experiences. You can then begin to address the specific beliefs and values that govern the behavior of particular social groups and develop ways to communicate cross-culturally.

This chapter provides some of the background knowledge that will help you to develop cultural competence. We begin by providing a brief history of immigration in the United States which should address any misconceptions you have regarding any one group's right to live on U.S. soil. We go on to introduce some basic concepts that will help you develop cultural awareness and overcome the biases that inevitably accompany being a member of any social group. Some general principles of cross-cultural communication are then discussed with reference to relevant examples from different ethnic communities.

We also want to make you aware of another phenomenon. Wherever you work, many – if not most – of the people you meet while responding to 911 calls and other requests for assistance will be in trouble. Some of these will be people, who have done wrong, like traffic violators, offenders, and people clearly on the wrong side of disputes. Rarely will these people be happy to see you, and many are likely to let you know how they feel. Others will be people who have had a wrong done to them, like crime and accident victims. While they may be glad to see you show up, they will not be happy about the circumstances that caused you to come to the scene. After a period of exposure to such situations, some officers unfortunately begin to develop the sense that **all** the people in the area in which they work are nothing but trouble. When many of these people look or sound different from these officers, they may begin to believe that the troublesome behavior of a few is characteristic of everyone in the relevant cultural group. Stereotyping results and the officers assume all individuals affiliated with the group *are nothing but trouble; they can't solve their own problems; and on and on*. When such a stereotype develops, it follows that the people who are its victims come to be viewed as second-class. Once people acquire such a label, it becomes easier to justify giving them inferior treatment with the result that these members of our



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community do not receive the professional help and service they deserve. If you are to succeed in a police career, you must recognize and respect the differences between the various cultural groups who compose this City's various communities. **You must also recognize that problematic behavior on the part of the few individuals you meet does not reflect the norms, values, and actions of everyone in the relevant cultural group. As police officers, you must treat everybody as an individual, with all the courtesy, professionalism, and respect you would expect if you were in their shoes.**

Keep in mind that reading this chapter is only the first stage in the development of your ability to effectively police in a multicultural environment. Your skills will be refined in the context of the particular communities that populate the area where you are assigned. Be sure to read the newspapers published by every community. They will provide detailed information regarding important issues and activities that are also relevant to you. Every time you move from one precinct or command to another, you will further expand your knowledge of ethnic diversity. The development of cultural competence is thus an ongoing process that will continue throughout your career as a police officer.

### CULTURE AND ACCULTURATION

**Culture** may be defined as the beliefs, values, and patterns of thinking, behavior and customs that are shared by a group and have been passed from generation to generation. Culture is learned in early childhood and becomes part of a person's subconscious, mediating our attitudes and behavior in ways that usually are outside our awareness. Without our even realizing it, our cultures influence nearly everything we do, say, or think. At the same time that culture is deeply ingrained in our consciousness, it is rarely stagnant. Cultural beliefs and behaviors frequently undergo change in the context of new experiences that teach people alternative ways of perceiving and interpreting the world. A new immigrant family (to New York City), for example, may share some but not other values and norms with relatives who have been in New York City a generation or more.

**Acculturation** is the process by which members of one culture become integrated into another. It involves *resocialization*, which is the learning of new cultural values and ways of looking at the world. All immigrant groups to the U.S. accommodate and adapt to their new world in some way. However, not all choose to completely adopt the norms and values of the mainstream American culture. Some prefer to live in familiar communities where they can share their lives with people who understand them. In an effort to better survive a new and different world, individuals may even strengthen their identification with the traditional lifestyles and values of their countries of origin.



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Immigrant communities are constituted in ways which can contribute to the reproduction of traditional norms and values. In order to work and live in the U.S., most immigrants are required to prove they have access to jobs and can support themselves. Newcomers are thus usually sponsored by relatives and friends who can provide work opportunities and temporary or permanent housing. The result is that many of the immigrants who share a neighborhood in the U.S. often come from the same town, region, or state as their predecessors and share similar ways of looking at the world.

Remember, acculturation is not a one-way street in which the immigrant group adopts the norms, values, and behaviors of the mainstream population. Frequently it involves an exchange as aspects of the immigrant culture begin to infuse that of surrounding groups. Think, for example, about how much commonly used slang comes from immigrant communities.

### Feeling at Home in an Alien Environment

Maintaining a strong affiliation with members of their native culture allows immigrant groups to feel more at home and less like aliens in a strange world. The same pattern is practiced among the majority of Americans who move to other countries, such as Nicaragua, Guatemala and Costa Rica. Some of these people attempt to learn Spanish; others don't. Almost all live in American ex-patriot communities and socialize with other Americans with whom they share a familiar cultural world.

Immigrants who leave their communities and come to the U.S. without their families may experience an increased sense of loneliness and alienation from mainstream American customs. This is the case, for example, among some of the West African traders who have come to New York to work to support families who are living abroad. For West Africans, the ethnic group forms the base for unity and survival. This is by no means a new phenomenon or something unique to African, Asian, Arab, or Hispanic immigrant groups. In generations past, immigrants from Ireland, Italy, Greece, Germany, Eastern Europe, and Scandinavia settled in particular parts of the City that have long been identified with their groups.

For new immigrants as well as old, the source of identity is the *we* of the family and community, and not the *I* or the *me* as is common among mainstream Americans. Without the *we*, a West African individual is likely to feel incomplete as a person, leading to feelings of sadness and confusion. Efforts to minimize the resultant isolation include taking a wife in the United States; living in *vertical villages* (high-rises) shared by other Western Africans and increased involvement in religious activity (usually the Muslim community).

How individuals from different cultures define themselves is important for police officers to know, not simply because it helps you understand the difficulties inherent in



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adapting to a new world. It's also important because it can tell you something about who you should approach when you need to get information regarding important police matters. Among West African groups, for example, the community may be a more important unit than the individual.

Police officers seeking to solve a crime or trying to gather intelligence in a West African community would be well advised to identify and contact the *headman*, a major figure in these communities, or other recognized leader before plunging headlong into certain types of situations. This leader will have the trust of the community and will be able to find out what is going on in the neighborhood. In contrast, among mainstream Americans, where individualism is prominent, community leaders generally do not enjoy the same sense of trust and responsibility, and would not have the same access to information regarding what is happening among their constituency.

### Ethnocentrism

Ethnocentrism is the belief that one's own cultural values, beliefs and practices are more natural than and superior to those of another culture. It involves seeing and judging other cultures from our own cultural point of view. Ethnocentrism is part of every culture. If you were born and raised in the United States, you may find it strange that most people in India regard the cow as a sacred animal and forego using it as a source of food. On the other hand, if you were born and raised in India, you might be surprised at the use of cows in the United States for food, clothing and other consumer goods.

Ethnocentric attitudes can result in prejudice and hostility towards different racial, ethnic or cultural groups. Avoiding ethnocentrism does not mean you must agree with the values and practices of all groups and cultures. It does mean that you should recognize, understand, and respect different cultural norms and beliefs when you try to communicate with people whose background is different from yours. Failure to do so can result in misunderstandings, inaccurate reporting, and misguided investigations. In extreme cases, there may even be fatal results.

An example is provided by Robert Shusta and his colleagues in their book, *Multicultural Law Enforcement*. A young Vietnamese boy had been absent from school as a result of a serious respiratory problem. Believing that the native healing practice of "coining" would solve the problem, his father rubbed heated coins on his neck, resulting in bruising. When he returned to school, the teacher reported the bruises to the police who interviewed the father. In halting English, he told them that he had caused the bruising.

The police arrested the father on charges related to child abuse. The son died some time after the coining stopped. Devastated and feeling responsible because he had not saved his son, the father killed himself in jail. The death of the son is neither



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the fault of the police nor the father. From the cultural perspective of the individuals in both cultural groups, they were doing the right thing. Nevertheless, at least one life might have been saved had the police understood that the father acted in the best way he knew to protect rather than harm his son.

Similar problems can result when there are language differences that effect interpretation. Refer to the example provided in the chapter on *Policing Impartially* in which a Spanish-speaking father was arrested after he admitted that he "molested" his daughter. **Molestar** means "to bother" in Spanish. The man had merely admitted to annoying his daughter, an activity that most parents of adolescent children seem to do fairly regularly, regardless of how sensitive they may be.

The examples of cultural misunderstandings cited above seem obvious once they are brought to light. However, many miscommunications are subtle, leading to a quiet erosion of trust between the police and the community and undermining the good intentions of both parties. Let's take the example of lying. When you go on patrol, you will learn that *truth is an odd construction*. Police officers who are involved in an incident like a shooting, for example, often develop what's called *tunnel vision* and only recall selected parts of the events. Indeed, even a deafening sound, such as a shot from an officer's own gun, may not be perceived at all. When the officers later truthfully try to reconstruct what they saw and experienced, their account may differ somewhat from another truthful witness who observed the event from a different perspective or place in the room. The same may be true for other types of accounts told by citizens with the result that, at times, a skillful lie may appear more accurate than the truth. An objective eye, like a television camera, would obviously record a more complete version of events, although they too would be somewhat selective, depending on its position in the room or what the person behind the camera decided to tape. While the most accurate account of what occurred would be recorded by cameras which captured every angle, even those images are subject to different interpretations by the people who see the film.

As police officers, your experience with people will help you develop a reasonable level of expertise in sorting out the truth. However, it is important to keep an open mind as even an expert may sometimes be wrong. Cultural issues, for example, can further complicate the matter, as rules pertaining to whether and how much of the truth should be told to the police may vary from one culture to another.

In some societies, in which lying to officials is culturally unacceptable, police will rarely be told untruths. People from some other societies, however, come from places in which they suffered great oppression and deprivation in which the police played a major part. In such places, people learn early that there is little to gain and much to lose by trusting the police or by telling them the truth. It should not be surprising; therefore, that such peoples' loyalty is likely to lie with their relatives, friends, and neighbors rather than with the police who have helped to keep them in their places. Nor should it be



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surprising that this habit and norm does not change at the moment that immigrants hit the ground in New York. No matter how friendly, trustworthy, and helpful we may try to be, habits and traditions learned during a lifetime of oppression do not die easily.

Even setting aside cultural norms about dealing with the police and officials, we must be aware that truth is a cultural construction filled with unconscious blind spots and inconsistencies which sometimes make it appear more fantastic than a well-planned lie. Conversely, a well-planned lie may seem so logical and complete that it sounds more believable than the truth. Police should keep cultural background in mind when they try to resolve situations, particularly those involving contradictory accounts. Although an individual's cultural background will not provide definitive answers regarding the reliability of information, it can serve as a guideline for interpreting what is said.

### **PATTERNS OF IMMIGRATION TO THE UNITED STATES**

Immigration is not new in the United States. With the exception of Native Americans who are indigenous here, every one of you is related to someone from another country. Ironically, the unwelcome words with which some people greet members of the new immigrant populations echo precisely what others once said about these people's ancestors, grandparents, or parents when they came to the U.S. Two groups of people who compose large parts of New York City's population are not considered immigrants. While most Europeans and Asians who came to this country did so as a matter of choice, in order to seek greater opportunity and freedom, African Americans were brought here in chains, as slaves, and had no say in the decision to leave their native lands. Instead, they were kidnapped by slave traders and were brought here as property, rather than people. The second group consists of Puerto Ricans who came here as citizens when their native land was made a commonwealth, and formal part of the United States. Puerto Ricans are thus not immigrants because they moved only from one part of the United States to another.

Patterns of immigration have changed historically, depending on shifts in the world political economy and transformations in the U.S. immigration laws that generally reflect the social and economic interests of powerful groups. Beginning with the Chinese Exclusion Act of 1882, the laws have favored European immigrants and limited the numbers of Asians, Africans, and Latin Americans. This favoritism ended in 1965 when quota systems were changed to allow immigration for all countries. The table below highlights some of the laws that profoundly structured patterns of immigration to the U.S.



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- 1882:** *The Chinese Exclusion Act of 1882 prohibited the immigration of Chinese laborers into the United States for ten years.*
- 1917:** *The Jones Act was passed, granting citizenship to Puerto Ricans and extending to them some of the protections of the Bill of Rights.*
- 1924:** *Immigration Act limited number of non-European immigrants.*
- 1940:** *Chinese Exclusion Act repealed, and limits on Chinese immigration were lifted.*
- 1948:** *Under The Displaced Persons Act, the United States accepted more than 395,000 refugees from war-torn European nations.*
- 1951:** *Puerto Rico officially became a Commonwealth with its own constitution.*
- 1952:** *Under the McCarran-Walter Act, quotas were placed on immigration. The total quota for Asia was 2,990 - compared with 149,667 for Europe and 1,400 for Africa.*
- 1965:** *The Immigration Act of 1965 changed the quota system to allow Immigration from all countries into America. Ceilings of 120,000 from eastern and 170,000 from western hemispheres were established. Mexican, Cuban, Filipino, Italian and Taiwanese immigrants then began to enter the United States.*
- 1980:** *The Refugee Act, allowing ten million permanent immigrants to be admitted to the United States.*
- 1990:** *Immigration Act – The number of immigrants allowed into the US per year was increased to 700,000.*

The first immigrants to the United States came mostly from England, Germany, and Russia. The Chinese followed in the 1850s during the Gold Rush, and, a few years later, helped to build the railroads. The Japanese, as well as substantial numbers of laborers from the Philippines, arrived forty years later.

The first and last parts of the twentieth century were characterized by particularly high levels of immigration to the United States. As dictated by law, 92 percent of this population in the first decade came from Europe, including Ireland and Italy. Since World War II, the numbers have increased every ten years, going from 2.5 million to 7.3 million between 1951 and 1960.

Most of the Puerto Ricans who have settled in New York and other parts of the mainland U.S. came here during the first decade of commonwealth status, 1950-1960. This occurred as a result of the unique status Puerto Rico has in relation to the U.S.



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Since Puerto Rico was made a commonwealth in 1951, its population has received citizen status, creating an exchange of cultures and peoples that have benefited both Puerto Rico and the mainland. By 1960, there were 613,000 Puerto Ricans in New York alone.

A sizable number of Cubans arrived in New York in the early 1960s to escape the revolution. In general, this original large group of Cuban immigrants differs substantially from other Hispanic and Latino immigrant groups. This first was composed of persons who fled Castro's communist revolution and were disproportionately conservative, middle and upper middle class. About 20 years after the Cuban Revolution, a new wave of Cuban immigrants came to the United States. These later immigrants tend to view the world rather differently than their predecessors. Having left their country as a result of poor economic conditions and lack of educational and job opportunities, these immigrants tend to be less conservative politically.

Since the Immigration Act of 1965 opened up doors to members of non-European nations to emigrate to the U.S., new populations have begun to arrive from countries in Asia, the Caribbean and Latin America. By the 1970s, these immigrant populations composed about 18 percent of the total. The numbers have expanded in the years that followed, so that they measured more than 33 percent by 1998.

From 1970–1990, natives of the Dominican Republic were the largest immigrant group to New York City and continue to be prominent. Others include Chinese, Koreans, Haitians, Jamaicans, Mexicans, El Salvadorans, Guatemalans, Russians, West Africans, Vietnamese, Bangladeshis, Iranians, Pakistanis, and Indians. New York City's foreign born population increased by 38 percent between 1990 and 2000. Between 2000 and 2010 New York City's foreign born population increased by 6 percent bringing the total number of foreign born residents in the City to almost 3 million. Among the five boroughs of New York City, nearly half the population of Queens (47%) was born overseas. In Brooklyn, 38% of the population is foreign born, while 29% of Manhattan's residents were born outside of the United States. These percentages, of course, reflect only officially recorded populations, and do not include a probably substantial number of undocumented immigrants. Thus, the figures probably understate the actual number of foreign-born persons residing in the City.

A variety of factors have influenced where immigrants have settled in New York City. Obvious factors include the cost of living as well as the whereabouts of the individuals and families who provided them sponsorship. New immigrants have also generally settled in places that facilitate the use of inexpensive modes of transportation.

While the numbers of foreign-born residents in New York City are impressive, the notion that immigrants have begun to "overrun" America in recent years is a myth, based on ignorance or racial and ethnic bias. In truth, no single decade has topped 1901-1910 for immigration admissions. Further, less than 1.5 percent of the world's



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refugee population comes to the United States. What have changed are the countries of origin of the new residents and the diversity of their ethnic and racial composition.

New York City is fortunate in attracting this diverse group of people. There is no other place in the world where residents and tourists can experience the extraordinary variety of culture, art, food and music. Economically, the immigrant population adds richness, contributing to such diverse sectors as manufacturing, service, construction, retail and the professions including medicine, law, technology and banking.

Far from burdening the nation, immigrants have started large numbers of the small businesses that annually account for about 80 percent of the new jobs available in the U.S. Foreign companies doing business in the U.S. provide additional jobs, employing slightly more than 10 percent (2.2 million) of the U.S. industrial workforce. Immigrants earn \$240 billion a year, pay \$90 billion a year in taxes, and receive only \$5 billion in welfare. Indeed, prior to being allowed to come into the U.S., immigrants must prove they can earn a living income. The percentage of unemployed among immigrants is lower than it is among the native-born, and immigrants' saving rates are higher than those of people born in the U.S.

### WHY IMMIGRANTS COME TO THE UNITED STATES

People come to this country for a variety of reasons. The United States is part of a global political economy in which we have been able to take a dominant position, reaping a powerful advantage over many other countries, particularly those in the "third world." From a historical perspective, at least part of our wealth stems from our ability to effectively exploit resources in foreign countries, sometimes to the detriment of native populations. Free-market trade arrangements, for example, have worked to the advantage of the U.S. and further impoverished countries like Mexico.

The result is an increase in immigration as people look for jobs and a better way of life in countries like the U.S. When you go on patrol, you will begin to meet numerous persons who work very hard in low-paying jobs and live as cheaply as possible in order to send money home to their native countries. Others have fled war and repressive governments involved in the torture and massacre of the civilian population, including friends and family. They come to the United States seeking peace, stability, democracy and an education for their children.

### Racism, Human Rights Abuse and the Perception of Police

Cultural background and the past experience of immigrant families influence how members of different groups are likely to respond in the presence of police officers. **Avoidance behaviors**, for example, may have different significance depending on the



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history of the individuals you are observing. This is important to keep in mind so that you don't mistake behavior indicating fear with that related to criminality.

Immigrant groups who have experienced formal discrimination are sometimes distrustful of police. This is the case, for example, among some descendants of the first waves of Asian immigrants to settle in the U.S. These groups, in particular, experienced legal discrimination, culminating in Executive Order 9066, which resulted in the evacuation and incarceration of 100,000 Japanese Americans during World War II.

Similarly, members of the Lesbian, Gay, Bisexual, and Transgender (LGBT) communities have been subject to systemic police abuse in the United States. For many years, police raids on gay bars and establishments in New York City were common, with police abusing and often arresting LGBT people under vague "indecent statutes" for kissing, holding hands, cross dressing, using a restroom / dressing room - even just for being in a bar at the time of the raid. Other LGBT community-specific abuse contributing to a pattern of distrust for police has included allegations of profiling of some LGBT community members (particularly Transgender women of color and LGBT homeless youth) as sex workers.

Populations who come from countries with repressive governments tend to be more fearful of police than those who have not. More than 200,000 members of the native population were massacred in Guatemala during their recent civil war. Almost all of these were civilians, many of whom were tortured. Similar events occurred in Haiti, El Salvador and Argentina where people were routinely **disappeared** - kidnapped, tortured and murdered by the military. Parts of Africa remain plagued by civil war, violence and, in some areas, a repressive military-police apparatus.

Cambodia and its people experienced one of the worst genocides in history during the 1970s, under the regime of the Khmer Rouge. Although the Paris Peace Accords were signed in 1991 and democracy was instituted, human rights abuses continue with police officers among the perpetrators. Your interactions with immigrants from countries like Haiti, Cambodia, El Salvador and Guatemala will go more smoothly if you take the time to assure them that you will not hurt them. Again, few people leave home and move to an entirely new country unless conditions are bad where they came from. In many of these places, the police were part of the bad conditions. Certainly, you had no part in what may have happened to people before they arrived here: but we must all recognize how important it is to assure these immigrants and historically oppressed communities that we are there to help rather than to hurt.

### Fear of Deportation and Perception of Police

Other immigrant groups avoid the police because they fear they will report them or their families and friends to the Immigration and Customs Enforcement (ICE). As a result, they fear, deportation will occur. This concern has become more widespread



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since Federal Courts instituted new laws regarding reporting after 9/11. Among Arab/Muslim and South Asian communities this fear is particularly intense, in view of their understanding that their members have been targeted for visa violations and are facing deportation hearings. Although the City of New York encourages a ***don't ask, don't tell*** policy regarding the status of the immigrant population, people are still concerned that police will not protect their confidentiality. This fear runs rampant among the legal and illegal immigrant population in New York City. As of 2010 there are about one-half million unauthorized immigrants living in New York City. As police officers, you will have to deal with their fear in your daily interactions with many members of the immigrant community. You will find it difficult to be viewed with suspicion when you are there to help. Behave professionally with courtesy and respect regardless of your personal feelings. Explain your intentions in detail so as to minimize people's fear of you. Remember, the key to effective policing is building community trust.

When you confront immigrants who are fearful of police, you should keep in mind a major difference between this country and the countries from which virtually all immigrants have come. Here, in the U.S., policing and law enforcement are extremely decentralized. This is not so abroad where, usually, just a very few national agencies are responsible for all law enforcement, including the regulation of immigrants. This has consequences. Anybody who speaks with a police officer abroad is dealing with someone who is very closely tied to the immigration apparatus of the relevant country. This is not true in the United States; as a member of the New York City Police Department, you do not report to Immigration and Customs Enforcement (ICE) and you will rarely have contact with them. Many immigrants are not aware of these facts and are likely to believe that any contact with law enforcement presents the risk of immediate deportation or change in one's immigration status. Further, in many of the countries from which New York City's immigrants come, members of the public are required to produce proof of their identity whenever any law enforcement official demands it. We do not have such "***show me your papers***" laws in this country—but many immigrants, especially undocumented, probably do not know this. Thus, when you get evasive answers from people who are obvious immigrants, you should keep in mind that the cause of their conduct probably has nothing to do with you personally. Instead, it is likely to involve their fear that a conversation with anybody in a law enforcement officer's uniform may result in a one-way trip back to a very unpleasant place.

#### **The Community Affairs Bureau – Community Outreach/New Immigrant Unit**

The Community Outreach/New Immigrant Unit serves as a link between the NYPD and new immigrant communities not traditionally engaged with the police department. New Immigrant Unit Liaisons make presentations on police department policies, programs, and services affecting new immigrant communities. In addition, liaisons are able to speak different languages which can better help communicate with the various immigrant communities.



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### **Diversity of the Immigrant Population**

Immigrant communities are extremely diverse. Newly arrived individuals come not only from different regions and countries but also from varied environments within countries. Recent immigrants who come from urban locales in China, for example, may tend to be less reticent and more assertive than those who have come to the United States from rural areas in previous times. There is similar variation within mainstream cultures in the U.S. For example, New Yorkers tend to be far more assertive than their country cousins. Language differences are also common in different regions within a country. Sometimes the differences involve grammatical issues, meaning of words, and accent. This is the case, for example, among immigrant groups who share Spanish as a common language but who may speak it in very different ways. At other times, linguistic differences involve dialects that are neither shared nor understood by all natives of a particular country.

The point is that police cannot assume that everyone from one area of the world speaks the same language. Not every individual who is Chinese speaks the same dialect. Some South Americans from Brazil speak Portuguese and those from Peru speak Spanish. Some Nicaraguans from the Atlantic coast speak Spanish while others speak predominately Creole and English. Asian Americans represent at least a dozen distinct cultures and language groups yet we have a tendency to classify all Asians together. Ethiopians, Somalis and Eritreans, all from East Africa, speak different languages, practice different religions, have different marriage customs, and even follow different calendars.

Contrary to popular opinion, immigrants are not all poor and struggling. Immigrant populations are diverse in terms of socio-economic class and employment background, racial and ethnic identification, and education. Forty percent of people of Haitian descent in the United States, for example, have at least some college education. Indeed, the 1950's wave of immigrants consisted of some of the most educated people in the country, who were forced to leave Haiti during the brutal dictatorship of Papa Doc Duvalier. More than 22,000 Haitians in the U.S. are medical doctors, engineers, college professors, business executives, lawyers, stockbrokers, teachers and nurses. Similar variation and achievement exists among individuals who come from Western Africa and the Caribbean.

Skin color is another surface trait that cannot be used to predict people's class, education, cultural and religious affiliation. While people from Trinidad, Jamaica, Haiti, and Western Africa may share similar skin color with African Americans whose families have been here for centuries, their cultural and ethnic identifications are very different. In view of the importance of culture to identity, it's important that police officers be careful not to lump all individuals together based on superficial categories like skin color and language.



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The perception of skin color and what it means for one's place in society also varies. In a meeting during the preparation of this chapter, a university professor who had immigrated to the United States from Africa a generation ago made this point:

*I never thought of myself as a black man until I came to the United States. Back home, I thought of myself only as a man. But when I came here, I started to think of myself as a black man because everybody I met treated me differently than they would treat white men. I came to see that there were things I could not do and places I was not welcome because I was black. This is a great country and I have many freedoms here that I did not have at home. But it is sad that race is so important here. It is always on my mind, as it has to be if I am to function here.*

This has been a big, and unfortunate, adjustment for this man, as it has been for many other people of color. It may also help you to understand why some people who share a common trait like skin color may not behave as you might expect. Anybody who has been raised in and paid close attention to this diverse environment knows that, unfortunately, race and skin color are major facts of life in the United States. This is not so in many of the countries from which our immigrants come, and many of our immigrants do not readily understand or accept this. This is not their fault: instead, their difficulty in coming to grips with it is an unhappy reflection on the state of race relations in this country.

### Racial and Ethnic Profiling

Police officers should not use race, color, ethnicity, or national origin as the determinative factor for initiating police action. There are good and bad people in every community. To assume the worst about a whole group of people, based on the actions of a few, is insulting and degrading and will greatly compromise your relationships with the community in which you work. It is frightening and humiliating, for example, when a person is stopped and treated as a terrorist because the police perceive him or her as Middle Eastern. Imagine how it would feel to you to be a victim of "occupational" profiling. Let's say that you have been on patrol for a few years when an investigation into corruption resulted in the arrest of some officers from your precinct. Think of what you would feel if, when you tell people where you work, they respond by asking, "How's business?" or saying, "So that's how you can afford to live in this neighborhood," as if you too are involved in criminal activity. Regardless of skin color, language, fluency in English, class, and ethnicity, all individuals should be treated with courtesy, professionalism and respect.

**Note:** Section 14-151 of the New York City Administrative Code prohibits racial or ethnic profiling. Racial or ethnic profiling is defined as *"an act that relies on race,*



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*ethnicity, religion or national origin as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons of a particular race, ethnicity, religion or national origin to suspected unlawful activity."*

### Immigration and Status Loss

Immigrants frequently are unable to gain employment in the United States that corresponds to their training and experience. A study of New York's Soviet Jewish community, for example, found that only about half of those who had held professional, technical and managerial occupations in the USSR managed to find similar jobs in this country. The same is true for immigrants from Latin America, the Middle East, Asia and Africa. As police officers, you should not assume that an individual with a foreign accent driving a taxi, or working as a domestic servant or a custodian has little education. Many highly educated immigrants are unable to find suitable work, and take alternative jobs to earn an income.

Along with loss of work related prestige, immigrants may experience other types of status loss when they come to the United States. This is the case in situations where skills that are highly valued in one culture are not relevant to another. The Nuer of Sudan (Africa), for example, were largely rural people whose expertise revolved around cattle and farming. The sophisticated skills they developed in their native countries are not easily translatable to urban life in the U.S., resulting in a loss of power and prestige in their own, as well as, the larger community.

### Authority, Power, and Gender

There are cultural differences in the allocation of power and status between genders and across generations. In Latin American and Asian cultures, for example, parents are generally granted more power and respect than children. In contrast, in mainstream American households, a more egalitarian relation between parents and children is generally allowed because it is believed it fosters the valued traits of independence and individualism.

In Latin American households, power may also flow along gender lines such that the man of the household is imbued with more formal authority than is his wife. For Asian and Latin American immigrants in the U.S., however, a painful power reversal often occurs when women find work more easily than their husbands, and children speak fluent English, functioning as translators and liaisons to the outside world.

In general, police officers entering an Asian or Latin American household should show proper respect by directing their inquiries to the male of the household, even if children are serving as interpreters. However, this rule is not written in stone. The status of women has changed among many younger Latin Americans as well among



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Latino/Hispanic immigrant families living in the U.S. If you do not know whom to address in the household, do not be afraid to ask. Such inquiries reflect a desire to communicate across cultural boundaries and will be well received.

The concept of ***machismo*** is relevant here. *Machismo* probably exists in one form or another in almost every culture, including mainstream America. In many Latin American cultures, however, it is formally recognized and linguistically categorized in a particular way. *Machismo* refers to the valued male attributes of virility and manliness. Oftentimes sex roles are clearly defined and the male is responsible for the well-being, honor and protection of the family. Traditionally, he is the person who is most likely to work outside the home and provide the main family income.

Women, by contrast, are traditionally assigned tasks related to childcare, cooking, and cleaning the house. Because they are considered spiritually superior, women are believed to better endure suffering, including that generated by the men in their lives. Police officers dealing with a Latin American or Hispanic man should try to avoid challenging his or his family's honor, undermining his sense of control over his family, or otherwise threatening machismo. Indeed, this rule also applies to your interactions with people from other backgrounds and is especially critical with immigrants from male-oriented societies.

### Gender and Policing

Problems may arise when men (or women) from cultures in which women are given little authority are given orders by a female police officer. In these situations, taking orders from a woman may be perceived as a humiliation and assault on their masculinity. Female officers should not take personally requests and comments which stem from differences in cultural views about gender. Instead, they should find a means to defuse the tension.

There are also situations in which it is preferable to have female officers direct the communication. This is the case for example, among traditional Arab Muslim families. In some of these cultures, it may dishonor a woman to be alone with a man who is not a relative. Modesty also dictates that a woman's hair is covered when in the presence of men. In the unlikely event that safety and procedure require you request that an Arab Muslim woman remove her headdress, she should be taken to a private room, accompanied by a female police officer. Gender issues may also mediate communications with police and members of the Western African community. Women officers responding to a family dispute, for example, are more likely to get truthful information from wives than are male officers who are not viewed as persons with whom one can confide private "female" matters.

The gender of citizens is also important when interacting with people from the transgender and gender non-conforming communities. When a person is uncertain



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about which name, pronoun (he or she; him or her; etc..) or title (Ms. /Miss/Mrs. /Mr. /Dr. or other proper title) to use in addressing or referring to another person, it is generally appropriate to politely ask the individual for their preference (especially for people who do not subscribe to traditional notions of masculine and feminine at all). The use of correct gender pronouns or titles is not only the best way to ensure cooperation and secure a level of trust from a transgender or gender non-conforming person; but it is also required by the NYC Human Rights Law. Later in this chapter there will be a section that will provide educational information and explain professional methods of interacting with members of the LGBT community, particularly those individuals whose gender identity may present a special set of circumstances.

### Respect and Trust

Cultural attitudes regarding appropriate behavior when facing authority figures also vary cross-culturally, and influence how people respond to police officers in different situations. Respect is an important notion in many cultures and, among immigrants from Latin America, individuals in positions of authority are perceived as deserving respect. Respect in the form of politeness and good manners is not the same as **trust** or **confianza**, however, which must be earned by police and other outsiders who do not share their cultural world. As a show of respect, therefore, individuals may thus agree with police and say what they think the police want to hear. However, only as trust is developed will they explain what they think actually happened.

### Honor and Shame

Cultural notions of honor and shame influence how people respond to police officers who are providing a service. The value of saving face and preserving one's own and one's family's honor are particularly strong motivators for many people from Latin America, Middle Eastern, and Asian cultures. Such notions may come into play when police officers interview a rape victim. As with other groups, initial attempts to inquire about what happened in front of the victim's family may lead to denial, distortion, or omission of factual details in order to preserve family honor. In such an instance, it may be useful to use an interpreter who is not part of the family to reduce feelings of disgrace for both victim and the family.

Similar values may influence a police inquiry into a sexual assault on a member of an Arab American family from a culture in which virginity is highly valued. An unmarried daughter who has been raped may be perceived as bringing disgrace to the whole family. Concerns about family honor may also arise in the light of incidents of domestic violence, resulting in family member's hesitation about talking to the police. In order to gather information in these types of situations police must proceed very delicately. Failure to be cognizant of the relevant cultural issues can turn a well-intentioned investigation into an attempt by the family to protect their honor against perceived attack.



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### Cross – Cultural Perspectives on Law and Social Custom

Laws, social custom and etiquette may vary according to nation and culture. In some cases, immigrants may violate American law, custom or etiquette unintentionally; out of ignorance of the way things are done in this country. In some cultures, for example, physical punishment of children is considered an appropriate form of discipline where among others it isn't. Views regarding domestic violence, and whether or not it is a public or private issue, also vary cross-culturally. In Western African households, for example, marital disputes are considered family rather than courtroom matters. In the event that help is needed, parties are likely to go to extended family members rather than police.

As a police officer, you will be required to enforce laws regarding matters crucial to the safety, health, and welfare of the population, regardless of the backgrounds or cultural norms of the people involved. In issues regarding domestic violence, for example, you have little flexibility and must make an arrest, regardless of how the problem is viewed by participants. In New York City, differences in cultural norms do not constitute grounds for treating wife beating or child abuse as less than major offenses. There are minor issues, however, in which you can use your discretion regarding what corrective measure you chose to utilize to resolve the matter effectively.

When a problem involves a cultural misunderstanding, it is important that you explain why the person's behavior is illegal, wrong, or offensive, particularly when an arrest is mandatory. When dealing with newly arrived immigrants, in particular, it's important to inquire why a person is acting in a way that seems wrong or odd to you. This will help to prevent or resolve conflicts that arise when one immigrant group acts in ways that are incompatible with the beliefs, values and customs of the other.

Sometimes individuals may act in accustomed ways that are perceived as beneficial by the relevant immigrant community, but which contradict the law and community interests as defined by the larger society. An example is the informal taxi service – *dollar cabs* – which has arisen in some Brooklyn neighborhoods inhabited by people from areas of the British West Indies. If you have the opportunity to travel to Trinidad -Tobago, you will discover that an informal taxi service has arisen along specific routes and is considered a safe, viable and inexpensive means of transportation. This is similar to the pick-up trucks that transport members of the indigenous communities traveling from town to town along the Lake region in Guatemala. To work as a driver in West-Indian neighborhoods in the United States is perceived as a legitimate way to support families at home and abroad. This poses a problem for police officers that face the problem of enforcing laws that have little or no support in the communities involved. This will require a considerable degree of diplomacy from you.



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### Language Issues

Some immigrants, particularly those who are newly arrived or first generation, may have limited English language skills. Others, who speak English, may prefer to communicate in their native tongue, particularly when feeling upset or talking to authorities. Learning a new language is difficult, particularly for adults. Trying to find the words to express the rapid flow of thoughts that enter our heads can be hard under routine circumstances and is nearly impossible under stress.

Language is also a part of a person's identity; with the result that some people may resist learning a new language because they fear that it will lead to an erosion of who they are. They will then be left in limbo, neither a part of mainstream American culture nor the one they left behind. Attempting to communicate with people who do not speak English can be a daunting task for police officers. Keep in mind the following tips, provided by Shusta and his colleagues in the book, *Multicultural Law Enforcement*. These tips are also cited in your chapter on "Policing Impartially."

- Speak slowly and enunciate clearly.
- Face the person and speak directly even when using a translator.
- Do not use jargon, slang, idioms or reduced forms (*gonna, wanna, etc.*)
- Use simple verb tenses.
- Repeat key issues and questions and phrase them in different ways.
- Use short, simple sentences.
- Pause between sentences.
- Allow the person time to translate ideas into words.
- Be patient.
- Do not speak louder: this will not help.
- Check comprehension by having the person repeat material or instructions.
- Do not conclude that a person does not understand English because he or she does not speak it well. Many times, listening skills are better than the verbal skills.



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It is also extremely useful to learn some of the basic phrases in the languages that may be spoken in the area to which you are assigned. The Office of the Chief of Community Affairs provides some language training in its "Streetwise" program for new officers. You can develop additional skills by getting to know the people where you work and asking them about important words. Showing them that you are interested in communicating with them and their compatriots will do much to win their trust, as well as to help teach you the rudiments of their language.

### Guidelines for Interaction with Limited English Proficient (LEP) Persons

During the course of our official duties with the Police Department, we may come into contact with individuals who do not speak English, or who are limited in their command of the English language. The NYPD seeks to remove, to the extent possible, any language barriers that may exist for limited English speaking members of the community we serve. Interim Order 31 of 2011 "Guidelines for Interaction with Limited English Proficient (LEP) Persons" directs all members of service to utilize the Department's language services to accurately communicate with the diverse limited English speaking members of the community in New York City.

All members of the service who act as oral interpreters during the course of their official duties – whether as a certified member of the Department's Language Initiative Program (see below) or as a non-certified interpreter – must adhere to the same strict ethical standards that guide the activities of all uniformed and civilian members of the Department. In addition, members of the service must be mindful of the unique ethical standards that apply to them as interpreters. Under these obligations, MOS interpreters must provide accurate interpretation by seeking to faithfully render the original communication (source language) of a limited English speaker into the target language; provide impartial (fair) interpretation by not distorting the original communication through addition or omission; and provide neutral interpretation by refraining from engaging in a communication with a limited English speaker that is not initiated by the MOS for whom interpretation assistance is being provided. These same ethical standards also apply to the provision of written translation assistance.

**Certified Department Interpreter** – A member of service who has been tested and certified as being proficient in a foreign language, or American Sign Language, through the Language Initiative Program.

**Interpretation** – The act of listening to something in one language and orally translating it into another language.

**Translation** – The replacement of a written text from one language into an equivalent written text in another language.



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**Telephonic Interpretation Service** – A certified interpreter can be accessed twenty four hours a day/seven days a week via the telephone interpretation service equipped Department cellular telephone (available through the patrol supervisor) or the dual handset telephone located in every precinct complaint room, detective squad, police service area (PSA) and transit district complaint room.

**Language Initiative Program** – A corps of interpreters who can be called upon to interpret or translate in particularly complex cases and/or incidents involving uncommon foreign languages for investigative or other police purposes. Interpreters from the Language Initiative Program may be requested by contacting the Operations Unit. The program is composed of two groups: employees who identify themselves during the hiring process as being able to speak, read and/or write a foreign language and a smaller group of employees who are tested and certified as proficient in a foreign language.

When a member of the service encounters a Limited English Proficient (LEP) person(s) and the services of an interpreter are necessary:

1. Determine the primary language of the LEP person(s) by presenting the poster entitled "**Free Interpretation Sign (SP 487)**" or the **Activity Log** insert entitled "**Primary Language Identifier**" as appropriate to the LEP person(s) and encourage him/her to indicate the language needed.
2. Ascertain if a bilingual member of service is readily available (on scene, on duty within command/adjoining command, at station house etc.) to interpret and whether his/her use is appropriate.
3. Ascertain if a bilingual member of the public is readily available, willing to interpret, and whether his/her use is appropriate, if a bilingual member of the service is not readily available.
4. If the telephonic interpretation service is required in the field, request patrol supervisor to respond to the scene with the telephonic interpretation service equipped cell phone.
5. When an interpreter is used, record the identity of the interpreter (bilingual member of the service, bilingual member of the public, telephonic interpretation service, or a certified Department interpreter) utilized during a police incident in **Activity Log**. In addition, indicate the identity of the interpreter on any relevant Department record prepared (**Complaint Report Worksheet, Online Booking System Worksheet, New York State Domestic Incident Report, etc.**) under the appropriate captions or in the details/narrative section, as appropriate.



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### Cross – Cultural Communication

When you go on patrol, it will be important to learn about the meaning of different non-verbal and verbal communications among community members from different ethnic and cultural origins. This will facilitate your ability to interpret behavior, communicate with the people you serve and avoid behavior that is viewed as offensive, frightening, or inappropriately threatening.

### Emotional Expression

Rules regarding the expression of emotion vary cross-culturally making it difficult for police officers to accurately interpret meaning from facial expressions, tone of voice, and certain types of body movements. In Arabic and Iranian cultures, for example, people express grief more openly and out loud. In contrast, in China and Japan, people are reticent to show sadness, pain, happiness, and pleasure. In Cuba and Haiti, individuals may raise their voices and move their arms about as normal parts of conversation. In mainstream American culture, similar behavior could suggest overexcitement, agitation, or a threat.

In Vietnam, a smile is an appropriate way to respond to a sad or humiliating event and is considered respectful. In the U.S., a smile in the context of a sad or humiliating event is viewed as inappropriate or a mockery, depending on the circumstance. Perhaps some of you saw the movie *Platoon* about the war in Vietnam. In that film, there is a scene which depicts a cross-cultural confusion which costs a Vietnamese civilian his life. In this incident, an American soldier interprets the man's smile as mockery and kills him in rage and frustration. In fact, from his cultural perspective, he had responded respectfully and appropriately to a situation that was frightening and humiliating.

### Gestures and Movement

Some gestures, which are viewed as acceptable, polite or reassuring in the U.S., may be viewed as troublesome, rude or threatening in other countries. Beckoning people to come to you by holding your palms up, for example, may be seen as obscene among Latin Americans. Pointing is seen as offensive and aggressive in most cultures, and should generally be avoided in dealing with anybody, especially individuals from Latin America, Haiti, Bosnia, Vietnam, and Korea. Probably it is best for police officers to avoid using hand gestures until they have acquainted themselves with what they mean to the community members whom they serve.

### Eye Contact

The meaning of eye contact varies considerably in different cultures. In Latino American, and Asian societies, strong eye contact with someone who is in a higher



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position of importance or authority is considered a lack of respect. Among some Latino men, forceful eye contact may be perceived as a challenge and result in the escalation of the situation in an effort to preserve honor and machismo. This is the case, for example, among some Mexicans who come from rural areas. If Mexicans avert their eyes when they see you or you begin to speak to them, do not assume they are being evasive. Among Cubans, in contrast, eye contact and handshaking are signs of respect and cooperation.

### **Touching**

Touching is also a sensitive cultural issue. In some cultures, the physical display of attention or affection is permissible, even between people who do not know each other well. In others it is taboo. Among Laotians, for example, touching, even to reassure or comfort, is considered disrespectful.

### **Personal Space**

There is considerable cultural variation in the definition of personal space, defined as the distance a person needs between him or herself and another person to feel comfortable. For the average American, personal space is about an arm's length. In certain situations, police officers will need a much greater distance – 20 or more feet, when possible, when dealing with potentially violent individuals – to maximize their safety and feel comfortable.

### **Entering a Household or Religious Establishment**

Rules vary regarding the appropriate way to enter a household or religious institution such as a mosque. In some Arab-Muslim households, for example, it is respectful to take off your shoes before entering. As few police officers will feel comfortable following this rule, they should find an alternative way to show respect. For example, they might acknowledge awareness of the problem and honestly explain why they are unable to comply.

Etiquette also governs how individuals behave in a religious institution. If it is necessary to go in a Mosque, for example, police should avoid entering while prayers are taking place, never step on a prayer mat, never place a Koran on the floor or put anything on top of it, avoid walking in front of people who are praying, speak softly, and dress conservatively. Police officers should also invite a person out of a prayer room if they wish to question him. In certain situations, you may not be able to follow the rules of social etiquette. For example, appropriate behavior inside a mosque requires that individuals remove their shoes, a rule which may be impossible for you to follow, particularly in an emergency situation. In non-emergency situations, you should wait outside the Mosque and ask to speak to the administrator who will help you gain access to the relevant person or place.



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### **Respect and Religion**

Different religions hold sacred different holidays. Appropriate religious behavior also varies cross-culturally. Strict Muslims, for example, don't just pray at night. Instead, they pray one hour before sunrise, at noon, mid afternoon, sunset, and ninety minutes after sunset. They celebrate the holy month of Ramadan which occurs a different time each year, based on lunar cycles. You should be aware of the holidays that are relevant to the community you police and act accordingly.

### **CONCLUSION**

This chapter has introduced certain principles of cross-cultural communication that will help you safely and effectively police the multicultural environment of New York City. When you are assigned to a precinct or other command, you will learn about the specific socio cultural worlds of the groups whom you are assigned to serve. At this point in your career, it's important that you begin to develop an orientation to the world that allows you to suspend biases and see different cultural realities. You should also develop some familiarity with the kind of information you will need to know about the norms, beliefs and behaviors of different social groups to accomplish the diverse goals of policing. We have summarized some of the key areas below.

### **SUMMARY OF KEY AREAS**

- The status, roles and names of community leaders.
- The definition of family and whether it extends beyond parents and children to include grandparents, aunts, uncles, etc.
- The status and roles of different family members, who you should address as the authority figure and how you should address them.
- The rules regarding appropriate behavior between persons of same and different sexes.
- The appropriate greeting (first name, last name, Ms., Mrs., Miss. or other relevant titles).
- The significance of facial expressions and facial expressiveness.
- The significance of different gestures.



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- Appropriate way to enter a household, religious building etc.
- Sufficient knowledge of norms, values, lifestyles governing behavior so you can accurately interpret what is said and done.
- Where appropriate, try to find out the meaning of behavior in the context of the relevant culture before assuming it is morally bad or criminal (as in the example of the coining of the Vietnamese boy by his father).
- Find out persons' prior experience with police or military so you can accurately interpret avoidance behaviors.
- Take time to gather information from witnesses, victims and suspects even if the individuals do not speak English well.
- When in doubt about how to proceed in non-emergency situations, ask.
- ***Remember that the key to policing in multicultural communities – as everywhere else – is the formation of positive relationships with individual members.***



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### APPENDIX "A"

#### DETENTION OR ARREST OF FOREIGN NATIONALS (I.O. 48 OF 2011 REVISION TO P.G. 208-56 FOREIGN NATIONALS)

In the event that you detain or arrest a foreign national (an individual who is not a U.S. citizen), you are required to follow certain procedures regarding the consular notification. They are as follows:

1. Determine the foreign national's country. Normally, this country is listed in the individual's passport or other document used for identification and travel across borders.
2. If the foreign national's country is **NOT** on the mandatory notification countries list, you should:
  - Offer, without delay, to notify the foreign national's consular officials of the arrest or detention.
  - If the foreign national asks that consular notification be given, contact the Inter-City Correspondence Unit.
3. If the foreign national's country is **ON** the list of mandatory notification countries:
  - Contact the Inter-City Correspondence Unit.
  - Tell the foreign national that you are making this notification (see Statement 2 below).
4. Keep a written record of the provision of notification and action taken.

#### Suggested Statements to Arrested or Detained Foreign Nationals

##### ***Statement 1: When Consular Notification is an Option to the Foreign National:***

*As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are*



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*notified, they may call or visit you. Do you want us to notify your country's consular officials?*

### **Statement 2: When Consular Notification is Mandatory**

*Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.*

### **Questions about Consular Officers**

- Q: Should I treat a diplomatic officer the same as a consular officer?
- A: *Yes, for purposes of the matters discussed here. Consular notification can be given to a diplomatic officer if no consular officer is closer or available. A diplomatic officer should be permitted to conduct prison visits and to perform the other kinds of consular functions discussed herein.*
- Q: How can I be sure that someone who claims to be a consular officer, a consul, an honorary consul, or a diplomatic officer is in fact one?
- A: *Diplomatic and consular officers, which now include consuls and honorary consuls, have identification cards issued by the Department of State. If you have any doubt about the authenticity of a State Department's identification card, you can call the State Department's Office of Protocol at 202-647-1985 to have the identity and status of the official verified during business hours (8:15 a.m. - 5:00 p.m., EST). Outside of those hours, you may call 202-647-7277.*

### **Mandatory Notification Countries**

Algeria	Brunei
Antigua and Barbuda	Bulgaria
Armenia	China (does not include Republic of
Azerbaijan	China, commonly known as Taiwan)
Bahamas	Costa Rica
Barbados	Cyprus
Belarus	Czech Republic
Belize	Dominica (not Dominican Rep.)



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Fiji	Russia
Gambia	Saint Kitts and Nevis
Georgia	Saint Lucia
Ghana	Saint Vincent/Grenadines
Grenada	Seychelles
Guyana	Sierra Leone
Hong Kong	Singapore
Hungary	Slovakia
Jamaica	Tajikistan
Kazakhstan	Tanzania
Kiribati	Tonga
Kuwait	Trinidad and Tobago
Kyrgyzstan	Tunisia
Malaysia	Turkmenistan
Malta	Tuvalu
Mauritius	Ukraine
Moldova	United Kingdom
Mongolia	USSR
Nigeria	Uzbekistan
Philippines	Zambia
Poland	Zimbabwe
Romania	

British dependencies also covered in this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. The notification for permanent residents of the United States from Poland is not mandatory. The China designation does not include Republic of China (Taiwan) passport holders. Although the USSR has been dissolved these passports may still be in use.



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### **APPENDIX "B"**

#### **ETHNIC, RELIGIOUS, AND CULTURAL COMMUNITIES IN NEW YORK**

This section provides a brief description of some of the communities that exist in New York City. While reading this material, you should keep in mind the following:

- The descriptions are general.
- Within each community there is great diversity.
- There are individuals and families within every category who do not fit the general description of the community group.
- You should not let our effort to give you a general understanding of cultural diversity become a tool for promoting stereotyping. No material under *family organization*, *religion*, or *communication tips* is written in stone and does not necessarily apply to all individuals of the relevant culture.

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### NON-IMMIGRANT COMMUNITIES

#### African Americans

Between the 17<sup>th</sup> and 19<sup>th</sup> centuries, some Africans were kidnapped by Europeans and purchased by Yankee traders who took them to the United States and sold them as slaves. Slavery was justified in terms of a racist ideology that viewed black people as inferiors who could be owned, worked, and sold as animals. Slavery formally ended in 1863, but segregation – often written into **Jim Crow** laws that legalized inequality – continued in the American South until the 1960's. Although African Americans have long had the same legal and constitutional rights as other Americans, racism remains pervasive in many areas of the country and is evident in differential treatment of black and white citizens. The ideology of racism which supported segregation and slavery and continues to permeate American society has created great psychological and social problems for succeeding generations of black and white citizens. Here in New York, law has long made segregation and discrimination illegal. But, laws or not, racism and discrimination continue to exist. It is critical that we not be a part of it, and that we do nothing that even gives the appearance of racism, and that we try to eliminate it wherever it exists.

The African American population in New York is ethnically and culturally diverse, and cuts across all economic strata. Blacks are thus represented among the extremely wealthy and the extremely poor and have moved increasingly into the middle class. Like other ethnic and racial groups, therefore, African Americans and recent African immigrants vary widely in terms of education, wealth, and socioeconomic status.

The relationship of African-Americans and the police has been affected and complicated by a history that long predates your entry into this Department, and that is tremendously influenced by the actions of police elsewhere. In New York and other large colonial cities, the police had their roots in *watchman services* that were composed of ordinary citizens and that were created to guard the city's walls against outside invaders. In the South, where most blacks lived early in this country's history, the police were established not to guard cities, but to track down escaped slaves. Throughout the country, police were used as a method of keeping blacks in their disadvantaged place. In the South and other parts of the country, the police enforced racist laws designed to keep blacks from voting; owning property; attending the best schools and universities; riding in the front of buses; drinking from the same water fountains as whites; swimming at the same beaches and pools as whites; finding medical help from the same doctors and hospitals as whites; eating in the same restaurants and staying in the same hotels as whites. Between the end of the Civil War and the early years of the Twentieth Century, more than 3,000 black men were lynched in this country, and police frequently were complicit in these crimes. All of this terrible history was brought home to national audiences in the 1960s. Then, televised images of police brutality – dogs, high-pressure hoses, and beatings – against civil rights demonstrators appeared in living rooms across the country. Police in Mississippi were



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implicated in the kidnapping and murder of four civil rights workers. The condemnation of these acts helped to further the goals of the Civil Rights Movement, but the acts themselves have added to the sad legacy that already existed. Surveys of the public's attitudes toward the police almost invariably show that African-American blacks are more suspicious and cynical of the police than are other groups.

This view of police took centuries to develop and, fanned by events such as the beating of Rodney King and the brutalization of Abner Louima, it is likely to continue in many quarters for many years to come. Particularly over the last generation, the police have progressed a great deal. Still, despite this progress and our own good intentions, we need to remember that African-Americans – who have been a part of this country for centuries – have been given as much reason to be suspicious of the police as have many immigrant groups who have had negative experiences with police and military officials in their countries of birth.

- ***Family organization and gender roles***
  - African American families generally enjoy very strong ties among extended family members.
  - Female relatives often substitute for each other in filling family roles.
  - Fathers usually view themselves as heads of their households and major decisions regarding the family should include the father's participation.
  - In families constituted by single mothers and children, mothers should be treated with appropriate respect.
- Communication tips – (see Chapter on Policing Impartially). Historically, the police have been used by dominant majorities to enforce slavery and racial segregation and discrimination in the American South, and to uphold racist policies throughout the country. Understandably, this sad history of police and official abuse has damaged the relationship between police and African Americans. Consequently, police officers should not take personally unfounded accusations or suspicions that their actions may be discriminatory.

### **Puerto Ricans**

Puerto Rico officially became a Commonwealth of the United States in 1951. Puerto Ricans living in the U.S. have full citizen status with the right to vote. The majority of the Puerto Ricans living in the U.S. migrated after 1950 in order to secure employment and improve their economic status.

- Languages – Spanish, English
- Religion – Catholic, born-again Christians, non-denominational



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- Family organization and gender roles
  - Strong family and group organization. Extended family is important.
  - Children taught value of respect in their interactions with adults in positions of authority.
  - Gender roles may vary. In families in which both male and female parents are present, the father generally assumes the role as the head of the household.
- Communication tips
  - Cultural value of *personalismo* emphasizes the importance of the person involved in any interaction. The content, context and relationship of the communicator are important in any communication. Police may therefore need to provide contextual information explaining why a question is asked.
  - Strong eye contact with someone who is of higher position or authority may be considered disrespectful.
  - Police officers may expect “eye checking” between family members. This relates to the closeness of the family unit. Police should therefore not interpret eye checking as a sign of deception.
  - Very proud of their culture and heritage. They often have several parts to their name, reflecting both mother and father’s families.
  - Always shake hands with the right hand

### Native American Indians

Native American Indians are indigenous to this country. Some researchers claim that they arrived more than 40,000 years ago. Some theorists claim that they walked from Siberia to Alaska, and then down throughout North and South America. Others suggest that they were left here when the continents, which presumably were once all joined together, broke apart. Regardless of exactly how the Native American Indians arrived in North America, it happened so long ago that they can be considered the only true natives of the land we now occupy. In 1492, when European settlers began to colonize America, they began to engage in a genocidal war involving the massacre of entire tribes, usurpation of their land, and the establishment of small reservation communities. The occupation of Indian land was justified with reference to the “Doctrine of Discovery Use.”



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In New York State, there were two main Native Indian groups, the *Iroquois Confederacy*, consisting of five tribes (Mohawk, Oneida, Onondaga, Seneca, Cayuga) and the *Algonkian* speaking groups. Today there are eight reservations in New York State. Most of these reservations prefer to be called by the name of their nation (Mohawk, Cree, Lakota, etc.). We need to be aware that, like African-Americans, Native American Indians have plenty of reasons for being suspicious of the police and all other officials. It is not personal; it is historical.

- Communication tips
  - Respect for elders (elders should be included in discussions)
  - Individual's identity is related to family or tribe
  - It is extremely traumatic to separate children from family and, if at all possible, should be avoided.



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### EUROPEAN IMMIGRANTS

#### The Irish

The majority of the Irish immigrated to the U.S. during 1820 through 1920. The numbers were particularly high from 1840 -1850 when the Irish potato famine left the population starving. The poor immigrants who arrived on America's shores were forced to live in dirty, cramped conditions. Like immigrant groups to follow, the Irish faced employment discrimination and other types of bias. The Irish fled poverty, starvation, civil war and British repression.

In more recent years, Irish have continued to come to the U.S. and, in New York, have settled mostly in Northern Manhattan, the Bronx, Yonkers, and New York City's northern suburbs.

- Language – English, Gaelic
- Religion – Roman Catholic, Protestant, Presbyterian
- Family organization and gender roles – nuclear family most important
- Communication tips – The Irish have been in the United States a long time and are part of American mainstream culture.

#### Germans

The majority of Germans immigrated to the U.S. between 1846 and 1854. They came from a wide geographic area and for a variety of reasons. Most left great poverty and wanted to improve their economic status. The failure of the revolutions of 1848 to establish democracy also resulted in migration. Additional factors included the initiation of mandatory military service during World War I, crop failures, high rents, high prices, and the displacement of farmers as a result of the Industrial Revolution.

- Languages – English, German
- Religion – Catholic, Protestant, Lutheran, Jewish
- Family organization and gender roles – The nuclear family is an important economic and social unit for most Germans. In some families, the father may assume a strong authority role in relation to his wife and children, although this varies considerably.
- Communication tips – The Germans have been in the United States a long time and, generally, are part of traditional American culture and the American Establishment.



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### Italians

The peak period of Italian migration to the United States occurred between 1890 - 1920. Most immigrants left Italy to escape poverty, which was particularly severe in Southern Italy and Sicily as a result of an economic system that encouraged the economic and social domination of Southern Italy by Northern Italy. The vast majority of immigrants came from the former independent and sovereign state of Southern Italy, the Kingdom of the Two Sicilies. Immigrants from these regions fled civil war and natural disaster. Like some immigrant groups that followed, most of the Italians who came to the U.S. did not plan to stay permanently. They hoped to save sufficient money to enable them to return to their wives and children who remained at home.

- Languages – English, Italian
- Religion – Catholic
- Family organization and gender roles – Italians have been in the U.S. a long time and have generally assimilated into mainstream American culture. Nevertheless, the family defined in terms of both nuclear and extended, remains an important unit of social organization.
- Communication tips – Italians have been in the United States for a long time and are part of mainstream American culture.

### Eastern European Immigrants (Poland, the former Soviet Union, Romania, Armenia)

The peoples of Eastern Europe are very diverse and their ethnic identity is important to them. When dealing with an Eastern European person, you should inquire as to their ethnic identity in a respectful, courteous tone. Many of us think of all the people from the former Soviet Union as *Russians*, for example, but this is inaccurate, and may cause friction. Latvians, Estonians, and Lithuanians all were part of the old Union of Soviet Socialist Republics, but are likely to resent being called or thought of as Russians.



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### Soviet Jews

Nearly 325,000 Jews from the former Soviet Union have settled in the United States since the mid 1960s. From 1972 to 1986, the Soviet Jews came as refugees from the former Soviet Union. In the late 1980s, Prime Minister Mikhail Gorbachev introduced an open door policy that allowed increasing numbers of individuals to leave Soviet Russia. A new wave of immigrants began to arrive after the collapse of the Soviet Union in 1991. Soviet Jews have come to the U.S. for a variety of reasons. Some have fled the wave of anti-Semitism and violent crime that followed the fall of the Soviet Union. Others have come in search of educational and economic opportunities.

- Language – Russian
- Religion – Jewish
- Family organization and gender roles
  - The Soviet Jewish family has provided support, comfort, and motivation in an often hostile external environment.
  - Soviet Jewish families are tight-knit.
- Communication tips
  - There is sometimes tension between the American and Soviet Jewish communities as a result of cultural and political differences.
  - Because they come from a country where the government, until recently, controlled all organizational life, Soviet Jews tend to regard any type of organization with a great deal of cynicism.
  - Soviet Jews care deeply about the traditions of their European way of life and while grateful to the U.S. for the opportunities and freedom it offers, they value their cultural and ethnic independence.
- Where they live in NYC
  - Brooklyn – Bay Ridge, Bensonhurst, Gravesend, Homecrest, Brighton Beach
  - Queens – Flushing, Rego Park, Jamaica, Forest Hills, Kew Gardens



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### LATINO AND HISPANIC COMMUNITIES

Different immigrant groups prefer specific terms to describe themselves. Some prefer **Hispanic** and others **Latino**. Some will be insulted if you use the term *Latino* to describe them. Others may find the use of *Hispanic* inappropriate. It is important that you learn the preferred terms of the groups who live in the precinct where you are assigned.

**Hispanic** – generally includes three groups of people from the Caribbean Islands who share their heritage with Spain: Puerto Ricans, Dominicans and Cubans.

**Latino** – generally includes all people of Spanish origin or their descendants who settled in the New World. This includes Central Americans and South Americans, although countries such as Guatemala, Ecuador and Peru have indigenous populations with distinct cultural, ethnic and linguistic traditions.

**Central Americans** – include persons from the following countries: Honduras, Mexico, El Salvador, Costa Rica, Nicaragua, and Guatemala.

**South Americans** – include persons from Columbia, Ecuador, Peru, Venezuela, Chile, Argentina, Paraguay, and Uruguay.

#### **Dominicans (Dominican Republic)**

The majority of Dominicans arrived in the United States after 1970 when the government of the Dominican Republic lifted the sanctions for travel to the United States. Some came to the U.S. for economic reasons. Others came to the United States to avoid political repression.

- Language – Spanish
- Religion –Catholic, born-again Christians, non-denominational
- Family organization and gender roles – Strong family and group organization with male usually head of household. Extended family (grandparents, aunts, uncles) is important.
- Communication tips:
  - Value of **personalismo** may influence communication with police
  - Strong eye contact with someone of higher authority may be considered disrespectful
  - Police officers should show respect to the father figure by not embarrassing him in front of family members.



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- Some Dominicans may be fearful of police officers in view of past experience with police/military in their home country.
- Very proud of their culture and heritage. They often have several parts to their name, reflecting mother and father's families.
- Large Dominican communities are found in:
  - Manhattan – Upper Manhattan
  - Bronx – Tremont, University Heights, Highbridge, Morris Heights



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### Cubans

The majority of Cubans immigrated to the United States in the 1960s. The first groups of immigrants left Cuba for political reasons. More recent arrivals have left Cuba for economic reasons.

- Languages – Spanish, English
- Religion – predominantly Catholic
- Family organization and gender roles – Strong family and group organization with male usually head of household. Extended family is important.
- Communication tips
  - Value of **personalismo** may influence communication with police.
  - Unlike many other Hispanics, tend to regard eye-contact and hand-shaking as signs of respect and cooperation.
  - Police officers should show respect to father figure by not embarrassing him in front of family members.
  - Very proud of their culture and heritage. They often have several parts to their name, reflecting father and mother's families.



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### Central and South Americans

Mexicans have been living in New York City for a number of years. However, the majority are recent arrivals, having migrated from Mexico and other parts of the United States since the late 1980's. Mexicans have come to the U.S. in search of work. El Salvadorans, Nicaraguans, and Guatemalans are also recent arrivals. Many El Salvadorans and Guatemalans were victims of political repression in their home countries which were immersed in civil war during the 1980s and 1990s. Some Nicaraguans are here for political reasons (fear of the National Guard under the reign of the Somoza dictatorships or loss of power and status after the Sandinista revolution). The majority of Nicaraguans have come to the U.S. in search of jobs, education, and economic opportunity.

The South American population in New York City is largely composed of people from Ecuador, Colombia, and Peru. Most have arrived since the 1990s. All three groups have come to New York in search of economic opportunities. Political violence in their native country has also been a factor for some Colombians.

- Language – Spanish, indigenous languages
- Religion – Catholic
- Family organization and gender roles
  - Strong family and group organization with male usually head of the household. **La Familia** includes the nuclear family, parents, grandparents, brothers, sisters, and cousins.
- Communication Tips
  - **Personalismo** may influence communication with police.
  - Eye contact with someone of higher authority may be considered disrespectful.
  - Show respect to father figure by not embarrassing him in front of family members.
  - El Salvadorans and Guatemalans, in particular, may be fearful of police as a result of prior experience with repressive military/ police in their homelands. Many have lost families and friends to state sponsored massacres and are, themselves, victims of torture.
  - Use caution with open hand gestures as many have sexual connotations.
  - Pointing is very offensive and considered aggressive.
  - Very proud of their culture and heritage. They often have several parts to their name, reflecting mother and father's family.



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### CARIBBEAN COMMUNITIES

#### Haitians

The greatest migration of Haitians to the United States occurred in the late 1950s when Francois Duvalier (Papa Doc) assumed power and established a reign of terror. After the 1965 Immigration and Nationality Act was passed, Haitian immigration also increased. The 1950s wave fled political repression. More recent arrivals have been numerous and have come to the U.S. in search of economic opportunities.

- Language – French, Haitian Creole, English
- Religion – Primarily Catholic and Voodoo
- Family organization and gender roles – in Haiti, families live close together with many family members under the same roof. Extended family is therefore important.
- Communication tips
  - Haitians may appear to be excited or angry even when they are not. Loud voice and gesturing is part of normal conversation. They are accustomed to being in large groups.
  - Pointing is rude
  - Many Haitians, especially women, fear the police due to experiences with a corrupt governmental organization in their native country.
  - Haitians try to deal with community issues as a group and recognize community leaders who may be pastors and priests.
  - Being handcuffed is a particularly humiliating experience.



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### Jamaicans

The passage of the 1965 Immigration and Nationality Act opened the door to mass immigration by eliminating the quota. Large numbers of Jamaicans came to New York from 1966 -1984. Most Jamaicans have come to the United States in search of economic opportunities.

Since their arrival in New York, Jamaicans have had to deal with types of racial discrimination similar to those experienced by African Americans. For many Jamaicans, American racism was a new experience because, in their native country, socio-economic class was a far more important determinant of status than skin color. While many Jamaicans have settled in neighborhoods populated by other West Indian-Caribbean groups and also African Americans, they retain a strong sense of separate cultural and ethnic identity.

- Language – English
- Religion – Catholic, Rastafarian
- Family organization and gender roles
  - Nuclear family with grandparents and other extended family members playing important roles.
  - Woman's status within the family tends to be strong.
  - Men tend to be protective of the women in the family.
- Communication tips
  - It is important to respect Jamaican cultural and ethnic identity
  - Approach the man of the household first
- Large Jamaican communities are found in
  - Bronx – Norwood and Baychester
  - Brooklyn – Flatbush, Brownsville, Crown Heights
  - Queens – Cambria Heights, St. Albans, Rosedale, Springfield Gardens



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### West Indians (Trinidad-Tobago, St. Vincent, Grenada, Barbados)

The majority of the West Indian population began to arrive in the 1970s and continues today. The factors influencing their migration vary depending on the country. The Trinidad-Tobago population comes in search of economic opportunities. Immigrants from St. Vincent and Grenada who migrated in the 1970s fled political instability and turbulence. Race is far less important factor than socio-economic class in the British West Indies. Immigrants from the islands have had to adapt to American racial relations as a result of their participation in the larger society.

- Language – English
- Religion – Catholic, Protestant, Christian Revivalist (Pentecostal). There also is an Indian population from Trinidad which is predominantly Hindu.
- Family organization and gender roles
  - The extended family – grandmothers, uncles, aunts and cousins- play an important role as may close neighbors.
  - In rural areas of Trinidad-Tobago, the division of labor is defined according to sex, with women doing most tasks related to cooking and childcare. Both men and women are often in the labor force. Gender relations are relatively balanced with authority distributed between both sexes.
- Communication tips – Ethnic and cultural identity is very important



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### ASIAN COMMUNITIES

**East Asians** include Chinese, Japanese and Korean,

**South East Asians** include Vietnamese, Laotian, Cambodian, and Thai

**South Asians** include Indians, Pakistanis, Bangladeshis, Sri Lankans and Burmese.

#### Chinese

The California Gold Rush that began in 1849 and ran through the 1850s provided the impetus for the first group of Chinese men to immigrate to the United States. In 1882, the Chinese Exclusion Law was passed, barring the Chinese from entering into the United States. The 1975 Immigration and Nationality Act ended some 85 years of bias against the Chinese, and new groups of immigrants began to enter the country. Most recent immigrants have come to the United States to escape overpopulation, social and political unrest, and poverty.

- Language – Depends on region of origin. Mandarin, Cantonese, and numerous dialects are spoken.
- Religion – Buddhism, Confucianism, Taoism, Catholic, Protestant.
- Family organization and gender roles
  - Seniority is respected
  - Families tend to be tight-knit.
- Communication tips:
  - Chinese use a variety of naming systems. Children usually use their father's name. In order to address people correctly, you should ask what term is preferred.
  - It is exceptional for a Chinese person to seek assistance or information from anyone unknown to them or whom they are not properly introduced.
  - The man's primary duty is to take care of his whole extended family. If he puts himself in danger, he hurts his family.
  - Chinese community is group oriented
  - Saving face is vital to one's name and integrity. This should be kept in mind when communicating with East Asians.
  - Chinese have a traditional respect for authority, although they may be wary of it.
  - Uncomfortable to maintain eye contact with authority figures
  - Non-verbal displays of emotions may be controlled so as to appear flat by mainstream American standards.



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- There is cultural variation between old and newer Chinese immigrants, depending on where they came from and whether or not their environment was rural or urban.
- The male head of the Chinese family should always be accorded respect and addressed politely.

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### Vietnamese

There have been four waves of Vietnamese immigration since the end of the war in 1975. The first wave was composed of high ranking military and government officers. The second wave took place in the 1980s. This group was socially mixed and from both rural and urban areas. The third wave of immigration started in 1987 as a result of the Amer-Asian Homecoming Act which stipulated that the children of American servicemen were allowed to enter.

- Language – Vietnamese
- Religion – Buddhist, Catholic
- Family organization and gender roles
  - The male head of the Vietnamese family should always be accorded respect and addressed politely. It is advisable that you approach him before contacting female or younger members of the family.
  - The family, including the extended family members, is very important.
- Communication tips
  - There are three parts to a Vietnamese name, with the family name coming first, followed by a complementary name then a personal name.
  - It is unusual for a married woman to adopt her husband's family's name
  - It is exceptional for a Vietnamese person to deal with or seek assistance or information from anyone unknown to them or to whom they have not been properly introduced.
  - Saving face is vital to one's name and integrity.
  - Vietnamese tend to have a traditional respect for authority, although they are wary of it. They will not respect the authority of a person who does not show respect for their culture.
  - Seniority is respected
  - Approach the male head of the household first
  - Averting eyes, not touching and speaking in a low voice are ways of showing respect and recognition of authority.
  - It is considered threatening and disrespectful for an unrelated man to touch a Vietnamese woman. If possible, be sure to have a family member come along if you have to take a Vietnamese woman with you for any reason.
  - Non-verbal displays of emotions may be controlled so as to appear flat by mainstream American standards.
  - Smiles have different meaning in the context of Vietnamese culture
  - Hand gestures should be avoided as they have particular meaning.
  - Coining is a folk cure intended to draw illness out of the body. It involves rubbing heated coins on the skin.
  - Many fear and distrust law enforcement officers.



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### Koreans

Although a total of about 17,000 Korean immigrants came to the United States between 1903 -1924, and 1950 -1964, the vast majority arrived after 1965. By 1990, 790,000 Koreans were living in the U.S., compared to 69,000 in 1970. Most of these recent arrivals have come to pursue educational and economic opportunities. Most Korean immigrants live in multi-ethnic or predominantly white neighborhoods rather than in Korean enclaves.

- Language – Korean
- Religion – Protestant, Catholic, Buddhist
- Family organization and gender roles
  - Mostly male-headed households
  - Extended family included several generations in a household
- Communication tips
  - Saving face is vital to one's name and integrity.
  - Seniority is respected
  - Approach the male head of the household first
  - Uncomfortable to maintain eye contact
  - Christian religion is very important
  - Formal organizations, such as the church, are very important in Korean immigrant culture.
  - Address elderly by their surname, such as "Mr. Kim" or "Mrs. Park."
  - Inappropriate gestures include eye-contact, pointing, touching, and using a raised voice.
- Large Korean communities are found in
  - Queens – Flushing, Murray Hill, Sunnyside
  - Manhattan –Trinity area in financial district



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### **Japanese**

The Japanese began to arrive in the late 1880s when Chinese immigration was stopped. The success of Japanese immigrants angered many Americans and resulted in anti-Japanese legislation which ended further immigration and deprived the Japanese of the right to own land. Following the attack on Pearl Harbor, the war hysteria forced 110,000 Japanese into concentration camps on the West Coast. Nearly two thirds of the Japanese in the U.S. have emigrated since 1975.

- Language – Japanese, English
- Religion – Buddhism, Shinto, Confucianism, Taoism, Protestantism
- Family organization and gender roles – Seniority is important. While the father may be head of household who acts as family spokesman, he consults grandparents, wife, and others regarding major decisions.
- Communication tips
  - It is considered impolite to say *no* in traditional Japanese culture.
  - Elders and those in senior positions are shown particular respect.
  - Loss of face is a serious matter.



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### Indians

The number of Indians immigrating into the U.S. was severely restricted until the change in immigration laws in 1965. With the 1965 amendment, highly skilled workers were given preference. Recently, opportunities in technology, engineering, and scientific skills have led to an additional influx of immigrants from South Asian countries.

- Languages – There are many languages and dialects used throughout India. The most common are Hindi, English, Urdu, Punjabi, Gujarati
- Religion – primarily Hindu, but also Sikhism, Jainism, Buddhism, Islam, Christianity, Parsis, Judaism
- Family organization and gender roles
  - Family life often consists of a joint or extended family, consisting of a mother, father, sons and sons' families.
  - Daughters tend to leave home on marriage to live in the home of their husband.
  - The joint family traditionally lives together and decisions are made by the head of the family in consultation with the other members.
  - While women from traditional, older generations are expected to be submissive to their husbands, women are active in national politics and pursue higher education.
- Communication tips – Indians are primarily Hindu. See section on Hinduism for communication tips.



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### Pakistanis

- Languages – Urdu, Sindhi, Pushtu, Punjabi
- Religion – Islam
- Family organization and gender roles
  - Family life often consists of a joint or extended family, consisting of a mother, father, sons and sons' families.
  - Daughters tend to leave home on marriage to live in the home of their husband.
  - The joint family traditionally lives together and decisions are taken by the head of the family in consultation with the other members.
  - While women from older generations are expected to be submissive to their husbands. Women are active in national politics and pursue higher education.
  - Pakistani women usually wear traditional clothing, such as loose trousers and a long tunic. Many also wear a sari over a short blouse and an underskirt. Some women wear traditional long dresses and cover their heads with a scarf.
- Communication Tips
  - Since the creation of separate Muslim nations (Pakistan and Bangladesh), the animosity between Muslims and Hindus has increased.
  - Pakistan's social system is based upon a structure made up of levels of **Biraderi** - an association of people of similar status and often from the same occupational group. The purpose of Biraderi is to provide a system of common support for those who suffer poverty or sickness.
  - See section on Islam for additional tips.



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### **Bangladeshis**

- Languages – Bengali, English
- Religion – Islam
- Family organization and gender roles
  - Family life often consists of a joint or extended family, consisting of a mother, father, sons and sons' families.
  - Daughters tend to leave home on marriage to live in the home of their husband.
  - The joint family traditionally lives together and decisions are made by the head of the family in consultation with the other members.
  - While women from older generations are expected to be submissive to their husbands, women are active in national politics and pursue higher education.
  - Bangladeshi women may wear Muslim dress or a sari. Some women may wear loose fitting trousers and long shirt.
- Communication tips – See section on Islam for communication tips.



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### AFRICANS

The African immigrant population in New York City doubled between 1990 and 2000. An estimated 450,000 African immigrants currently live in New York City. African immigrants are one of the fastest growing immigrant groups in New York City. The population is exceedingly diverse in terms of cultural, ethnic and linguistic orientations. The largest communities in New York come from Nigeria, Ghana, Senegal, Liberia, Sierra Leone, Guinea and Mali although no one group dominates the mix. Some African immigrants are refugees who have fled civil war, violence, and repressive governments. Many of these have witnessed massacres and experienced torture. Other African immigrants come to the United States seeking educational and economic opportunities.

- Languages include Somali, Amharic, Oromingna, Tigrinya, Swahili, Arabic, Zulu, Twi, African Creole, Mandingo, Fula, Ibo, Hausa, Yoruba, Bambara, Wolof, Ashanti, French, Italian, English and many more.
- Religion – Islam, Orthodox Christian, Animism.
- Family organization and gender roles:
  - Most households are comprised of extended families including grandparents, adult children and children.
  - Extended family members may have responsibility for raising the child. Sometimes an aunt, uncle or other extended family member may use the term parent to refer to him or herself.
  - Traditionally, African society is male-dominated. Men provide the financial support, but women have important roles within the family.
  - African women are increasingly gaining economic independence as they are leaving African countries on their own.
  - Africans look up to their elders. The elders are most respected and knowledgeable.
- African Culture
  - African culture emphasizes respectful and moral behavior.
  - Politeness is an important part of interaction.
  - Women may keep their heads and bodies covered and avoid direct eye contact with strangers.
  - Eye contact is generally considered aggressive.
  - An African handshake involves a light touch of palms rather than a firm grip and shaking of the hand as is common in the U.S.
  - When African men greet each other, they may touch hands and then place their right hand on their chest near their heart. This is an act of sincerity.



# POLICE STUDENT'S GUIDE

## Policing a Multicultural Society

- Many American hand gestures are offensive to East Africans. It is recommended you use your right hand for passing things and avoid finger gestures of any kind.
  - It is considered rude to call someone, particularly an elder, by a first name.
  - Many people fear the police as a result of past experience with repressive and corrupt police and military. Some are victims of torture.
  - **Tribe** is a linguistic term, similar to family, which has been used to describe a unit of social organization whose members share a common language, culture and common ancestor. Many Africans regard the term as degrading.
  - **Headman** is a term that may be used to describe a recognized community leader.
  - Respect for seniors is important in many African cultures. Assault or disrespect for older persons (even a few years older) is considered a serious matter.
  - Individuals may define themselves in terms of a community and, in the absence of that community, may feel incomplete. Along these lines, it is not uncommon for two Africans in a foreign country like the U.S. to introduce each other as brothers or sisters, even if they come from two different countries in Africa.
  - Naming is different in African nations than in the United States and two siblings by the same parents may have different surnames.
  - Africans consider themselves different from African Americans.
- Where they live in NYC
    - Bronx – Highbridge, Tremont, Morrisania
    - Queens – Far Rockaway
    - Staten Island – Stapleton, Fox Hills
    - Brooklyn – Williamsburg, Bedford Stuyvesant, Forte Greene
    - Manhattan – Upper West Side, Harlem



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### ARABS

Arab immigrants to the U.S. are diverse, and come from several countries, including Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen. The first wave of Arab immigrants came to the U.S. between 1880 and World War II. They were largely from Syria and what is known today as Lebanon. Ninety percent of these were Christian, and many settled in Brooklyn Heights, and the Cobble Hill and Bay Ridge sections of Brooklyn. The Palestinians began to arrive in 1948 after a portion of Palestine was made into Israel. In 1996, more than 40,000 immigrants were admitted from a number of countries including Iraq, Jordan, Lebanon, Syria, Yemen, Palestine, Morocco, Tunisia, and Algeria. Arab immigrants have come to the U.S. seeking political stability, peace, education, and economic opportunity.

- Language – Arabic (various dialects)
- Religion – Islam is predominant, also some Christian
- Family organization and gender roles
  - Extended family members are often as close as nuclear family.
  - Loyalty, protection and family honor very important.
  - Male traditionally head of household. Wife, however, is the authority in family matters.
  - Wife may defer to husband in public.
  - Modesty is important for women. A traditional Arab woman may wear a head cover and also cover her face.
- Communication tips
  - Be alert to the enormous diversity among Arab American groups.
  - A person's dignity, honor and reputation are of paramount importance. Loss of face and honor bring shame and humiliation.
  - Loyalty to one's family takes precedence over personal needs.
  - Protection and privacy of family is important.
  - Criticizing one's family in public is not acceptable.
  - Too much directness and candor can be interpreted as impolite.
  - The religion of Islam is intimately tied to Arab culture and should be respected.
  - Be aware that newly arrived Arab Americans may get out of their car when stopped by a police officer as a gesture of courtesy. You may need to inform individuals regarding appropriate procedure in this country.
  - Words are very powerful. Swearing is not acceptable.
  - If it is necessary to have a Muslim woman remove her head cover, have her do it in private and, if required, get a female officer to help.



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- When Arab men greet each other, they may shake hands and then place their right hand on their chest near their heart. This is an act of sincerity and respect.
- Women usually do not shake hands.
- Arabs stand close to one another when speaking.
- Arabs may talk louder than you are accustomed. Do not assume an argument is taking place if you encounter a loud family discussion.
- Muslims may pray five times a day (see discussion of Islam).

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#### RELIGIONS



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### Islam

Followers of Islam are called Muslims. Muslims believe in one God, **Allah**. Their Holy Book is the Quran (Koran). The religious duties of Muslims are described in the Five Pillars of Islam:

1. Declaration of Faith (**Shahadah**) – To testify that there is no god but Allah and that Muhammad is the Messenger of Allah.
2. Prayer (**Salat**) – Five times daily
3. Charity (**Zakat**) – It is a social responsibility to redistribute wealth and to create a healthy economic environment on all levels of society. Zakat is paid once a year based on personal savings at the rate of 2.5 percent.
4. Fasting (**Sawn**) – Designed to cultivate human excellence within the individual. During the month of Ramadan, Muslims fast daily from sunrise to sunset, abstaining from food and drink.
5. Pilgrimage to Mecca (**Hajj**) – Muslims should perform the Hajj once in a lifetime. It commemorates the trail and sacrifices of the Prophet Abraham, his wife Hagar, and their son Prophet Ishmael.

### ***In the Mosque:***

- Avoid entering a mosque, or certainly the prayer room of a mosque, during prayers.
- A person should remove his or her shoes before entering a mosque. If possible, acknowledge the custom even if you are unable to abide by it.
- Never step on a prayer mat.
- Never place the Koran on the floor or put anything on top of it.
- Avoid walking in front of people who are praying.
- Speak softly as you would in a church or synagogue.
- Dress conservatively.
- Invite a person out of a prayer room to question him or her.

### Holidays



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- **Ramadan** – Muslims abstain from eating, drinking, smoking, and sex from dawn to sunset.
- **Eid al-Fitr** – Festival of Breaking the Fast immediately follows Ramadan. Prayers are held outside and communities celebrate with parties.
- **Eid al-Adha** – Festival of Sacrifice marks the final stage of the pilgrimage to Mecca. It lasts 4 days and is celebrated with outdoor prayer, parties, and sacrifice of an animal.
- **Prophet Mohammed's birthday** – May 25



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### Hinduism

Hinduism originated from the Indian subcontinent. It is one of the world's most ancient religions, and can be traced back at least 4,000 years to the Indus Valley civilization. Hinduism offers the teachings of many great religious thinkers who lived at different times and whose teachings have been incorporated into the Hindu religion. It is estimated there are some 650 million Hindus throughout the world. Within Hinduism, there are many different beliefs and practices. The main Hindu beliefs include:

- **Brahman** – the belief in one Supreme Spirit or God.
- **Ahimsa** – the belief that it is wrong to hurt any living thing.
- **Samsara** – the cycle of birth and death; the ultimate aim is to break the cycle to gain release and never to be born again.
- **Karma** – peoples' behavior and actions in this life will decide their next life.
- **Dharma** – a person has certain duties to family, class, and God.

Hinduism is made up of hundreds of small groups called **castes** that influence family matters, such as marriage, food, and dress customs. There are the **Brahmins** (priests) who are at the highest level; **Kshatriyas** (rulers and warriors); **Vaishyas** (merchants and businessmen); and **Shudras** (manual workers and servants). Expanded through 2,000 years of changing demographics and religious evolution, further distinctions were made in each of the groups. Today, there are 3,000 castes and sub-castes in India.

- Family organization and gender roles
  - Traditionally Hindu families are extended or joint families with grandparents, aunts, uncles, and children living under one roof.
  - Women traditionally have responsibility for looking after the home and family.
  - The man, as head of the family, normally takes financial responsibility.
  - Arranged marriages are common and are normally organized by the parents with the consent of the couple. Backgrounds of the two individuals are taken into account. Often they will be from the same caste group. Arranged marriages can be a source of great tension if parents and children do not agree on a partner. Also, nowadays, some Hindus wish to choose their own partner.
  - The couple will usually live with the groom's family.
  - Marriage is both a civil contract and a sacrament. Divorce is allowed although it is relatively uncommon and seen as shameful and stigmatizing, especially for women.



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- Communication tips
  - Upon meeting, Hindus may put their hands together in the ***namaste*** gesture which means: “May that which is of God in me salute that which is of God in you.”
  - If offered refreshments, it is polite to accept.
  - A guest, who is invited to look at the family shrine, should remove his or her shoes. You should acknowledge this custom even if you feel you cannot abide by it.
  - In traditional households, it may be preferable for a man not to speak to a Hindu woman alone. Her husband or other family member should be present.
  - On entering a Hindu temple a person should remove his or her shoes. Where appropriate and possible, you should acknowledge this custom even if you feel you cannot follow it.
  - On leaving the temple, a piece of fruit or sweets may be offered; it is polite to accept.
  - In general, there is quite a lot of variation in the diet, but it is advisable to ask what a Hindu can eat. Hindus may also fast, and many do not drink alcohol or smoke.
  - Hinduism does not require any particular type of dress. Hindus may wear either Western or Indian style dress.
  
- Holidays
  - ***Dussehra*** – October – celebrates the victory of the Goddess Durga over evil.
  - ***Diwali*** – October-November – called Festival of Lights because small lamps are lit to guide the God Rama to his kingdom. This also marks the end of the Hindu year.
  - ***Holi*** – March – spring festival where all barriers of caste and rank are forgotten.
  - ***Raksha Bandhan*** – August – festival of protection. Sisters tie a symbol on a brother's wrist in return for his protection.



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### Sikhism

Sikhism was founded in South Asia over 500 years ago. Most of its adherents are from modern day India. Sikhism emphasizes the truth and creativity of a personal God and urges union with the creator through meditation and surrender to God's will. Sikhs follow the teachings of the 10 **Gurus**, the best known being Guru Nanak, the founding guru. The teachings and messages of the Gurus are set out in the Guru Granth Sahib, the Holy Scriptures. The main Sikh beliefs include:

- There is one God who is omnipotent.
- All human beings are equal.
- Earn one's living by honest means and working hard.
- Give to charity.
- **Sewa** – selfless service, to God and other human beings.
- Family organization and gender roles
  - Sikh families are sometimes extended or joint families where many relatives live together.
  - Family relationships are extremely important, particularly relationships between parents and children.
  - Very important to respect elders.
  - Men and women are equal in both secular and religious life.
  - Arranged marriages are common.
  - Modesty is a valued quality for women.
  - Most men and some women wear turbans.
  - Sikh men and women dress modestly.
  - Women may wear loose trousers with a long top and scarf or western dress.
- Devout Sikh men and women wear the **five Ks**:
  - **Kesh** – uncut hair, normally worn underneath a turban.
  - **Kangha** – small wooden comb used to keep hair tidy. Keeping clean and tidy is very important.
  - **Kirpan** – a sword which reminds Sikhs it is their duty to fight against injustice. In the U.S., this typically is a small object resembling a miniature sword, but is most often incapable of inflicting bodily harm.
  - **Kara** – a steel bangle worn on the right hand to remind Sikhs to be strong in standing up for what is right.



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- **Kachera** – a pair of shorts which remind Sikhs that it is prohibited to cohabit with a person other than one's spouse.
- Communication tips
  - Sikhs are known for their hospitality. The **gurdwara** (house of worship) is often also a guesthouse with free food and shelter for travelers.
  - A large room in the gurdwara containing the Guru Granth Sahib or Sikh religious text is used for prayer and worship. One must remove his shoes and cover his head prior to entering the room.
  - Sikhs worship every day, in mornings and evenings.
  - The turban of a Sikh man and the scarf of a Sikh woman must never be touched by anyone. It is very disrespectful and offensive.
  - When possible and consistent with safety, any search of the head of a Sikh must be conducted in private. Sikhs should never be forced into a public area with their heads uncovered.
  - Many Sikhs are vegetarians. Those who do eat meat must only eat **chatka** meat, from animals that have been killed quickly, humanely, and without religious or ritual ceremonies. Sikhs do not eat **halal** (animals slaughtered according to Muslim law) or kosher meat.
  - Alcohol and tobacco are forbidden.
- Holidays
  - **Vaisakhi** – April 13 or 14 – Sikh New Year.
  - **Diwali** or **Bandi Chor Divas** – October/November – festival of lights which celebrates the release from captivity of the sixth guru.
  - **Hola Mohalla** – March – festival marked with sports events, music, and poetry competitions.



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### Buddhism

Buddhism originated in India. It is based on the teachings of **Siddhartha Gautama**, known as **Buddha**, or "**The Enlightened One**." Buddhism seeks to give a person peace of mind and encourage and develop loving compassion toward all living things. The goal of the Buddhist religion is enlightenment, which means to be fully awake to the reality of life—to have an understanding of why there is suffering in the world and of how it may be overcome. Buddhists do not believe in a god or gods, but in the power of prayer to Buddha and in reincarnation. Today there are about 330 million Buddhists worldwide, the majority living in the Far East. All Buddhist philosophical elements relate to the **Four Noble Truths**:

1. Life is fundamentally disappointing and suffering.
  2. Suffering stems from one's desire for pleasure, power, and continued existence.
  3. To stop suffering, stop desiring.
  4. The way to stop desiring is the path of right conduct.
- Family organization and gender roles
    - Traditionally, parents help their children find a suitable partner.
    - Divorce and re-marriage is rare among Chinese Buddhists.
  - Communication tips
    - It is best not to shake hands with a Buddhist unless a handshake is offered.
    - A person should remove his or her shoes before entering a Buddhist temple. If possible, acknowledge the custom even if you are unable to abide by it.
    - Buddhism emphasizes the avoidance of intentional killing.
    - Many Buddhists are vegetarians.
    - When a person enters a shrine room in a temple or home, headgear and shoes should be removed. You should acknowledge the custom even if you are unable to abide by it.
    - Statues, pictures, the shrine, and other religious objects should be treated with respect. Buddhist statues should be lifted or held by the base and never by the head or top of the object.
    - Police officers should explain clearly and fully the purpose of their actions if they intend to move religious objects. They should also apologize for any offense that this may cause.



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- Buddhist teachers should not be touched as a general rule. Should this be necessary in extreme circumstances, caution and sensitivity should be employed. Unless absolutely unavoidable, monks and nuns should never be touched on the head.
- The common greeting gesture for Buddhist is to place both palms together, and then bow gently. However, some sects have their hands folded over their heart in greeting.
- Holidays
  - **Vaisakha Puja** – month of **Vesak** (usually May) – commemorates the birth, enlightenment, and passing of Buddha. Captive birds are released, lanterns and flowers are hung, candles and incense are lit.



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### Judaism

The Jewish people, unlike people of other ethnic groups, are not part of a particular nation. Instead, their identity is derived from their faith in the 5,000 year old Jewish religion. Jewish people believe that a single transcendent God created the universe and continues providentially to govern it. God's will for humankind is expressed in the Ten Commandments.

The first large wave of Jewish immigrants came to the United States in the 1830s and 1840s, when Polish and Bavarian Jews fled to the U.S. to escape heavy taxes and restrictions placed upon them. The Revolution of 1848 brought more Jews from Germany, Austria, and Hungary. Between 1881 and 1924, persecution and war drove more than one-third of the Jewish population of Eastern Europe to the U.S. The anti-Semitism prior to and during WWII and the ensuing atrocities by the Nazis brought thousands of Jewish people to the U.S., with the majority eventually settling in New York City.

There are three main sects of Judaism: **Orthodox**, **Conservative**, and **Reform**. Orthodox Jews believe that the Jewish laws and teachings of Torah and Talmud (the Jewish Bible and Set of Laws) must be followed exactly as they were laid down in the time of Moses. Conservative and Reform Jews believe that some of the Torah's teachings may be adapted to make them more relevant to modern life.

- Family organization and gender issues
  - The home and family have a central position in Jewish society. Jewish families tend to be nuclear with father, mother, and children living together.
  - Women and men are equally expected to fulfill their potential. Women can pursue both a career and raise a family.
  - Traditionally the women pass on the beliefs and customs of their faith to the children.
  - Orthodox Jews tend to advocate early marriage.
  - Orthodox Jews wear traditional clothing – usually long black coats for men and long dresses for women. Orthodox men keep beards and long curled side locks. They keep their heads covered at all times. Orthodox women dress modestly and keep their hair covered at all times.
- Communication tips
  - Among Orthodox Jews, work is prohibited during the Sabbath. Work includes phoning, writing, cooking, turning on electricity, and traveling by car and public transport. Exceptions are made to these restrictions only if it is necessary to save life.



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- Orthodox Jews recognize modesty as a high moral value. Any search of a member of the Jewish community should be conducted with care and sensitivity. When possible and consistent with safety, a search of a religious Jew must be carried out by an officer of the same sex.
  - Certain items have immense religious significance. Officers searching premises should take great care if they need to handle religious books, candlesticks, silver cups, and other artifacts.
  - If you wish to go to a synagogue, it is best to call beforehand. Officers wishing to enter a synagogue should wait to be approached. This will normally be by a **Shamash**, or **Beadle**. Officers should keep helmets or other headgear on when entering.
  - Some Jews are very strict about following dietary laws. Jewish dietary laws prohibit eating pork, bacon, or lard. Some Jews will eat only food brought in from a trusted source, such as home, or a kosher restaurant with intact seals.
- Holidays
    - **Shabbat** (Sabbath) – sundown Friday to sundown Saturday – a day of rest to be spent at home with the family. Traditionally, the family will visit the synagogue and then return home for a special meal.
    - **Passover** – March or April – spring festival that lasts for eight days and celebrates the Exodus of the Israelites from slavery in Egypt. It is celebrated by a meal called a **Seder** where the story is told and special food is eaten.
    - **Rosh Hashanah** – September – Jewish New Year
    - **Yom Kippur** – September – Day of Atonement – fast for a day as a sign of repentance and desire to do better in the year to come.
    - **Sukkot** – September – Harvest festival
    - **Hanukkah** – December – Festival of lights



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### Hasidim

Hasidic Jews are primarily Orthodox Jews who trace their traditions to a movement that was started in Europe in the 18<sup>th</sup> century. Each group is headed by a Rabbi or Grand Rabbi. The beliefs of some fifty Hasidic sects range from extreme to moderate in terms of keeping of traditions. The three largest Hasidic sects in New York City are the **Lubavitch**, the **Satmar**, and the **Stolin Hassidim**.

- Where they live in NYC
  - The Lubavitch of Crown Heights (71 precinct) believes their mission is to convert nonobservant Jews into observant Jews. A common sight in New York is the Lubavitch "Mitzvah Tanks," vans filled with young Hassidim who approach Jews on the streets and invite them to pray. The worldwide headquarters of the Lubavitch movement is in Brooklyn at 770 Eastern Parkway.
  - The Satmar of Williamsburg (90 precinct) is home to Satmar Hassidim.
  - The Stolin sect lives in the Borough Park area of Brooklyn (66 precinct). This area also houses the largest group of other Hassidic sects.
- Family organization and gender issues
  - Parents arrange all dating within the community. Couples date for approximately three or four months before committing to marriage.
  - Families tend to be large.
  - Women are required to wear skirts or dresses.
  - Men and women do not touch in public.
- Communication tips
  - While all Hasidic Jews may appear similar, there are subtle differences between the various sects.
  - See communication tips under Judaism



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### Rastafarians

**Rastafari** originated in Jamaica in the 1930s as a response to the oppression of the ruling colonial powers and as an expression of the original African identity of the people. It became popular with the poorer sections of Jamaica. Today it is a worldwide movement. Most Rastafarians are of African-Caribbean descent and identify with the struggle of reclaiming their African ancestry. Rastafarians believe that Haile Selassie I, the late Emperor of Ethiopia, or **Ras Tafari**, is the true and living God regarded as fully incarnate. They believe that salvation can come to black people only through repatriation to Africa after liberation from the evils of the western world. Rastafarians are guided by the culture and traditions of Africa; their faith teaches peace, love, truth and right.

- Language – Rastafarians communicate in their own lyrical manner based on Jamaican patois. It is extremely dynamic and varies by speaker. They have developed this partly to disassociate themselves from the language of the oppressors.
- Family organization and gender roles
  - There is no formal marriage. A man and woman who co-habit are automatically viewed as husband and wife.
  - The lion is a symbol of Haile Selassie (God) but also represents the dominant maleness of the movement.
  - Rastafarians often keep their heads covered. Men may wear knitted, leather, or cloth tams. Women normally cover their heads with wraps.
  - Their hair is often worn in dreadlocks, symbolic of a lion's mane. If a Rastafarian's hair is not in dreadlocks, it tends to be worn long, obeying the biblical command not to use sharp instruments on the body.
- Communication tips
  - For many Rastafarians, smoking marijuana (ganja) is an important part of their worship and a ritual aid for meditation
  - Colors often associated with Rastafarians are red, green, gold, and black. Red symbolizes the blood shed in Rastafarian's historical struggle; green represents the land; gold is for the faith, prosperity, and sunshine of the Rastafarian people and the produce of Africa; black symbolizes the color of the people.
  - Most Rastafarians are vegetarians. They may not drink alcohol, coffee, tea, or milk, but may drink herbal teas or anything made from natural herbs and roots.



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## **Policing a Multicultural Society**

- Holidays
  - Ethiopian Constitution Day – July 16
  - Birthday of Haile Selassie I – July 23
  - Birthday of Marcus Garvey – August 17
  - Ethiopian New Year's Day – September 11
  - Anniversary of the coronation of Haile Selassie I – November 2

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### Christianity

Christianity was formed about 2,000 years ago in Asia. It is the world's most widespread set of religions and has about a billion followers. Most followers of Christianity are members of one of three major groups: Roman Catholic, Protestant, or Eastern Orthodox. These groups have different views about Jesus and his doctrine but all groups consider Jesus central to their religion. Some groups worship God in terms of "The Holy Trinity," the Father, the Son, and the Holy Spirit.

- Communication tips
  - Christians have respect and reverence for the name of God. Casual or careless use of "Jesus" or "Christ" in conversation may be offensive.
  - It is very important for Roman Catholics to be given their last rites.
  - Some Roman Catholics don't eat meat on Fridays. Restrictions on eating meat apply to all practicing Roman Catholics on Ash Wednesday and Good Friday.
  
- Holidays
  - Baptism and Holy Communion are the most widely accepted rites of the Christian church.
  - Most Christians celebrate Sunday as the day for worship.
  - Christmas – December 25 –celebration of the birth of Jesus
  - Easter – April – commemoration of Jesus' resurrection
  - Pentecost – celebration of the coming of the Holy Spirit



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### APPENDIX "C"

#### LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) COMMUNITIES

New York City is diverse not only in terms of the racial, ethnic, religious, and cultural identity of its population but also in terms of gender identity and sexual orientation. Every cultural, racial, ethnic, religious, and occupational community includes lesbian, gay, bisexual and transgender people among its members. In order to enhance your cultural competence in serving members of the lesbian, gay, bisexual, and transgender (commonly referred to as **LGBT**) communities, it is important that you learn about this large community and understand their issues and concerns.

As with any other group of people or experiences with which you are unfamiliar, it is important that you identify and address your own personal biases which may interfere with your ability to communicate and act professionally and effectively. These biases may come from cultural, ethnic, political, religious, social, or other influences as everyone is socialized differently. As a police officer, it is extremely important while you may not fully understand or even agree with a person's differences in gender identity or sexual orientation, it is imperative that you treat everyone professionally, and impartially enforce the law.

Historically, members of the LGBT communities have been oppressed and mistreated by different segments of society, including the police. For many years, numerous instances of harassment and violence against LGBT people have occurred across the United States including New York City. While New York City tends to be more accepting of diversity than many other parts of the country, acceptance of LGBT individuals varies, depending on culture, occupation, political and religious beliefs, peer pressure, and personal bias. One thing that does not vary is that the laws of New York City and/or New York State protect every person against discrimination or abuse based on *actual or perceived* sexual orientation and gender identity / gender expression.

#### Gender Identity / Expression and the Transgender Community

People often confuse gender identity and sexual orientation issues. In this section we will discuss the topic of gender identity and terms and definitions that are associated with the Transgender Communities. Later, this chapter will elaborate on sexual orientation issues - which may overlap include a different set of circumstances, terminology and definitions.

In April 2002, the New York City Human Rights Law, located in Title 8 of the Administrative Code of the City of New York, was amended to make it clear that an individual's gender identity or expression is protected under the Law.



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It is the law and policy of the City of New York to eliminate discrimination based upon an individual's "actual or perceived gender."

"Gender" is defined in the City's Human Rights Law to include:

- actual or perceived sex;
- gender identity;
- self-image;
- appearance; and,
- behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to an individual at birth.

Some of the following terms below are included to help explain this subject :

### **Gender Identity**

Gender identity is an individual's sense of being either male or female, man or woman, or something other or in-between (Transgender).

### **Gender Expression**

Gender expression describes the external characteristics and behaviors that are socially defined and expressed as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

### **Gender Non-Conforming**

Gender non-conforming individuals have a gender identity and/or gender expression that is not completely male or female. This includes individuals who do not conform to expectations of a specific gender role and individuals who express both masculine and feminine qualities. These individuals are sometimes referred to as "androgynous."

### **Gender Identity Disorder (GID)**

A controversial DSM-IV diagnosis given to some transgender and other gender-variant people. Because it labels people as "disordered," Gender Identity Disorder is often considered offensive. The diagnosis is frequently given to children who don't conform to expected gender norms in terms of dress, play or behavior. Such children are often subjected to intense psychotherapy, behavior modification and/or institutionalization. GID replaces the outdated term "gender dysphoria."

### **Cross-Dressing**

To occasionally wear clothes traditionally associated with people of the other sex. Cross-dressers are usually comfortable with the sex they were assigned at birth and do



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not wish to change it. "Cross-dresser" should NOT be used to describe someone who has transitioned to live full-time as the other sex, or who intends to do so in the future. Cross-dressing is a form of gender expression and is not necessarily tied to erotic activity. Cross-dressing is *not* indicative of sexual orientation.

#### Intersex

Describing a person whose biological sex is ambiguous. There are many genetic, hormonal or anatomical variations which make a person's sex ambiguous (i.e., Klinefelter Syndrome, Adrenal Hyperplasia). Parents and medical professionals usually *assign* intersex infants a sex and perform surgical operations to conform the infant's body to that assignment. This practice has become increasingly controversial as intersex adults are speaking out against the practice, accusing doctors of genital mutilation.

#### Transgender

According to the New York City Commission on Human Rights, "Transgender" is an umbrella term that includes anyone whose gender identity and / or gender expression does not match society's expectations of how an individual who was assigned a particular sex at birth should behave in relation to his / her gender. It is also a term which may include (but is not limited to): transsexuals, cross-dressers, and other gender-variant people. Transgender people may identify as female-to-male (FTM) or male-to-female (MTF). Use the descriptive term (*transgender*, *transsexual*, *cross-dresser*, FTM or MTF) preferred by the individual. Transgender people may or may not choose to alter their bodies hormonally and/or surgically. The Human Rights Law of New York City forms the basis of any discrimination claims that could be brought against a police officer for any unprofessional treatment of transgender and gender non-conforming people so it is imperative to treat **all** persons in a professional manner.

The transgender and gender non-conforming community is as diverse as any other community, with members coming from different race, class, ethnic, and religious backgrounds and presenting their gender in different ways. There is not one way to be transgender or gender non-conforming. Some people seek out hormone therapy or surgery to change their bodies. Others, either by choice or even because of financial constraints, may not pursue bodily modification. As an employee of the City of New York, you are required by city law to use the pronoun with which a person identifies (if you are unsure, ask). Referring to someone as "it" "he-she" or other negative phrase are dehumanizing and is never an acceptable pronoun for a human being.

Gay, lesbian, bisexual or transgender individuals are generally as comfortable with their *biological sex* as heterosexuals. Transgender, gender non - conforming, or gender-variant people may experience a conflict between the sex they were assigned at birth and how they want to express their gender.



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Transgender and gender non-conforming people have a long history of police mistreatment and abuse, so members of this community might meet you with suspicion. This mistrust may be compounded by the fact that many transgender and gender non-conforming people may also be members of other communities mentioned earlier in this reading which have an embattled history with police.

One of the most striking aspects of crimes against LGBT people is the extent to which many of them go *unreported*. For example; a transgender *assault victim* may be fearful that responding police officers may automatically be homophobic and/or transphobic. The victim may think the officers will blame them, or assume they were engaged in illegal activity, and feel the need to arrest them. In lieu of other mitigating circumstances a crime victim should be treated as a victim. They should be given medical attention, and a complaint and/or aided report should be completed by responding officers, as well as possible referrals given to them. Therefore, as a police officer trying to investigate a given situation, and facing such distrust (whether perceived or real) requires you to dedicate more effort to establishing an immediate respectful rapport in order to gain the trust of a transgender (or gender non-conforming) person.

### Transition

Altering one's birth sex is not a one-step procedure; it is a complex process that occurs over a long period of time. Transition includes some or all of the following cultural, legal and medical adjustments: telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) some form of surgical alteration (SRS).

### Sex Reassignment Surgery (SRS)

Refers to surgical alteration, and is only one part of transition (preferred term rather than "sex change operation"). Not all transgender people choose to or can afford to have SRS. Another preferred term is "gender confirmation surgery." One should avoid overemphasizing the importance of SRS to the transition process as it is only one part of many.

### Transsexual (also Transexual)

An older term which originated in the medical and psychological communities to describe someone who has completed sexual reassignment surgery. Some transsexual people still prefer to use the term to describe themselves however generally the preferred term is "Transgender". It is best to ask which term an individual prefers.

### Restrooms & Dressing Rooms

Also, transgender and gender non-conforming people – just like everyone else – must be allowed to use the restroom or dressing room that comports with their gender identity. Sometimes police are called to investigate situations where a transgender or



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gender non-conforming person is accused of using the “wrong” restroom or dressing room. According to the New York City Commission on Human Rights, unlawful discrimination can consist of:

- Not allowing individuals to use a restroom or other sex-segregated facility consistent with their individual’s gender identity or gender expression; or
- Requiring individuals to provide identification as a means of identifying their gender before allowing them to use the restroom or other sex-segregated facility.

Thus, if a transgender or gender non-conforming person is simply using a certain restroom or dressing room, you should not bother that individual. As a police officer, you cannot tell transgender or gender non-conforming people to leave a certain restroom or dressing room just because someone complains that they do not want to be around a transgender or gender non-conforming person. If the transgender or gender non-conforming individual states that she or he identifies as the gender of that restroom or dressing room, then you must respect that person’s gender identity and expression. Simply let the complainant know that you are upholding the New York City Human Rights Law.

Of course it is proper to investigate any individual engaged in lewd conduct or a violation of others’ privacy rights or the law. But such prohibited conduct is not the same thing as merely using a certain restroom. (Eg; If a person complains about someone who glanced at them in a dressing room, a mere passing look is not illegal.)

Below is an example of a card that some Transgender individuals may carry to inform security or police of the NYC Human Rights Commission stance on gender identity discrimination and restroom rights.



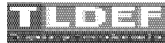


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If you think you have been discriminated against when using a restroom or other sex-segregated facility because of your gender identity or expression, contact us:

- Transgender Legal Defense & Education Fund  
347-284-6710; transgenderlegal.org
- New York Association for Gender Rights Advocacy  
212-676-3288, ext. 338; nyagra.com
- New York Civil Liberties Union  
212-607-3300; nyclu.org



### Searching Transgender Individuals Who Have Been Arrested (Based on current Department policy)

During an arrest situation there are different types of searches in relations to that enforcement action, such as a frisk / field search, a search at a police facility, and a strip search.

A field frisk is performed to primarily ensure the personal safety of the arresting officer in which a methodical external body examination of the arrested person conducted immediately after apprehension to find weapons, evidence, or contraband. Due to these immediate safety needs, the gender identity of a person has no bearing as to which officer (male / female) may conduct a frisk.

At a police facility, when a person has been arrested and a search will be conducted, an officer should be guided by the direction of the desk officer by using the following guidelines:

- P.G. 208-05, Arrest – General Search Guidelines, states that the arresting officer or designated member of the same gender as the prisoner will conduct a thorough search of the subject's person and clothing to ensure the safety of all persons within the facility and to remove weapons, contraband, and evidence not discovered by the frisk.
- Before conducting a search of a transgender person in custody (as anyone in custody), be sure that it is necessary and not redundant.
- **Transgender individuals should not be searched solely in order to challenge or confirm their gender identity.**
- A search should be carried out in private with full regard for the dignity of the person being searched while ensuring the safety of the searching officer(s).



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- Requesting proof of an individual's gender, except when legally required, *challenging* an individual's gender, or asking *inappropriate* questions about intimate details of an individual's anatomy, are factors that the NYC Commission on Human Rights will consider when determining if discrimination exists.

### Lesbian, Gay and Bisexual Communities

Based on your reading to this point, it been explained that everyone has a gender identity with some elaboration and clarification in regards to that issue. It is also important to acknowledge and understand that people also have a sexual orientation which basically defines who they are attracted to in a number of different ways. People with gay, lesbian, and/or bi-sexual orientations have been around for as long as mankind has existed. While the predominant sexual orientation is heterosexuality there have been studies conducted that suggest that 5 to 10 % or more of any given population may be gay, lesbian, or bi-sexual. Due primarily to religious, cultural, or socially accepted practices, the "generally accepted sexual orientation" has traditionally been "heterosexuality" with the others treated in a negative manner in various ways. Within the last few decades through education and progressive socialization some sections of our society have come to understand and accept those with different sexual orientations but you will find that even within New York City there are people that are still racist, sexist and homophobic and incidents will arise from those negative feelings. The terms to follow should help to describe sexual orientation in clearer definitions.

### Sexual Orientation

The scientifically accurate term for an individual's enduring physical, romantic, emotional, sexual, and/or spiritual attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual and heterosexual orientations. The term "sexual preference" which is used to suggest that being gay or lesbian is a choice and therefore "curable", is considered offensive and should be avoided when describing ones sexual orientation.

### Sexual Preference

Would be appropriately known as a "type" of person one would prefer to be with or someone fitting a "compatible profile". (Ex: Someone prefers to date someone else who is of fair skin, brown hair, and brown eyes, average height and weight, and further has additional attributes such as educational levels, (dis)likes, and certain logistical preferences etc.)

While there may be some who feel that they *can* choose who they are attracted to, the overwhelming majority of society will generally identify their sexual orientation as a natural occurrence and not a conscious choice. There are a number of scientific studies that have been conducted and some ongoing that have shown that one's sexual orientation is more of a genetic and natural happening than something generated by external influences. There are a number of myths in our mainstream culture which fuel



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intolerant attitudes which underlie some of the homophobic and bi-phobic prejudice which exists in our society but generally how a person's sexual orientation develops is *irrelevant* to policing. Unless a person has been victimized due to their actual or perceived sexual orientation, (in the case of a bias attack or in a domestic violence call), a person's sexual orientation is their own business and should have no bearing on providing professional police service. It is important to remember that it is illegal in New York State to discriminate against someone based on their sexual orientation (as well as gender identity / gender expression).

Fear of negative labeling on the part of family, friends, and representatives of public institutions, such as the police or religious institutions, may lead some individuals to deny or try to hide their feelings about their gender identity and/or sexual orientation. Their anxiety may be heightened in the light of their own unresolved conflicts about gender issues and "internalized homophobia."

Some gay, lesbian, bisexual and transgender individuals who are raised in environments which disapprove of homosexuality will internalize (render unconscious a part of themselves) those negative attitudes and values, making it hard for them to deal with their feelings of attraction to people of the same sex. This is sometimes referred to as "internalized homophobia/biphobia." However, denying or consciously attempting to keep one's sexual orientation hidden can be detrimental to a person's mental health. This is particularly likely when an individual lives or works in an environment which promotes rigid adherence to traditional ideas about gender (such as the military, police, and sports organizations). In these situations, exposure of one's non-normative sexual orientation and/or gender identity is more likely to result in humiliation, ostracism and/or punishment.

A person's sexual orientation is a deeply personal matter. Unless otherwise instructed by a particular individual, it should be assumed that sexual orientation is a private matter to be handled with *discretion*. Outing a person as lesbian, gay, bisexual or transgender to peers, co-workers, or even family members is not only a violation of privacy, but could put the person at risk for further abuse, discrimination, and dehumanization far beyond their interaction with the police. It is important to recognize that transgender and gender non-conforming people may be heterosexual, lesbian, gay, or bisexual. For example, someone who is born and assigned male, attracted to women, and transitions to live as a woman could identify as a lesbian.

### Additional Terms Relating to Sexual Orientation:

#### Biphobia

An irrational fear of bisexuals, (those with physical, sexual, emotional, or spiritual feelings towards members of both genders). These fears are often based on inaccurate stereotypes, including associations with infidelity, promiscuity and transmission of sexually transmitted diseases.



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### **Bisexual**

An individual who is physically, romantically, emotionally and/or spiritually attracted to men and women. Bisexuals need not have had equal sexual experience with both men and women; in fact, they need not have had any sexual experience at all to identify as bisexual.

### **Closeted**

Describes a person who is not open about his or her sexual orientation.

### **Coming Out**

A lifelong process of self-acceptance. People forge a lesbian, gay, bisexual or transgender identity first to themselves and then may reveal it to others. Publicly identifying one's sexual orientation may or may not be part of coming out.

### **Gay**

The adjective used to describe people whose enduring physical, romantic, sexual, emotional and/or spiritual attractions are to people of the same sex (e.g., *gay man*, *gay people*). In contemporary contexts, *lesbian* (n.) is often a preferred term for women. Avoid identifying gay people as "homosexuals."

### **Heterosexual Man / Woman**

A person whose enduring physical, romantic, emotional, sexual and/or spiritual attraction is to people of the opposite sex. Also *straight*.

### **Heterosexism**

The *attitude* that heterosexuality is the only "valid" sexual orientation. Often takes the form of ignoring lesbians, gay men and bisexuals. Some with this attitude may use oppressive tactics against those who they know or perceive to be LGBT. For example: a media (tv/radio) feature on numerous Valentine's Day couples that omit same-sex couples.

### **Homosexual**

Outdated clinical term considered derogatory and offensive by many gay people. *Gay* and/or *lesbian* accurately describe people who are attracted to members of the same sex.

### **Homophobia**

An irrational fear of someone who identifies their sexual orientation, or that of others as



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being lesbian or gay. *Prejudice* is usually a more accurate description of hatred or antipathy toward lesbian, gay, bisexual, (or Transgendered) people.

### Lesbian

A woman whose enduring physical, romantic, sexual, emotional and/or spiritual attraction is primarily to other women. Avoid identifying lesbians as "homosexuals," a derogatory term.

### Lifestyle

Inaccurate term often used by some members of society not educated in issues of sexual orientation and mainly used by anti-gay extremists to denigrate lesbian, gay, bisexual and transgender lives. As there is no one heterosexual or straight lifestyle, there is no one lesbian, gay, bisexual or transgender lifestyle.

### Openly "Gay" or Openly "Lesbian"

Describes people who self-identify as lesbian or gay in their public and/or professional lives. Also *openly bisexual*, *openly transgender*.

### Outing

The act of publicly declaring (sometimes based on rumor and/or speculation) or revealing another person's sexual orientation or gender identity without his, her or their consent whether actual or perceived. Considered inappropriate by a large portion of the LGBT community.

### Queer

Traditionally a pejorative term, *queer* has been appropriated by some LGBT people to describe themselves. Some value the term for its defiance and because it can be inclusive of the entire sexual minority community. Nevertheless, it is not universally accepted even within the LGBT community and should be avoided unless quoting someone who self-identifies that way.

### Sodomy Laws

Historically used to selectively persecute gay men, lesbians and bisexuals, the state laws often referred to as "sodomy laws" were ruled unconstitutional by the U.S. Supreme Court in *Lawrence v. Texas* (2003). "Sodomy" should never be used to describe gay, lesbian or bisexual relationships, sex or sexuality. Sodomy laws were removed from the NY State Penal Law in 2003 as a result.



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### LGBT Relationships

Relationships within the Gay and Lesbian community are no different than those in the heterosexual (straight) community. The obvious main difference is that "gay" relationships would involve two members of the same gender, while straight couples consist of one member of each gender. The issues that gay and lesbian couples face (economic, emotional, etc) are virtually the same as those faced by any other couple. Until recently most states had not legalized marriage for lesbian and gay couples, and now only a handful of states allow gay and lesbian couples to marry. Yet many states and local municipalities have enacted other legal forms of recognition for gay, lesbian, (and straight couples in some instances) such as civil unions and domestic partnerships. These relationships afford the couples *some* of the rights afforded to those who can become legally married. In New York State the following is an example of the types of relationships you may come across within the gay and lesbian community:

#### Civil Unions

Legal recognition of committed same-sex relationships in Connecticut, New Jersey, New Hampshire and Vermont.

#### Domestic Partnership

Civil or legal recognition of a relationship between two people (domestic partners) that extends some limited protections to them. People who live or work in New York City are eligible to become domestic partners and would register by registering as such with the city government. Additionally, states like California and Oregon have comprehensive domestic partnership registries that are very close to marriage in those states, but lack the "title" of marriage.

#### Marriage for Lesbian and Gay Couples

Currently six (6) states plus Washington, D.C. recognize and grant marriage licenses to same-sex couples: Massachusetts (2004); Connecticut (2008); Iowa (2009); Vermont (2009); New Hampshire (2010) and New York (2011). The state of Maryland recognizes same-sex marriages but does not grant marriage licenses to same-sex couples. New York City has been recognizing out-of-state marriages of lesbian and gay couples since 2004.

**Note:** California recognized same-sex marriage as legal until a proposition in the November 2008 elections sought to overturn the ruling, which is currently in an ongoing legal battle to reverse.

In June of 2011 (effective as of July 24, 2011) two State bills constituting the "Marriage Equality Act" were signed into law. The Marriage Equality Act adds a new section [Section 10-a] to the Domestic Relations Law, which provides that a marriage which would otherwise be valid is valid, regardless of whether the parties are of the same or



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different sex, and that the parties to a same-sex marriage are entitled to the same treatment under law as parties to a different-sex marriage.

Provisions protecting the rights of religious organizations to refrain from solemnizing or providing accommodations for same-sex marriages are contained in new Domestic Relations Law Section 10-b. The language of this section was amended, intending to make more explicit the protection from civil suits or discrimination complaints. The added language specifically includes protection against any state or local government action to withhold benefits or discriminate against such religious organizations because of their refusal to provide services for same-sex marriages.

### **Domestic Violence / Intimate Partner Relationships Involving LGBT Individuals**

*(Adapted from the National Coalition of Anti-Violence Programs DV Report 2006)*

In a case of domestic violence, there can be hesitation for victims involved in gay or lesbian relationships to contact law enforcement officials for fear of being treated unprofessionally because they are not "straight", because they are Transgender, or fear of being falsely arrested by the police who respond. There may also be concern that the victim's abusive partner will be subjected to homophobic or transphobic abuse once in police custody even as an offender.

On the average domestic violence occurs at about the same rate in same sex relationships as it does in heterosexual relationships. The same tactics are used by abusers to effectively keep their victims from seeking legal or other means to better themselves or remove them from that abusive environment.

### **An Inclusive Definition of Domestic Violence**

Definitions for violent acts that occur across identity categories such as race, class, culture, and sexuality are difficult in that they risk both being too broad to have value and too narrow to encompass the enormity of differences in experiences. In the case of Intimate Partner Violence (IPV), several issues arise such as: what constitutes violence; who qualifies as partners; why move away from the commonly known phrase "domestic violence"; and can men be victims and can women be batterers? Within each question and many more, there also exist questions regarding power and control and who is privileged to define terms. The term IPV is being used more often to describe the power and control that exists within an intimate relationship not limited to the household definition of domestic violence. For the purpose of this section, we define Intimate Partner Violence and Domestic Violence as "A pattern of behavior where one partner coerces, dominates, and isolates the other to maintain power and control over their partner."



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### The "Cycle" of Violence

Related to why many victims and survivors do not leave is the commonly used notion of a cycle of violence. According to this scheme, there are three main stages that cycle over and over. There is the honeymoon, where all is good, followed by a tension building stage where the victim feels impending violence and finally, there is the explosion where some form of violence occurs. The cycle then re-sets at the honeymoon stage. Though some parts may or may not be present in every situation, it is also generally accepted that this cycle can occur many times in a day or be stretched out over months. Further, the violence almost always escalates. For years, this model has been used to explain why victims hold out hope that the batterer is generally a good and loving person. What trainers have discerned is that the "honeymoon" stage is more apt to be another tool used by the batterer to allow the abuse to continue. It is a time during which the batterer can appear remorseful or convince the victim that he or she is at fault for their abuse, or any number of controlling strategies based upon the relationship. It is also the point at which the victim is indeed made to feel hope that the batterer may change.

### Defining Our Terms

Domestic violence is defined as a pattern of behaviors utilized by one partner (the batterer or abuser) to exert and maintain control over another person (the survivor or victim) where there exists an intimate and/or dependent relationship. Society's long history of entrenched racism, sexism, homophobia and transphobia prevents LGBT victims of domestic violence from seeking help from the police, legal and court systems for fear of discrimination or bias.<sup>1</sup>

Intimate partner violence is a pervasive issue that cuts across cultures, sexualities, classes and other identity categories. IPV can be found in an average of 1:4 relationships. Unfortunately, for lesbian, gay, bisexual, and transgender (LGBT) IPV survivors, systems that have been created to help are fraught with potentials for re-victimization that pivots on homophobia, transphobia and heterosexism.

To this end, the deleterious effects of homophobia and heterosexism cannot be discounted in the lives of lesbian, gay, bisexual and transgender (LGBT) survivors of IPV. Survivors, regardless of their identities, often need help to negotiate the manipulation tactics and harm inflicted upon them by batterers. The types of harm they experience as well as the types of assistance they may need, however, are very much impacted by their perceived or actual identities. Batterers often use racism, homophobia, classism, ableism and any other tool of oppression to inflict harm. When such tactics are used, this compounds the effects of the violence and need for help. Support frequently comes from victim service providers in the form of shelter, safety

<sup>1</sup> National Coalition Against Domestic Violence Domestic Violence Facts, [www.ncadv.org](http://www.ncadv.org) [accessed December 16, 2006]



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planning, help with orders of protection and court accompaniment. The aim for most providers is to make available the best possible services to victims in order to help them develop the safest possible options given the particular circumstances of the abuse and the relationship. Unfortunately, survivors from marginalized communities do not always receive services on par with those offered to mainstream survivors.

For many LGBT survivors of IPV, the harm enacted against them occurs at the confluence of streams of violence in the forms of bias and hatred that spring forth from interpersonal, institutional, and cultural points of origin. Experiencing victimization through societal stigma leaves many LGBT people vulnerable to commonly used tools of manipulation of batterers. Quite often, early experiences of bias and hatred results in a form of victimization that erodes the self worth of the survivor based upon self hatred. This is commonly known as internalized homophobia. Service providers and their agencies do not always recognize how LGBT related bias impacts survivors. Much of this is due to the fact that traditional domestic violence models are based upon hetero normative conceptions of power dynamics and relationships and they do not tend to take into account the experiences of social stigma in the lifespan of an individual. Together, these two tendencies in service provision make accessing and utilizing IPV services more of an obstacle than a help for many LGBT IPV survivors.

### The Impact of Homophobia and Transphobia on DV

Tools that may be used by the batterer to gain and maintain control are often highly individualized to the situation, relationship and people involved. It is important in any given situation of IPV to investigate the way the survivor defines the abuse and understand the ways that behaviors which we may not traditionally see as typically abusive can be utilized as such in a context where IPV already exists. However, there are several tactics that are commonly used by batterers against their victims. These behaviors may include:

- ~ Verbal abuse such as name calling.
- ~ Emotional manipulation.
- ~ Isolation, including limiting or prohibiting a partner's contact with family or friends.
- ~ Stealing, limiting access to or destroying a partner's property.
- ~ Withholding or otherwise controlling or restricting access to finances.
- ~ Depriving partner of shelter, food, clothing, sleep, medication or any other life sustaining mechanism.
- ~ Limiting or prohibiting a partner from obtaining or keeping employment, housing or any other station, benefit or service.
- ~ Harming or attempting to harm a partner physically.
- ~ Harming or threatening harm to partner's family, friends, children and/or pets.
- ~ Sexually assaulting or raping a partner.
- ~ Using intentional exposure to sexually-transmitted and other diseases.
- ~ Threatening suicide or harm to self, if a partner tries to end a relationship or does not comply with an abuser's demands.
- ~ Stalking or harassing a partner.



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~ Using of facets of abuser or survivor's identity including race, gender, class, sexual orientation, national origin, physical ability, religion, level of education, occupation, or legal immigration status, etc., to demean, insult, endanger, isolate, or otherwise oppress.

All of the above tactics may be used by a batterer. There are additional concerns for LGBT survivors. LGBT domestic violence is as prevalent as heterosexual domestic violence and perpetrators often attempt highly specific forms of abuse, including:

- ~ "Outing" or threatening to out a partner's sexual orientation or gender identity to family, employer, police, religious institution, community, or in child custody disputes.
- ~ Reinforcing fears that no one will help a partner because s/he is lesbian, gay, bisexual or transgender, or that for this reason, the partner "deserves" the abuse.
- ~ Alternatively, justifying abuse with the notion that a partner is not "really" lesbian, gay, bisexual or transgender; i.e., s/he may once have had or may still have relationships with other people, or express a gender identity, inconsistent with the abuser's definitions of these terms.
- ~ Telling the partner that abusive behavior is a normal part of LGBT relationships, or that it cannot be domestic violence because it is occurring between LGBT individuals.

Following the work of Kimberle Crenshaw on intersectionality, defined as "The need to account for multiple grounds of identity when considering how the social world is constructed<sup>1</sup>", it is essential to recognize that no one experiences life or moments of oppression, through a singular understanding of his or her identity. For instance, when an African American lesbian is attacked on the street, she experiences the attack as an African American person, a lesbian, a woman, and any number of other identities, and in the context of all her past experiences of violence and bias.

It is important to note that all barriers present in both prevention and intervention of LGBT intimate partner violence are rooted in sexism, heterosexism and transphobia. These attitudes, though often unspoken, are still pervasive in our police departments, court systems, medical centers, shelters, and organizations. The butch lesbian survivor in shelter who is watched more closely by staff than her fellow more feminine heterosexual fellow residents; the gay man who stays at all-night diners and couch hops with friends because he cannot access DV shelter or homeless shelter; the transwoman who is arrested and placed in a men's jail cell along with her abusive boyfriend because the officer "believes" she provoked a fight; the trans man who is denied an order of protection in court because the judge refuses to acknowledge that his girlfriend is a real threat to his safety.

Institutions that rely solely or predominantly on the rule, that "men beat women while they are in relationship" misses the centrality of the workings of power and control in domestic violence. Rather than focusing on the dynamics of power and control, they focus upon the gender relationships and the assumed roles within the relationships. This method misses the thousands of victims that do not fit this model. It also misses the nuances of how power and oppression affect each of us individually, from the moment we are born. For a survivor who accesses law enforcement, their identities will



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also impact many aspects of these experiences. Far too little is done to compensate for the discrepancies in services, leaving already vulnerable populations subject to further harm. An enormous shift must occur that allows providers to identify how power and oppression work in the lives of individuals with intersecting identities. Publicly exposing the effects of heterosexism, homophobia, and transphobia within IPV and within our institutions helps combat the stigma inflicted upon LGBT people by breaking the conspiracy of silence that society demands of them. As LGBT people work to lift the stigma that keeps many people in some way shamed or silenced about their experiences of abuse, or wary of sharing their identity, we begin to move closer to a day when LGBT victims and survivors are adequately and fairly provided services, including orders of protection, real safety planning, and shelter. And closer to a day when no single person experiences violence from those they love.

*1Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.*

*By: Crenshaw, Kimberle Williams. In: Kimberle Crenshaw, Neil Gotanda, Gary Peller, and Kendall*

*Thomas, eds. Critical Race Theory: The Key Writings that Formed the Movement. New York Press, 1995.*

### Fair Access to Family Court Act

Passed into NY State Law on June 19, 2008.

Provides that orders of protection may be entered against any member of the same family or household; expands the definition of "members of the same family or household", for purposes of issuance of orders of protection and temporary orders of protection and the concurrent jurisdiction of family courts and criminal courts, to former spouse whether or not living together and unrelated persons who continually or at regular intervals reside in the same household or have done so in the past, and persons who are or have been in a dating or intimate relationship whether or not they have ever lived together.

### LGBT Youth

Young people have a unique set of circumstances due to the major psychological and physical changes that occur during adolescence. Along with other pressures associated with "growing up", Lesbian, Gay, Bisexual, Transgender, and questioning youth often feel invisible in their daily lives but particularly in their schools. Their invisibility is typically reinforced by heterosexism in their environment, which causes these young people to feel unsupported and isolated. As a result, many young LGBT are coping with higher levels of stress, anxiety and an apprehension towards authority figures that they perceive or have experienced harassment from. However, it is important to not assume this is the case with all LGBT youth. Therefore, you should treat them with dignity and respect and affirm their identities by acknowledging them as the gender/orientation in which they self-identify.



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The Harvey Milk High School (founded by the Hetrick-Martin Institute), located in Manhattan is designed to primarily service those LGBT youth who wish to complete their high school education free of harassment and violence they have experienced in their regularly assigned local schools. The Hetrick - Martin Institute (HMI), the nation's oldest and largest LGBT youth-service provider, operates after-school and mental health programs within the same space. HMI can serve as an excellent resource to you while out in the field encountering LGBT youth. The following statistics vividly illustrate some of the reasons why many LGBT youth based programs in various community based organizations including The Hetrick-Martin Institute and The Harvey Milk School exists:

### Sexual Self-Concept, Orientation and Identity:

- During adolescence, young people form their sexual identity. +
- Developing a sexual self-concept is a key developmental task of adolescence. +

### LGBT Youth in School

- 64% of LGBT youth say they feel unsafe in their middle and high schools. +
- 28% of gay teens drop out of school annually, three times the national average. +
- 69% of LGBT youth reported experiencing some form of harassment / violence. +
- 84% of LGBT youth reported verbal harassment, 65% reported sexual harassment, 39% reported physical harassment, and 6.1% reported physical assault. +
- 92% of LGBT youth reported sometimes or frequently hearing homophobic remarks. +
- 1 out of 5 LGBT youth reported hearing homophobic remarks from faculty or school staff +

### Suicide

- LGBT youth are 4 times more likely to attempt suicide than other youth.\*
- 33% report they attempted to commit suicide during the past year. +

### Student Attitudes about LGBT issues

- 40% of high school students say that they are prejudiced against homosexuals. +

### Teaching about Sexual Orientation in Schools

- In one study of LGBT adolescents, half of the students said that homosexuality had been discussed in their classes. 50% of the females and 37% of the males said it was handled negatively. +



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Statements indicated with (\*) derive from the National Mental Health Association website: <http://www.nmha.org>

Statements with (+) derive from the Sexual Information and Education Council of the United States: <http://www.siecus.org>.

### Other LGBT youth stats

- Students who identify themselves as lesbian, gay, bisexual or transgender are five times more likely to miss school because of feeling unsafe. 28% are forced to drop out. --National Gay and Lesbian Task Force, "Anti-Gay/Lesbian Victimization," New York, 1998.
- The vast majority of victims of anti-lesbian/gay violence - possibly more than 80% - never report the incident, often due to fear of being "outed." --New York Gay and Lesbian Anti-Violence Project Annual Report, 1996.
- 85% of teachers oppose integrating lesbian, gay and bisexual themes in their curricula. --"Making Schools Safe for Gay and Lesbian Youth: Report of the Massachusetts Governor's Commission on Gay and Lesbian Youth," 1993.
- 42% of homeless youth identify as lesbian, gay or bisexual. --Orion Center, Survey of Street Youth, Seattle, WA: Orion Center, 1986.
- 75% of people committing hate crimes are under age 30 - one in three are under 18 - and some of the most pervasive anti-gay violence occurs in schools. -New York Gay and Lesbian Anti-Violence Report, 1996.

### GLSEN (Gay, Lesbian, Straight Education Network): 2007 National School Climate Survey

- The 2009 national survey of 7,621 middle and high school students found that nearly 9 out of 10 LGBT students experienced harassment at school in the past year, two thirds (61.1%) felt unsafe at school because of their sexual orientation and about a third (30.0%) skipped a day of school in the past month because of feeling unsafe.

#### Key Findings:

- 84.6% of LGBT students reported being verbally harassed, 40% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation.
- 72.4% heard derogatory remarks such as "faggot" or "dyke" frequently or often at school.



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- Nearly two thirds (61.1%) of students reported that they felt unsafe in school because of their sexual orientation.
- 29.1% of LGBT students missed a class and 30% missed a day of school in the past month because of feeling unsafe, compared to only 8% and 6.7%, respectively, of a national sample of secondary school students.

### Homeless Youth

Transgender youth are disproportionately represented in the homeless population. More generally, some reports indicate that one in five transgender individuals need or are at risk of needing homeless shelter assistance.<sup>2</sup> However, most shelters are segregated by birth sex, regardless of the individual's gender identity,<sup>3</sup> and homeless transgender youth are even ostracized by some agencies that serve their LGB peers.<sup>4</sup>

**Empire State Coalition:** <http://www.empirestatecoalition.org/rglbt.html>

- Numerous research studies conducted over the past decade find that gay, lesbian, bisexual, and transgender (GLBT) youth make up 25% to 40% of the homeless youth population in NYC and other large cities.
- There is an estimated 3800 homeless youth in NYC; approximately 28% identify as LGBT.

There are a number of organizations that have programs designed to work with LGBT youth throughout the city, The Hetrick-Martin Institute is the organization which provides the Harvey Milk High School for LGBT youth as well as other youth services.

### The Hetrick-Martin Institute: Supportive Services Department

#### MISSION

Supportive Services (SS), a department of HMI, provides comprehensive and collaborative services to Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBT) youth and their families. All programs are aimed at providing an opportunity for youth to

<sup>2</sup> Cited in Mottet, L. & Ohle, J.M. (2003). Transitioning our shelters: A guide to making homeless shelters safe for transgender people. Retrieved January 14, 2009, from <http://www.taskforce.org/downloads/TransHomeless.pdf>

<sup>3</sup> Ibid.

<sup>4</sup> HCH Clinicians' Network (2002, June). Crossing for safety: Transgender health and homelessness. *Healing Hands*, 6, pp. 1-6.



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### **Policing a Multicultural Society**

develop and strengthen the skills necessary to move toward self-sufficiency, self-acceptance and personal success, reaching their full potential.

First time youth coming to HMI can be referred by: an outside agency, a family member, self referral or an existing member.

- Intake Specialists complete a Pre-Screening Safety Assessment. Basic assistance is offered immediately, if needed. (Food, clothing or housing referral)
- A more comprehensive intake and assessment is then scheduled and completed.
- The Intake Specialist recommends interventions or services necessary subsequent to the completion of the assessment.
- Youth participate in a Group Orientation, learning about HMI's history, programs, code of conduct, human sexuality model and HMI membership.
- New HMI members are then eligible to receive all services and participate in After-School Programs.
- Youth needing further assistance (mental/physical health needs, housing, etc.) are referred to partnering community-based organizations (CBO's).

Counseling and Case management promotes healthy emotional, social and familial growth of HMI members through participation in the following:

- Individual level interventions (counseling and/or case management sessions with counselors).
  - Group level interventions (educational workshops, support groups or therapeutic groups for HMI members and their families).
  - Family counseling (adult figures in a young person's life who the member would like to make part of their treatment).
  - Family Skill building workshops and support groups.
- Staff collaborates with Harvey Milk High School Staff, outside agencies and schools, to ensure the development of an effective and comprehensive plan for each member. Meetings are held regularly to share client progress and necessary interventions for effective coordination of services. Weekly Case Conference Meetings are also held to review the highest risk cases.

### **Suspected LGBT Bias Incidents**

Like domestic violence, suspected bias incidents that occur within the LGBT communities are greatly underreported to the police. The victim may report an incident to an outside agency or community based organization as they may fear walking into a precinct or having officers respond through 911 with the perception of being treated unprofessionally due to their perceived or actual gender identity or sexual orientation. Hate crimes are a particularly disturbing crime since someone is being threatened or physically attacked (or killed) because of who they are (or who they are perceived to be) which they cannot change. Ironically, there are some people attacked in LGBT related bias incidents who are not lesbian, gay, bisexual, or transgender, but are perceived to



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be because of various associations with being LGBT. Hate crimes against the LGBT community encompass a number of offenses but many times are very violent in nature resulting in injuries and sometimes death so it is imperative to be able to recognize a suspected bias incident when it occurs and make every attempt to effect an arrest.

In accordance with the New York State Penal Law - the following defines what a hate crime is: "A bias incident is any offense or unlawful act that is motivated in whole or substantial part by a person's, a group's or a place's identification, with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including gay, lesbian, bi-sexual, and transgender) as determined by the Commanding Officer of the Hate Crimes Task Force". For example; a person who uses a slur against another person is not a crime although it may be offensive, it is protected under free speech. However, if the person uses a slur against another due to their sexual orientation (or other associations) AND then assaults them, it then becomes a **hate crime**. A Patrol Supervisor should be consulted in situations that may be bias related.

#### **Procedure to be followed (as per P.G. 207-10):**

When a uniformed member of the service is dispatched to the scene of an incident which may be a bias incident:

1. Evaluate condition and take police action appropriate for the stabilization of the area, if necessary.
2. Determine if possibility exists that an offense or unlawful act is motivated by bias or prejudice as contained in a "Bias Incident".
3. Request a patrol supervisor to respond if a bias incident is suspected.

Earlier in this chapter there were a number of proper terms and definitions to be used when interacting with members of the LGBT communities. The following is a list of offensive terminologies to avoid that would be a detriment to a professional interaction whether it be a general conversation, someone being summonsed or arrested and / or dealing with a victim of crime.

#### **Offensive Terminology to Avoid**

**Offensive:** "homosexual" (n. or adj.)

**Preferred:** "gay" (adj.); "gay man" or "lesbian" (n.)

Please use "lesbian" or "gay man" to describe people attracted to members of the same sex. Because of the clinical history of the word "homosexual," it has been adopted by anti-gay extremists to suggest that lesbians and gay men are somehow diseased or psychologically/emotionally disordered — notions discredited by both the American Psychological Association and the American Psychiatric Association in the 1970s.



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Please avoid using "homosexual" except in direct quotes. Please also avoid using "homosexual" as a style variation simply to avoid repeated use of the word "gay." For these reasons, The Associated Press, *New York Times* and *Washington Post* all restrict usage of the term "homosexual."

**Offensive:** "homosexual relations/relationship," "homosexual couple," "homosexual sex," etc.

**Preferred:** "relationship" (or "sexual relationship"), "couple" (or, if necessary, "gay couple"), "sex," etc.

Identifying a same-sex couple as "a homosexual couple," characterizing their relationship as "a homosexual relationship," or identifying their intimacy as "homosexual sex" is extremely offensive and should be avoided. These constructions are frequently used by anti-gay extremists to denigrate gay and lesbian people, couples and relationships.

As a rule, try to avoid labeling an activity, emotion or relationship "gay," "lesbian" or "bisexual" unless you would call the same activity, emotion or relationship "straight" if engaged by someone of another sexual orientation.

**Offensive:** "sexual preference"

**Preferred:** "sexual orientation"

The term "sexual preference" is typically used to suggest that being lesbian, gay or bisexual is a choice and therefore can and should be "cured." *Sexual orientation* is the accurate description of an individual's enduring physical, romantic, emotional and/or spiritual attraction to members of the same and/or opposite sex and is inclusive of lesbians, gay men, bisexuals and heterosexual or straight men and women.

**Offensive:** "gay lifestyle" or "homosexual lifestyle"

**Preferred:** "lesbian," "gay," "bisexual"

There is no single lesbian, gay or bisexual lifestyle. Lesbians, gay men and bisexuals are diverse in the ways they lead their lives. The phrase "gay lifestyle" is used to denigrate lesbians and gay men, suggesting that their sexual orientation is a choice and therefore can and should be "cured."

**Offensive:** "admitted homosexual" or "avowed homosexual"

**Preferred:** "openly lesbian," "openly gay," "openly bisexual"

Dated term used to describe those who are openly lesbian, gay or bisexual or who have recently come out of the closet. The words "admitted" or "avowed" suggest that being



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gay is somehow shameful or inherently secretive. Avoid the use of the word "homosexual" in any case.

**Offensive:** "gay agenda" or "homosexual agenda"

**Preferred:** "lesbian and gay civil rights movement" or "lesbian and gay movement"

Lesbian, gay, bisexual and transgender (LGBT) people are as diverse in our political beliefs as other communities. Our commitment to equal rights is one we share with civil rights advocates who are not necessarily LGBT. "Lesbian and gay civil rights movement" accurately describes the historical efforts, by gay and straight people alike, to achieve understanding and equal treatment for LGBT people. Notions of a "homosexual agenda" are rhetorical inventions of anti-gay extremists seeking to create a climate of fear by portraying the pursuit of civil rights for LGBT people as sinister.

**Offensive:** "special rights"

**Preferred:** "equal rights" or "equal protection"

Anti-gay extremists frequently characterize civil rights and equal protection of the law for lesbian, gay, bisexual and transgender Americans as "special rights" in an attempt to energize opposition to family recognition, anti-discrimination protections and equal opportunity laws

### Defamatory Language

**"fag," "faggot," "dyke," "homo," "sodomite," "queen," "she-male," "he-she," "it," "tranny" and similar epithets.**

The criteria for using these derogatory terms should be the same as those applied to hate words for other groups: they should not be used except in a direct quote that reveals the bias of the person quoted. So that such words are not given credibility in the media, it is preferred that reports say, "The person used a derogatory word for a lesbian, gay, bisexual or transgender person."

**"Deviant," "disordered," "dysfunctional," "diseased," "perverted," "destructive" and similar descriptions...**

The notion that being gay, lesbian or bisexual is a psychological disorder was discredited by the American Psychological Association and the American Psychiatric Association in the 1970s. Today, words such as "deviant," "diseased" and "disordered" often are used to portray lesbians and gay men as less than human, mentally ill, or as a danger to society. Words such as these should be avoided in stories about the lesbian and gay community. If they must be used, they should be quoted directly in a way that reveals the bias of the person being quoted.



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**Associating gay men, lesbians, bisexuals, same-sex relationships or homosexuality with pedophilia, child abuse, sexual abuse, bestiality, bigamy, polygamy, adultery and incest.**

Being gay, lesbian or bisexual is neither synonymous with nor indicative of any tendency toward pedophilia, child abuse, sexual abuse, bestiality, bigamy, polygamy, adultery and/or incest. These associations often are used to suggest that lesbians and gay men pose a threat to society, to families, and to children in particular. Such associations are defamatory and should be avoided, except in direct quotes that reveal the bias of the person quoted.

### Transgender Terminology to Avoid

**PROBLEMATIC:** "transgenders," "a transgender"

**PREFERRED:** "transgender people," "a transgender person"

Transgender should be used as an adjective, not as a noun. Do not say, "Tony is a transgender," or "The parade included many transgenders." Instead say, "Tony is a transgender person," or "The parade included many transgender people."

**PROBLEMATIC:** "transgendered"

**PREFERRED:** "transgender"

The word transgender never needs the extraneous "ed" at the end of the word. In fact, such a construction is grammatically incorrect. Only verbs can be transformed into participles by adding "-ed" to the end of the word, and transgender is an adjective, not a verb.

**PROBLEMATIC:** "sex change," "pre-operative," "post-operative"

**PREFERRED:** "transition"

Referring to a sex change operation, or using terms such as pre- or post-operative, inaccurately suggests that one must have surgery in order to truly change one's sex.

**PROBLEMATIC:** "hermaphrodite"

**PREFERRED:** "intersex person"

The word "hermaphrodite" is an outdated, stigmatizing and misleading word, usually used to sensationalize intersex people.

### Defamatory Terminology

Gender identity is an integral part of a person's identity. Please do not characterize transgender people as "deceptive," as "fooling" other people, or as "pretending" to be, "posing" or "masquerading" as a man or a woman. Such descriptions are extremely insulting.



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**Defamatory:** "she-male," "he-she," "it," "trannie," "tranny," "gender-bender"  
These words only serve to dehumanize transgender people and should not be used.

### PROPER POLICE SERVICE TO THE LGBT COMMUNITY

While we are all entitled to our beliefs, how a person's gender identity or sexual orientation develops is irrelevant to delivering proper police service. It is illegal in New York City and the State of New York to discriminate based on sexual orientation, gender identity or gender expression, so police officers must treat LGBT people the same way they would treat anyone else: with Courtesy, Professionalism, and Respect.

Remember, that while many LGBT people share similar qualities or characteristics, likes, dislikes, etc; they are each unique individuals and should be treated as such. Below is a list of LGBT serving organizations and contact information. You may find it very helpful to become aware of their locations as well as familiarize yourself with the services they provide.

### REFERRALS FOR PEOPLE WITHIN THE LGBT COMMUNITY (VICTIMS OF CRIME OR GENERAL LGBT INFORMATION)

#### MANHATTAN:

**The LGBT Community Center**  
208 West 13<sup>th</sup> Street  
New York, N.Y. 10011  
Phone: 212-620-7310  
[www.gaycenter.org](http://www.gaycenter.org)

**The Hetrick Martin Institute**  
2 Astor Place  
New York, N.Y. 10003  
Phone: 212-674-2400  
[www.hmi.org](http://www.hmi.org)

**NYCLU**  
125 Broad Street  
New York, N.Y. 10004  
Phone: 212-607-3300  
[www.nyclu.org](http://www.nyclu.org)

**The Anti-Violence Project**  
240 West 35<sup>th</sup> Street Suite 200  
New York, N.Y. 10001  
24 HR. HOTLINE: 212-714-1141  
[www.avp.org](http://www.avp.org)

**Amnesty International NYC**  
5 Penn Plaza  
New York, N.Y. 10001  
Phone: 212-807-8400  
[www.amnestyusa.org](http://www.amnestyusa.org)

#### BRONX:

**Bronx Pride Community Center**  
975 Kelly Street  
Bronx, N.Y. 10459  
Phone: 718-292-4368  
[www.bronxpride.org](http://www.bronxpride.org)



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### **QUEENS:**

Queens Pride House  
76-11 37th Ave, Suite 206  
Jackson Heights, N.Y. 11372  
Phone: 718-429-5309  
[www.queenspridehouse.tripod.com](http://www.queenspridehouse.tripod.com)

### **BROOKLYN :**

The Audre Lorde Project  
85 South Oxford Street  
Brooklyn, N.Y. 11217  
Phone: 718-596-0342  
[www.alp.org](http://www.alp.org)

### **STATEN ISLAND:**

Staten Island LGBT Center / Community Health Action of Staten Island  
25 Victory Blvd  
Staten Island, N.Y. 10301  
Phone: 718-808-1353  
[www.sihealthaction.org](http://www.sihealthaction.org)

### **ACKNOWLEDGEMENTS: LGBT COMMUNITIES SECTION**

Office of the Deputy Commissioner of Training and Police Academy Staff

NYPD Community Affairs Bureau Citywide LGBT Liaisons

Gay Officers Action League

Ray Carrannante, Gender Identity Project, The LGBT Community Center

Tiffany Culler, People of Color in Crisis

Matthew Faiella, NY ACLU

Marcy Farrell, Carmens Place Homeless Youth Shelter

Lourdes Ashley Hunter, Transjustice

Thomas Krever, Hetrick Martin Institute – Harvey Milk High School

Dru Levasseur, Transgender Legal Defense Fund

Mona Rae Mason, National Development & Research Institutes Inc. (Transgender Project)



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## Policing a Multicultural Society

Diana Sands, Amnesty International

Darlene Torres, The Anti-Violence Project

Mya Vasquez, Audre Lorde Project

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## **Policing a Multicultural Society**

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Ruby Sprott  
Langston Hughes Community Library and Cultural Center



# POLICE STUDENT'S GUIDE

## Policing With Integrity



In this chapter you will read about *Policing with Integrity*. The Patrol Guide contains more extensive direction and procedures. The following mandatory Patrol Guide reading **must** be read in conjunction with this chapter.

### MANDATORY PATROL GUIDE READING

The following are Patrol Guide procedures that must be added to this chapter – **Policing with Integrity**. These procedures must be read in conjunction with this chapter. **Questions for the 1<sup>st</sup> Trimester Exam may come from these procedures:**

- P.G. 206-11            Members of the Service Arrested (Uniformed or Civilian)
- P.G. 207-21            Allegations of Corruption and Other Misconduct Against Members of the Service
- P.G. 207-22            Allegations of Corruption Against City Employees (Other Than Members of the New York city Police Department)
- P.G. 208-37            Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service
- P.G. 212-08            Activity Logs
- P.G. 219-29            Distribution and Use of NYPD Restricted Parking Permits

### WHY IS IT IMPORTANT FOR POLICE OFFICERS TO KNOW ABOUT POLICING WITH INTEGRITY?

The day you entered this Department, you raised your right hand and pledged to uphold the Constitutions of the United States and the State of New York. This was one of the major changes of your life; in an instant you were placed into a position of authority. This position requires much of you, and has many facets. On any given tour, you may find yourself aiding those needing medical help, rescuing people from harm, or arresting those who commit crimes. But your responsibilities also include living up to the great trust bestowed upon police officers by the people, by doing everything you can to see that the integrity and reputation of the Department remain untarnished. The corrupt actions, or even the thoughtlessness or insensitivity, of a single police officer tarnish the image of every honest police officer and the Department. The great strides this Department has made in preserving the trust of the people quickly erodes when society questions the integrity of its police.



# POLICE STUDENT'S GUIDE

## Policing With Integrity

***Maintaining the integrity of the Department and preventing corruption are the responsibilities of every single member of the service, and do not lie solely with the Internal Affairs Bureau, supervisors, or commanding officers. Every member of the New York City Police Department is charged with upholding the trust afforded by the people.***

As we begin to look at corruption and other misconduct and the responsibility of all members to report these acts, remain mindful that only a very small percentage of police officers are corrupt. The overwhelming majority of the Department is committed to civic service and performs its daily duties with professionalism and a respect for the members of our Department who have fallen in preserving our values. But since a small number of corrupt officers, even just one, can impinge upon our abilities to perform our duties, we must remain vigilant to identify these individuals and to purge them from our ranks.

### DEPARTMENT MISSION

***The MISSION of the New York City Police Department is to enhance the quality of life in our city by working in partnership with the community and in accordance with constitutional rights to enforce the laws, preserve the peace, reduce fear, and provide for a safe environment.***

### THE FOUR CORE REQUIREMENTS OF PUBLIC TRUST IN THE POLICE

#### 1. Integrity

Because police officers have such awesome responsibility and authority, police work offers more opportunities to be dishonest than do all but a very few other occupations. The public knows how powerful police officers are, and is well aware of how great the opportunities for abuse are in policing. For this reason, the public is always alert to any sign of police corruption or the absence of police integrity. Consequently, we must not only make certain that our behavior is ethical and proper, but that it can never be perceived as unethical or improper. Absolute honesty in both our official and off-duty capacities is essential if we are to maintain the public trust.

#### 2. Professionalism

Among the factors considered to be signs that an occupation has reached the professional level are the following:

- ***Higher Education***



# POLICE STUDENT'S GUIDE

## Policing With Integrity

- **Specialized Training**
- **A Published Code of Ethics**
- **Autonomy and Discretion:** The grant to members of the profession of a great deal of power to make decisions on their own, within the limits defined in specialized training and in the profession's code of ethics.
- **Self-Regulation:** A method through which the members of the profession review each other's conduct and hold members accountable for adhering to the code of ethics and to the behaviors defined in specialized training.

In policing, professionalism usually is associated with carefully screened, trained, and certified individuals who are highly motivated and who exhibit a sense of ownership in the agency and a sense of partnership with the community. Nobody can truly be considered a professional without an approach to one's work that involves the uncompromising pursuit of excellence and the constant commitment to service. True professionals are sincerely committed to improving their agency and the work it performs. They set the highest standards of integrity and performance for themselves and others, and refuse to tolerate among them those who violate their profession's Code of Ethics.

### 3. Ethics

A code or system of conduct that encompasses universal moral obligations and duties that explain how to act; a set of moral values or principles governing a certain group or profession.

The Department's Code of Ethics emphasizes the importance of personal lives of police officers. Police officers must be incorruptible and must not tolerate acts of corruption or misconduct among other police officers. All police officers have an absolute duty to report any acts of corruption or other misconduct of which they become aware.

### 4. Values

Values are forms of beliefs that govern our behavior. These beliefs guide our actions, attitudes and decision-making. Ethics and values vary from person to person and group to group. Each person brings his or her own set of personal values into policing with them. These values, which are instilled in us from an early age, affect behavior as police officers and our interactions with the public.

The NYPD has defined its organizational values through publication of a "Department Values Statement."



# POLICE STUDENT'S GUIDE

## Policing With Integrity

### NEW YORK CITY POLICE DEPARTMENT VALUES

- **Protect the lives and property of our fellow citizens and impartially enforce the law.**
- **Fight crime both by preventing it and aggressively pursuing violators of the law.**
- **Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.**
- **Value human life, respect the dignity of each individual and render our services with courtesy and civility.**

### PUBLIC PERCEPTION OF POLICE BEHAVIOR

As mentioned earlier, our Department values mandate that police officers “maintain a higher standard of integrity than is generally expected of others because so much is expected of us.”

1. **Does society hold police officers to a higher standard of integrity?**

ANSWER: Yes

2. **Does society have the right to hold police officers to a higher standard of integrity?**

ANSWER: Yes

### Why Does Society Have The Right?

Nobody in society employs more responsibility and discretion than a police officer. Nobody else in our system has as much authority as a police officer to deprive people of their privacy, property, or freedom, or to make an instant decision that, absent any review or appeal, can deprive a person of his or her life. This great authority has created both a historical expectation and a body of legal precedent that hold those in public office to very high standards.

You should know about these expectations before you go any further in your police career. Neither you nor anybody else is obliged to become a public servant or to



# **POLICE STUDENT'S GUIDE**

## **Policing With Integrity**

take the oath of office as a police officer. Once this position is accepted, however, you agree and are obliged to abide by the standards that go with it.

### **OFF- DUTY CONDUCT**

As has been already established, police officers are held to a higher standard of integrity than the ordinary citizen. This higher standard extends to off-duty conduct. Ordinary citizens are generally considered free to behave as they see fit (within the limits of the law) while off duty. Courts have ruled that employers have little or no authority to regulate the off-duty conduct of their employees. This is **NOT** true of police officers.

Because of the tremendous power and responsibility vested in police officers, courts have held that police officers are held to a different standard of off-duty conduct than the average person. This is particularly true in the area of narcotics use, which is strictly prohibited and will result in suspension and termination for any violation. Additionally, because police officers are required to be fit for duty at **ALL** times (except when on Sick Leave), they cannot consume alcohol to such an extent that it makes them unable to perform their duties.

Because of the unique nature of this profession, police officers are also restricted in their off-duty conduct as to locations that they frequent (e.g., social clubs), people with whom they associate (e.g., known criminals), and off-duty employment (e.g., licensed premises).

As with official conduct, a police officer's off-duty behavior is closely scrutinized by the public. Therefore, all police officers must be diligent in avoiding activities that hint of impropriety.

### **THE ROLE OF THE MEDIA IN MONITORING POLICE CONDUCT**

The media plays an important role in monitoring police conduct. There are both positive and negative aspects to this role.

#### **Positive Aspects**

The media have a very important function as independent public advocates. The media acts as a public watchdog, monitoring police behavior and alerting the public to any possible misconduct that may be occurring. This is a positive factor because it helps to ensure that the police remain accountable to the communities they are sworn to protect and serve. In this function the media act as a powerful instrument for positive change.



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## Policing With Integrity

The media also serve to keep the public informed of positive news stories involving the police. Since policing calls for us to work in partnership with the community to solve problems of mutual concern, it is crucial that we keep the community informed of what we are doing and how it affects them. In order to accomplish this, it is important that we maintain a cooperative relationship with the media.

### Negative Aspects

While the media undoubtedly functions as a force for positive change, there are also several negative aspects to the media's monitoring of police conduct. The media obviously are in business to make money and often take poetic license when presenting police related stories. Sensationalized stories sell better than do the mundane stories that are more typical of the average police officer's day. Some newspapers broadcast negative police stories on the front pages, while relegating positive stories to the back pages where they are seldom seen.

Additionally, the media rarely discloses the source of stories and are not always diligent and responsible in checking the accuracy of the stories. Because the public often believes these stories to be totally accurate, the reputation of the Department may be damaged by some of these inaccurate reports, even if they are later clarified.

### HISTORY OF POLICE CORRUPTION IN NEW YORK CITY

Since the Department was created in 1845, corruption and misconduct have been an existing and fluctuating concern. A number of major corruption scandals have occurred over the past one hundred years resulting in major external investigations. On average, these major corruption investigations have surfaced once every twenty years. It is important to review these because they show how the few have tarnished the image of the Department and created a need for an internal investigative body. We as law enforcement professionals must maintain the public's confidence. Therefore, an internal investigative body within the Police Department is necessary. However, this responsibility does not belong solely to the investigators of police misconduct: It is the responsibility of all members. The New York City Police Department values state "***Maintain a higher standard of integrity than is generally expected of others because so much is expected of us,***" and we will do whatever is necessary to accomplish this goal.

The purpose of this lesson is to also make you aware of the basic integrity monitoring programs that are available at the precinct level. It is also emphasized that to maintain a high level of integrity and credibility, corruption and misconduct must be exposed from within. The notion that a person who uncovers corruption is a "rat" or that one must not break the "blue wall of silence" was created by the wrongdoers to protect



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themselves. It must be understood that although many agencies exist, both within and outside the Department, which are responsible to investigate misconduct and corruption, the ultimate responsibility in eliminating it belongs to every honest, hard working member of the Police Department.

### MAJOR CORRUPTION INVESTIGATIONS IN THE N.Y.P.D.

#### Lexow Committee

In the early 1890s, "respectable" New York was appalled by the prostitution, gambling and other forms of vice proliferating in the City. When Reverend Charles Parkhurst, pastor of the Madison Square Presbyterian Church and president of the Society for Prevention of Crime, accused city officials, including the police, of corruption and complicity, the story was investigated by two celebrated muckrakers, Lincoln Steffens of the *New York Evening Post* and Jacob Riis of the *New York Evening Sun*.

Responding to the scandal in 1894, the New York State Senate appointed an investigating committee headed by Senator Clarence Lexow, a Columbia-trained lawyer and Ph.D. After taking thousands of pages of testimony from more than 500 witnesses, the Lexow Committee concluded that the Department, which was responsible for security at the polling places, had been used to tamper with elections. The Committee also found that officers accepted bribes to overlook gambling, prostitution and con games, engaged in acts of brutality, and extorted money from innocent citizens under the threat of violence or false charges. Many officers obtained initial appointment or lucrative promotions or assignments through political connections or cash payments. The investigation may have been politically motivated, at least in part; it was no surprise that the Republican majority Senate was eager to embarrass Tammany Hall. But even Tammany Democrat Jacob Cantor and Independent Democrat Daniel Bradley, who quarreled with the conclusion that the police were used to fix elections, agreed that the Department was otherwise corrupt and should be reorganized.

Although legal action was taken against many officers, none of the convictions or dismissals stood up on appeal. In 1895, William Strong, a political novice, was elected mayor. Theodore Roosevelt, declined Mayor Strong's offer for appointment as Street Cleaning Commissioner, but instead obtained the presidency of the Board of Police Commissioners. Roosevelt and his fellow commissioners replaced many senior police officials and improved standards of selection and discipline. In an attempt to minimize temptations to bribery, he adopted a policy of strict enforcement of vice laws. In 1897, Roosevelt left New York and the Police Department for Washington and accepted a post as Assistant Secretary of the Navy. The next mayor, Robert Van Wyck, was an opponent of the reforms enacted by Roosevelt, and the City quickly regressed to its former condition.



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### **Becker-Rosenthal Affair (also known as Curran Committee Investigation)**

On July 16, 1912, gambler Herman Rosenthal was shot to death in broad daylight in front of the Hotel Metropole on 43<sup>rd</sup> Street in Times Square. Several on-duty police officers witnessed the killing but allegedly took no action. The press had reported that Rosenthal was providing information to the New York County District Attorney about payments to police for protection, and that he was scheduled to make a grand jury appearance later that day. Investigators concluded that Rosenthal was killed on the orders of Lieutenant Charles Becker, a commander of the so-called "strong arm squad," a vice unit under the personal authority of the Police Commissioner. Rosenthal had been paying Becker for protection, but Becker raided his casino anyway. In retaliation, Rosenthal offered information to the District Attorney. Although some doubt that Becker was guilty for the murder for which he was ultimately executed, there seems little question that he accepted bribes and otherwise collaborated with vice.

The Rosenthal murder resulted in the appointment of a Special Committee of Alderman to investigate the police department, chaired by Alderman Henry Curran. The Committee concluded that there was an extensive system of payoffs to police by gamblers and operators of brothels, that officers took bribes to throw cases, and that the Department made little or no effort to discipline its ranks. Complaints of corruption, for example, were sometimes given to the accused officers themselves to investigate.

Becker and four others were executed for the Rosenthal murder, and several police officers were convicted of crimes involving official misconduct. Police Commissioner Rhinelander Waldo, singled out for special criticism by the Curran Commission, survived, but lost his job when John Purroy Mitchell was elected Mayor in 1914. Mitchell appointed Arthur Woods, a protégé of Theodore Roosevelt, as police commissioner. Woods increased training, and employed squads of police to investigate corruption.

### **The Seabury Investigation**

In August, 1930, the Justices of the First Department of the Appellate Division of the Supreme Court appointed former Court of Appeals Judge Samuel Seabury to investigate corruption in the New York City Magistrates' Courts in response to a request for action by then-Governor Franklin D. Roosevelt. Judge Seabury's investigation quickly uncovered corruption in the police department.

The investigation pictured an interlocking of lawyers, bondsmen, political brokers, the police, and the underworld of the courts. For example, in a scam that was a combination of bribery and extortion, officers and prosecutors accepted money to throw cases; release from jail also required payment to a participating bail bondsmen. Failure to pay guaranteed conviction by compliant judges on perjured testimony. A number of police officers were found to have large, unexplainable hoards of cash.



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Vivian Gordon, a prostitute who offered to testify about her knowledge of police scams, was murdered during the investigation. In the same month that Seabury was appointed to chair the Committee, a Supreme Court justice stepped into a taxi in front of a restaurant on West 45<sup>th</sup> Street, and was never seen again.

As a result of the investigation, all members of the Vice Squad were returned to uniformed duty, and a number of officers were dismissed. Some police officers were convicted of crimes, such as Vice Officer Sidney Tait, who was found guilty of perjuring himself in a fraudulent prosecution of an accused prostitute.

Police officers were not the only ones punished. Several attorneys were disbarred for participating in corruption. Two magistrates were removed from office for both accepting loans from gamblers and falsifying transcripts. By the end of the investigation, three others had resigned and one decided to leave the state hurriedly.

### **Gross Investigation (also known as the Helfand Investigation)**

The Helfand investigation began in 1949, after the *Brooklyn Eagle* reported that students were being preyed upon by professional bookmakers. Kings County District Attorney Miles McDonald charged his assistant Julius Helfand with responsibility for investigating the accusations. Helfand was supplied with a staff of attorneys and investigators and armed with a special grand jury, which convened in 1949 and was continued for the next five years. Unlike any of the other commissions, Helfand and his team had the right and responsibility to prosecute the criminals they uncovered.

The investigation led to Harry Gross, a Brooklyn bookmaker, who reportedly paid one million dollars a year in "ice" – money for police protection. Gross pleaded guilty to gambling offenses, and cooperated in hope of leniency. Based on the information Gross provided, 21 officers were charged with conspiracy for accepting money for not enforcing the law. Nearly 60 other officers were named as unindicted co-conspirators. The accused officers ranged from patrolman to Assistant Chief Inspector, then the second highest uniformed rank in the NYPD.

Shortly before the trial began, however, Gross went missing for a day even though he had been under police guard. After surfacing, he was sworn in as a trial witness and answered a few preliminary questions, but then refused to continue. Gross was unmoved by a contempt citation. All of the accused officers were released for lack of evidence, and the double jeopardy clause precluded their re-prosecution.

Helfand also found that police vice units often arrested "stand ins," guilty of no crime so far as the police knew, paid by bookmakers to "take the rap." Stand in arrests benefited everyone involved; the officers appeared to be doing their jobs, the bookmaker's business was uninterrupted, and the stand-in was quickly released or acquitted based on police testimony of acts insufficient to constitute a crime.



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### Knapp Commission

The Knapp Commission was established in May 1970 by an executive order of Mayor John V. Lindsay. The Mayor acted upon the recommendation of an interdepartmental committee he had appointed in response to an article appearing in *The New York Times* on April 25, 1970 which charged widespread police corruption and official laxity in dealing with such corruption.

The Commission was given the task of determining the extent and nature of police corruption in New York City and examining existing procedures for dealing with corruption and recommending changes and improvements in those procedures. The Knapp Commission was different from the others in that it was not created by a mayor who was already under investigation. It was also televised so the public could see it; this affected the public's view of the entire Department.

The Commission found corruption to be widespread. It took various forms depending upon the activity involved, appearing at its most sophisticated among plainclothesmen assigned to enforcing gambling laws.<sup>1</sup> Some plainclothesmen received as much as \$3500 from the gambling establishments in their area, which would be divided amongst the members in the unit. Corruption also existed in narcotics enforcement as well as detectives assigned to general investigative duties. The scores in these cases were not as huge as in the gambling operations, but these shakedowns were deemed "targets of opportunity," and not as extensive.

These were some Commissions findings:

- Organized Crime was the single biggest source of police corruption.
- The second source was legitimate businesses seeking to ease their way through the maze of the city ordinances and regulations.
- The most widespread form of misconduct was the acceptance of gratuities in the form of free meals, free goods, and cash payments, which in a number of cases was the beginning of more grievous forms of corruption.
- The formation of an internal investigative body (Internal Affairs Division) was needed.
- The concepts of "Accountability and Responsibility" should be emphasized from within the Department.
- The newly created Internal Affairs Division shall be the central repository for processing corruption allegations.

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<sup>1</sup> Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures, Commission Report (With Summary and Principal Recommendations, Issued August 3, 1972). Whitman Knapp, Chairman. Excerpt from Summary – The Extent of Police Corruption, Page 1.



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### The Mollen Commission

"The crooks, however, that you have uncovered, the criminals seem to be a different breed of criminals [than 23 years ago], . . . the guys you are digging up, these guys are walking around with lead-lined gloves and riding shotgun for organized crime people, it seems to me they have changed the nature of being a "meat eater" in the Department. Instead of taking money to look the other way while someone else commits a street crime, they're out there competing with the criminals to commit street crimes themselves, and it seems to me that is a very big difference."<sup>2</sup>

Twenty years after the Knapp Commission, police corruption was again an issue requiring intervening oversight. In 1994, The Mollen Commission, chaired by Milton Mollen, revisited the issue of police corruption and found that the face of corruption had changed. While the results of the Knapp Commission revealed large numbers of police officers involved in relatively low level forms of corruption and misconduct, and some officers involved in large scale corruption, the new practice was "crew corruption," wherein groups of officers protect and assist each other's criminal activities. The Knapp Commission labeled the corrupt officers as "grass eaters" and "meat eaters."<sup>3</sup> As Armstrong's comments suggested, however, the meat eaters of the Mollen era were much more aggressive than were those of the Knapp era.

The Mollen Commission was charged by Mayor David Dinkins to:

1. Inquire into and evaluate the existing practices, procedures and methods for investigating specific allegations of corruption and the existing practices, procedures and methods designed to prevent corruption and maintain integrity.

<sup>2</sup>Michael Armstrong, Chief Counsel, Knapp Commission, Testifying before the Mollen Commission, October 7, 1993

<sup>3</sup>"Grass Eaters" are referred to as corrupt officers who receive payoffs, accept gratuities, solicit five and ten dollar payments from contractors, tow-truck operators, gamblers, but do not aggressively pursue corruption payments. "Meat Eaters" are referred as officers who spend a good deal of their working tours aggressively seeking out situations they can exploit for financial gain, including gambling, narcotics, and other serious offenses which can yield payments of thousands of dollars.



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2. Recommend improvements in these practices, procedures and methods and make any additional recommendations that will ensure the integrity of the Police Department and to prevent corruption.
3. Take evidence and hold whatever hearings public and private, that the commission may deem appropriate to ascertain necessary facts.

The Mollen Commission identified the predominant patterns of corruption in New York City as police officers committing outright theft from street dealers, from radio runs, from warrantless searches, from legitimate raids, from car stops, from drug couriers, and from off-duty robberies. They also discovered cops protecting and assisting narcotics traffickers as well as cops dealing and using illicit drugs themselves. A pattern of perjured police testimony and false crime reports was also identified. The Commission's report credited the Department with eradicating the once systemic "grass eaters," but warned that the "meat eaters" of that time were the rule amongst corrupt cops, not the exception.

Perhaps the face that is most associated with the televised proceedings of the Mollen Commission was that of disgraced Police Officer Michael Dowd. Testifying before the Commission, Dowd explained his rogue activities during his assignment at the 75<sup>th</sup> precinct. Dowd stated he lost interest in trying to arrest drug dealers and help rid the City of narcotics traffickers. Instead, he enlisted the services of other officers who began robbing drug dealers of their money, drugs or guns, or going into business with them to distribute narcotics and weapons.

Dowd identified his formative years at the Department as laying the groundwork for his corrupt activities. He testified that his training officers instructed him how to get six-packs of beer, food, clothing, and other gifts from local merchants. In his early precinct assignments, older officers advised him that being a "good cop" meant, "never ratting." Otherwise, he was warned, fellow officers might be slow to come to his aid if he were in danger. According to Dowd, being a "good cop" meant beating up suspects and others as part of the bonding process. To commit a crime or impropriety in front of another cop meant that cop could be trusted.

The Commission, through its independent investigations, discovered that in every high-crime precinct with an active narcotics trade, some level of corruption existed. It further revealed that numerous other officers were complicit through their silence and protection of these corrupt cops.<sup>4</sup> Specifically, an investigation into police officers receiving payoffs from drug dealers in bodegas and other storefront locations in the neighborhood, ultimately resulted in the arrest of fourteen police officers assigned to Manhattan-North's Thirtieth Precinct and ten of their drug dealer associates – one of the largest, and most serious, police corruption cases in a generation. Throughout the

<sup>4</sup> Mollen Commission Report, Page 11.



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Commission's investigations, the most troubling aspect of these corrupt activities was not the actual corrupt acts, but rather the honest cops, who by their silence, allow corruption to continue.<sup>5</sup>

Sgt. Joseph Trimboli was a highly decorated, twenty-year veteran of the NYPD. From 1986 until 1991, Sgt. Trimboli was an investigator assigned to the Brooklyn North Field Internal Affairs Unit (B.N.F.I.A.U.). During this time, Sgt. Trimboli was the principal investigator probing allegations of police corruption in the 75th Precinct in Brooklyn. The numerous allegations indicated the Police Officers assigned to the 75th Precinct were selling drugs, shaking down drug dealers, stealing from prisoners and D.O.A.'s, and committing armed robberies. The principal subject of these allegations was former Police Officer Michael Dowd.

Despite minimal resources and assistance, Sgt. Trimboli relentlessly investigated Michael Dowd and his associates. Due to a shortage of unmarked Department vehicles, Sgt. Trimboli often conducted surveillance in his private auto, sometimes on his own time, and at personal risk. Since 1991, Sgt. Trimboli had been Commanding Officer of the 61st Precinct Detective Squad.

On October 29, 1993, in recognition of his perseverance and outstanding work on the Dowd investigation, he was promoted to the rank of Sergeant, Supervisor Detective Squad. In his address to those getting promoted, Police Commissioner Raymond Kelly hailed Sgt. Trimboli for his dedication and commitment, and thanked him for his contribution to the Department.

Sgt. Trimboli's promotion was viewed as a message to all that the Department values integrity above all else and will reward those police officers that fight corruption. Sgt. Trimboli subsequently retired and went on to use his skills as a Senior Investigator with the Queens District Attorney's Office.

As stated 22 years earlier by Retired Detective Frank Serpico during the Knapp Commission, the Department must "create an atmosphere in which the dishonest officer fears the honest one, and not the other way around."<sup>6</sup> This atmosphere was finally created subsequent to the Mollen Commission. Along with the other systemic corruption-control improvements made by the Department, the greatest accomplishment is the empowerment of every member of the Department to control these corrupt acts, and the assurance that a swift, fair and professional investigation will be conducted. The NYPD stands committed to both discontinuing this vicious 20-year cycle of corruption that has plagued this Department, as well as never allowing the likes of Michael Dowd to ever wear and disgrace the uniform worn by countless heroes.

<sup>5</sup> Mollen Commission Report Page 5

<sup>6</sup> Detective Frank Serpico testifying before the Knapp Commission, December 1971



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### THE ORIGIN OF CORRUPTION INVESTIGATIONS

Prior to 1967, there were nine different units in the Department accountable to nine separate administrators that shared the responsibility for corruption investigations. Basically, each major bureau within the Department was responsible for investigating complaints made against its own members. The best-known unit was the Police Commissioner's Confidential Investigating Unit.

Its primary function was to handle the cases involving organized crime, gambling and vice. It was one of three P.C.C.I.U. squads within the Personnel Standards Squad that was charged with prompt and complete investigation of complaints of police misconduct. In addition, this unit checked on police work and conditions throughout the city to insure proper performance of duty.

The Police Commissioner's Confidential Investigating Unit was combined with the First Deputy Commissioner's Investigating Unit on September 25, 1969 as per Temporary Operating Procedure 397-1. They were placed under the umbrella of the First Deputy Commissioner along with the Patrol Bureau Inspections Unit and Chief of Patrol's Investigating Unit.

In 1969, the Inspectional Services Bureau was created. It consisted of the Intelligence Division, Public Morals Squad, Inspections Unit and the Internal Affairs Division.

This was the first step in clarifying and numerating the handling of complaints of corruption and misconduct. Up to this time, it should be remembered, there was no central repository for such complaints and there were many agencies and units that did receive complaints. With this new organization, Internal Affairs became the central repository for such allegations. Additionally, the Bureau had the responsibility for public morals, narcotics and other matters for investigation. In the past, investigations into these areas were solely reactive.

From 1970-1973 the Department's fight against corruption turned into all out warfare, under Commissioner Patrick V. Murphy. During 1971, and subsequent to the Knapp Commission, for the first time, extensive and effective police cooperation was given and sought from other agencies in the fight to eliminate corruption in the Department.

A serious problem that plagued the Department through the years was the unspoken premise that anti-corruption investigations were the responsibility of a small segment of Headquarters' Squads. This position was reversed in 1972 with the creation of the revised Internal Affairs Division and Field Internal Affairs Units.



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Initially, the Borough Commanders were asked by Commissioner Murphy to evaluate their commands with regard to their corruption problem and to list their corrective proposals. What was created was the concept of "Accountability and Responsibility" of each member of the service to report corruption as per Patrol Guide 207-21 (Allegations of Corruption and Other Misconduct against Members of the Service) and 207-22 (Allegations of Corruption against City Employees [Other than Members of the New York City Police Department]).

### Reorganization Begins

On June 15, 1992, a New York Post article leveled serious charges of impropriety in the Police Department's handling of earlier investigations into the corrupt practices of police officer Michael Dowd. In response, former Police Commissioner Lee P. Brown directed the First Deputy Commissioner Raymond W. Kelly to undertake a thorough investigation to determine if the Department's Internal Investigation apparatus was flawed and if there had been any cover-up of police corruption.

Interim Order Number 1 of 1993 entitled *Establishment of Internal Affairs Bureau*, abolished the Inspectional Services Bureau, and reorganized the Department's internal investigating mechanism and its subordinate command, the Internal Affairs Division, to form the new Internal Affairs Bureau.

### MISSION AND FUNCTION OF THE INTERNAL AFFAIRS BUREAU

The Police Commissioner charges the Internal Affairs Bureau (IAB) with the institutional accountability, implementation and maintenance of the Department's anti-corruption programs. I.A.B., acting as a guardian of the Department's reputation, is a police bureau of unparalleled integrity that is thoroughly and effectively intolerant of corruption throughout the Department. It is the investigator of allegations of corruption and other misconduct. It is the recipient of ALL allegations made against members of the service, both uniformed and civilian. Investigations run the gamut, from allegations of bank robberies to the loss of Department issued equipment.

The Internal Affairs Bureau was formed from the Internal Affairs Division or I.A.D., founded in 1972 during the Knapp Commission. The current Internal Affairs Bureau was founded in 1993. The Bureau recruits the best investigators, supervisors and managers from throughout the Department. The Internal Affairs Bureau deals with cases involving termination, arrests and indictments of members of the service. I.A.B.'s Command Center receives approximately 60,000 logs (complaints) per year.

I.A.B. has undergone a major transformation in conducting internal investigations and monitoring police integrity. I.A.B. no longer works in isolation and cloak and dagger secrecy. NYPD commanders are routinely advised about ongoing investigations, and



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are expected to provide assistance. Regularly scheduled I.A.B. strategy sessions are conducted, and precinct commanders are apprised of investigations in their commands.

The "old I.A.D." was a highly reactive organization, a notion that is quickly becoming obsolete in modern day policing. Today's I.A.B. is pro-active. I.A.B. uses pattern analysis, sophisticated surveillance, integrity tests, enhanced drug testing, confidential informants, and undercover officers in its war on corruption.

In recent years, there has been a dramatic modernization of I.A.B.'s equipment. I.A.B. has state of the art surveillance, tracking and computer capabilities. The IA Professional (IAPro) computer application enables investigators to collate investigative data from different cases, flagging any similarities among names, addresses, phone numbers, license plates, and seemingly innocuous data. Cases are assessed, classified and assigned with ample knowledge of related cases also under investigation. Case and subject officer commonalities are proactively addresses via self-initiated (IAB) investigations and/or integrity tests.

### COMPOSITION OF THE INTERNAL AFFAIRS BUREAU

I.A.B. investigators are divided into individual groups working in geographic areas throughout the city, all of which report directly to the Chief of Internal Affairs Bureau. I.A.B. also has groups that specialize in specific areas, such as:

- Allegations made against members of the service assigned to O.C.C.B.;
- Police impersonation cases;
- Integrity testing;
- Surveillance;
- Excessive force investigations;
- Financial Crimes.

### OTHER DEPARTMENT INTERNAL INVESTIGATIVE ENTITIES

#### Borough/Bureau Investigations Unit

Investigation Units are *not* part of I.A.B. - they answer to the Borough or Bureau Commander



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Duties of the Borough/Bureau Investigations Unit include:

- Investigation of allegations of misconduct referred by the Internal Affairs Bureau
- Conferrals with I.C.O.'s and coordination of investigations, including those that are self-generated.
- Conducting field observations to insure compliance with Department directives.
- Conducting administrative tasks including:
  - Reviewing self-inspection programs.
  - Facility inspections.
  - Reviewing time and payroll records.
  - Verifying sick reporting procedures.
- Conducting analysis of command statistics regarding civilian complaints, Investigative Bureau complaints, Command Disciplines, department vehicle accidents, sick leave abuse, etc.
- Ascertaining patterns and identifying specific commands and/or members if the service for abuses.
- Conducting additional investigations and inspections as directed by Patrol Borough/Bureau Commander.

### The Function of the Integrity Control Officer (I.C.O.)

The Integrity Control Officer, usually a lieutenant, is responsible for overseeing a command's corruption prevention mechanism. The duties of the I.C.O. include developing an integrity control program tailored to precinct conditions, visiting corruption prone locations at frequent and irregular intervals, and gathering information concerning criminals residing and frequenting the area to determine if unnecessary contact exists with members of the service. The I.C.O. also conducts investigations into misconduct as directed by the Precinct/Unit C.O. or the Internal Affairs Bureau. The I.C.O. is also responsible for the training of members of the service assigned to their command regarding corruption hazards and integrity issues and acting as an advisor to members of the service regarding acceptable behavior on and off duty, and maintaining records concerning the Integrity Control Program.



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### The Components of the Integrity Monitoring File

The Integrity Monitoring File is maintained by the command's Integrity Control Officer and is used to identify locations where a potential exists for members of the service to engage in corrupt practices or misconduct. These locations are visited frequently by supervisory personnel assigned to the command and outside of the command to ensure compliance. The file is divided into three (3) categories:

1. Designated Off Limit Locations;
2. Unlawful Locations;
3. Cooping Prone Locations.

**1. Designated Off-Limit Locations** - are those that operate legitimately but are placed off limits by a Commanding Officer because of some police misconduct related activity, and the need to avoid the appearance of impropriety by members of that command.

- Restaurants that offer half-priced meals to members of the service
- Stores that insist on giving members of the service free merchandise
- Premises frequented by known criminals, etc.

**2. Unlawful Locations** - are those, either in a member's command or elsewhere, which are involved in illegal activities that preclude the presence of members of the service except in the line of duty.

- Gambling/numbers locations;
- Narcotics prone locations;
- Prostitution prone locations, etc.

**3. Cooping Prone Location** - are those locations or premises where members of the service may engage in unauthorized interrupted patrol.

- A desolate factory area during the first platoon where members of the service may attempt to sleep in an R.M.P.

### INTEGRITY CONFERRALS

To create an atmosphere of discipline, integrity, professional demeanor, and to identify problems, the Commanding Officer will, on a semi-annual basis, conduct a one-on-one conferral with each member of the command.



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### Function of the Holiday Integrity Program

The Holiday Program is a Precinct/Command based operation that is coordinated by the Commanding Officer and the Integrity Control Officer. This program consists of monitoring members of the service regarding shopping, whether on or off duty, at business locations in the confines of that precinct / command, during the months of November, December and January. This monitoring includes inspecting RMPs for packages, giving special attention to precinct parking areas which focus on the movement of packages from RMPs to private vehicles, and conversing with business owners regarding the illegal offering of gratuities to members of the service.

### Supervisor's Role in Combating Corruption

It is the role of all line supervisors (Sergeants and Lieutenants) to monitor the on-duty conduct of all members of the service assigned to the command. These supervisors should also be available for guidance and counseling regarding integrity issues. In addition, the patrol supervisor is required to respond to all radio runs alleging misconduct by an off-duty member of the service. The Borough Duty Captain will also be requested to respond to these incidents. Supervisors, as well as all members of this Department, are required to report all breaches of Department guidelines or corruption hazards to the Internal Affairs Bureau.

### THE DUTIES OF THE DEPARTMENT ADVOCATE'S OFFICE RELATING TO INTERNAL INVESTIGATIONS

The Department Advocate's Office of the New York City Police Department is responsible for the prosecution of cases when Department trials are warranted. These trials occur when *Charges and Specifications* have been preferred against a member of the service, either uniform or civilian. As a result of an internal investigation, "Charges and Specs" may be preferred against members of the service. The Advocate functions as the "in-house" District Attorney when allegations are tried at a Department - rather than criminal - proceeding.

The agencies listed below frequently conduct investigations jointly with our Department and may conduct their own exclusive investigation if they see fit to do so. The decision to prosecute criminally rests exclusively with the District Attorney, U.S. Attorney, etc.

***District Attorney's Office*** - The District Attorney is a State agency responsible to prosecute criminal charges in New York State Courts. District Attorney Offices also initiate criminal investigations including those regarding members of the service. This office receives referrals regarding corruption from the Internal Affairs Bureau and jointly aids in criminal investigations regarding civilian and uniform members of the service.



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**United States Attorney** - The U.S. Attorney will investigate and prosecute criminal charges in Federal Courts. They have the authority to investigate and prosecute police corruption and may be utilized by this Department during internal investigations.

**Federal Law Enforcement Agencies** - Federal agencies such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA) may initiate investigations regarding criminal activity of members of this Department if they fall under their investigative scope. Charges resulting from these investigations will, in most incidents, be prosecuted in Federal Court.

Members of the service being interviewed by any of the entities identified above, or in any Department interview conducted pursuant to Patrol Guide procedure 206-13, "Interrogation of Members of the Service," and who make false statements will be dismissed from the New York City Police Department, absent exceptional circumstances. Exceptional circumstances will be determined by the Police Commissioner on a case-by-case basis.

### REPORTING CORRUPTION AND OTHER MISCONDUCT

**Corruption/Other Misconduct**- Defined as criminal activity or other misconduct of any kind including use of excessive force or perjury that is committed by a member of the service whether on or off duty.

#### How Allegations Come To I.A.B.

Allegations or complaints come to I.A.B. in five (5) ways:

- **In Person** - People may come directly to I.A.B. located at 315 Hudson St, New York, NY
- **Mail** - People may write to I.A.B. direct and deliver via U.S. Mail or Department Mail.
- **Phone** - People may call the I.A.B. Command Center, (212) 741-8401 or 1-800-PRIDE PD (Unrecorded) or 212-CORRUPT. The Command Center telephone is in service 24 hours a day, 7 days a week.
- **Fax** – To the IAB Command Center, 212-741-8408
- **Email** – IAB@NYPD.ORG



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### Allegations Come From:

- The public via mail, phone or in person;
- Members of the Service;
- C.C.R.B. (Those not falling within "FADO" categories);
- Investigations conducted by Internal Affairs Bureau uncovering additional information;
- Written communications addressed to Chief of Internal Affairs
- Outside agencies.

The intake process starts at the Internal Affairs Bureau Command Center which is the central repository for all misconduct allegations. The Command Center, receives and records all complaints, performs preliminary investigations, and rapidly dispatches internal investigators when warranted. Command Center investigators have access to a wide variety of resources including Department computerized data bases and the Internet to help them gather information.

The Command Center has an internal investigative computer system (IAPro) that provides case management tools, statistical report capabilities, and enhanced tracking capabilities. Designed for ease of use, the system is capable of linking information from different sources to aid in investigations and alert investigators to trends or patterns of allegations.

The Command Center also has an unrecorded anonymous reporting system (1-800-PRIDE-PD). No caller ID or call back capabilities were established for this number. Members of the service can call in allegations anonymously, for which they will receive a confidential information number. Reporting corruption or other misconduct to this number meets the obligation of all members of the service to report allegations of corruption and other misconduct. In 2011, over 60,442 logs (Complaints) were recorded by the IAB Command Center.

### METHODS USED TO MONITOR AND INVESTIGATE ALLEGATIONS

After the complaint is logged by the Command Center, the next investigative process is analysis. This function is performed by the Corruption Prevention Division. The Division was created to undertake studies and make recommendations to increase incentives for honest police officers to report corruption, and to strengthen measures that deter corruption. The Corruption Prevention Division is charged with identifying corruption patterns and trends, recommending improvements in case processing and investigative techniques, and coordinating investigations. In essence, the objective is to find the problems and initiate pro-active anti-corruption strategies.



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What has been accomplished? The Internal Affairs Bureau conducted its investigations with intelligence, direction and focus. Through proactive initiatives combined with investigative strategies, corruption allegations have been reduced over between the years 1994 to 2011, from a high of 2,258 corruption allegations in 1994, to 994 allegations in 2011.

Information regarding corruption and other misconduct is categorized and utilized to create command pin maps showing corruption allegations. These maps assist Internal Affairs Bureau commanders in identifying possible corruption patterns in their areas of responsibility. The data sheets supplied with the maps give specific information on the allegations, the overall corruption cases by month and year to date with percentage changes, number of civilian complaints, criminal impersonation arrests, bribery arrests and other information.

Following intake and analysis, the investigative process proceeds into intelligence gathering. Prior to the formation of the Internal Affairs Bureau, internal investigations were reactive. Proactive mechanisms to actively seek out and address corruption were virtually non-existent. To address these shortcomings the Internal Affairs Bureau initiated several intelligence-gathering initiatives.

The Intelligence Section of the Internal Affairs Bureau is one of the primary means for obtaining intelligence on corruption and misconduct, and assisting field investigators with their cases. The three components of the Section are:

- **Voluntary Assistance Unit**, which gathers information from both uniformed and civilian members of the service;
- **Field Operative Program**, which relies on the cooperation from tenured members of the service; and
- **Liaison Unit**, which fosters a strong relationship between the Internal Affairs Bureau and federal, state and local law enforcement agencies.

The last part of the process is the thorough investigation conducted by an Internal Affairs Bureau investigator. The investigators are predominantly sergeants and lieutenants. In 1993, the Internal Affairs Bureau was afforded the opportunity to interview supervisors who pursue investigative positions, for a two-year assignment to the Bureau. At the conclusion of their two-year commitment, these investigators are laterally transferred into a bureau of their choice. Many hundreds of investigators have passed through Internal Affairs since 1993, and a wide anti-corruption network has been created and exists throughout the Department.

### Function of the Corruption Prevention Division of I.A.B.



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The purpose of the Corruption Prevention Division of I.A.B. is to identify policies, procedure, conditions and aspects of the police department's organizational culture that:

- Facilitate Corruption;
- Inhibit the discovery of corrupt activity;
- Create opportunities for corruption;
- They undertake studies, which cause recommendations to:
  - Increase incentives for honest members of the service to report corruption;
  - Strengthen measures that deter corruption;
  - Limit opportunities for corrupt behavior.

The Division identifies patterns and trends of corruption. It recommends improvements in case processing and investigative techniques. It also maintains a liaison with Internal Affairs Bureaus nationwide to keep current on the latest improvements in methods of preventing, identifying, investigating, and prosecuting police corruption. Reports are prepared annually, quarterly and monthly and assess the nature and extent of corruption in the NYPD and make recommendations concerning problem areas.

### REPORTING CORRUPTION

**All members of the service have an absolute duty to report any corruption or other misconduct or allegations of corruption or other misconduct of which they become aware.** Failure to report corruption, other misconduct, or allegations of such acts is, in itself, an offense of serious misconduct and will be charged as such when uncovered during an investigation. Conduct designed to cover up acts of corruption, prevent or discourage its report, or intimidate those who would report it, will be charged as an obstruction of justice or other criminal act with the consent of the prosecutor who has criminal jurisdiction.

A member of the service receiving an allegation of corruption against him/herself will request a supervising officer to respond to the scene. The supervising officer will interview the complainant and confer with the Internal Affairs Bureau, Command Center, BEFORE interviewing the member concerning the allegation.

If the allegation is received at the precinct switchboard, it will immediately be referred to the Desk Officer who will process the allegation. If the allegation is received in writing, attach the original document with a UF-49 addressed to the Chief of the Internal Affairs Bureau.



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There are numerous ways in which corruption and/or other misconduct can be reported to the Internal Affairs Bureau. Furthermore, the reporting of these allegations may be made anonymously.

Upon observing, or becoming aware of corruption or other misconduct or upon receiving an allegation of corruption or other misconduct involving a member of this Department, the member of service **MUST** report by utilizing the following methods:

1. Telephone ***Internal Affairs Bureau, Command Center*** 24 hours a day, 7 days a week at ***212-741-8401*** or ***1-800-PRIDE PD*** (Unrecorded) or ***212-CORRUPT***.
  - a. Give preliminary facts.
  - b. Identify self ***or*** if member wish to remain anonymous, obtain Confidential Identification Number from Command Center Investigator.\*
  - c. Furnish details of corruption or other misconduct,

**OR**

2. Prepare a detailed written report addressed to the Chief of Internal Affairs.
  - a. Forward DIRECT, or via FAX (212) 741-8408, to the Command Center, 315 Hudson Street within twenty-four (24) hours.

**OR**

### **MEMBERS MAY OPT TO REPORT ALLEGATIONS OF CORRUPTION/ MISCONDUCT IN WRITING ANONYMOUSLY**

3. Prepare a detailed written report, upon becoming aware of misconduct, and forward to:
  - a. Chief of Internal Affairs, or
  - b. Box 1001, New York, New York 10014.

**\*Note:** Obtaining a Confidential Identification Number from the Command Center investigator ***will satisfy the member's reporting responsibility***, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to insure the information is timely and complete and may be made by referencing the Confidential Identification Number

### **Effects of Peer Pressure on Reporting Corruption**



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The issue of conforming or "fitting-in" to a group's philosophy has a bearing at times on whether certain members of the service will come forth and expose a corrupt co-worker. As humans, we are all self-conscious about belonging to the close-knit community that exists among members of this Department. As professionals, we cannot adopt this mentality, because when you allow corrupt members of the service to continue their rogue activities, this diminishes the integrity and credibility of every hardworking person in this Department. This misplaced sense of loyalty can affect the personal safety of ALL police officers. While engaged in corrupt activities, these officers will rarely be available for back up and they are not reliable.

### The "Whistleblower" Statute

This statute, present on the Federal, State and Local levels, basically states that no detrimental action may be brought against any employee who exposes corruption, misconduct, gross mismanagement, or abuse of authority in a Municipal, State or Federal Agency.

### "The Blue Wall of Silence"

"The Blue Wall of Silence" is a term used by the media for the reluctance of police officers/supervisors to expose misconduct or corruption within our ranks. This sort of reluctance is found in most human groups, and is strengthened by the negative terms used to describe people who expose wrongdoing: kids who **tell on** their siblings or friends are **tattle-tales**; students who inform on their cheating classmates are **snitches**; gangsters who provide testimony against others are **rats**. These are terms created by wrongdoers for the purpose of protecting themselves: by using negative terms to describe those who do the right thing, the bad guys seek to make it difficult for the good guys to expose their wrongdoing. Do not fall for this. **The Blue Wall of Silence is intolerable**, and the great majority of honest officers should not be tricked by the few corrupt officers into believing that silence is loyalty.

### Reporting Alcohol Abuse

The New York City Police Department's philosophy regarding members with alcohol-related problems is one that offers rehabilitative service for those who are in need of help. The rehabilitation service is offered by this Department for the purpose of returning the members in need as a functioning, productive member of this Department. Co-workers' referrals take place, to a large extent, because persons referred to this program, in most cases, will not be in jeopardy of losing their job.

### Department's Policy Re: Unfit for Duty Due to Intoxication



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All members of the service must be fit for duty at all times, except when on sick report, and will not consume intoxicants to the extent that such member becomes unfit for duty. Members are reminded of their absolute responsibility to ***remain fit for duty while in possession of their firearms.***

Any misconduct involving a member's misuse of a firearm while unfit for duty due to excessive consumption of-and intoxication from-alcohol will result in that member's termination from the Department. Again, exceptional cases will be determined by the Police Commissioner on a case-by-case basis.

Furthermore, any misconduct involving members who are found to be unfit for duty due to excessive consumption of and intoxication from alcohol, while armed with a firearm, will result in the inclusion of the charge "Unfit for Duty While Armed," in Departmental disciplinary proceedings. In addition to those imposed as a result of all other charges stemming from the misconduct, strict punitive sanctions will be imposed on any member upon whom the charge has been substantiated.

### **Department Policy Statement Concerning the Operation of a Motor Vehicle Under the Influence of Alcohol**

Patrol Guide procedure 203-04, "Fitness For Duty" mandates the following:

- Be fit for duty at all times, except when on sick report.
- Do not consume intoxicants to the extent that member becomes unfit for duty.

Consistent with the above, any uniformed member of the service who causes serious physical injury to another person while operating a motor vehicle **and** is determined to be unfit for duty due to the consumption of alcohol will be terminated from the New York City Police Department, absent exigent circumstances.

Additionally, a uniformed member of the service who refuses to submit to chemical testing in connection with an alleged violation of section 1192 of the New York State Vehicle and Traffic Law (Driving While Intoxicated) will be charged with "*Engaging in Conduct Prejudicial to the Good Order, Efficiency, or Discipline of the Department.*"

Members of the service are reminded of the Department's commitment to the many counseling and assistance programs available for a wide variety of problems. Members who are experiencing problems related to alcohol, or know of any other member who may be experiencing problems related to alcohol, are strongly encouraged to call the HELPLINE at (718) 271-7777, in order to achieve confidential assistance.

### **Patronizing Unlawful Premises**



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Members of the service who have an interest in, association with, or who patronize premises (licenses or unlicensed) that harbor illegal activity such as gambling, prostitution, narcotics, State Liquor Authority violations, will be suspended ***immediately*** by a ranking officer. Such locations include:

1. ***After Hours Clubs:*** premises that are not licensed by the State Liquor Authority to sell alcohol and that usually open after 0400 hours for the purpose of illegally selling liquor.
2. ***Policy Locations:*** premises in which illegal numbers gambling takes place.
3. ***Smoke Shops:*** premises that sell paraphernalia commonly associated with marijuana use.

### DRUG ABUSE BY MEMBERS OF THE SERVICE

The drug abuse policy regarding members of the service differs greatly from the alcohol abuse policy. ***Once a member of this Department is found to be illegally using illicit drugs - including narcotics, steroids, etc., Department policy dictates he or she must be terminated, with NO exceptions.***

Rehabilitation services are not an alternative in this case because abuse of controlled substances is illegal, and members of the service cannot be allowed to violate the laws they are sworn to protect. For this reason, as in corruption cases, members of the service do not always feel comfortable exposing a co-worker who is illegally using narcotics. It should be realized by all, that members of the service using drugs are not only hazardous to themselves but to their co-workers as well. Experience tells us that drug users will pay or give anything to acquire the drug they are addicted to. This desperation can lead members of the service to the selling of their firearms, shields and confidential information which may compromise the safety of all members who come in contact with these addicted officers.

Illegal drug use by members of the service creates an atmosphere that allows other corrupt ***activities*** to flourish, as evidenced by the highly publicized Michael Dowd case. To prevent these few corrupt officers from destroying the integrity and pride of this entire Department, it is imperative that drug abuse and corruption be exposed from within our structure and swiftly eliminated. Members are DOLE tested randomly and for cause. Less than one-half of one percent test positive; this statistic is indicative of a Department which is nearly drug free.

### Department Drug Testing



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The Department's practice of drug testing its members was initiated for detection of drug use by candidates and probationary officers. These members are tested at three (3) stages: during the pre-hiring screening, at an unannounced visit to the Police Academy, and nearing the end of their 24 months probationary periods. Drug testing was amended to include a random selection process in 1990. The intention is to detect and deter drug use by uniformed members of the service. Depending on the type of test (random or for cause) and the rank of the MOS, hair and/or urine will be tested.

Drug testing for cause is initiated for any member of the service, uniformed or civilian, suspected of illegal drug use, where reasonable suspicion has been established. Drug testing is also required under the Department's Counseling Program.

### **Drug Testing is Conducted as Follows:**

**Uniformed Rank & File:** Randomly selected uniformed members of the service ranging in ranks from Police Officer to Chief. Included are probationary officers and members on restricted, limited, or modified duty status.

**End of Probation:** All uniformed members completing their probationary period of twenty-four months are required to submit to drug testing.

**O.C.C.B, Special Operations, I.A.B., and Detective Bureau:** Members entering these units are required to be tested. This is not a random process. After initial tests members from Special Operations & Detective Bureau go into Department-wide pool for random drug testing. Members from O.C.C.B. and I.A.B. are placed into a separate pool.

**Promotional:** Newly promoted supervisors, as a condition for promotion, are required to submit to drug testing.

**Counseling:** Testing for members in this category is in accordance with guidelines set down by the Counseling Services Unit, which is part of the Employee Relations Section. Members of the service are required to submit to testing prior to being restored to full-duty status.

The Department's goal is to ensure that uniformed members of the service do not abuse illegal drugs/controlled substances and maintain a high standard of performance in a drug free environment.

**Note:** Uniformed members of the service assigned to commands within the OCCB and **probationary police officers** will be subject to separate random drug screening procedures.

### **When a Uniformed Member of the Service is Selected for Testing:**



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1. He or she **MUST** report to Medical Division when notified, **except** if the member is on:
  - Sick Report;
  - Regularly scheduled RDO;
  - Military leave;
  - Annual vacation;
  - Terminal leave;
  - Bereavement leave.
  
2. He or she **MUST** submit to drug screening. Refusal to submit to test will result in **suspension** and will be grounds for **dismissal** from the Department.

Notifications to members selected for random testing are initiated by the Drug Screening Unit to the member's respective command, informing them of the date, time, and place to appear. A member's social security number is randomly selected by computer. The social security number is then returned to the pool of eligible officers.

***Subsequent to a notification for random drug testing, the member concerned MUST appear for testing. Reporting sick, requesting emergency day off (E-day), court appearances, arrests, etc., WILL NOT excuse the member.*** All members are to appear for testing upon turnout from roll call, or will be given a post change within their scheduled tour of duty. The repercussions of positive results include the following:

- Loss of income due to suspension from duty;
- Dismissal from the police department;
- Elimination of retirement income due to loss of pension benefits;
- Diminished feasibility of future employment due to reasons for dismissal;

Members of the service also have been terminated for attempting to substitute urine specimens from various types of containers secreted on their bodies. Any member of the service who refuses testing or attempts to substitute or adulterate a specimen will be suspended and terminated.

Questions may arise concerning random drug testing vs. Constitutional rights. As far as the Police Department is concerned, along with other agencies that deal with the public, it has been deemed that the public safety is **paramount**. Drug use by police officers is an important issue for every police department throughout the country. The problem is receiving attention because of the potential threat to the integrity of law



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enforcement and the safety of the community it serves. A discussion of the following federal statutes will help clarify the use of chemical tests.

In 1989, two U.S. Supreme Court decisions upheld drug-testing programs that were set up by the railroads and the U.S. Customs Service. These programs allow employers to test employees for drugs without any belief that the employees in question have used drugs. Contrary to a long line of legal precedents, these programs were found to be constitutional on two grounds: first, society which must be addressed and second, that the mandatory testing programs were only minimal intrusions on an employee's privacy.

The two cases were *Skinner v. Railroad Labor Executive Association*, March 21, 1989, No. 87-1555, 130LRRM2857, and *National Treasury Employees Union v. Von Raab*, 109 s. Ct. 1384 (1989).

In *Penny v. Kennedy* (6th Circuit, October 4, 1990), the Federal Court expanded the employer's ability to conduct mandatory random drug tests of police officers and fire fighters. Although recognizing that mandatory urinalysis testing infringes on an employee's privacy rights and is a Fourth Amendment search, the Court found that a city's interest in ensuring drug-free performance by fire fighters and police officers outweighs those employees' expectations of privacy.

The U.S. Supreme Court decided on December 16th, 1991 to leave intact the Mandatory Drug Test Rules governing Federal Employees. Without comment and with no dissents, the Court chose to bypass a Federal Appeals Court ruling which indicates that all levels of government may demand a drug test from every job applicant (see P.G. 205-29, 205-31 and 205-32).

A random drug test will not be used for **cause**. If there is reasonable suspicion to believe that a member of the service is using illegal drugs, the member of the service will be ordered to take the DOLE test (urine and/or hair). If the member of the service refuses it will result in automatic suspension. Charges and specifications will be prepared and inevitably, the member of the service will be terminated.

UNIFORMED MEMBERS OF THE SERVICE ARRESTED, SUSPENDED OR PLACED ON MODIFIED ASSIGNMENT, YEAR END 2010			
	ARRESTED	SUSPENDED	MODIFIED
2002	100	132	188
2003	103	156	206
2004	86	163	194
2005	91	159	137



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2006	114	142	213
2007	110	148	229
2008	124	164	234
2009	109	124	189
2010	113	123	168
2011	135	118	175

Source: Internal Affairs Bureau, 6/12

### CLASSIFICATION OF I.A.B. COMPLAINT CATEGORIES

In order to track corruption trends, **14 CATEGORIES** are utilized. These are general, broad descriptions of the type of activities with which the alleged corruption/serious misconduct are associated or the type of situation in which it is alleged to have occurred.

1. **NARCOTICS:** This category includes complaints alleging the involvement of members in narcotics or dangerous drugs, as well as the protection of persons dealing in drugs. (i.e. allegations of MOS selling or using drugs, as well as the protections of drug dealers)
2. **CRIME:** This category includes allegations of members committing crimes that are not included in the other corruption/other misconduct categories. Many of the complaints normally classified in this category involve off duty conduct. Examples found in this category are Assault, Bribery, Burglary, Menacing, Perjury, Rape, Reckless Endangerment, Robbery, Sex Abuse, to name a few.
3. **MISSING PROPERTY:** This category is broadly comprised of missing/stolen property complaints. It includes property allegedly missing or extorted from a prisoner during an arrest, property allegedly missing or stolen from a motorist during a car stop, property missing during an aided case, or during the execution of a warrant, personal or department property missing from within any department facility, department auto and/or from any property clerk facility.
4. **ABUSE OF DEPARTMENT REGULATIONS:** Violations of department regulations, Patrol Guide procedures: drinking on duty, cooping, sick leave abuse, overtime abuse, etc.
5. **TRAFFIC:** This category includes complaints of corruption/serious misconduct relating to traffic infractions. Many of the complaints received concern illegally parked vehicles that do not receive summonses, incidents of motorists paying police officers to avoid summonses or the improper issuance of summonses.



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6. **GRATUITIES:** This category includes allegations of members receiving free food or merchandise, and it also includes allegations of release on confidential department information, misuse of department computers, misuse of department documents or their release to unauthorized persons and payments made to facilitate issuance of pistol licenses or various types of permits.
7. **GAMBLING:** This category includes complaints related to gambling. Most of the allegations concern protection of a gambling operation or location.
8. **ARRESTS EFFECTED:** This category includes complaints in which an arresting officer or other officer involved in an arrest situation is alleged to have committed a crime and the person arrested was purportedly the victim. (i.e. Flaking, assault, false arrest, abuse and death in custody)
9. **MISCELLANEOUS:** This category includes allegations that do not fit into any of the other categories because of definition, vagueness or scarcity of information at the time of receipt. This category also includes complaints of peddling, SLA violations, and private tow / auto body allegations.
10. **VICE:** This category involves complaints of corruption/serious misconduct associated with prostitution and pornography. The situations most often reported are: protection of pimps or prostitutes, pornography sales, the extortion of money from pimps or prostitutes, the patronizing of prostitutes.
11. **PENAL LAW VIOLATIONS:** This category includes all allegations of violations of law as opposed to criminal acts. (i.e. Harassment, disorderly conduct, and all other Penal Law violations)
12. **DOMESTIC INCIDENTS:** This category includes all allegations of violations of Orders of Protection, including but not limited to, assault, sex crimes, reckless endangerment, endangering the welfare of a minor, and engaging in a domestic dispute.
13. **PERJURY/ FALSE STATEMENTS:** This category includes all allegations of members who are alleged to have given false testimony and/or false statements during a Department investigation or under oath.
14. **ASSAULT:** This category includes allegations of, or incidents involving assault, with the exception of an allegation of assault by a prisoner or domestic related assaults.

### Dispositions of Closed I.A.B. Investigations



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Every case that is investigated must be closed with a disposition and they are as follows:

**Substantiated:** Investigation indicates that the accused member of the service has committed all of the alleged act(s) of misconduct.

**Partially Substantiated:** Investigation indicates that the member of the service has committed part of the alleged act(s) of misconduct.

**Exonerated:** Investigation disclosed that the subject(s) were clearly not involved in any misconduct. Incident occurred, but was lawful and proper.

**Unfounded:** Investigation indicates acts complained of did not occur, or were not committed by members of this department.

**Unsubstantiated:** Investigation disclosed insufficient evidence to clearly prove or disprove allegations made.

**Other Misconduct Noted:** Investigation determined that act(s) of misconduct, other than those alleged in the complaint were committed by the member of the service.

### Penalties may include:

- Warning and admonishment;
- Command Discipline;
- Charges and Specifications;
- Modified Assignment;
- Suspension without pay;
- Suspension with pay;
- Termination;
- Criminal charges / arrest

### DOMESTIC VIOLENCE

When a uniformed member of the service responds to an incident of domestic violence involving a member of the service, he/she must ascertain the facts, and then request the response of the Patrol Supervisor. Patrol Guide 208-36 and 208-37 describes procedures for handling domestic violence and family disputes. In certain situations, arrests **MUST** be made.



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If a member of the service is the offender and must be arrested, the responding member of the service **will make the arrest**, and comply with Patrol Guide 206-11, "Member of the Service Arrested (Uniformed or Civilian)."

In September 1996, Title 18, United States Code, Section 922 (g) took effect, making it illegal for anyone **convicted** of domestic violence to possess any firearm or ammunition.

This includes, an offense that:

1. Is a misdemeanor under federal or state law, AND
2. Has as an element the use or attempted use of physical force or the threatened use of a deadly weapon, committed by:
  - a. A current or former spouse, parent or guardian of the victim.
  - b. A person with whom the victim shares a child in common.
  - d. A person who is residing with or has resided with the victim as a spouse, parent or guardian.
  - e. A person similarly situated to a spouse, parent or guardian of the victim.

As a result of a Court of Appeals case (*People v. Elliot*), if a member of the service is on suspension and is found to be in possession of a firearm during that time he or she will be charged with Criminal Possession of a Weapon 2° (P.L. 265.03 sub. 04). There is **NO** exemption for law enforcement officers. Thus, law enforcement officers and other government officials convicted of a qualifying misdemeanor will not be able to lawfully possess or receive firearms or ammunition for any purpose, including performing their official duties.

DOMESTIC RELATED INCIDENTS INVOLVING UNIFORMED MEMBERS OF THE SERVICE, YEAR END 2011	
ARRESTED	42
SUSPENDED	10
MODIFIED	64

Source: Internal Affairs Bureau, 6/12

**Note:** It is the duty of a member of the service to report when he or she is either



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served with an Order of Protection or involved in a domestic incident. If off-duty, he or she should must at the scene.

Whenever a member of the service is arrested, he or he must immediately identify himself or herself as a member of the New York City Police Department.

1. ***If arrested within New York City:***  
The arrested member of the service must advise the Desk Officer, precinct of arrest, of details if arrest was effected by law enforcement agency other than New York City Police Department.
2. ***If arrested outside New York City:***  
The arrested member must immediately notify Operations Unit with details of the arrest, and notify his or her Commanding Officer.

All members of the service (uniformed or civilian) who receive a Personal Service Summons for a criminal violation are required to immediately notify their Commanding Officer and provide a copy of the summons.

A "criminal violation" (for the purpose of PG 206-11 only) means any violation of law, rule or regulation, whether committed within New York State or outside of the State, for which a penalty of a term of imprisonment may be imposed, BUT SHALL NOT INCLUDE parking violations, traffic infractions (other than Leaving the Scene of an Accident and Driving While Intoxicated) and violations of law, rule or regulation when a personal service summons received contemplate a civil penalty only.

### CASE STUDIES OF ALLEGATIONS OF MISCONDUCT/CORRUPTION

1. Misuse of Department computer;
2. Allegation of money taken from a prisoner and not returned;
3. Dispute between two police officers;
4. Dole Test – Random;
5. Dole Test – Targeted;
6. Police Officers visiting a drug location;
7. Police Officer allegedly kidnapped a child;
8. Off-duty Police Officer arrested for DWI;
9. Police Officer allegedly took \$10.00 from complainant's vehicle;
10. Police officer arrested for leaving the scene of a vehicular accident;
11. Police Officers engaging in auto insurance frauds;
12. Police Officer arrested for forcibly raping a female;
13. Housing Bureau Police Officer arrested for robbing drug dealers;
14. Police Officer deals pharmaceutical drugs; is arrested, and commits suicide.



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### Case #1 MISUSE OF DEPARTMENT COMPUTER

**Allegation:** The NY State Police reported to this Department that the identity of an undercover trooper of the State Police was accessed through a DMV check on a mobile computer terminal assigned to a precinct in Brooklyn.

**Investigation:** Subsequently, the undercover trooper received several death threats. Investigation disclosed that the computer password of a member of the service was used to gain access to a Department computer. Further inquiry disclosed that the partner of the officer, whose password was used, was a relative of a second trooper who had been arrested as a result of an investigation participated in by the undercover trooper. The officers in question were interviewed and the partner of the officer whose password was used acknowledged checking the identity of the undercover trooper. She denied any knowledge of the investigation conducted by the trooper or of the identity of the trooper who had been the subject of an investigation and explained that she has conducted the computer search in an effort to locate the father of her young son. There was no connection between the threats to the undercover trooper and the computer search conducted by the member of this Department and she took full responsibility for her conduct and acknowledged that it was not proper.

**Result:** A Supervisor's Complaint report was prepared for the officer and the investigation was closed as substantiated.

Note: MOS are prohibited from sharing computer codes and passwords. These actions can lead to false allegations against innocent MOS.

### Case #2 ALLEGATION OF MONEY TAKEN FROM A PRISONER AND NOT RETURNED

**Allegation:** A prisoner that was arrested for Grand Larceny of an Auto alleged that money was taken and that he was beaten when arrested. The prisoner stated that he was arrested for GLA and was thrown to the ground, kicked and dragged. He tried to run and was caught and again beaten. He claimed that he was waiting to meet someone when he was arrested for GLA and at the station house he was again beaten and \$280 in cash was taken from him.

**Investigation:** The investigation conducted into the prisoner's allegation disclosed no evidence of any physical force used on him, in that there were no injuries of any kind. Attempts to locate the person he claimed to be waiting for



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disclosed a telephone number that did not exist. There was no record of the person living at the address given. Department records disclosed that the prisoner had no funds on him at the time of the arrest and no medical record of treatment of injuries. The officer in question was interviewed and stated that he had arrested the complainant on two (2) separate occasions for GLA, and denied striking the prisoner or taking any money from him.

**Result:** No evidence was discovered to support the prisoner's allegations and the case was closed as unsubstantiated.

### **Case #3 DISPUTE BETWEEN TWO (2) POLICE OFFICERS**

**Allegation:** Police Officer "female" reported that Police Officer "male" slapped her and attempted to sexually assault her.

**Investigation:** Police Officer "female" stated that she was at Police Officer "male's" residence to drop off a child they had in common and to pick up a child support payment. Police Officer "male" attempted to reconcile their relationship and he was rebuffed. He slapped her and attempted to remove her pants. Police Officer "female's" mother, who had waited outside, overheard the commotion and called the local police. The police responded and filed a report of a Domestic Disturbance. No evidence of injury was observed on Police Officer "female". Police Officer "male" stated that in fact Police Officer "female" had slapped him during an argument over child support payments. The mother stated that she had remained outside during the incident and could add nothing to the report.

**Result:** As a result of the investigation, the allegation that Police Officer "female" had been assaulted was found to be unsubstantiated. However, both officers were placed on modified assignment and referred to psychological services for counseling.

### **Case #4 DOLE TEST - RANDOM**

During the course of a random dole test, the result of the test analysis for an officer was positive for marijuana and as a result, the officer was suspended. Department charges were preferred against the officer and the case was closed as substantiated, officer was dismissed from the Department.

### **Case #5 DOLE TEST - TARGETED**



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**Allegations:** Information was received from the Nassau County Police Department indicating that while debriefing two (2) prisoners arrested for criminal sale of a controlled substance - cocaine, they sold cocaine to a New York City Police Officer who was in uniform at the time.

**Investigation:** The prisoners identified the officer's precinct and said that his name was Fred. A photo array of likely suspects was prepared and each informant identified the same officer as being one they sold cocaine to. An intensive investigation into the activities of the officer in question was initiated and upon establishing reasonable suspicion that the officer was using drugs, he was ordered to submit to a Dole Test for cause. He was placed on modified assignment while awaiting the results of the test.

**Result:** The results indicated positive for the presence of cocaine and the officer was placed on suspension. Departmental charges were preferred against the officer and the investigation was closed as substantiated; the officer was dismissed from the Department.

### **Case # 6 POLICE OFFICERS VISITING A DRUG LOCATION**

**Allegation:** An anonymous caller reported that drugs were being sold from a hardware store located in a Bronx precinct and that police officers were involved.

**Investigation:** A series of observations of the location disclosed that the store was actually selling alcohol without a license. No evidence of drug dealing was observed and no police officers were found to be visiting or involved at the location in any way. The Bronx Vice Enforcement Squad raided the location and arrested operators for gambling violations and for the sale of unlicensed alcohol. Both operators of the location were debriefed by investigators from I.A.B.

**Results:** No evidence of police corruption or involvement was found. The investigation was closed for *information only*.

### **Case #7 POLICE OFFICER ALLEGEDLY KIDNAPPED A CHILD**

**Allegation:** A citizen called the I.A.B. Command Center and stated that P.O. Smith kidnapped a child.

**Investigation:** Captain Adams, Patrol Bureau, responded and reported that Police Officer Smith was suspended from duty due to over-indulgence of alcohol. Investigation disclosed that P.O. Smith physically grabbed a 9-year-old child during a dispute. Upon response by the Duty Captain, it was



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determined that P.O. Smith was intoxicated and was suspended. There was no evidence to support the allegation that he had kidnapped anyone.

**Result:** The investigation was closed as *unfounded* (kidnapping) and other misconduct noted charges preferred for being unfit for duty due to intoxication.

### **Case #8 OFF- DUTY POLICE OFFICER ARRESTED FOR D.W.I.**

**Allegation:** New York State Police reported the arrest of off-duty Police Officer Jones, for driving while intoxicated.

**Investigation:** The Internal Affairs Bureau from this Department responded to the State Police barracks and conducted an investigation of the incident surrounding Jones' arrest. They learned that he had been involved in an accident and that an investigation by State Troopers determined that he was driving at an excessive speed and appeared to be under the influence of alcohol when they first observed him. Jones refused to submit to a Breathalyzer test. He was represented by the PBA and declined to be interviewed.

**Result:** Representatives of this Department took possession of P.O. Jones' firearms, shield, and identification, and suspended him from duty. Department charges were preferred against P.O. Jones. This investigation was closed as substantiated.

### **Case #9 POLICE OFFICER ALLEGEDLY REMOVED \$10.00 FROM A COMPLAINANT'S VEHICLE**

**Allegation:** Mr. Jones reported that while making a delivery with his truck, he was issued a summons by P.O. Green. He alleged that P.O. Green took a ten-dollar bill, which he had in his wallet.

**Investigation:** The interviews of other police officers at the scene and a passenger in the complainant's, vehicle who refuted the allegation, were conducted. Department records verified that a summons was actually issued to Mr. Jones by P.O. Green. This investigation was closed as unfounded.

### **Case #10 POLICE OFFICER ARRESTED FOR LEAVING THE SCENE OF A VEHICULAR ACCIDENT**