

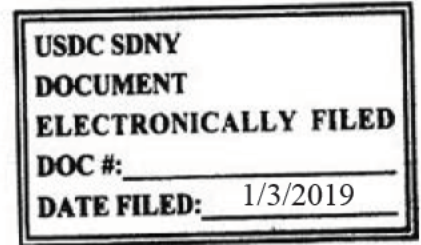
Arnold & Porter

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December 20, 2018

VIA ECF

Honorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: *Floyd, et al. v. City of New York*, 08-CV-1034 (AT),
Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT),
Davis, et al. v. City of New York, et al., 10-CV-0699 (AT),
Recommendation Regarding IAB Guide and Training on Profiling Investigations

Dear Judge Torres,

I am pleased to submit my recommendation for the following:

1. Internal Affairs Bureau (IAB) Guide 620-58, Processing and Investigating Complaints of Profiling and Bias-Based Policing Patrol;
2. Internal Investigators Course, Module Number 04, Profiling and Bias-Based Policing.
3. Internal Investigators Course, Module Number 04, Profiling and Bias-Based Policing PowerPoint.

They meet the requirements of the court orders, and the parties have informed me that they do not object to the approval of this recommendation.

1. The IAB guide sets forth the procedures for the intake, classification, and investigation of complaints related to racial profiling and bias-based policing. The guide formalizes procedures that have been in place since 2015. All allegations of profiling are included in the IAB log and investigated by the NYPD. Under Patrol Guide 203-25, Department Policy Prohibiting Racial Profiling, profiling occurs whenever an officer's decision to initiate enforcement action against, or failure to perform a law enforcement action for, a person is

motivated, even in part, by a person's actual or perceived race, color, creed, national origin, religion, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status, unless the officer's decision is based on a specific and reliable suspect description that includes not just race, age, and gender, but other identifying characteristics or information.

2. The training module on investigating profiling complaints is designed to provide investigators with the fundamental skills to process and investigate complaints regarding the NYPD's policy prohibiting racial profiling and bias-based policing. Upon completion of the module, class participants should understand the NYPD's policy, the procedures for investigating racial profiling and bias-based policing allegations, and strategies for investigating those allegations.

For these reasons, and upon consent of the parties, the recommendation should be approved.

Respectfully submitted,

/s/ Peter L. Zimroth

Peter L. Zimroth
Monitor

Enclosures

APPROVED.

SO ORDERED.

Dated: January 3, 2019
New York, New York



ANALISA TORRES
United States District Judge