



## Brooksville Police Department

### INTEROFFICE MEMORANDUM



To: Chief George B. Turner 

Through: Captain Rick Hankins 

From: Sergeant Robert W. Dixon, Jr; Accreditation Manager

Date: June 15, 2016

Subject: **Bias Based Profiling Administrative Review**

In order to maintain compliance with Commission for Florida Law Enforcement Accreditation (CFA) standard 2.08M and Brooksville Police Department Operational Bulletin 2009-004 entitled Biased Based Profiling, an annual review concerning bias based profiling for the period June 1, 2015 through May 31, 2016 has been conducted.

The stated purpose of Operational Bulletin 2009-004 is to comply with Florida Statute 166.0493 to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

The written directive states:

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways and other public places without police interference so long as they obey the law. They also are entitled to be free from crime and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Brooksville Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

CFA standard 2.08M is as follows:

Standard		Review methods	Assessor Guidelines
<b>2.08 M</b>	The agency has a directive governing <i>bias-based profiling</i> following the guidelines outlined in Florida Statutes and, at a minimum, includes the following provisions:		
A.	A prohibition against bias based profiling in traffic contacts, field contacts, searches and seizures, and in asset seizure and forfeiture efforts;		
B.	Training agency enforcement personnel in bias based profiling issues including legal aspects; in accordance with CJSTC guidelines;		
C.	Corrective measures if bias based profiling occurs;		Assessors should ask if there have been any incidents that required corrective measures.
D.	Definitions to include bias based profiling and reasonable suspicion;		
E.	Traffic stop procedures;		
F.	Community education and awareness efforts;		
G.	A documented annual administrative review of agency practices involving bias-based profiling, to include areas of forfeitures, traffic stops, and seizures; and		
H.	Handling of complaints from the public.		
Compliance keys	Qty initial	Qty reaccred	Accreditation Manager Notes
Written directive addressing elements of the standard.	1	1	
Training documentation in accordance with CJSTC guidelines.	1	Sampling	
Florida Statutes 30.15 or 166.0493.	1	1	
Annual administrative review documentation.	1	3YD	
Sample of community education and awareness efforts.	1	1	
Documentation of corrective measures taken.	1	1	

The results of this assessment are as follows:

- **Bullet A:** Review of Operational Bulletin 2009-004, Bias Based Profiling, verified it contains language prohibiting bias based profiling in field contacts, traffic contacts, seizure of assets and forfeiture efforts.
- **Bullet B:** Review of training documents verified department personnel are trained in bias based profiling issues including legal aspects in accordance with CJSTC guidelines. Safe and Legal Traffic Stops (SALTS) or Discriminatory Profiling and Professional Traffic Stops training was provided to our personnel during in-service training in connection with recertification requirements. The department training

coordinator has confirmed that both training courses will be offered as part of the 2016-2017 training curriculum via an on line format.

- **Bullet C:** Review of Operational Bulletin 2009-004, Bias Based Profiling, verified it includes language regarding corrective measures if bias based profiling occurs. While no incidents of bias based profiling were reported or otherwise identified which would require corrective measures in the period June 1, 2015 through May 31, 2016, there were three (3) unfounded allegation of bias; see the investigation summaries at pages 7-9.
- **Bullet D:** Review of Operational Bulletin 2009-004, Bias Based Profiling, verified it includes definitions for bias based profiling and reasonable suspicion.
- **Bullet E:** Review of department written directives identifies written procedures for traffic stops are located in General Order 2212.1, Officer/Violator Relations, General Order 2212.2, Traffic Stops, Operational Bulletin 2009-004, Bias Based Profiling and Accreditation Manager Bulletin #43.
- **Bullet F:** Community education is an integral part of the department's bias based profiling awareness efforts. Citizens may access the Brooksville Police Department website for community education and awareness updates in reference to bias based profiling by using a link that describes the department's policy, explanation of department procedures and how to file a complaint. A copy of this administrative review is also included on the department website.

Additionally, on December 27, 2015, the department introduced a Facebook account which has been visited over 167,591 times in only five (5) months, none of which alleged bias based profiling activity. During December 2015, command staff including the Chief of Police, attended a meeting organized by the South Brooksville Community Economic Development Commission to discuss traffic enforcement issues and a delineation of city and county jurisdictions.

- **Bullet H:** Review verified that the handling of complaints from the public is addressed in Operational Bulletin 2009-004, Bias Based Profiling.

CFA standard 38.02M requires the documentation of forfeiture seizures. Tracking of forfeiture seizures is accomplished by the Patrol Division Commander. A review revealed that there were four forfeiture actions during this period as follows:

Date	Asset	Rationale	Owner
7/19/2015	2007 Chrysler	Used in commission of a felony (grand theft)	W/M
11/03/2015	2007 Chevrolet	Used in commission of a felony (grand theft)	B/M
11/19/2015	1999 Intl Tow Truck	Used in commission of a felony (grand theft)	W/M
03/02/2016	1996 Ford F350	Used in commission of a felony (grand theft)	W/F

The Administrative Specialist (Records) has confirmed that the department is in compliance with Florida Statute 316.614, the Florida Safety Belt Usage Law, with the recording of violator race and ethnicity on seat belt citations by our officers.

During the stated period, the department issued 168 Uniform Traffic Citations for seatbelt or child restraint violations as follows:

Seatbelt Violators			Brooksville Population	
Whites	121	(72.0%)	White	72.7%
Blacks	34	(20.2%)	Black	18.0%
Others	13	( 7.7%)	Other	9.3%

### Search Warrants

There was one search warrant on March 15, 2016 on a home owned by a white male in connection of an investigation into the unlawful interception and disclosure of wire, oral or electronic communications. The search warrant was authorized by a circuit judge of the Fifth Judicial Circuit.

### Statistical Data

An examination of certain department statistics was conducted to further explore this issue. Historically, areas that may be more prone to bias based profiling are vehicle stops, arrests and use of force. Although the department does not track all traffic stops with respect to ethnicity, it does keep a record of citations and written warnings issued during stops. The following is a breakdown of these statistics for the period June 1, 2015 through May 31, 2016.

Statistical Category	City Population	2014 - 2015	2015 - 2016	Change
<b>Traffic Citations</b>		<b>2317</b>	<b>2759</b>	increased 19%
• whites	72.7%	1840 (79.4%)	2051 (74.3%)	increased 11%
• blacks	18.0%	298 (12.8%)	405 (14.6%)	increased 36%
• others	9.3%	179 (07.7%)	303 (10.9%)	increased 69%
<b>Written Warnings</b>		<b>1310</b>	<b>1351</b>	increased 3%
• whites	72.7%	1022 (78.0%)	921 (68.1%)	decreased 10%
• blacks	18.0%	197 (15.0%)	320 (23.6%)	increased 62%
• others	9.3%	91 (06.9%)	110 (8.1%)	increased 21%
<b>DUI Citations</b>		<b>11</b>	<b>11</b>	no change
• whites	72.7%	9 (81.8%)	9 (81.1%)	no change
• blacks	18.0%	0 (0.0%)	2 (18.1%)	increased 200%
• others	9.3%	2 (18.1%)	0 (0.0%)	decreased 200%

Statistical Category	City Population	2014 - 2015	2015 - 2016	Change
<b>Arrests</b>		<b>546</b>	<b>613</b>	increased 12%
• whites	72.7%	375 (69%)	385 (63%)	increased 3%
• blacks	18.0%	161 (29%)	220 (36%)	increased 37%
• others	9.3%	10 (2%)	8 (1%)	decreased 20%
<b>Use of Force</b>		<b>7</b>	<b>3</b>	decreased 57%
• whites	72.7%	5 (71.4%)	3 (100%)	decreased 40%
• blacks	18.0%	2 (28.5%)	0 (0.0%)	decreased 200%
• others	9.3%	0 (0.0%)	0 (0.0%)	no change

### Population Statistics

According to the 2013 United States Census Bureau data estimates, population is represented as follows:

Population Statistics	White	Black	Other
City of Brooksville	72.7%	18.0%	9.3%
Hernando County	80.8%	5.5%	13.7%
State of Florida	56.4%	16.7%	26.9%
United States	62.6%	13.2%	24.2%

### Comparison of Statistical Data to Population Statistics

Statistical Category	Whites	Pop.	Blacks	Pop.	Others	Pop.
Traffic Citations	74%	73%	15%	18%	11%	9%
Written Warnings	68%	73%	24%	18%	8%	9%
DUI Citations	82%	73%	18%	18%	0%	9%
Arrests	63%	73%	36%	18%	1%	9%
Use of Force	100%	73%	0%	18%	0%	9%

In comparison to City of Brooksville population statistics, whites receive less written traffic warnings, more DUI citations, are arrested less but are subject to use of force more during the cited period.

Blacks receive less traffic citations, are given written traffic warnings in lieu of citations more, are arrested more, but have not been subject to use of force during the cited period.

Other ethnic groups receive less DUI citations, less arrests and are not subject to use of force during the cited period.

There does not appear to be any explanation for the higher percentage of black arrests; those numbers show no indication of bias based profiling or pattern and may be higher for social or economic reasons. There does not appear to be any explanation for the higher percentage of white DUI violators; those numbers show no indication of bias based profiling.

**Use of Force Review**

Each use of force incident was reviewed and determined to be within policy and procedure as mandated by accreditation standards. A summary of each incident is provided here:

<b>Racial Background</b>	<b>Force Used</b>	<b>Rationale for Use of Force</b>
27 year old white male	Taser	Battery on a law enforcement officer
44 year old white male	Taser	Fleeing and resisting arrest
25 year old white male	Taser	Fleeing and resisting arrest

**Summary of Administrative Review**

This examination has determined that the department is in compliance with accreditation standards relating to bias based profiling. Nothing was located which would indicate bias based profiling in the Brooksville Police Department.

Attachments: Summaries of Unfounded Bias Based Complaints

## Summaries of Bias Based Complaints

### Mr. Isaac Bailey Complaint: Supervisor's Comments:

Two written complaints alleging bias based profiling were hand delivered to the police department, not by the complainant Isaac Bailey, but by a Mr. Brown (both of whom are African-American). One complaint alleges that on two unknown dates in November 2015, Mr. Bailey was stopped by unknown Brooksville police officers because he exited Twigg Street onto Dr. Martin Luther King Jr. Boulevard. It would appear that no citations or warnings were issued; to the contrary, Mr. Bailey advises the officer said "Have a nice day". Because the complainant could not provide specifics as to alleged misconduct, date, time, officer involved or other information, the veracity of this complaint could not be determined.

The second allegation involves Mr. Bailey being issued a traffic citation for speeding after turning from Twigg Street onto Dr. Martin Luther King Jr. Boulevard on January 16, 2016 at approximately 8:37 am.

A review of the patrol vehicle video system for this traffic stop was conducted in the presence of Officer Nelson. When the complainant's vehicle becomes visible, it is already travelling west on Dr. Martin Luther King Jr. Boulevard near the railroad tracks east of Main Street. Officer Nelson advised he had no idea of the vehicle's travels before he observed it on Dr. Martin Luther King Jr. Boulevard. While traveling east on Dr. Martin Luther King Jr. Boulevard in the vicinity of Main and Stubbs Streets, Officer Nelson's radar detects a speeding violation. He pulls his marked police vehicle off to the side of the road, allows the complainant's truck to pass, then initiates a traffic stop. Mr. Bailey turns on Stubbs Street and stops for the police vehicle. At this point both high definition video and audio are in operation. Officer Nelson introduces himself and informs Mr. Bailey that he has been stopped for driving 42 mph in a 30 mph zone. Mr. Bailey responds "Ain't no way" and demands to see the radar. When Officer Nelson informs him he (Mr. Bailey) cannot leave the truck to go back to the patrol vehicle, Mr. Bailey mentions a meeting with the mayor and chief. Officer Nelson informs Mr. Bailey he has no knowledge of the meeting. When Mr. Bailey exits the vehicle to yell at a person off camera, Officer Nelson asks for another unit to come by. Five minutes into the traffic stop, Mr. Bailey requests to see a supervisor. Sergeant Serrano responds within two minutes of Officer Nelson's call for a supervisor and speaks with Mr. Bailey. Only a portion of the Sergeant Serrano - Mr. Bailey conversation can be heard on Officer Nelson's microphone because Officer Nelson is inside his vehicle writing the citation. Of the portion that is audible, Sergeant Serrano was professional and by no means "nasty" as alleged in the this complaint. Shortly after Sergeant Serrano's arrival, Officer Belcher is on scene and stands on the passenger side of Mr. Bailey's vehicle. Officer Belcher stands with his two hands to the front or resting on his gun belt, but not on his firearm. When the brief conversation between Sergeant Serrano and Mr. Bailey concludes, Officer Nelson issues a traffic citation for speeding 42 mph in a 30 mph zone and explains the procedural options to Mr. Bailey. The traffic stop concludes after a total of eleven (11) minutes.

At no time did this reviewer observe or hear of any action or verbiage that was unprofessional or contrary to Brooksville Police Department written directives. Mr. Bailey's allegation that he was stopped only because he exited Twiggs Street onto Dr. Martin Luther King Jr. Boulevard and thus mistaken as a possible drug violator has no basis in fact as observed on the patrol vehicle video/audio system. This was not an incident of bias based profiling but a clear case of a traffic stop for speeding. The complaint is unfounded.

Mr. Richard Howell's complaint on behalf of Mr. Darrell Smith:

**George Turner**

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**From:** George Turner  
**Sent:** Thursday, December 17, 2015 4:10 PM  
**To:** 'SAbeauty00@aol.com'  
**Cc:** 'Paul Douglas'; mrstcofast8@outlook.com  
**Subject:** RE: Meeting Notice

Good afternoon Mr. Williams, Mr. Brown and Mr. Howell,

Thank-you for inviting the Brooksville Police Department Command Staff to the Community Meeting at the HCSD/Community Center Tuesday night.

I am confident that we addressed your concerns, and/or explained both formal and informal methods to report past, present or future issues of concern to the Police Department.

*(We look forward to hearing from Mr. Williams, reference his son's traffic stop issue(s). Please remember, BPD's in-car video is only available for the loop time of the tape. Timeliness is important so that the video can be reviewed and facts can be determined)*

As requested by Richard Howell, as the representative of DARRELL SMITH, we have reviewed the circumstance(s) of the (2) uniformed traffic tickets issued to Mr. Smith on November 11, and the (3) uniformed traffic tickets issued on November 25, 2015.

PLEASE NOTE, It is unlawful for us to share Darrell Smith's extensive driving record that resulted in his "**INDEFINITE BUSINESS USE ONLY RESTRICTION**." What I can share with you is that it is **CONFIRMED** that Darrell Smith has a "STATE OF FLORIDA BUSINESS ONLY RESTRICTED DRIVER'S LICENSE" and it is unlawful for him to operate a vehicle outside that restriction.

Specific to UNIFORMED TRAFFIC CITATION #s, A564I2E, A564IYE, A564GTE, A564GUE, A564IXE:

On November 11, 2015 at 12:43AM, Mr. Darrell Smith, with a listed home address of Sunrise Fl, was operating a 2002 Ford pickup with Florida tag EEZR69 on MLK at Twigg St. He was stopped by a uniformed Police Officer of the Brooksville Police Department for "FAILURE TO STOP AT STOP SIGN", in violation of FSS 316.123(2)(a). A DHSMV computer check revealed that Mr. Smith had a 'BUSINESS ONLY RESTRICTION', and he was issued a citation for "FAILURE TO OBEY D.L. RESTRICTION", in violation of FSS 322.16.

On November 25, 2015 at 5:25AM, Mr. Darrell Smith was operating a 2002 Ford pickup with Florida tag EEZR69 on Crystal Brook Cir. Mr. Smith was stopped for "FAILURE TO USE DESIGNATED LANE", in violation of FSS 316.089, and for "TAG OBSCURED/DEFACED/IMPROPER DISPLAY" in violation of FSS 316.605. Additionally, he was again issued for "FAILURE TO OBEY D.L. RESTRICTION."

**DETERMINATION:** TRAFFIC STOPS WERE PROPER AND LAWFUL and the Uniformed Traffic Citations issued to Mr. Smith were JUSTIFIED.

No further action will be taken by Brooksville Police in this regard. Complaint is unfounded.

Mr. Howell, being you have advised that you are representing Mr. Smith in this regard, please relay the "UNFOUNDED DETERMINATION" to him and that the citations he was issued are valid and pending his action. Please advise Mr. Smith that he has the right to plead not guilty to all or any of the citations, thereby requesting his right to a hearing before a Hernando County Court Judge, OR, he can pay the listed fines on each citation, as set forth by the State of Florida. His failure to answer, or to pay any of the (5) uniformed traffic tickets will result in his privilege to drive being revoked.

As a State of Florida Accredited Police Agency, we welcome citizen comment and concern.