



Brooksville Police Department

INTEROFFICE MEMORANDUM



To: Chief George B. Turner *GST*

Through: Captain Rick Hankins *Real*

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

Date: June 18, 2015

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, 2014 through May 31, 2015 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 deprivations 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
2.08 M 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 2015-2016 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. No incidents of bias based profiling were reported or otherwise identified which would require corrective measures in the period June 1, 2014 through May 31, 2015.
- 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.
- 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. The tracking of said seizures is accomplished by the Patrol Division Commander. A review revealed that there was one forfeiture action during this period as follows:

Date	Asset	Rationale	Owner
11/13/14	2011 Ford F250 truck	Suspended license - habitual traffic offender	W/M

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 256 Uniform Traffic Citations for seatbelt or child restraint violations as follows:

<u>Seatbelt Violators</u>			<u>Brooksville Population</u>	
Whites	200	(78.12%)	White	72.7%
Blacks	44	(17.18%)	Black	18.0%
Others	12	(4.68%)	Other	9.3%

There were no search warrants for premises during the review period.

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, narcotic 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, 2014 through May 31, 2015.

Statistical Category	2013 - 2014	2014 - 2015	Change
Traffic Citations	1883	2317	Increase of 23%
• whites	1513 (80.35%)	1840 (79.41%)	Increase 22%
• blacks	301 (15.98%)	298 (12.86%)	No change
• others	69 (03.66%)	179 (07.72%)	Increase of 159%
Written Warnings	902	1310	Increase of 45%
• whites	727 (80.59%)	1022 (78.01%)	Increase 41%
• blacks	151 (16.74%)	197 (15.03%)	Increase of 30%
• others	25 (02.77%)	91 (06.94%)	Increase of 264%
DUI Citations	13	11	Decrease of 15%
• whites	11 (84.61%)	9 (81.81%)	Decrease of 18%
• blacks	2 (15.38%)	0 (0.00%)	Decrease of 200%
• others	0 (00.00%)	2 (18.18%)	Increase of 200%
Arrests For All Charges	927	738	Decrease of 20%
• whites	624 (67.31%)	513 (69.51%)	Decrease of 18%
• blacks	284 (30.63%)	214 (28.99%)	Decrease of 25%
• others	19 (02.04%)	11 (01.49%)	Decrease of 42%
Narcotics Arrests	131	72	Decrease of 45%
• whites	85 (64.88%)	48 (66.66%)	Decrease of 44%
• blacks	41 (31.29%)	22 (30.55%)	Decrease of 46%
• others	5 (03.81%)	2 (02.77%)	Decrease of 60%
Use of Force	14	7	Decrease of 50%
• whites	9 (64.28%)	5 (71.42%)	Decrease of 44%
• blacks	5 (35.71%)	2 (28.57%)	Decrease of 60%
• others	0 (00.00%)	0 (00.00%)	No change

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:

<u>Racial Background</u>	<u>Force Used</u>	<u>Rationale for Use of Force</u>
26 year old white male	K-9 bite	Resisting arrest, including battery on K-9
59 year old white male	Taser	Resisting arrest
24 year old white male	Taser	Fleeing and resisting arrest
38 year old white male	Taser	Resisting arrest, battery on police officer
27 year old black male	Takedown	Mental patient trying to hurt himself
37 year old black male	Taser	Resisting arrest
28 year old white male	Taser	Fleeing arrest

Comparison to Population Statistics

These statistics were compared to the population of the City of Brooksville, Hernando County, the State of Florida and the United States. 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%

Using these figures, the percentages of whites receiving traffic citations, traffic warnings and DUI citations were slightly above population figures as overall traffic enforcement increased. Although black arrests for all charges and narcotic arrests decreased by 25% and 46% respectively, blacks were higher than their percentage of the population in arrests for all charges and narcotics arrests.

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 traffic violators; those numbers show no indication of bias based profiling.

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. Operational Bulletin 2009-004 was issued May 12, 2009, reviewed on June 15, 2010 and revised with minor changes on July 16, 2013.