



**West Melbourne
Police Department**
Richard Wiley, Chief of Police

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01-21-16
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01/21/16 749

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1/21/16

MEMORANDUM

To: Chief Richard Wiley [Signature]
 From: Sergeant Jennifer Bruno
 CC: n/a
 Date: 1/20/2016
 RE: Bias Based Profiling Analysis Report 2015

In order to maintain compliance with Commission for Florida Law Enforcement Accreditation standard 2.08M and West Melbourne Police Department policy and procedure 400.14 Bias Based Profiling, an annual review concerning bias based profiling for the period January 1, 2015 through December 31, 2015 has been conducted.

The policy states:

It is policy of the West Melbourne Police Department to patrol in a proactive manner, aggressively investigate suspicious persons and circumstances, and actively enforce motor vehicle laws, while insisting persons only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law. Any type of biased-based profiling shall not be tolerated.

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

CFA Standard 2.08M states the following:

The agency has a directive governing bias-based profiling 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;
- 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.

The results of this assessment are as follows:

- A review of policy and procedure 400.14 Bias Based Profiling verified it contains language prohibiting bias based profiling in field contacts, traffic contacts, seizure of assets and forfeiture efforts.
- A review of training documents verified Department personnel are trained in bias based profiling issues including legal aspects in accordance with CJSTC guidelines. As part of their recertification process, fourteen (14) sworn members completed FDLE's Discriminatory Profiling & Professional Traffic Stops training course in calendar year 2015, which covers the laws and policies governing biased based profiling. This training is part of the law enforcement mandatory retraining required every four years by the Criminal Justice Standards and Training Commission.
- A review of policy and procedure 400.14 Bias Based Profiling verified it includes definitions for bias based profiling and reasonable suspicion.
- A review of policy and procedure 400.14 Bias Based Profiling verified it includes language regarding corrective measures if bias based profiling occurs. No incidents of bias based profiling were identified in the period January 1, 2015 through December 31, 2015 which required corrective measures.
- A review of citizen complaints logged and investigated by the Deputy Chief revealed there was one citizen complaint concerning bias based profiling. This complaint was unfounded. (CC2015-001)
- A review of policy and procedures identifies written procedures for traffic stops are located in policy and procedure 400.11 Traffic Law Enforcement.
- A review of policy and procedures identifies written procedures for search and seizures are located in policy and procedures 400.03 Authority, 400.16 Prisoner/Detainee Transportation, 400.63 Search Warrants and 400.59 Forfeitures.
- CFA standard 38.02M requires the documentation of forfeiture seizures. The tracking of said seizures is accomplished by the Criminal Investigations Division Commander. A review of 37 seizures during the period January 1, 2015 through December 31, 2015 revealed no identifiable trends or actions of bias based profiling in the agency's forfeiture procedures or policies.
- A review of the three (3) search warrants served during the calendar year, with eight (8) targets of the search warrants, was conducted and it was determined that nothing existed in these documents which would indicate bias based profiling.

Community education is an important part of the Department's bias based profiling awareness efforts. Citizens may access the West Melbourne 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 report a concern. A copy of this administrative review will be included on the Department website.

Statistical Data

To further explore this issue, an examination of certain Department statistics was conducted. Historically, areas that may be more prone to bias based profiling are vehicle stops, drug 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 warnings issued during stops. The following is a breakdown of these statistics for the period January 1, 2015 to December 31, 2015.

Department Statistics	Count	White	%	Black	%	Indian	%	Oriental	%
Arrests for all charges	723	573	79.3%	143	19.8%	2	0.1%	5	0.7%

*Statistics based on UCR reporting

Department Statistics	Count	White	%	Black	%	Hispanic	%	Other	%
Use of Force	4	3	75%	1	25%	0	0%	0	0.0%
Forfeitures & Seizures	35	25	71.4%	9	25.7%	1	2.9%	0	0.0%
Targets of Search Warrants	8	8	100%	0	0%	0	0%	0	0%
Traffic Citations	2162	1325	61.3%	468	21.6%	206	9.5%	163	7.5%
Traffic Warnings	1998	1340	67.1%	306	15.3%	200	10.0%	152	7.6%

*Data above was gathered from multiple sources. Arrest data was collected from UCR (Spillman and NWS) provided by Records. Use of force data was collected from the Training Coordinator. Asset forfeiture data and Search Warrant data was collected from the CID Commander. Traffic citations and warnings data was collected through Spillman RMS, TRACs and hard copy count. In 2015 the Department transitioned from Spillman Technologies Inc RMS to New World Systems, utilizing three resources for data input (TRACs, Spillman and NWS). Due to this transition, the systems collected and categorized data differently which then incurred difficulty in collecting the most accurate data for CY2015.

Comparison to Population Statistics

These statistics were compared to the population of the City of West Melbourne, the two contiguous cities of Palm Bay and Melbourne (due to the transient traffic from these cities into West Melbourne), to Brevard County, the State of Florida and the United States. According to the 2010 United States Census data estimates, population is represented as follows (www.usacityfacts.com):

Population Statistic	White	Black	Hispanic	Other
City of West Melbourne	85.5%	4.9%	9.0%	8.1%
City of Palm Bay	72.9%	17.9%	14.1%	2.4%
City of Melbourne	80.9%	10.3%	8.9%	3.5%
Brevard County	84.0%	10.6%	9.0%	2.9%
State of Florida	75.0%	16.0%	22.5%	2.9%
United States	72.4%	12.6%	16.3%	5.9%

Using these figures, the percentage of Whites in all but the "Targets for Search Warrants" category was lower than their percentage of the population while the percentage of Blacks was higher in all categories than their percentage of the population. When comparing this data with the populations of Melbourne and Palm Bay, the disparity exposure is minimized.

There does not appear to be any explanation for the higher percentage for use of force where 17.6% of Blacks and 17.6% of Hispanics resisted arrest. Each case was reviewed and determined to be within policy and procedure as mandated by accreditation standards.

Likewise, there does not appear to be any explanation for the higher percentage of Blacks represented in all categories; those numbers show no indication of bias based profiling or patterns as the cases (Use of Force and Forfeitures and Seizures) were reviewed and determined to be within policy and procedure as mandated by accreditation standards. The higher percentage in representation may be due to the transient population from our contiguous cities with higher minority demographics. The main thoroughfares of Palm Bay Road, Dairy Road, Minton Road, Wickham Road, US 192 and I95 significantly increases our transient population. A sampling review of the categories for "Arrests for all charges", "Traffic Citations" and "Traffic Warnings" revealed many of the Blacks who were stopped and/or arrested in our City actually reside in Melbourne and/or Palm Bay and traveled into and/or through our City, committing (traffic and/or criminal) violations of the law.

Conclusion

The results of this review concluded that all current policies in effect at the West Melbourne Police Department are in compliance with state legislation prohibiting biased based enforcement activities. All enforcement activities uncovered during this review were the result of an enforcement of a criminal law and met the burdens of proof as required.

The West Melbourne Police Department took a proactive approach and invested in Taser Axon body cameras, distributing them to all road officers, at the end of 2014. This implementation of body cameras serves several purposes by protecting the community's interests, providing and/or refuting evidence in citizen complaints against officers reference to use of force and bias based profiling, and providing evidence in criminal cases.

Agency policy specifically prohibits any member of the West Melbourne Police Department to take or refrain from taking action based, in whole or in part, on a person's physical characteristics or heritage. From the documents reviewed during this analysis, agency practice conforms to these regulations.