



**West Melbourne
Police Department**

Richard T. Wiley, Chief of Police

MEMORANDUM

To: Chief Richard T. Wiley *[Signature]* 1-23-19

From: Lieutenant Jennifer Curran *[Signature]*

CC: N/A

Date: 1/22/2019

RE: Bias Based Profiling Analysis Report CY2018 for CFA Standard 2.06M

DC [Signature]
01/24/19

In order to maintain compliance with the CFA Standard 2.06M and our Department's policy 400.14 Bias Based Profiling, an annual review concerning bias based profiling for the period January 1, 2018 through December 31, 2018 has been conducted.

Our policy/procedure states:

It is the 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 ensuring persons are only 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. Bias-based profiling is prohibited by Department members in accordance with Florida Statutes.

The West Melbourne Police Department is charged with protecting these rights for all, regardless of race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

CFA Standard 2.06M states the following:

A written directive prohibits bias based profiling in accordance with Florida Statutes and includes the following provisions:

- A. Training agency enforcement personnel in bias based profiling issues including legal aspects; in accordance with CJSTC guidelines;
- B. Corrective measures if bias based profiling occurs;
- C. Definitions to include bias based profiling and reasonable suspicion;
- D. Community education and awareness efforts;
- E. A documented annual administrative review of traffic stop procedures related to bias based profiling; and
- F. Handling of complaints from the public.

The results of this annual assessment are as follows:

- A review of policy 400.14 Bias Based Profiling verified it contains language prohibiting bias based profiling in accordance with Florida Statutes.
- 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, seven (7) sworn members completed FDLE's

Discriminatory Profiling & Professional Traffic Stops training course in CY2018, which covers the laws and policies governing bias based profiling. This training is part of the law enforcement mandatory retraining required every four years by CJSTC.

- All department employees attended the City’s annual online harassment training which also deals with diversity in the workforce.
- A review of policy 400.14 Bias Based Profiling verified it included definitions for bias based profiling and reasonable suspicion.
- Community education is an important part of the Department’s bias based profiling awareness efforts. Citizens can access the Department website for community education and awareness updates in reference to bias based profiling by using a link that described the Department’s policy, as well as an explanation of Department procedures and how to report a concern. A copy of the most current administrative review will be included on the Department website.
- A review of citizens’ complaints logged and investigated by Deputy Chief Swartzfager and/or Deputy Chief Cordeau revealed there were no citizen complaints concerning bias based profiling.
- A review of policy 400.14 Bias Based Profiling verified it included language regarding corrective measures if bias based profiling occurred. No incidents of bias based profiling requiring corrective measures were identified during CY2018.
- Our current policy on bias based profiling has had no changes over the evaluation period and provides for traffic and investigative stop procedures.
- For quality control purposes, supervisors are encouraged to periodically review a sampling of body camera recordings of traffic stops. Supervisors shall take corrective measures (counseling, training, early intervention, etc.), whenever it appears this policy is being violated, and should be alert to any pattern or practice of possible discriminatory treatment by individual officers or shifts/squads.

Statistical Data

To further explore this issue, an examination of 3,747 traffic citations and 4,901 written warnings issued in CY2018 was conducted. Although the Department was unable to track all traffic stops, it did keep a record of traffic citations and written warnings issued during stops. The following is a breakdown of statistics for CY2018:

*Data collected from TRACs with search criteria of UTC, Traffic Warning, date range, race and sex

CITATIONS	White	Black	Hispanic	Asian	Native American	Other	Total
Male	1313	434	276	80	2	125	2230
Female	936	280	169	50	3	79	1517
WARNINGS	White	Black	Hispanic	Asian	Native American	Other	Total
Male	1751	460	354	74	3	129	2771
Female	1395	344	263	47	2	79	2130

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 and through West Melbourne), Brevard County, the State of Florida and the United States. The estimated data was gathered from multiple sources

	White	Black	Hispanic	Asian	Native American	Other	Male	Female
City of West Melbourne	77.5%	2.9%	9.2%	5.9%	0.2%	4.8%	49.9%	50.1%
City of Palm Bay	62.3%	17.7%	15.9%	1.7%	0.3%	2.5%	47.9%	52.1%
City of Melbourne	73.9%	7.6%	11.1%	3.0%	0.3%	4.1%	50.1%	49.9%
Brevard County	75.0%	9.7%	9.9%	2.4%	Not reported	2.6%	48.7%	51.3%
State of Florida	54.9%	16.8%	24.9%	2.9%	0.5%	2.2%	48.9%	51.1%
United States	61.3%	13.3%	17.8%	5.7%	1.3%	2.8%	49.2%	50.8%
WMPD Traffic Citations CY2018	60.0%	19.1%	11.9%	3.5%	0.1%	5.4%	59.5%	40.9%
WMPD Traffic Warnings CY2018	64.2%	16.4%	12.6%	2.5%	0.1%	4.2%	56.54%	43.46%

*City and County data are 2016 estimates gathered from City-Data.com.
Florida and United States data are 2016 estimates gathered from census.gov.

A review of CY2018's statistical data, and a comparison to CY2016 and CY2017, revealed a consistent trend in the percentage of minorities overrepresented in comparison to the City of West Melbourne's demographics. When comparing the data to our sister cities, the disparity is minimized and the transient traffic from those cities through our City does contribute to the issue. Further research was conducted using TraCS which is utilized by officers to input traffic citations and written warnings. Data collected based on the violator's city of residence on traffic citations and written warnings revealed the following:

Violator's City of Residence	Traffic Citation Issued	Written Warning Issued
West Melbourne	490	666
Palm Bay	1241	1693
Melbourne	1190	1416
Other	826	1126

From this data, it is apparent that residents of Palm Bay, Melbourne, and other locales, who travel to and/or through the City of West Melbourne, are committing traffic violations in disproportionate numbers. The higher percentage in minority representation may be due to transient population as our City has main thoroughfares (Palm Bay Road, Dairy Road, Minton Road, Wickham Road, US 192 and Interstate 95) to schools, employment and shopping, and is centrally located between Palm Bay and Melbourne.

There is a consistent trend in the disproportionate number of citations and written warnings issued to minorities. This appears to be related to the transient traffic from our sister cities through our City. Approximately 13% of the citations and warnings issued were to City of West Melbourne residents. As a result of this, I wanted to compare the actual number of traffic stops conducted to learn what percentage of persons/demographics stopped received an issued document (ie to see if more white males from West Melbourne were stopped and released without an issued citation/warning compared to black females from Palm Bay). I attempted to conduct a search through our contracted dispatch center for the number of traffic stops conducted versus the number of citations and/or warnings issued but learned this information is not tracked and there is no other mechanism for this tracking. TraCS only records documents that are issued.

Conclusion

The results of this review concluded that current policies in effect at the West Melbourne Police Department were in compliance with state legislation prohibiting bias based profiling. Enforcement activities reviewed as part of this analysis were the result of an enforcement of law violations and met the burdens of proof as required.

Members have attended training as required for recertification. There were no citizen complaints of bias based profiling and there were no corrective measures needed and/or required.

In 2014 the West Melbourne Police Department issued Taser Axon body worn cameras to patrol officers. Over CY2018 the Department has transitioned from Taser Axon cameras to Watchguard body cameras and in-car cameras. The Department is proactive in the use of technology and accountability of its members' actions. These cameras serve several purposes which included protecting the community's interests, providing and/or refuting evidence in citizen complaints against officers related to bias based profiling, and providing evidence in criminal cases.

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 relating to traffic stop procedures in the West Melbourne Police Department.