

# Tampa Police Department

Response to Report: *An Examination of Racial Disparities in Bicycle Stops and Citations Made by the Tampa Police Department*



Tampa Police Chief Eric Ward

## **Broad Recommendations**

**Recommendation 1:** There is a need for continued and constant department-wide focus on treating all individuals with dignity and respect, including ongoing training and accountability measures such as assigning designated supervisors to audit citations and arrests to assess perceptions of fair treatment.

**Response:** Treating all persons with dignity and respect is an integral part of our core philosophy. We have recently hired a quality assurance manager to ensure practices reflect our philosophy. We have several safeguards in place to ensure that we are aware if there are any potential problems, such as our nationally recognized Early Intervention Program, monthly seatbelt citation report, COPPER report, and annual officer evaluations.

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**Recommendation 2:** Because the TPD is committed to incorporating data analysis and intelligence into decision making at every stage, down to the line officer, the TPD should enhance its current efforts to convey this process to the community in user-friendly ways such as regular messaging in the already-existing community e-mails and social media.

**Response:** Our Weekly Reports to the communities in each of the three districts routinely include information regarding crime trends specific to that community. We can supplement those reports by regularly posting on our website some data analysis reflecting trends and plans that may help in crime prevention.

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**Recommendation 3:** The TPD should clearly, regularly, and unambiguously explain that the community can expect to see more officers working with the community to prevent and solve crimes in red grid zones on a daily basis so that the citizens feel informed and part of the solution.

**Response:** Weekly reports prepared by crime prevention practitioners in each district are emailed to all interested citizens. Additionally, TPD held community forum meetings in each of the three districts to provide opportunities for the public to learn of TPD operations, crime trends and other topics. The meetings also served as opportunities for citizens to convey any concerns to TPD management.

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**Recommendation 4:** The TPD should embody both transparency and inclusion in its operations, including community members where possible as advisors and contributors to policy reviews, updates, department training opportunities, creation of problem-solving strategies, recruitment and hiring efforts, and data collection strategies. This would be outside of and separate from the proposed Citizens Review Board and would benefit both the agency and the community in countless ways.

**Response:** We created the Citizens Review Board to review not only individual internal cases, but also to review and comment on policies and strategies. Additionally, TPD hosted community forum meetings in each of the three districts to provide opportunities for the public to learn of TPD operations, crime trends and other topics. The meetings also served as opportunities for citizens to convey any concerns to TPD management.

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**\*Recommendation 5:** The TPD should further engage the public by creating and continuing ongoing and regular listening opportunities with the community, not just in response to a problem.

**Response:** The public has many ways to communicate with TPD, and they frequently avail themselves of these opportunities. The modes of two-way communication are varied (including everything from digital communication and social media, to traditional face-to-face interaction) so as to avoid a one-size-fits-all approach.

- Neighborhood Watch programs
- Professional Standards Bureau
- Directly call Chief's Office/District Majors, etc.
- Intranet Message Center
- All major social media
- City Council
- Community forum meetings were hosted in each of the three districts, and they were attended by the police chief, assistant chiefs, department attorney, respective district major and higher ranking TPD officers. These meetings were open to the public and providing an opportunity for the community to express concerns and offer recommendations to TPD's upper management.

**\*Recommendation 6:** The TPD should provide both academy and continuing/in-service training, including training on sensitivity and community policing, to all officers tasked with participation or execution in all matters involving the implementation of crime prevention or crime-fighting initiatives, processes, strategies, or practices, as well as to all law enforcement officials in the chain of command up through and including the department chief.

**Response:** TPD officers have the benefit of several kinds of training that go beyond traditional law enforcement training. Starting in April 2014, our officers have benefited from training at the Holocaust Museum. And, since September 2014, our officers have benefited from Fair and Impartial Policing training. We employ the most up to date firearms event simulation training to avoid whenever possible the need to use potentially deadly force. Still, we agree that more is better when it comes to training. We will continue our efforts in this area.

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**\*Recommendation 7:** The TPD and the City of Tampa should use an advisory committee composed of citizens from across the geographic, demographic, economic, racial, and gender spectrum in the city. The purpose of this committee would be to provide feedback, questions, suggestions, and overall enhanced communication with the TPD on such topics as existing and proposed crime-related initiatives, strategies, and appropriate policies and practices. Use of an advisory committee could increase both transparency and citizen understanding regarding the motivations and rationales for implementation of law enforcement practices while giving citizens a voice in their design, thus in some cases forestalling unnecessarily controversial or potentially incendiary practices and facilitating a sense of inclusion among the city's citizens.

**Response:** This is an appropriate role for the Citizens Review Board, since the ordinance creating the Board lists among its duties and responsibilities, "To review ... cases and issues of importance or interest to the community or the City." We plan to ask the Citizens Review Board to review proposed crime fighting strategies or initiatives, given their intimate knowledge of TPD and its operation. This is especially appropriate in terms of transparency since the Citizens Review Board meetings are open to the public and televised live, providing greater opportunities for the public to engage in the discussion, or simply view the discussion. TPD also hosted a series of community forums in an effort to increase transparency and communication in both directions. These meetings were open to all members of the public, maximizing openness and inclusion.

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**Recommendation 8:** With the assistance of the aforementioned citizen advisory committee, the TPD could promulgate a plan containing specific components of intended or pending strategy initiatives or practices (excepting those implemented in ongoing criminal investigations or other sensitive matters), then demonstrate and measure that implementation matches the plan, with the goal being to avoid inconsistency in execution as well as ambiguity in methodology, goals, intentions, strategies, and processes.

**Response:** We agree we need to promptly review the actual data generated by any crime prevention or crime solving strategy to see whether the strategy or program is beneficial and whether any unintended side-effects have arisen. This analysis will be made available to the members of the Citizens Review Board and made available to the general public.

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**Recommendation 9:** The TPD should continue to collect and analyze data to evaluate and monitor the implementation of its policing strategies. These data can be used by the TPD leadership to make sure that initiatives are implemented as intended (such as bicycle safety initiatives actually being focused in places with the highest rates of bicycle injuries). TPD leadership can also use these data to determine whether a program disproportionately affects certain communities. If the TPD finds a program has a disparate impact, then the TPD can either modify or discontinue the strategy or work with the affected communities in a manner consistent with procedural justice. The TPD should engage with local crime and justice researchers to assist with data collection and analysis.

**Response:** We agree data collection and analysis are essential in the evaluation of police practices. We will engage outside analysts – from the University of Tampa, the University of South Florida, and other institutions – in our data evaluation.

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## **Recommendations Specific to Racial Disparity in Bicycle Stops and Citations**

**\*Recommendation 4.1:** The TPD should change the way it uses bicycle stops. The manner in which the TPD used bicycle stops in the period under examination disproportionately affected Black people and residents of higher crime areas, while producing limited benefits and creating the perception that the TPD uses bicycle stops in a racially biased manner. Thus, the simplest recommendation to address these issues is to de-emphasize or substantively change the use of bicycle stops in Tampa.

**Response:** Bicycle stops practices throughout the City of Tampa have already changed substantially. As Chief Ward has publicly stated, the Department is employing a more strategic approach. There is still a focus on the areas with the greater incidence of crime (Red Grids), but rather than generalize to a grid, the approach is more strategically focused on the more granular block-by-block level. This is one of the reasons we have seen a reduction in bike stops and citations in recent months. We will continue to improve our documentation so that all bicycle contacts are fully documented and reviewed by sergeants to ensure each is constitutional.

On May 3, 2016, the Legal Advisor reviewed a sample of 50 bicycle stop street checks to determine whether the stops were founded on reasonable suspicion, and whether the specific facts constituting reasonable suspicion were included in the street check narrative. The stops were all stops conducted during a recent time period across three different general categories: criminal investigations, traffic citations issued, and warnings. Without exception, the street checks reviewed articulated a lawful basis for each bicycle stop.

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**\*Recommendation 5.1:** The TPD should improve its data collection to include ethnicity. Currently, the TPD does not distinguish the ethnicity of suspects or arrestees. This is generally a major omission but particularly for a city like Tampa which has a large and long-standing Hispanic population.

**Response:** This is being done in the Records Management System, not on the citation form. We will remind officers that they should continue to record ethnicity data and focus on Hispanic – Non-Hispanic in addition to recording race.

On May 3, 2016, the Legal Advisor reviewed a sample of 50 bicycle stop street checks to determine whether the documentation reflected the ethnicity of the citizen contacted. In the vast majority of the cases, but not all, ethnicity of the citizen was entered in the report. On May 5, 2016 Legal Bulletin 2016-12 was published reminding officers of the necessity of recording ethnicity in all reports and street checks and reminding supervisors to confirm as much when reviewing reports and street checks.

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**\*Recommendation 5.2:** The TPD should more carefully detail why a bicycle stop was made. The current records use vague, very broad codes for the reason of the street check and bicycle stop: e.g., “bicycle stop-warning,” “bicycle registration,” and “bicycle stop-citation.” The generality of these codes make it impossible to accurately discern why a particular individual was stopped.

**Response:** As the DOJ report makes clear, there is no evidence that the bicycle stops were illegal or unconstitutional, or that they resulted from profiling or ill intent. This recommendation is for TPD to better document the basis for each stop, that is, to record additional detail rather than rely on broad categories and drop-down boxes. On May 3, 2016, the Legal Advisor reviewed a sample of 50 bicycle stop street checks to determine whether the stops were founded on reasonable suspicion, and whether the specific facts constituting reasonable suspicion were included in the street check narrative. The stops were all stops conducted during a recent time period across three different general categories: criminal investigations, traffic citations issued, and warnings. Without exception, the street checks reviewed articulated a lawful basis for each bicycle stop.

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**\*Recommendation 5.3:** The TPD should document the outcomes of bicycle stops, including whether the officer conducted a search; found contraband; issued a warning, citation, or summons; or made an arrest.

**Response:** This is being done. There is always room for improvement in documentation so we will continue to stress report writing to our officers. See Legal Bulletin 2016-12 published May 5, 2016.

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**Recommendation 6.1:** The TPD should pursue an analysis of racial bias in vehicle stops once they have achieved *comprehensive* documentation of stops and a sufficient number of stops have accumulated. This analysis should include an analysis of each officer’s stops to identify officers that disproportionately stop minority drivers.

**Response:** We agree more documentation is better and point out that there is no indication of profiling despite the disparate impact. Officers working predominantly African American areas of the city are likely to disproportionately stop African American drivers just as officers working New Tampa or Davis Islands are likely to stop more white drivers. We will continue to monitor, but recognize this is a complex issue.

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**Recommendation 7.1:** The TPD should monitor the racial disparities in bicycle stops at the department and district levels as well as individual (officer) level. In other words, data on bicycle stops should be monitored and periodically broken down to calculate the overall magnitude of racial disparities for the city, district, and individual officers, in order to identify officers who stop minority bicyclists disproportionately compared to other officers.

**Response:** We are collecting the data, but would caution against basing conclusions on insufficient data or without considering all relevant variables.

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**\*Recommendation 8.1:** The TPD should remind officers of and monitor the implementation of the TPD's policy to issue warnings except for flagrant violations. This may require clarification of the phrase "flagrant violations" so that the officers' implementation matches management's intentions.

**Response:** Legal Bulletin 2015-06 reminds officers that a citation is not required for every violation. Officer evaluations have been changed to put less emphasis on citations.

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**\*Recommendation 8.2:** The TPD should continue to use existing and develop new partnerships with the Tampa bicycling community to enhance opportunities for bicycle law education and awareness.

**Response:** TPD's Bike Unit has a close and long-standing relationship with the Tampa bicycling community, promotes safe cycling, and conducts bicycle education trainings in the community. Members of the Bike Unit serve on the board for the Bicycle Pedestrian Advisory Committee, which is part of the Hillsborough County Commission, and are members of the nationally-recognized "League of American Bicyclists," whose main goal is to create a "bicycle-friendly America." The Bike Unit works closely with the Downtown Partnership on bicycle-related endeavors, and plays a key role in several local events promoting bicycle safety, such as the "Bike Rodeos" in area schools. TPD is working with the advertising firm that represents the McDonald's restaurants in the Tampa Bay area regarding "Bike Rodeos." TPD has created a "Safe Cycling" brochure that, among other things, sets out the most frequently violated bicycle statute provisions and provides tips on bicycle safety. Officers will distribute the brochure at every opportunity and will be *required* to provide a copy to every bicycle rider stopped. There is also a "Tampa Bike Map" that includes safety and theft prevention information in addition to a city map of the best places to ride. See Legal Bulletin 2016-13.

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**Recommendation 9.1:** Enforcement-related efforts to enhance bicycle safety should be conducted in those areas of the city where the most crashes occur. The TPD should ensure that bicycle citations are focused on those committing flagrant bicycle violations or those continuing to violate bicycle laws after repeated warnings.

**Response:** We continue to believe bicycle safety is an important police function. We agree that areas where bike crashes occur should be an area of focus, but so should all areas where unsafe bicycle operation is observed by officers. We want to do all we can to reduce bicycle fatalities and injuries.

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**Recommendation 17.1:** The TPD should respond to the problem of bicycle theft using strategies that do not involve a large number of bicycle stops. These include the continuation of the TPD's efforts to encourage the registration of bicycles, placement of signage at bicycle theft hotspots promoting good bicycle-locking habits, and deploying bait bicycles.

**Response:** Bike theft is a significant crime in Tampa but bicycle stops solely for the purpose of checking to see if a bike is stolen are against TPD policy. Officers will continue to check serial numbers of bikes stopped for other law violations to ensure they haven't been reported stolen. It is critical to this effort that citizens register their bikes or at least keep good records of their bike's serial number. A Safe Cycling pamphlet has been created which will be distributed by officers and through other means. The pamphlet describes the registration process and gives tips about bicycle theft prevention among other things.

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**Recommendation 19.1:** While statistically bicycle stops and citations do not appear to have a notable effect on crime, the fact remains that in some cases criminals have been caught or deterred as a result of the bicycle stop and citation practice. Whether this is significant enough to implement a bicycle stop and citation practice should be revisited in the context of these findings and this report. At the same time, because using bicycle stops as a proactive policing strategy to reduce crime is fraught with fairness issues given the disproportionate number of Black bicyclists affected, the TPD and the City of Tampa must determine if the arguable benefits of the bicycle stops are or are not outweighed by the perceptions of unfairness because of the undeniably disproportionate Black citizens both directly affected and otherwise alienated by the process.

**Response:** TPD officers are not going to stop enforcing the law or interacting with bicyclists. We will require and do require that officers articulate a race neutral reason for every stop. We will keep those records and make them available for inspection. We will review enforcement action

taken to ensure that race plays no role in who gets a warning and who gets a citation. We do and will require officers to treat all citizens equally and with respect.

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**Recommendation 20.1:** The TPD should articulate, in a manner consistent with their data, the reasons for the number and composition of the bicycle stops. Street checks have not been used to strategically implement bicycle safety efforts, nor do they seem to be an effective means for recovering stolen bicycles. Proactive policing appears to be the primary reason for bicycle stops. If the TPD intends to continue the pace of bicycle stops, then the TPD should (1) articulate the purpose for having a focus on bicycle street checks and citations while other Florida cities do not, (2) communicate to the public how proactive policing is consistent with a fair and effective crime prevention strategy, (3) make sure that officers in the field are conducting stops of the quality that TPD management intends, and (4) continue documentation of each street check and its connection to the crime prevention strategy.

**Response:** Bicycle stops have declined substantially as a consequence of increased scrutiny. TPD will continue to utilize bike stops as one component of our efforts for all the stated reasons; bicycle safety, anti-theft and proactive policing. We will more thoroughly document the reason for each stop. We will be more strategic and specific to ensure that a legitimate law enforcement function is being served. We will continue to monitor stops to be certain that they are constitutional in the sense that each one is supported by clearly articulated reasonable suspicion. We have removed any incentive that might affect an officer's discretion to issue a citation as opposed to issuing a warning. We will increase our communication with the public. All supervisors from chiefs to sergeants will have responsibility to ensure faithful compliance with all of the foregoing.

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**\*Recommendation 20.2:** The TPD should present each bicyclist stopped with a card listing what prompted the officer to stop that bicyclist. The card should note how the bicyclist can avoid getting stopped in the future (e.g., use a bicycle light or be home by curfew). The card should also list the officer's badge number and supervisor's contact information.

Should the TPD elect to re-implement the bicycle stop and citation practice or initiate any other anticrime strategy requiring enhanced interaction with citizens (and especially minorities), the processes discussed in this conclusion would minimize, drastically reduce, or altogether eliminate types of conduct that disrupt public trust in the police.

**Response:** On the Safe Cycling pamphlet is a section addressing all the concerns of this recommendation. Officers can specify in writing the nature of the violation or concern that prompted the stop. Officers will write their name and badge number on the pamphlet which

includes phone numbers for each of the three districts in the event the citizen has questions or concerns about anything related to the stop. Officers will be required to provide the pamphlet to every bicyclist stopped. See Legal Bulletin 2016-13.

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