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FACSIMILE TRANSMITTAL SHEET

TO:

Mayor Buddy Dyer

FROM:

E. Juan Lynam, Esq.

COMPANY:

DATE:

JUNE 24, 2009

FAX NUMBER:

407-246-2842

TOTAL NO. OF PAGES, INCLUDING COVER:

5

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

Racial Profiling Worst Than Ever

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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June 24, 2009

VIA FACSIMILE

Mayor Buddy Dyer
400 S. Orange Avenue
Orlando, FL 32801

Re: Racial Profiling

Dear Mayor Dyer:

The attached response that I received from OPD in the mail today regarding a racial profiling complaint is inadequate, disturbing, and partly insulting, to say the least. The new racial profiling strategy of your police department is to pull over innocent minority drivers, promise to let them go without a ticket if their license is good, and presume no complaint will be filed because the citizen is just happy to be let go without a ticket.

Your police department has adopted a policy of 'forget and forgive' to cover up racial profiling. Meaning, any record that I was wrongfully stopped, accused of moving violations, driver's license checked, is purged from the record when the stop is obviously motivated by other than just reasons. When a complaint is filed, any record of the stop is purged, the racist officers forget it happened, and their internal affairs department forgives them, alleging there is not sufficient evidence or testimony.

I request a response to why OPD does not keep or purge records of police stops when a ticket is not issued. This response stinks of cover up and blatant civil rights violations. As well, it shows that we cannot depend on our police department to be honest regarding a simple traffic stop. Your attention and response to this matter is appreciated.

Regards,

E. Juan Lynum, Esq.

/ejl
Enclosure

Cc: City Commissioners
State Senator Gary Siplin
State Representative Geraldine Thompson
Dr. Randolph Bracy, NAACP
U.S. Department of Justice

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CITY OF ORLANDO



POLICE DEPARTMENT INTERNAL AFFAIRS

June 15, 2009

Mr. E. Juan Lynum
P.O. 555206
Orlando, FL. 32855

Dear Mr. Lynum:

The purpose of this letter is to notify you of the status of your profiling complaint. Your email and letter to Chief Val Demings was forwarded to Internal Affairs. A thorough review of your Profiling Complaint was conducted regarding the circumstances and events surrounding your contact with Orlando Police Officer Hiliker on February 19, 2009. Your complaint titled, "**RE: RACIAL PROFILING?**" appears to question if, and not assert, your traffic encounter with Officer Hiliker was racial profiling.

The inquiry into your complaint against Officer Hiliker sought to uncover evidence and independent testimony which would indicate the traffic stop and actions afterward, was based on racial profiling.

According to your complaint, you were stopped by Officer Hiliker after turning right onto Orange Center Blvd., from South Goldwyn Ave. You "*turned into the first lane and admittedly turned into the left lane within the distance cited by the officer.*" The officer accused you of traveling 35 mph in a 25 mph zone. After checking your license, you were given a verbal warning and advised to slow down because children were around.

Officer Hiliker did not recall the traffic stop or any conversation with you. Furthermore, Officer Bernal, who was riding with Officer Hiliker on February 19, 2009, did not recall the traffic stop. A review of Officer Hiliker's statistical history revealed he is proactive in patrolling his assigned area and has conducted 133 traffic stops during the month of February. This has been consistent since the beginning of 2009. Based on these statistics, it would not be uncommon for an officer to forget a traffic stop in which a verbal warning was issued.

The Orlando Police Department prohibits illegal profiling and will not tolerate or condone its use by any police officer. All profiling complaints are evaluated by the officer's chain of command and then Internal Affairs. This redundancy ensures all complaints of profiling are addressed at the highest level of the agency and corrective action taken if merited.

As an officer of the court, I'm sure you know a **fact based finding** of racial profiling requires more than a feeling or suspicion. Based solely on the information contained in your complaint, there was no evidence or testimony presented to substantiate that your traffic stop or encounter with Officer Hiliker was based on race or that anything related to the encounter was racially

motivated. There were no other allegations in your letter which would constitute a violation of Regulations or Policy of the Orlando Police Department.

Below are two definitions of racial profiling along with the Orlando Police department's definition of illegal profiling.

Racial profiling-a form of racism consisting of the (alleged) policy of policemen who stop and search vehicles driven by persons belongs to particular racial groups.

Racial profiling- means any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, color, ethnicity, ancestry, religion or place of origin (or a combination of these) rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment.

Orlando Police Department's definition of illegal profiling P&P 1102.0 Bias-Free Policing- "Illegal profiling refers to a decision by an officer to stop, detain, interdict, or search an individual based on the race, color, ethnicity, national origin, or sexual orientation. This Department prohibits illegal profiling as a law enforcement tactic and will not tolerate or condone its use by any of our members."

This case is considered closed. If you have any questions regarding the finding in your complaint please do not hesitate to call me at 407-246-2352.

Sincerely,



Dwain Rivers
Orlando Police Department
Internal Affairs Section Manager

DR/dr



ONE COUNSEL

LYNUM & ASSOCIATES, PLLC

Attorneys and Counselors At Law

February 19, 2009

Chief Val Demings
Orlando Police Department
P.O. Box 913
Orlando, FL 32802-0913

RE: Racial Profiling?

Dear Chief Demings:

At approximately 10:25pm tonight, I was stopped by an Officer Hollinker, a young white male. I was traveling east bound on Columbia Street passing Bethune Drive when I first saw the car that I believe stopped me. The car was at least 100 yards away from the Columbia intersection heading toward Columbia. I made a left turn onto South Goldwyn from Columbia. Before arriving at the Orange Center Blvd intersection, I could see the patrol unit approaching rapidly in my rear mirror. From a complete stop, I made a right onto Orange Center Blvd. I turned into the first lane and admittedly turned into the left lane within the distance cited by the officer. As my car completely entered into the left lane heading eastbound on Orange Center Blvd did Officer Hollinker initiate a stop. He accused me of traveling 35mph in a 25mph zone while he was "behind me" and that I crossed "directly" into the far left lane when I made the right turn onto OCB.

He asked me if my license were good and said that if it were good he would immediately let me go. He did. In the process, he told me to slow down because there were children around. My point is simply that I was not traveling at that speed and there was no way for Officer Hollinker to determine my speed. Additionally, there were no children around at this time. Officer Hollinker was more concerned with the status of my license than the alleged acts. We can no longer defend deputies and officers who apply unfair tactics that would not be applied in white neighborhoods. Clearly, this tactic is used to quickly get to the bad guy at the expense of violating the rights of the good ones. The officer presumes he will get away with racial profiling tactics because he let the innocent citizen go.

We have the opportunity in Orlando to receive federal funds by ending racial profiling. The White House has made this promise and I want Orlando to be the first recipient on the list.

Very truly yours,

E. Juan Lynam, Esq.

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