

MEMORANDUM


Received
Melbourne, FL

DATE: December 22, 2009

DEC 22 2009

TO: Chief of Police Don Carey

Chief of Police

FROM: Sergeant Daniel Lynch 
Internal Affairs Unit

SUBJECT: Review of Officer Frank Carter's In Car Video

During my investigation in reference to Internal Affairs Investigation IA-2009-052 I reviewed the in car video system for Ofc. Carter's assigned vehicle to see if there was evidence of him spending time at the Melbourne University Apartments while on duty.

I requested the City of Melbourne IT department download all the available video on the video systems hard drive. This request rendered video dating back to April 26, 2009. Due to the possibility of Ofc. Carter being at the apartment anytime during his shift I had to review all the information on the DVD's. There are six DVD's in total.

During the video review I found five instances where Ofc. Carter had questionable probable cause for traffic stops and/or citation issuance. I have outlined the stops below:

1. April 26, 2009 at 1936 hrs Ofc. Carter stopped a vehicle for failing to stop for a stop sign at Line St. and Lipscomb St. in south Melbourne. However, the video clearly shows the vehicle stop then roll past the stop bar in what appears to be a maneuver to see if traffic was coming in either direction. This is permissible under statute 316.123. Ofc. Carter wrote the driver a citation for failing to stop for a stop sign and used this probable cause to make a felony narcotic arrest. Ofc. Carter is heard on the video stating, "There she just rolled through the stop sign".
2. May 5, 2009 at 0123 hrs Ofc. Carter and Ofc. Middendorf stopped a vehicle for unknown reason and wrote a citation for no tag light (9356-EVP). The video clearly shows the tag light was functioning when the car was operating. Ofc. Carter even shut his vehicles headlights off in an attempt to see if the tag light was malfunctioning. At the conclusion of this traffic stop Ofc. Carter wrote the driver a total of 3 tickets.
3. May 18, 2009 at 1711 hrs Ofc. Carter responded to a call where there was a suspicious vehicle. The vehicle was apparently parked at the Melbourne University Apartments. At 1820 hrs Ofc. Carter advises he sees the vehicle moving and heading west on University Blvd. At the time it is raining and the vehicle did not have its headlights on as required by law. However, as you review the video, from the angle Ofc. Carter is facing it would be

difficult if not impossible to see if the vehicles right turn signal was activated. Ofc. Carter wrote the driver a citation for failure to use turn signal (9361-EVP). At the conclusion of this traffic stop Ofc. Carter wrote the driver a total of 7 tickets.

4. On May 28, 2009 at 0146 hrs Ofc. Carter stopped a vehicle for an unknown reason and made contact with the black female passenger. Ofc. Carter had the black female passenger exit the vehicle walk back to rear of the vehicle. During the conversation the female lifted her shirt and exposed what appeared to be her bear breasts, then pulls down her pants to what appears to be her exposed vagina. Ofc. Carter is alone on this traffic stop even though the CAD report states he was with Ofc. Keith Cowart. Ofc. Carter closes this traffic stop out as a "code C".
5. On September 27, 2009 at 1242 hours Ofc. Carter responds to a call of possible drug dealing taking place out of a vehicle on Main Street in south Melbourne. Ofc. Carter responds and locates the vehicle parked in front of the house pulling into a drive way. Ofc. Carter conducts a traffic stop on the vehicle. Ofc. Carter issues the driver 4 window tint citations even though all 4 windows in the vehicle were not checked for compliance. At the conclusion of this traffic stop Ofc. Carter wrote the driver a total of 7 tickets.

Based on my review of these videos I see an issue with Ofc. Carter's ability to objectively patrol. It would appear on the surface there is no probable cause for these stops. Therefore, I would recommend further investigation into possible race based profiling techniques being used by Ofc. Carter.

If you have any further questions regarding this matter please let me know and I will make myself available to you.