



**Cape Coral
Police
Department**

2023

Professional Standards Bureau Annual Report



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Contents

Introduction	3
Grievances - Reporting and Analysis	4
<i>(CALEA Chapter Law Enforcement 22.4.3/Communications 3.5.3)</i>	4
Inquiries	5
<i>(CALEA Chapter Law Enforcement 26 / Communications 1.4.1)</i>	5
Internal Affairs Investigations	7
Use of Force - Reporting and Analysis	9
<i>(CALEA Chapter Law Enforcement 4.2.4)</i>	9
Assaults on Sworn Officer - Reporting and Analysis	13
<i>(CALEA Chapter Law Enforcement 4.2.5)</i>	13
Traffic Crash/Damage	14
Pursuits - Reporting and Analysis	15
<i>(CALEA Chapter Law Enforcement 41.2.2)</i>	15

Introduction

The Internal Affairs Unit of the Professional Standards Bureau is charged with protecting the public and the agency against all turpitude associated with our members' conduct. It is also responsible for rooting out and removing all personnel who are unfit to serve in the law enforcement profession. The unit is also tasked with identifying and correcting all policy and procedural problems.

Law enforcement effectiveness depends upon community respect and confidence in the police department. Conduct that detracts from this is detrimental to the public interest and the City of Cape Coral. The Cape Coral Police Department's policy is to investigate circumstances suggesting an employee has engaged in unbecoming conduct and impose disciplinary action when appropriate.

A police department employee's ability to perform their duties is augmented by the citizens' respect and confidence for the employee and the department. Police department employees must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public and the Code of Conduct. The Cape Coral Police Department explicitly prohibits any form of bias-based action by any of its employees.

Through data collection and analysis, the Cape Coral Police Department addresses concerns and allegations regarding inappropriate conduct. By collecting information on the variables associated with employee activities, we enhance our ability to assess the appropriate application of authority and broad discretion entrusted to the department members.

The Cape Coral Police Department uses a dedicated software for both complaint entry (Blue Team) and Internal Affairs case management (IA Pro). These applications have significantly simplified the data collection and entry process and provided a new suite of tools for analysis.

The 2023 Annual Report covers the Commission on Accreditation for Law Enforcement Agencies (CALEA) Chapter 26, Communications Chapter 1.4.1 (types of investigations by internal affairs); Chapter 4.2.4 (annual analysis of incidents of force); Chapter 4.2.5 (assaults on sworn officer review); Chapter 41.2.2 (annual analysis of vehicle pursuits); and Law Enforcement Chapter 22.4.3, Communications Chapter 3.5.3 (annual analysis of grievances). The review is in accordance with department policy and CALEA standards. Charts and graphs cover the chapters mentioned above, followed by an analysis reviewing each section and comparing previous years. The results of this review will be forwarded to the Chief of Police.

Grievances - Reporting and Analysis

(CALEA Chapter Law Enforcement 22.4.3/Communications 3.5.3)

There was one (1) grievance filed with the Police Department in 2023 by the Fraternal Order of Police Lodge 33 (Sworn Officers' Union) or the International Union of Painters and Allied Trades, Local 2301 (representing Non-Sworn Professional Staff).

The grievance that was filed was suggested and supported by the Cape Coral Police Department. This represents a net decrease of two (2) grievances for sworn officers from 2022, when employees filed no grievances. Professional Staff grievances remained the same as in 2022 when employees filed no grievances.

The Professional Standards Bureau analyzed existing policies, procedures, and training related to the agency's grievance process. No issues with policies, procedures, or training were uncovered, which could have affected the filing of a grievance.

Representatives of both the sworn officers' and professional staff unions participated in the analysis. Both were content with the current status. Neither management nor labor has proposed suggestions for alterations to the process.

The analysis consists of reviewing the grievances and interviewing the representatives of each labor union. Rob Goff, President of the Fraternal Order of Police, Lodge 33, and David Jimenez, representative of the International Union of Painters and Allied Trades, Local 2301, believe that the grievance process is fair and easy for employees to exercise, should the need arise. They agreed that there was an open line of communication between labor and management and had no retribution concerns if members exercised their right to file a grievance on a matter. They further agreed that the process was designed without obstacles and neither recommended any changes to the process.

Inquiries

(CALEA Chapter Law Enforcement 26 / Communications 1.4.1)

Inquiries and complaints may be initiated from an external source, such as a citizen, or internally from a Cape Coral Police Department employee, supervisors or city employees from other departments.

In 2023 there were one hundred six (106) inquiries and minor complaints investigated. This is a net increase of fifty-seven (57) inquiries year-over-year. The dispositions of the one hundred six (106) inquiries and complaints were as follows: Sixty-nine (69) were sustained, eight (8) were not sustained, twenty (20) were unfounded, one (1) inquiry was administratively closed after the complaint withdrew his complaint, four (4) employees were exonerated, and four (4) had more than one disposition.

Seventy-one (71) inquiries originated as internal complaints, with the remaining thirty-five (35) originating from outside the organization.

A large portion of the internal complaints were investigated and handled at the line-level as they did not meet the threshold of being investigated by the Professional Standards Bureau.

From 2021 through 2023, the Professional Standards Bureau investigated an average of thirty (30) inquiries each year. In 2021, that number decreased to twenty-eight (28). In 2022 that number increased to 49, representing a 75% increase. This is largely attributable to the implementation of IA Pro and Blue Team software. These programs allow supervisors to document and submit inquiries more efficiently, decreasing the administrative load and making the capture of data more likely and, thereby, more accurate. Another contributing factor is a procedural change that all corrective action is submitted through Blue Team by a supervisor as an Internal Complaint.

In 2023, Cape Coral Police interacted with the public (between citizen calls for service, self-initiated activity, traffic stops, and administrative calls) on 213,701 occasions. Of over 213,000 contacts with the public, only thirty-five (35) of those contacts resulted in an externally generated complaint. While year-over-year, this represents a 50% increase from the twenty-four (24) documented in 2022; this is a remarkably low number at 0.0016% of contacts generated a complaint. The Professional Standards Bureau believes that the Body-Worn Camera (BWC) Program and the emphasis on training in verbal defense and de-escalation continue to impact the number of citizen complaints.

STANDARD OPERATING PROCEDURE CPD-13 – COMPLAINT PROCEDURES & INTERNAL AFFAIRS INVESTIGATION:

“THE CAPE CORAL POLICE DEPARTMENT SHALL ACCEPT AND INVESTIGATE ALL COMPLAINTS, INCLUDING ANONYMOUS COMPLAINTS, WHICH ARE DIRECTED AGAINST THE AGENCY OR ITS MEMBERS.

COMPLAINTS SHALL BE ACCEPTED IN PERSON, BY MAIL, EMAIL, TELEPHONE, OR OTHER MEDIA DEVICES (HEARING IMPAIRED). COMPLAINTS MADE IN PERSON CAN BE DOCUMENTED ON FORMS CONTROL # F-45, OFFICER INTERACTION FORM.

ALL COMPLAINTS SHALL BE ACCEPTED AS INQUIRIES UNTIL IT IS DETERMINED THAT THE COMPLAINT CONTAINS SUFFICIENT FACTUAL INFORMATION TO WARRANT AN INVESTIGATION.”

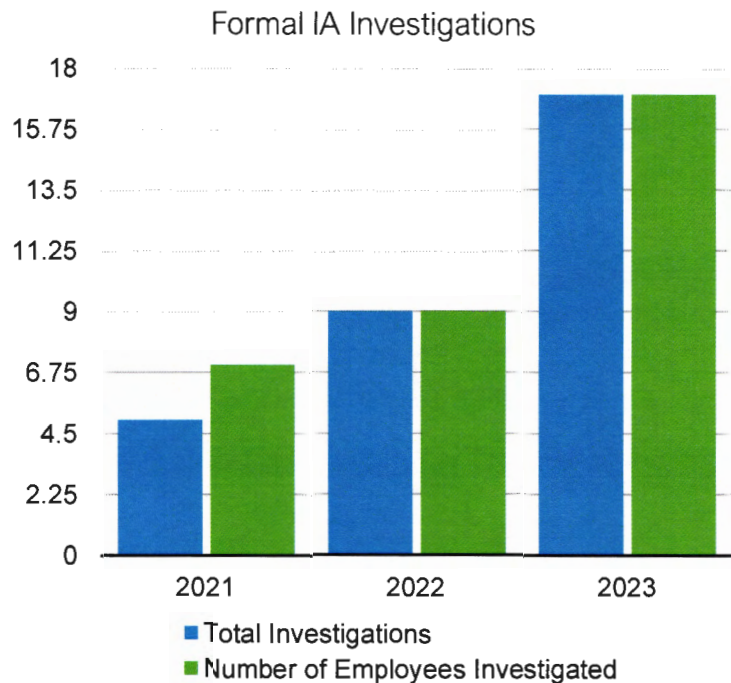


Internal Affairs Investigations

The Professional Standards Bureau Internal Affairs Unit is responsible for Internal Affairs investigations. Formal Internal Affairs investigations include but are not limited to, allegations of criminal or gross misconduct, dereliction of duty, excessive force, civil rights violations, and state and federal law violations. Internal Affairs investigations may contain more than one allegation.

Allegations may be received from any member of the police department or initiated at the direction of the Executive Staff.

The following represents seventeen (17) Internal Affairs investigations in 2023 compared to the nine (9) in previous years. Three (3) of the investigations involved two (2) subject officers, one (1) involved three (3) subject officers, and seven (7) of the investigations involved a subject officer that was involved in more than one Internal Affairs Investigation.



From January 1 to December 31, 2023, the Professional Standards Bureau initiated seventeen (17) Internal Affairs investigations involving seventeen (17) Department members. The number of Internal Affairs investigations for 2023 increased by eight (8) year-over-year, a one hundred eighty-eight percent (188%) increase.

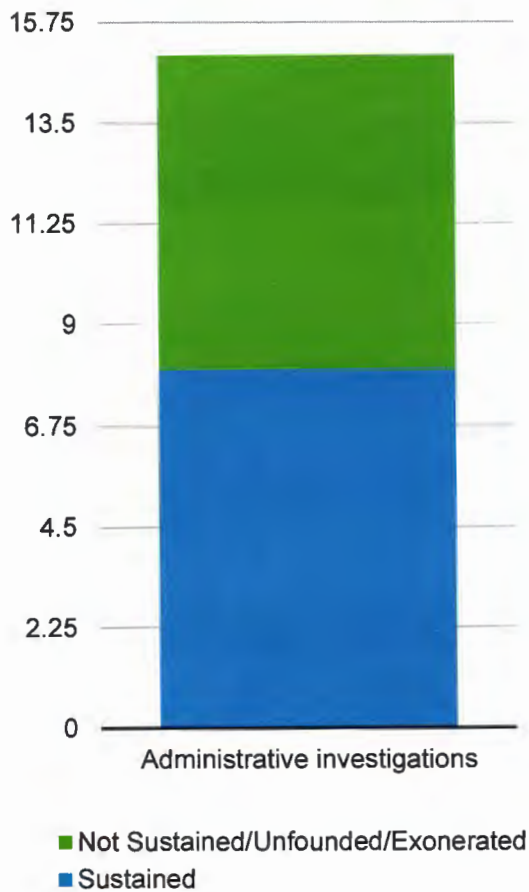
Internal Affairs reviewed the cases and found that six (6) were Administrative Policy Violations. Administrative Policy Violations are a violation of a departmental policy that can encompass both Internal Affairs Investigations and Line-Level Inquiry Investigations depending upon the severity of the violation. Of the seventeen (17) Internal Affairs Investigations, eight (8) were sustained and issued corrective actions, two (2) were not sustained, five (5) were unfounded, and two are still in the investigative process.

Furthermore, investigations resulted in two (2) subject officers being issued a Memorandum of Counseling, one (1) officer received Remedial Training, five (5) officers being issued a Written Reprimand, and one (1) officer resigning in lieu of termination.

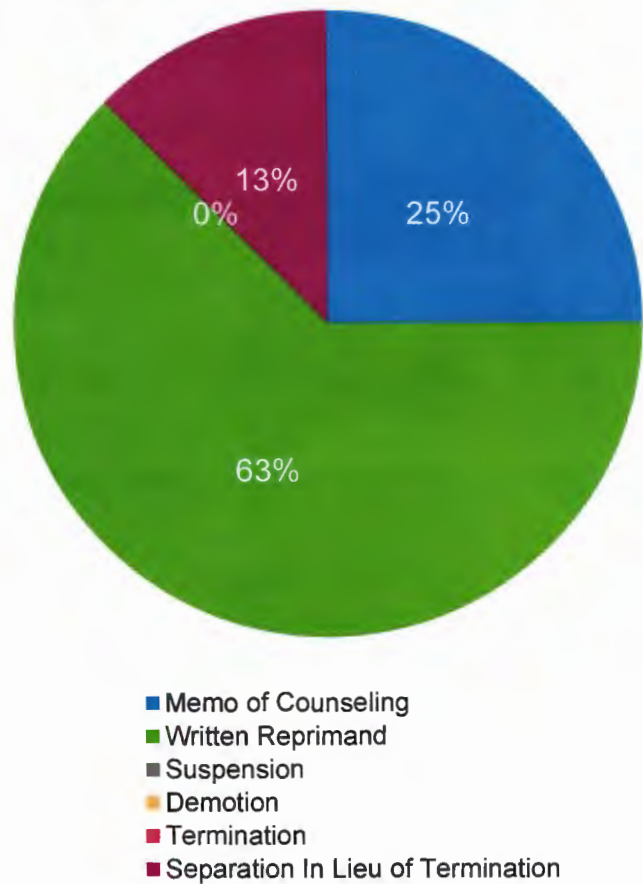
TYPES OF CORRECTIVE ACTIONS/IA INVESTIGATIONS

	2021	2022	2023
Memo of Counseling	0	3	2
Written Reprimand	0	1	5
Suspension	2	1	0
Demotion	0	0	0
Termination	0	2	0
Voluntary separation	1	2	1
Total	3	9	8

2023 Findings in Administrative Investigations



2023 Corrective Actions in Administrative Investigations



Use of Force - Reporting and Analysis

(CALEA Chapter Law Enforcement 4.2.4)

In 2023, there were sixty-five (65) Resistance Control (Use of Force) reports filed with the Professional Standards Bureau. The total number of reported use of force incidents decreased by five (5) incidents, or 7.4%, in 2023 compared to 2022.

In 2023, of the 213,701 interactions our officers had with the public, 4,058 resulted in an arrest. Sixty-five (65) of those arrests resulted in a use of force. Twelve (12) reported uses of force occurred during attempts to take subjects into protective custody under the provisions of the Baker Act, an increase of four (4) such cases from the previous year.

There are varying degrees of control that may be justified depending on the dynamics of a situation. In some cases, the arrestee resists arrest, and some type of physical force may be necessary to affect the arrest and protect others. The amount of force may escalate or de-escalate, depending on the suspect's offered resistance.

In 2023, the Taser was involved in twenty-three (23) uses of force, or thirty-five percent (35.39%) of the types of force applied, which is a four percent (4.16%) decrease from 2022.

Hands/Fist/Feet/Takedowns were also applied in thirty-three (33) incidents accounting for sixty-five percent (65.30%) of use of force incidents, a forty-three percent (43%) increase from 2022. By department policy, only control holds and takedowns that result in injury or complaint of injury are reported.

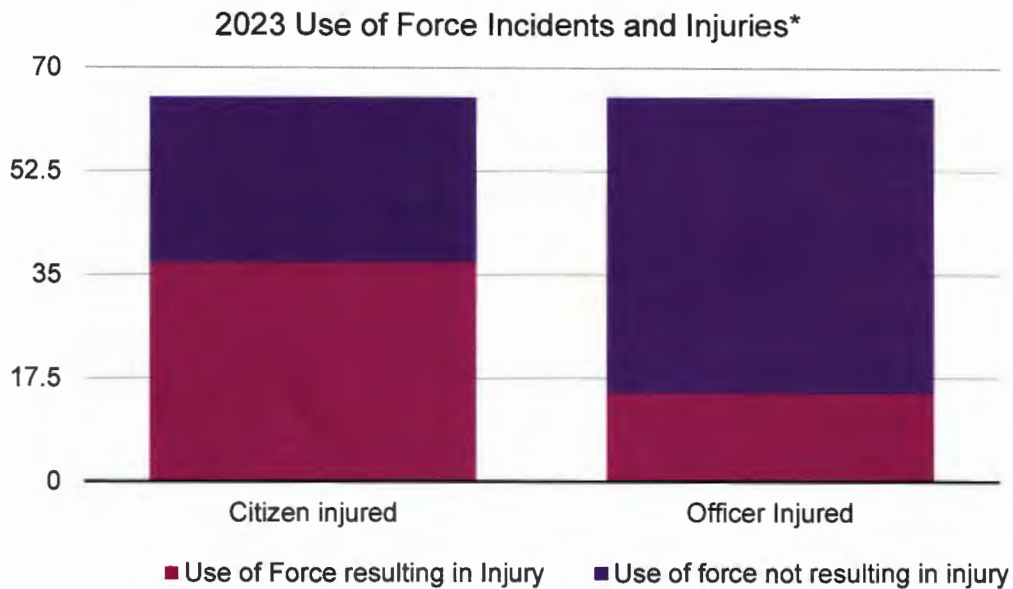
Uses of force involving Oleoresin Capsicum (OC) saw a significant decrease in 2023 from 2022 when it was used in four (4) incidents or six percent (6.16%) of total uses of force accounting for a sixty-three percent (63.63%) reduction from 2022.

There was one (1) K-9 use of force, down from four (4) in 2022, a seventy-five percent (75%) decrease. The K-9 bite was dictated by the call-for-service and suspect resistance.

Finally, firearm/lethal force incidents decreased from two (2) in 2022, to one (1) in 2023, a fifty percent (50%) decrease. The singular incident spurred from a call for service involving an armed suspect who threatened officers with a weapon.

Injuries are documented whenever there is a visible sign of injury or **complaint of injury**. In 2023, uses of force resulted in thirty-seven (37) reported suspect injuries, accounting for fifty-four percent (54.90%) of our uses of force, which is a forty percent (40%) decrease from the previous year.

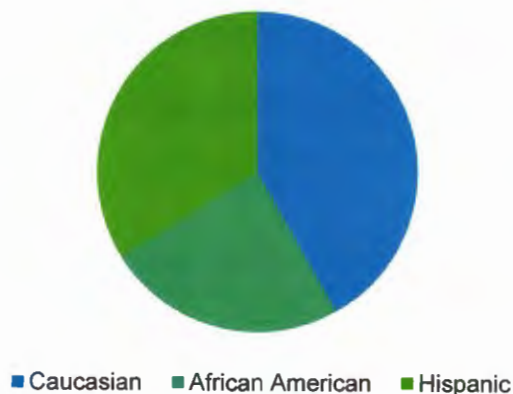
Fifteen officers (15) reported injuries during a use of force encounter, accounting for twenty-three percent (23.08%) of incidents. The majority of officer injuries occurred while going hands-on with suspects.



* A use of force is considered to have an associated injury when there is a visible sign of injury or a complaint of injury by the suspect.

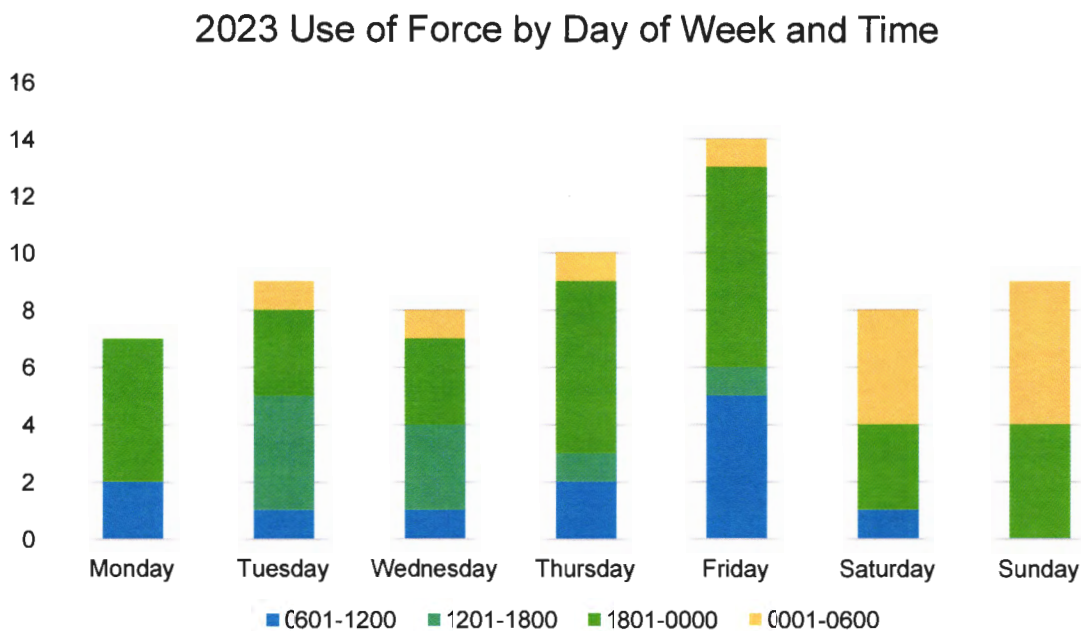
In 2023, fifty-five (55) Caucasian citizens were the subject of a use of force which is almost eighty-two percent (81.82%) of the 65 total uses of force. Ten (10) African American citizens were the subject of a use of force which is just over fifteen percent (15.49%) of the 65 total uses of force. No documented use of force was across any other demographics such as Asian, Pacific Islander, and "Other." Those of Hispanic origin, regardless of race, accounted for Ten (10), or just over fifteen percent (15.49%). According to the most recent US Census, this distribution across demographic groups closely mirrors Cape Coral's demographic breakdown.

2023 Race and Ethnicity of Use of Force

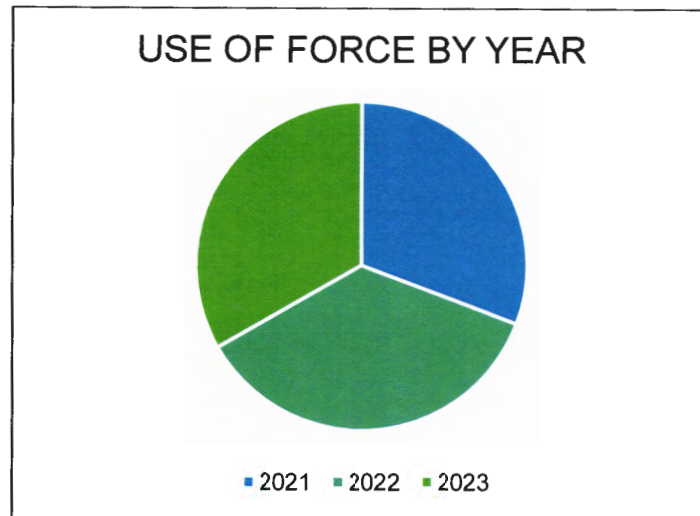


During 2023 males accounted for fifty-six (56) of the 65 use of force incidents which is just over eighty-three percent (83.44%). Females accounted for the remaining nine (9) incidents.

The Cape Coral Police Department continues to provide training in Verbal Defense and Influence (formerly referred to as Verbal Judo), Defensive Tactics, and Use of Force on an annual basis. This training includes reality-based training from the Force Science Institute. Officers also conduct training on true-to-life scenarios, which better prepare them for the real-world encounters they face in the community. Although there were no identifiable patterns and/or trends, the type of confrontations in 2023 remained consistent when compared to previous years.



In 2023, there is a notable (7.14%) decrease in the total number of use of force incidents year-over-year, sixty-five (65) uses of force versus seventy (70) in 2022. The service population and total workforce of the Cape Coral Police Department both increased in 2023 over 2022. Total arrests also increased from 3,668 to 4,058, an increase of over ten percent (10.63%).



Upon analyzing the aforementioned use of force information, there are no recommendations to alter training or equipment. An analysis of agency reporting procedures and policies was also conducted and the Monadnock expandable baton was discontinued from use by the department. The decision took into consideration several factors to include the use year-to-year and the perception by those witnessing its deployment. From 2016–2021, there were only two (2) baton usages. The department determined that the expandable baton could be more of a liability than an asset for the department.

The PepperBall launcher was added to the policy as a non-lethal force tool for officers to utilize if the situation and suspect resistance level presented itself. There were no other recommendations to alter the use of force policy.

The agency will continue to review all BWC footage regarding any use of force incidents and continue to make a notation that the video was administratively reviewed by the Chain of Command in the AXON Evidence.com dashboard.

The use of force analysis consists of the Professional Standards Bureau reviewing each and every use of force report to identify patterns of subject resistance, as well as control options utilized by the involved officers. The analysis also involves meeting with Subject Matter Experts within our agency, our nationally-recognized use of force expert Training Unit. The patterns and trends noted are discussed with supervisors and Command Staff.

Assaults on Sworn Officer - Reporting and Analysis

(CALEA Chapter Law Enforcement 4.2.5)

In 2023, there were thirty-five (35) assaults upon Cape Coral Police Department Officers. All appear to be cases of Simple Assault, defined by FDLE's Florida Uniform Crime Report as "an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injuries, severe laceration or loss of consciousness." These instances all resulted in arrests with charges of either Assault on a LEO or Battery LEO. There was one (1) Aggravated Assault against an officer during this same period.

In thirty-five (35) incidents, suspects used personal weapons (hands/fists/feet) against the officer(s). These incidents resulted from interacting with suspects or arrestees and occurred during these interactions' investigation, arrest, or processing/transport phase.

There was one (1) instance of an apparent premeditated attack against Cape Coral Police Officers in 2023. Officers fatally shot the subject when he pointed a firearm at them, placing them in imminent fear of serious injury or death.

There were no identifiable trends or patterns with these incidents. As such, there are no training issues or recommendations. Currently, there is no need to revise the policy.

Assaults on Law Enforcement Officers

	2021	2022	2023
Assault on LEO	27	17	35
Aggravated Assault on LEO	1	4	1
Total	28	21	36

Traffic Crash/Damage

From January 1 to December 31, 2023, the Cape Coral Police Department logged 70 vehicle damage reports. Of those incidents, thirty-one (31) were determined to be a violation of policy, accounting for 56.88%, an increase of 19.23%, compared to 2022. Overall, there was a thirty-three percent (33.96%) decrease in incidences of traffic crashes and vehicle damage from 2022 to 2023. The significant decrease of vehicle damages are attributable to Hurricane Ian during the previous year.

TRAFFIC CRASH/DAMAGE – CAPE CORAL POLICE DEPARTMENT (CITY VEHICLES)

Types	2021	2022	2022
Violation of Policy	19	26	31
Within Policy	27	80	39
Total	46	106	70

Pursuits - Reporting and Analysis

(CALEA Chapter Law Enforcement 41.2.2)

Three (3) vehicle pursuits were reported to the Professional Standards Bureau in 2023, an increase of one (1) from the previous year. No officers were injured, and no department vehicles were damaged. Two (2) of the pursuits were not within policy.

Pursuits 2021-2023

Pursuits	2021	2022	2023
Total Pursuit	1	2	3
Pursuits Resulting in Crashes	0	0	0
Suspect Rammed Officer	0	0	0

Policy revisions in June of 2008 only allow an officer to initiate a pursuit when he/she reasonably believes the fleeing suspect has committed a "forcible felony" as defined by Florida State Statute. This change has continued to result in a markedly low number of vehicle pursuits.

In 2017, specific language was added to General Order C-2, entitled "Department Vehicles," to differentiate between a Vehicle Pursuit and Failure to Stop. Vehicle Pursuit is now defined as a deliberate attempt by an officer in an authorized emergency vehicle utilizing lights and a siren to apprehend a suspect actively attempting to elude apprehension. Failure to Stop is defined as a situation in which a violator fails to stop but does not actively try to flee or elude from the authorized emergency vehicle.

The Professional Standards Bureau added additional language regarding precautions that should be taken when pursuing in residential neighborhoods and private roadways. This language specifies that the officer exercises extreme caution; be cognizant of using excessive speeds on residential streets; feels confident that the officer can perform the pursuit safely with due regard for all life and property; continuously evaluates the risk of continuing the pursuit and understands the termination of the pursuit may be the safest course of action.

All members of the Department continue to receive yearly driving training. This training includes a review of Standard Operating Procedure CPD-05, emphasizing Section VIII, entitled "Pursuits."