



**Cape Coral  
Police  
Department**

**2022**

Professional Standards Bureau Annual Report



*[Signature]*  
2/13/23

## Table of Contents

Table of Contents

2

Introduction

3

Grievances - Reporting and Analysis

4

(CALEA Chapter (Law Enforcement 22.4.3/Communications 3.5.3)

4

Inquiries

5

(CALEA CHAPTER (LAW ENFORCEMENT 26/COMMUNICATIONS  
1.4.1)

5

Internal Affairs Investigations

6

Use of Force - Reporting and Analysis

7

(CALEA CHAPTER LAW ENFORCEMENT 4.2.4)

8

Traffic Crash/Damage

10

Pursuits - Reporting and Analysis

11

(CALEA Chapter Law Enforcement 41.2.2)

11

## Introduction

First and foremost, 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. Finally, the unit is 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.

This year, the Cape Coral Police Department implemented new software for both complaint entry (Blue Team) and Internal Affairs case management (IA Pro). These new applications simplify the data collection and entry process and provide a new suite of tools for analysis. With these new tools come some adjustments to reporting, and this year's report will have a different look and feel. As more data is added in successive years, the analysis will become more robust.

The 2022 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 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

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(CALEA Chapter (Law Enforcement 22.4.3/Communications 3.5.3))

There were three (3) grievances filed with the Police Department in 2022 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).

Of the three (3) grievances filed, two (2) were suggested and supported by the Cape Coral Police Department. This represents a net increase of three (3) in grievances for sworn officers from 2021, when employees filed no grievances. Professional Staff grievances remained the same as in 2021 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 Richard Jones, 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

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### (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 supervisors or city employees from other departments.

In 2022 there were forty-nine (49) inquiries and minor complaints investigated. This is a net increase of twenty-two (22) inquiries year-over-year or an 81.48% increase. Of the forty-nine (49) inquiries, twenty-nine (29) were sustained, three (3) were not sustained, fifteen (15) were unfounded, one (1) inquiry was administratively closed after the complaint was determined to be against a wrongly-named officer, and the complainant withdrew his complaint, and one (1) employee was exonerated.

Twenty-five (25) inquiries originated as internal complaints, with the remaining twenty-four (24) originating from outside the organization.

From 2019 through 2021, 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.

In 2022, Cape Coral Police interacted with the public (between citizen calls for service, self-initiated activity, traffic stops, and administrative calls) on 285,448 occasions. Of over 285,000 contacts with the public, only twenty-four (24) of those contacts resulted in an externally generated complaint. While year-over-year, this represents a 50% increase from the sixteen (16) documented in 2021; this is a remarkably low number at .0084% 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.

#### **GENERAL ORDER B-30 COMPLAINTS AGAINST EMPLOYEES / RECEIPT OF COMPLAINTS:**

***“ALL EMPLOYEES OF THE DEPARTMENT ARE STRICTLY CHARGED WITH THE RESPONSIBILITY FOR COURTEOUSLY AND WILLINGLY RECEIVING ANY COMPLAINT THAT MAY BE LODGED AGAINST THE DEPARTMENT OR ANY MEMBER. ALL COMPLAINTS, INCLUDING ANONYMOUS, SHALL BE ACCEPTED AS INQUIRIES UNTIL IT IS DETERMINED THAT THE COMPLAINT CONTAINS SUFFICIENT FACTUAL INFORMATION TO WARRANT AN INVESTIGATION.”***

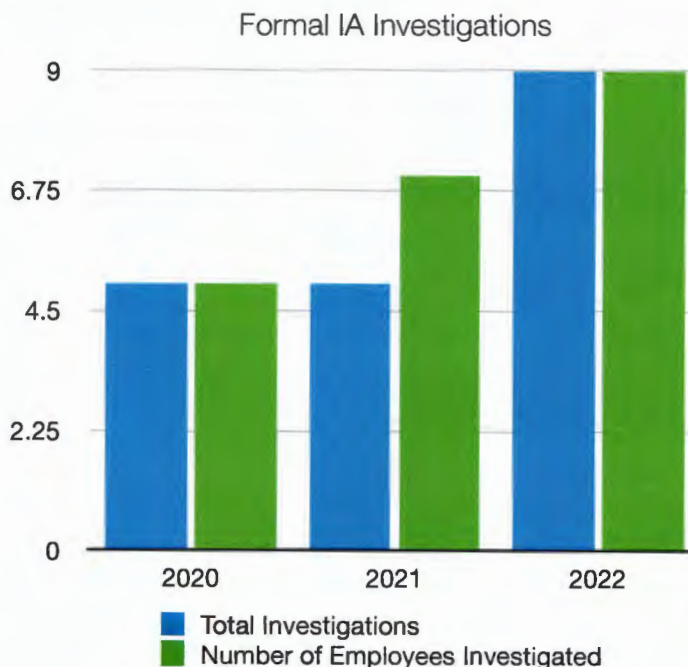


## Internal Affairs Investigations

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.

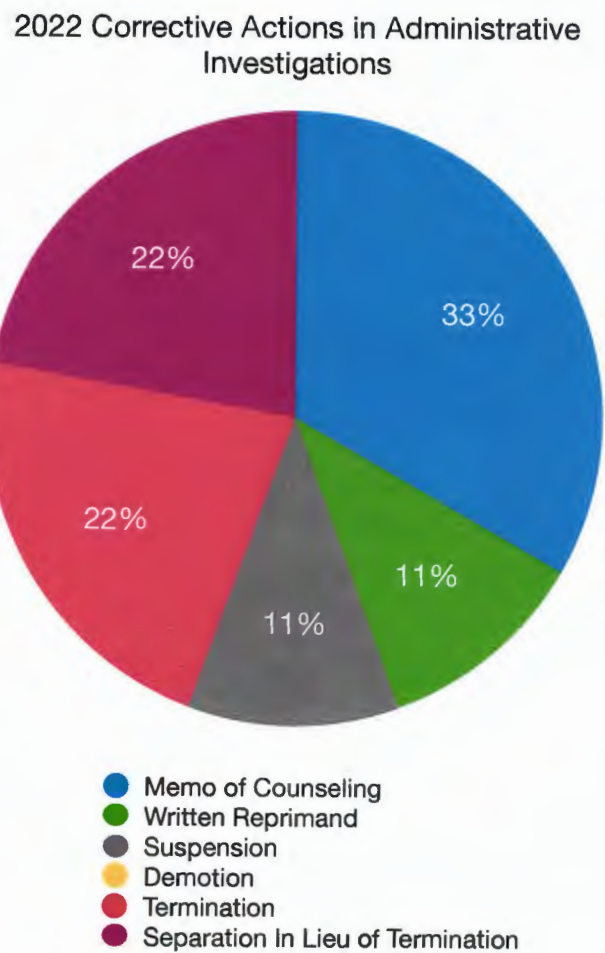
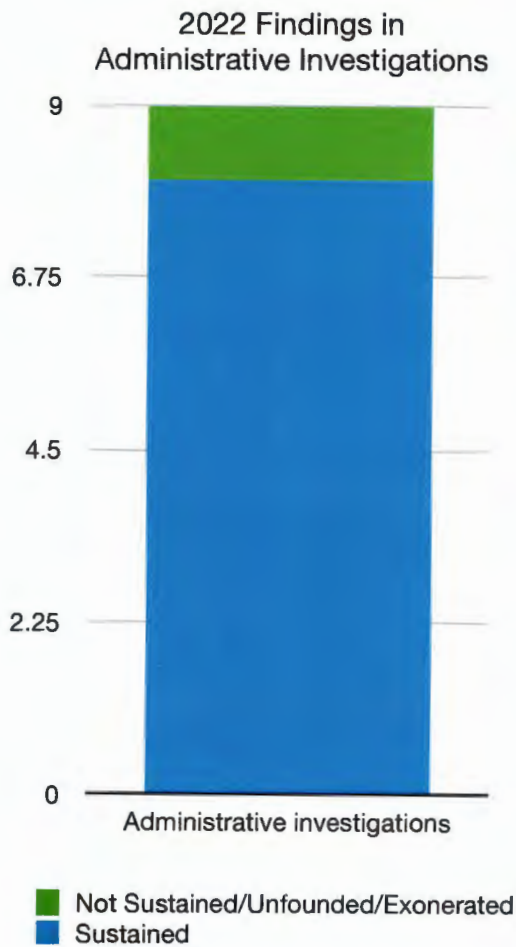
The following represents nine (9) Internal Affairs investigations in 2022 compared to the five (5) in previous years. One (1) of the investigations involved two (2) subject officers, and two of the investigations involved the same officer.



From January 1 to December 31, 2022, the Professional Standards Bureau initiated nine (9) Internal Affairs investigations involving nine (9) Department members. The number of Internal Affairs investigations for 2022 increased by four (4) year-over-year, an eighty percent (80%) 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 nine (9) Internal Affairs Investigations, eight (8) were sustained and issued corrective actions, and one (1) was exonerated.

Furthermore, three (3) cases resulted in the subject officer being issued a Memorandum of Counseling. In another case, one (1) officer received a Written Reprimand. In a fifth case involving two (2) officers, one (1) resigned in lieu of termination, and the other was terminated. The sixth case led to the suspension of one (1) officer. The seventh led to one (1) officer resigning in lieu of termination. The eighth case led to the termination of a non-sworn employee. Finally, the ninth case resulted in no corrective action as the officer was exonerated of the allegation.



## Use of Force - Reporting and Analysis

TYPES OF CORRECTIVE ACTIONS/IA INVESTIGATIONS

	2020	2021	2022
Memo of Counseling	1	0	3
Written Reprimand	3	0	1
Suspension	1	2	1
Demotion	0	0	0
Termination	0	0	2
Voluntary separation	0	1	2
<b>Total</b>	<b>5</b>	<b>3</b>	<b>9</b>

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## (CALEA CHAPTER LAW ENFORCEMENT 4.2.4)

In 2022, there were seventy (70) Resistance Control Form (RCF) reports filed with the Professional Standards Bureau. The total number of reported use of force incidents increased by ten (10) incidents, or 16.67%, in 2022 compared to 2021.

In 2021, of the 285,448 interactions our officers had with the public, 3,668 resulted in an arrest. Seventy (70) of those arrests resulted in a use of force. Eight (8) reported uses of force occurred during attempts to take subjects into protective custody under the provisions of the Baker Act, a decrease 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 2022, the Taser was involved in twenty-four (24) uses of force, or thirty-four percent (34%) of the types of force applied, which is a fourteen percent (14%) decrease from 2021. Hands/Fist/Feet/Takedowns were also applied in twenty-three incidents accounting for thirty-three percent (33%) of use of force incidents, a five percent (5%) decrease from 2021. By department policy, only takedowns that result in injury or complaint of injury are reported.

Uses of force involving Oleoresin Capsicum (OC) saw a slight decrease in 2022 from 2021 when it was used in eleven incidents or almost sixteen percent (15.7%) of total uses of force accounting for a 5 percent (5.3%) reduction from 2021.

The most significant increase was the K-9 use of force, up from zero (0) in 2021 to four (4) in 2022, a four hundred percent (400%) increase. There were no identifiable patterns or singular causes for the increase in K-9 bites. Bites were dictated by call-type and suspect resistance.

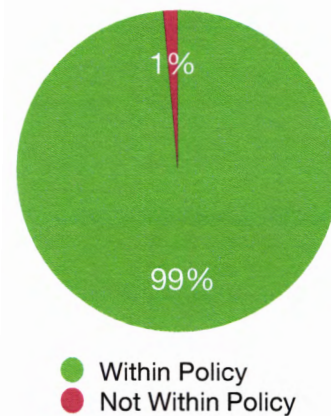
Finally, firearm/lethal force incidents increased from one (1) in 2021, to two (2) in 2022, a one hundred percent (100%) increase. Both incidents spurred from a call for service involving an armed suspect who threatened officers with a weapon.

Injuries are documented whenever there is a visible sign of injury or **complaint of injury**. In 2022, uses of force resulted in sixty-four (64) reported suspect injuries, accounting for ninety percent (90%) of our uses of force, which is a thirty-eight (38%) increase from the previous year.

Sixteen officers (16) reported injuries during a use of force encounter, accounting for twenty-three percent (23%) of incidents. The majority of officer injuries occurred while going hands-on with suspects.

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

2022 Use of Force by  
Disposition



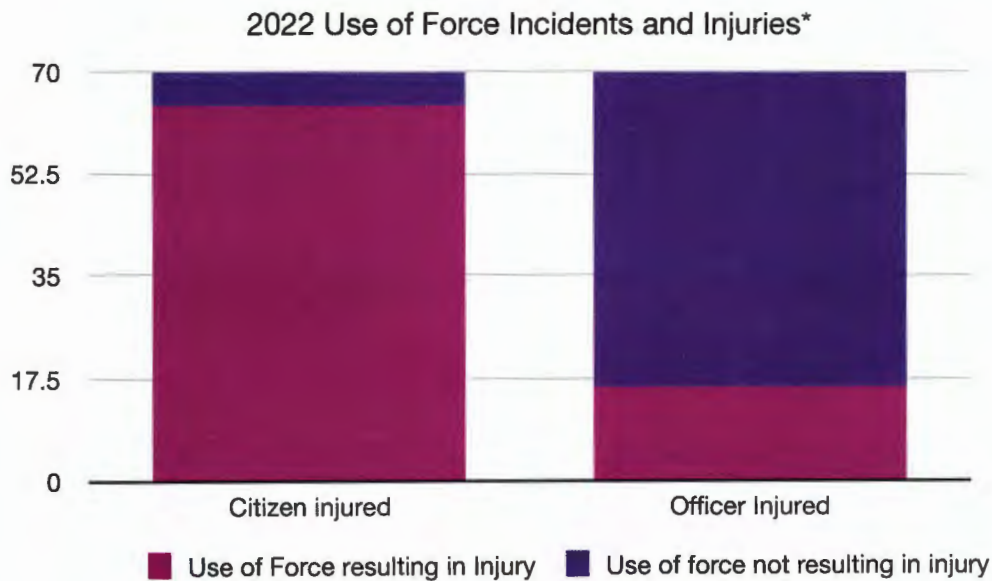


annual basis. This training includes reality-based training from the Force Science Institute. Officers also conduct training on true-to-life scenarios, which better prepare them for the real-world encounters they face in the community. Although there were no identifiable patterns and/or trends, the type of confrontations in 2022 remained consistent when compared to previous years.

In 2022, there is a notable (16,17%) increase in the total number of use of force incidents year-over-year- seventy (70) uses of force versus sixty (60) in 2021. The service population and total workforce of the Cape Coral Police Department both increased in 2022 over 2021. Total arrests also increased from 3,331 to 3,668, an increase of over ten percent (10.11%).

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 resulted in changes to the use-of-force policy as it pertains to police K-9s. The change to policy involved clarifying language as to when K-9s may be deployed and separating the police K-9 from the use-of-force matrix. 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.



\* 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.

## Traffic Crash/Damage

From January 1 to December 31, 2022, the Cape Coral Police Department logged 106 vehicle damage reports. Of those incidents, twenty-six (26) were determined to be a violation of policy, accounting for 24.5%, a reduction of 16.8%, compared to 2021. Fifty-six (56) reported vehicle damages occurred as a direct result of Weather and are categorized as such or as "Other," mostly damages sustained by flying debris and flooding during Hurricane Ian. The Police Volunteer Unit (PVU) was involved in one (1) out-of-policy crash in 2022, as compared to none in 2021. Overall, there was a one hundred thirty percent (130.4%) increase in incidences of traffic crashes and vehicle damage from 2021 to 2022, with the vast majority attributable to damage from Hurricane Ian.

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

Types	2020	2021	2022
Violation of Policy	23	19	26
Within Policy	20	27	80
<b>Total</b>	<b>43</b>	<b>46</b>	<b>106</b>

## Pursuits - Reporting and Analysis

(CALEA Chapter Law Enforcement 41.2.2)

Two (2) vehicle pursuits were reported to the Professional Standards Bureau in 2022, an increase of one (1) from the previous year. No officers were injured, and no department vehicles were damaged.

Pursuits 2020-2022

Pursuits	2020	2021	2022
Total Pursuit	1	1	2
Pursuits Resulting in Crashes	1	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 General Order C-2, emphasizing Section VIII, entitled "Pursuits."