

Cape Coral
Police
Department

2019

Professional Standards Annual Report



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Introduction

The Internal Affairs Unit of the Professional Standards Bureau is responsible for the protection of the public, as well as the agency against all turpitude, which may be associated with the conduct of our members to identify and remove all personnel who are unfit to serve in the law enforcement profession, and to identify and correct all procedural problems.

Law enforcement effectiveness depends upon community respect and confidence in the police department. Conduct which detracts from this is detrimental to public interest and the City of Cape Coral. The policy of the Cape Coral Police Department 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 his or her duties is dependent upon the respect and confidence the citizens of Cape Coral have 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 that of the Code of Conduct. The Cape Coral Police Department explicitly prohibits any form of bias-based action by any of its employees.

One way the Cape Coral Police Department addresses concerns and allegations regarding inappropriate conduct is through data collection and analysis. 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 members of the department.

The 2019 Annual Report covers the Commission on Accreditation for Law Enforcement Agencies (CALEA) Chapter 52.1.5, Communications Chapter 1.4.11 (types of investigations by internal affairs); Chapter 1.3.13 (annual analysis of incidents of force); Chapter 41.2.2 (annual analysis of vehicle pursuits); and Law Enforcement Chapter 25.1.3, Communications Chapter 3.5.3 (annual analysis of grievances). The review is in accordance with department policy and CALEA standards. Charts and graphs are included to cover the chapters as mentioned above, followed by an analysis reviewing each section and a comparison with the past years. The results of this review will be forwarded to the Chief of Police.

Grievances - Reporting and Analysis

(CALEA Chapter (Law Enforcement 25.1.3/Communications 3.5.3)

There was one (1) grievance filed with the Police Department in 2019 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 Civilian Employees).

The number of grievances for both sworn officers and civilian employees was one (1). This is an increase in grievances for sworn officers from 2018, when zero (0) grievances were filed. Civilian grievances remained the same as 2018, when no grievances were filed. The one (1) grievance filed during 2019 is on-going, therefore its status is pending.

An analysis was conducted on existing policies, procedures, and training as it relates 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 civilian employees' union participated in the analysis. Both were content with the current status. No suggestions for alterations to the process have been proposed by either labor or management.

The analysis consists of reviewing the grievances themselves and interviewing the representatives of each labor union. Both Paul Blanchard, 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 concerns of retribution 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 52.1.5/COMMUNICATIONS 1.4.11)

Inquiries and/or complaints may be initiated from an external source, such as a citizen, or internally from supervisors or city employees from other departments.

In 2019, there were twenty-three (23) inquiries and/or minor complaints that were investigated. The following table shows a comparison, by year, to the previous two years. In comparing 2019 to 2018, there was an increase of five (5) inquiries investigated, which is equivalent to a twenty-eight (28%) percent increase. Of the twenty-three (23) inquiries in 2019, fifteen (15) were sustained, compared to twelve (12) sustained complaints in 2018. There were zero (0) sustained complaints in 2019 on civilian employees, as compared to two (2) sustained complaints on civilian employees in 2018.

There were thirteen (13) inquiries filed from external sources. Ten (10) inquiries were internally generated. Two (2) internal inquiries were referred to the Professional Standards Bureau for an Internal Affairs investigation and are documented here accordingly.

From 2016 through 2018, there was an average of twenty-seven (27) inquiries investigated each year. In 2019, that number decreased to twenty-three (23).

In 2019, the Cape Coral Police Department's Communications Center handled 75,627 emergency telephone calls and 200,442 non-emergency telephone calls. This is a total of 276,069 telephone contacts within our Communications Center.

In 2019 Cape Coral Police Officers interacted with the public (between citizen calls for service and self-initiated activity) on 177,889 occasions. In nearly 178,000 contacts with the public, only thirteen (13) of those contacts resulted in an externally-generated complaint. It is believed that the Body-Worn Camera (BWC) Program continues 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.

Months	2017	2018	2019
January	4	2	2
February	5	2	2
March	2	5	2
April	4	2	2
May	1	1	3
June	2	2	1
July	3	0	0
August	2	1	3
September	0	0	1
October	2	1	4
November	1	1	0
December	1	1	3
Total	27	18	23

EXTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS – 2019

<u>Types of Complaints</u>	Unfounded	Exonerated	Not		Complaint		Total by Type
			Sustained	Sustained	Withdrawn	Pending	
Biased-Based Complaint	0	0	0	0	0	0	0
Criminal/Gross Misconduct	0	0	0	0	0	0	0
Dereliction of Duty	0	0	0	0	0	0	0
Discharge of Firearm	0	0	0	0	0	0	0
Excessive Use of Force	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0
Traffic Violation	0	0	0	0	0	0	0
Unprofessionalism	1	0	3	2	0	0	6
Violation of Civil Rights	0	0	0	0	0	0	0
Administrative Policy Violation	1		3	3			7
TOTAL	2	0	6	5	0	0	13

INTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS - 2019

<u>Types of Complaints</u>	Unfounded	Exonerated	Not		Complaint		Total by Type
			Sustained	Sustained	Withdrawn	Pending	
Biased-Based Complaint	0	0	0	0	0	0	0
Criminal/Gross Misconduct	0	0	0	0	0	0	0
Dereliction of Duty	0	0	0	3	0	0	3
Discharge of Firearm	0	0	0	0	0	0	0
Excessive Use of Force	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0
Traffic Violation	0	0	0	0	0	0	0
Unprofessionalism	0	0	0	2	0	0	2
Violation of Civil Rights	0	0	0	0	0	0	0
Administrative Policy Violation	0	0	0	5	0	0	5
TOTAL	0	0	0	10	0	0	10

CORRECTIVE ACTION FOR INQUIRIES – 2017 TO 2019

Types of Corrective Action / Inquiries	2017	2018	2019
*Oral Warning (Civilians Only)	2	0	0
*Performance Deficiency Notice	1	2	5
*Memorandum of Counseling	6	6	3
Written Reprimand	7	1	3
Suspension	1	2	0
Demotion	0	0	0
Termination	0	2	2
Voluntary Separation	1	0	0

**Oral Warnings, Performance Deficiency Notices (PDN's) and Memorandums of Counseling are not considered discipline.*

Note: Corrective Action for two (2) sustained internal inquiries is pending at the time of this report.

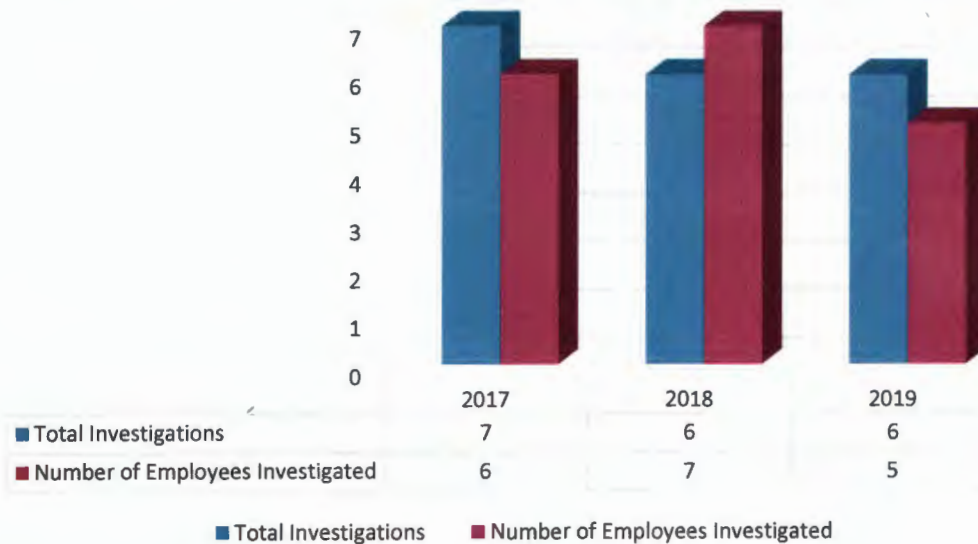
Internal Affairs Investigations

Internal Affairs investigations are investigated by the Professional Standards Bureau Internal Affairs Unit. Internal Affairs investigations consist of, but are not limited to, allegations of criminal/gross misconduct, dereliction of duty, excessive force, civil rights violations, and violations of state and/or federal law. 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 Command Staff.

The following represents six (6) Internal Affairs investigations in 2019 as compared to the two previous years.

Formal IA Investigations



During the period January 1 to December 31, 2019, the Professional Standards Bureau initiated six (6) Internal Affairs investigations involving five (5) members of the department. An additional four (4) Internal Investigations were Administrative Reviews conducted for other City Departments. The number of Internal Affairs investigations for 2019 remained the same compared to 2018.

A review of the cases was conducted, and it was found that five (5) cases were *Administrative Policy Violations*, which is one (1) greater than last year. *Administrative Policy Violations* are a violation of a departmental policy that can encompass both Internal Affairs Investigations as well as Line Level Inquiry Investigations depending upon the severity of the violation. Therefore, *Administrative Policy Violation* is listed both in the Inquiry section of this report as well as the Internal Affairs Investigation section. Examples include: failure to properly submit required paperwork, failure to report for duty on time, unauthorized vehicle pursuit, etc. The other investigation involved a violation of state law. Of the six (6) investigations, three (3) were sustained and two (2) were not sustained. One (1) investigation is still on-going.

INTERNAL AFFAIRS INVESTIGATION FINDINGS BY TYPE OF COMPLAINT – 2019

Complaint	Sustained	Not Sustained	Unfounded	Exonerated	Pending	Complaint Withdrawn	Total
Unprofessionalism	0	0	0	0	0	0	0
Administrative Policy Violation	3	1	0	0	1	0	5
Criminal/Gross Misconduct	0	1	0	0	0	0	1
Violation of Civil Rights	0	0	0	0	0	0	0
Excessive Force	0	0	0	0	0	0	0
Total	3	2	0	0	1	0	6

INTERNAL AFFAIRS INVESTIGATION DISPOSITIONS

	2017	2018	2019
Sustained	5	3	3
Not Sustained	2	3	2
Unfounded	0	0	0
Exonerated	0	0	0
No Basis for Complaint	0	0	0
Pending	0	0	1

The chart below shows the corrective action for Internal Affairs investigations. One (1) employee was terminated. Corrective action is pending in one (1) investigation, and one (1) investigation is still on-going.

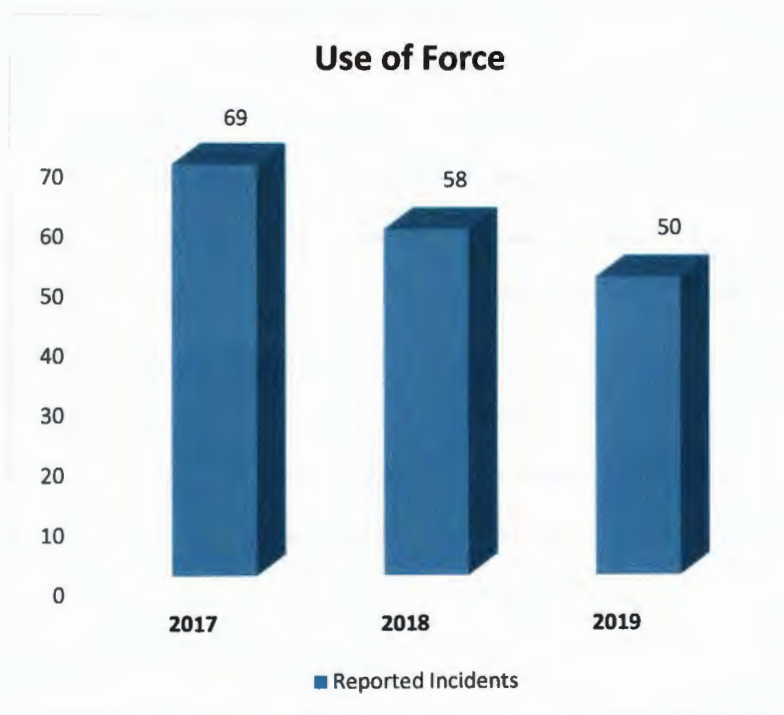
Types of Corrective Action / IA Investigations	2017	2018	2019
Memo of Counseling	0	0	0
Written Reprimand	1	0	1
Suspension	1	2	0
Demotion	0	0	0
Termination	0	0	1
Voluntary Separation	3	2	0

Use of Force - Reporting and Analysis

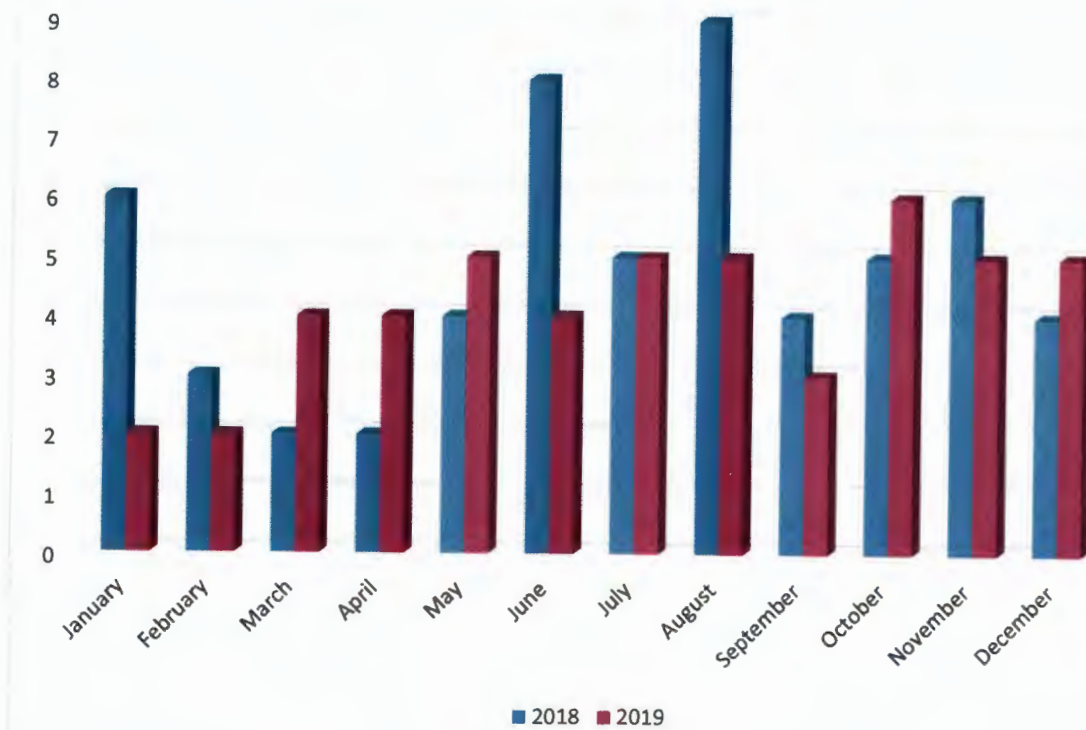
(CALEA CHAPTER LAW ENFORCEMENT 1.3.13)

During 2019, there were fifty (50) Resistance Control Form (RCF) reports filed with the Professional Standards Bureau. As can be observed in the following chart, the total number of reported use of force incidents decreased by fourteen percent (14%) in 2019 when compared to 2018. This continues the downward trend of use of force incidents since 2012, also demonstrated in the chart below. While there is no one definitive reason for to this trend, a factor is likely the continued use of body-worn cameras by all of the Department's first responders. People generally act differently when they know they are being recorded, thus police-citizen encounters may be less likely to escalate to the level where use of force is necessary.

In 2019, of the 177,889 interactions our officers had with the public, a total of 3,302 resulted in an arrest. Forty-one (41) of those arrests resulted in a use of force. Nine (9) reported uses of force resulted during attempts to take subjects into protective custody under the provisions of the Baker Act.



Reported Use of Force by Month



TYPE OF FORCE USED

There are varying degrees of control that may be justified depending on the dynamics of a situation. In a number of cases, the arrestee opposes being taken into custody 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. The following compares the types of force used in 2017, 2018 and 2019.

Types of Force Applied

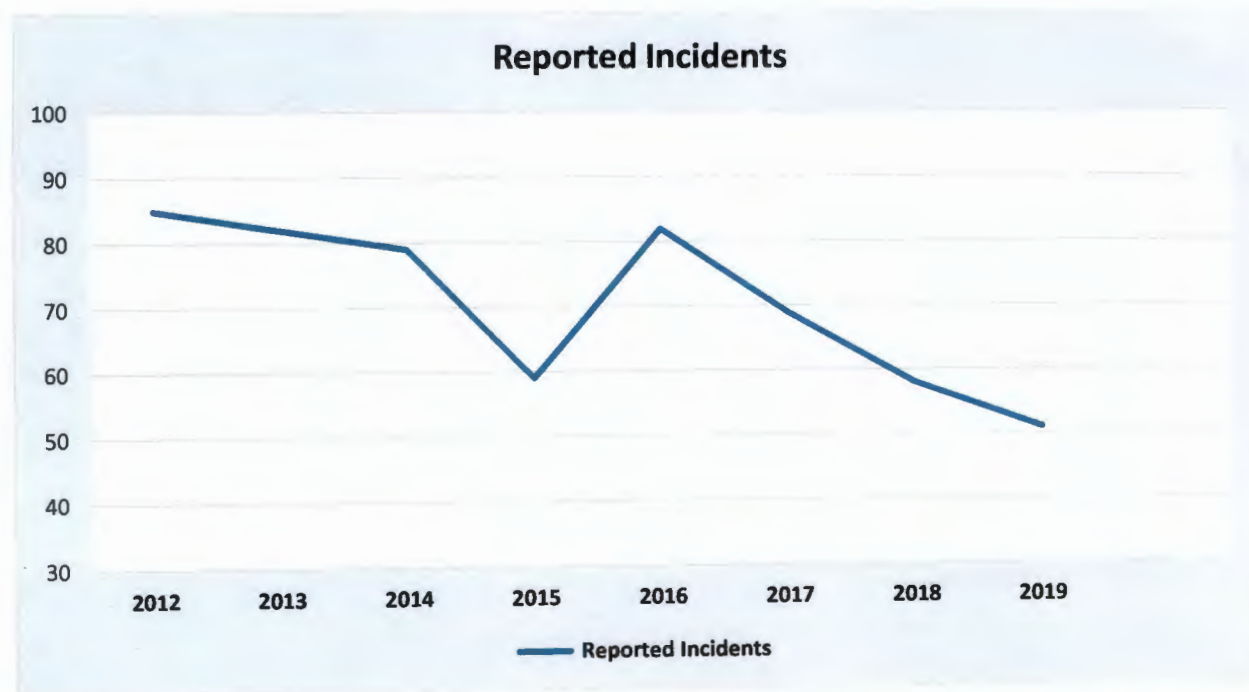
Type	2017	2018	2019
Taser (Touch Stun/Darts)	34	26	20
Hands/Fist/Feet/Take Down	23	22	20
OC Spray	11	9	4
Impact Weapon	0	0	0
K-9 (includes bites only)	1	1	5
Firearm/Lethal Weapon	0	0	1
Total	69	58	50
Number of Arrests	3,049	3,447	3302
Number of RCF Rate	1:44	1:59	1:66

In 2019, the Taser was involved in forty percent (40%) of the types of force applied, which is decreased from 2018. Hands/Fist/Feet/Takedowns were also applied in forty percent (40%) of use of force incidents, a slight increase from 2018. By department policy, only takedowns that result in injury or complaint of injury are reported. Oleoresin Capsicum (OC) saw a significant decrease in 2019 from 2018, when it was used in only eight percent (8%), or half as often. The largest increase was K-9 use of force, up from one (1) in 2018 to five (5) in 2019. There was also one (1) firearm/lethal force incident in 2019, which resulted injury to a suspect who threatened officers with a firearm. There were no lethal force incidents in 2018.

In 2019, uses of force resulted in twenty-three (23) reported injuries, or forty-six percent (46%), which is a fifteen percent (15%) increase from the previous year. Hands/Fist/Feet/Takedowns resulted in twelve (12) of the reported injuries, Taser usage resulted in five (5) injuries, with K-9 bites and lethal force responsible for the remaining injuries. The injuries resulting from Taser usage were minor abrasions generally caused by contact with the ground after being Tasered.

Type	Amount	Injury	Percent of Injury
Taser (Touch Stun/Darts)	20	5	22%
Hands/Fist/Feet/Takedown	19	12	52%
OC Spray	4	0	0
Impact Weapon	0	0	0
K-9 (includes bites only)	5	5	22%
Firearm/Lethal Weapon	1	1	4%
Total	50	18	100%

The below chart depicts the of Use of Force incidents since 2012.



The Cape Coral Police Department continues to provide training in Verbal Judo, Defensive Tactics, and Use of Force on an annual basis. This training includes Force Science Institute

reality-based training. 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 2019, when compared to previous years, remained consistent.

Again in 2019, there continued to be a significant drop in the number of the use of force incidents. As previously noted, the K-9 usage increased from one (1) to five (5), an increase of only four (4) incidents. All of those usages were within policy, therefore the increase itself is not cause for alarm. Lethal force incidents increased from zero (0) to one (1). The remaining categories remained consistent with previous years.

Upon analyzing the aforementioned use of force information, there are no recommendations to alter training, and/or equipment. An analysis of agency reporting procedures and policies was also conducted and yielded no recommendations for changes regarding use of force. 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 database.

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.

Traffic Crash/Damage

During the period of January 1 to December 31, 2019, the department completed thirty-six (36) Vehicle Damage Reports. Of those incidents, nineteen (19) were found to be a violation of policy, or 52% of the total damage reports for 2019. The Police Volunteer Unit (PVU) was involved in four (4) violation of policy crashes in 2019, as compared to one (1) in 2018. Comparing the total traffic crash/damage incidents in 2019 to 2018, there was an overall decrease of ten percent (10%).

Traffic Crash/Damage – Cape Coral Police Department (City Vehicles)

Types	2017	2018	2019
Violation of Policy	19	17	19
Within Policy	28	23	17
Total*	47	40	36

**Total Damages Itemized:*

<i>On-Duty Damage</i>	39	35	33
<i>Off-Duty Damage</i>	8	5	3

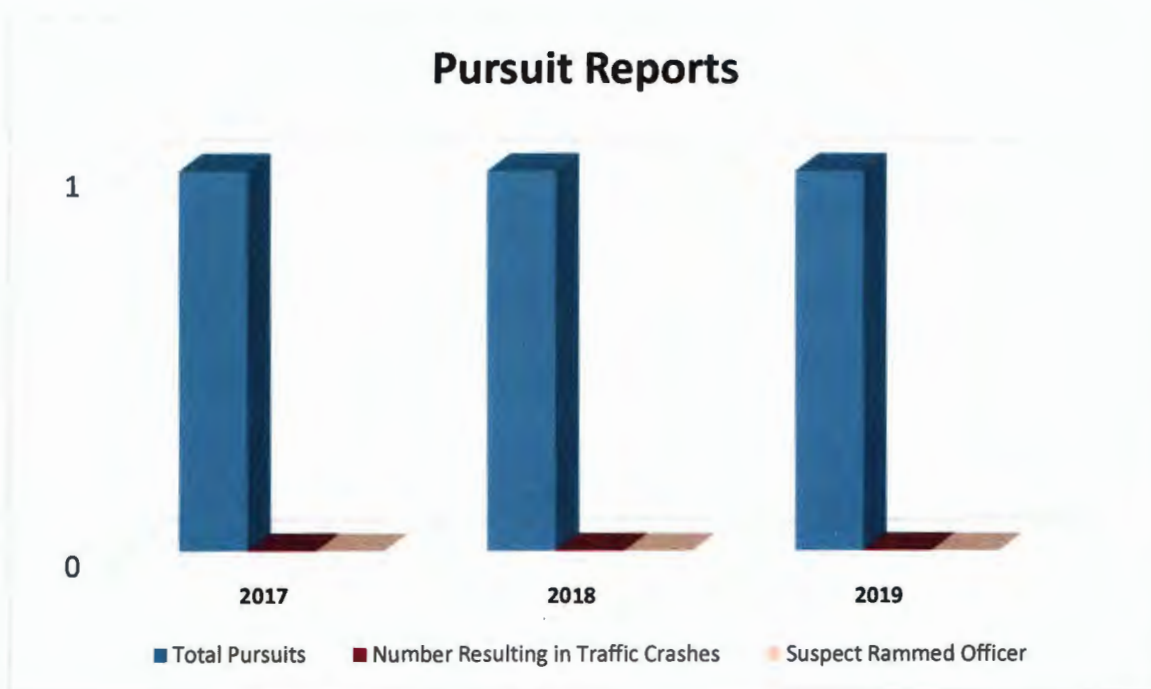
Two (2) of the three (3) vehicles that sustained off-duty damage in 2019 were hit & run crashes and the vehicles were not occupied at the time of the incident.

Pursuits - Reporting and Analysis

(CALEA Chapter Law Enforcement 41.2.2)

One (1) vehicle pursuit was reported to the Professional Standards Bureau in 2019, identical to the previous year.

Pursuits	2017	2018	2019
Total Pursuit	1	1	1
Pursuits Resulting in Crashes	0	0	0
Suspect Rammed Officer	0	0	0



There was only one (1) pursuit in 2019, equal to 2018. The pursuit was in response to an aggravated assault with a firearm. The suspect damaged his vehicle during the pursuit and was taken into custody without incident. No officers were injured and no department vehicles damaged.

Policy revisions in June of 2008 only allows 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 siren, to apprehend a suspect who is actively attempting to elude apprehension. Whereas, Failure to Stop is defined as a situation in which a violator fails to stop, but does not actively attempt to flee or elude from the authorized emergency vehicle.

Further language was added regarding precautions that should be taken when pursuing in residential neighborhoods and private roadways. This language specifies that the officer exercise extreme caution; be cognizant of using excessive speeds on residential streets; feels certain that the pursuit can be performed 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, with an emphasis on Section VIII, entitled "Pursuits."