



Cape Coral Police Department

2020

Professional Standards Bureau Annual Report



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Introduction

The Internal Affairs Unit of the Professional Standards Bureau is responsible for the protection of the public and 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 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 depends on the respect and confidence the citizens 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 by the Code of Conduct. The Cape Coral Police Department explicitly prohibits any form of bias-based action by any of its employees.

The Cape Coral Police Department addresses concerns and allegations regarding inappropriate conduct 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 the department members.

The 2020 Annual Report covers the Commission on Accreditation for Law Enforcement Agencies (CALEA) Chapter 26.2.5, Communications Chapter 1.4.11 (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 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 22.4.3/COMMUNICATIONS 3.5.3)

There was one (1) grievance filed with the Police Department in 2020 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 represents no change in grievances for sworn officers from 2019 when employees filed one (1) grievance. Civilian grievances remained the same as in 2019 when employees filed no grievances. One (1) grievance filed during 2019 is on-going; therefore, its status is pending arbitration.

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 civilian employees' union 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 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 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 26.2.5/COMMUNICATIONS 1.4.11)

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

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.”

In 2020, there were thirty-eight (38) inquiries and minor complaints that were investigated. The following table shows a comparison, by year, to the previous two years. In comparing 2020 to 2019, there was an increase of fifteen (15) inquiries investigated, which is equivalent to a sixty-five (65%) percent increase. Of the thirty-eight (38) inquiries in 2020; nineteen (19) were sustained, compared to fifteen (15) sustained complaints in 2019. There was one (1) sustained complaint in 2020 on a civilian employee compared to zero (0) sustained complaints on civilian employees in 2019.

TOTAL INQUIRIES BY MONTH 2018-2020

Months	2018	2019	2020
January	2	2	4
February	2	2	2
March	5	2	1
April	2	2	4
May	1	3	5
June	2	1	3
July	0	0	5
August	1	3	3
September	0	1	3
October	1	4	4
November	1	0	3
December	1	3	1
Total	18	23	38

There were nineteen (19) inquiries filed from external sources. Nineteen (19) inquiries were internally generated. One (1) internal inquiry was referred to the Professional Standards Bureau for an Internal Affairs investigation and documented accordingly. One (1) internal inquiry resulted in the termination of probationary employment.

From 2017 through 2019, there was an average of twenty-five (25) inquiries investigated each year. In 2020, that number increased to thirty-eight (38). This increase is explained by a number of factors working in concert such as a larger number of new officers have joined the workforce, supervisors emphasizing accountability, and a service population set on edge by the COVID-19 pandemic.

EXTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS – 2020

Types of Complaints	Unfounded	Exonerated	Not Sustained	Sustained	Policy Failure	Complaint Withdrawn	Pending	Total by Type
Biased-Based Complaint	0	0	0	0	0	0	0	0
Criminal/Gross Misconduct	0	0	3	0	0	0	0	3
Dereliction of Duty	0	0	2	0	0	0	0	2
Discharge of Firearm	0	0	0	0	0	0	0	0
Excessive Use of Force	1	0	0	0	0	0	0	1
Harassment	0	0	0	0	0	0	0	0
Traffic Violation	0	0	0	0	0	0	0	0
Unprofessionalism	4	0	4	2	0	0	0	10
Violation of Civil Rights	0	0	0	0	0	0	0	0
Administrative Policy Violation	0	0	0	2	1	0	0	3
TOTAL	5	0	9	4	1	0	0	19

In 2020, the Cape Coral Police Department's Communications Center handled 76,832 emergency telephone calls and 202,872 non-emergency telephone calls. This is a total of 279,704 telephone contacts within our Communications Center.

In 2020 Cape Coral Police Officers interacted with the public (between citizen calls for service and self-initiated activity) on 216,857 occasions. In nearly 217,000 contacts with the public, only nineteen (19) of those contacts resulted in an externally-generated complaint. The Professional Standards Bureau believes that the Body-Worn Camera (BWC) Program continues to have a suppressive effect on the number of citizen complaints.

INTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS - 2020

Types of Complaints	Unfounded	Exonerated	Not Sustained	Sustained	Policy Failure	Complaint Withdrawn	Pending	Total by Type
Biased-Based Complaint	0	0	0	0	0	0	0	0
Criminal/Gross Misconduct	0	0	0	0	0	0	0	0
Dereliction of Duty	0	0	0	6	0	0	0	6
Discharge of Firearm	0	0	0	1	0	0	0	1
Excessive Use of Force	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0
Traffic Violation	0	0	0	2	0	0	0	2
Unprofessionalism	0	0	0	5	0	0	0	5
Violation of Civil Rights	0	0	0	0	0	0	0	0
Administrative Policy Violation	0	0	1	4	0	0	0	5
TOTAL	0	0	1	18	0	0	0	19

CORRECTIVE ACTION FOR INQUIRIES – 2018 TO 2020

Types of Corrective Action / Inquiries	2018	2019	2020
*Oral Warning (Civilians Only)	0	0	0
*Performance Deficiency Notice	2	5	0
*Memorandum of Counseling	6	3	8
Written Reprimand	1	3	8
Suspension	2	0	2
Demotion	0	0	0
Termination	2	2	2
Voluntary Separation	0	0	0
TOTAL	13	13	20

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

Note: Corrective Action for one (1) sustained internal inquiry is pending at the time of this report.

Internal Affairs Investigations

The Professional Standards Bureau Internal Affairs Unit is responsible for Internal Affairs investigations. Formal Internal Affairs investigations consist of, 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 five (5) Internal Affairs investigations in 2020 compared to the two (2) previous years.

FORMAL IA INVESTIGATIONS 2018-2020



From January 1 to December 31, 2020, the Professional Standards Bureau initiated five (5) Internal Affairs investigations involving five (5) Department members. The number of Internal Affairs investigations for 2020 declined by one (1) compared to 2019.

Internal Affairs conducted a review of the cases and found that five (5) were Administrative Policy Violations, which is the same as 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 in this report's Inquiry section and the Internal Affairs Investigation section. Examples include failure to submit required paperwork properly, failure to report for duty on time, unauthorized vehicle pursuit, etc. The other investigation involved a violation of state law. Of the five (5) Internal Affairs investigations, three (3) were sustained and two (2) are still ongoing.

INTERNAL AFFAIRS INVESTIGATION FINDINGS BY TYPE OF COMPLAINT – 2020

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

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 ongoing.

INTERNAL AFFAIRS INVESTIGATION DISPOSITIONS 2018-2020

	2018	2019	2020
Sustained	3	3	3
Not Sustained	3	0	0
Unfounded	0	0	0
Exonerated	0	0	0
No Basis for Complaint	0	0	0
Pending	0	1	2

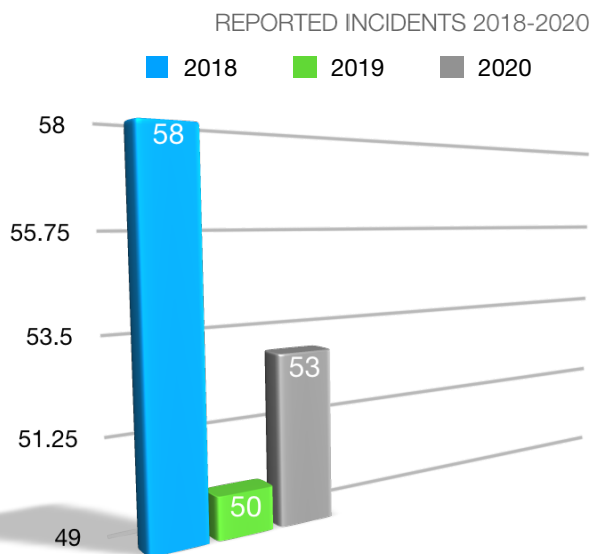
TYPES OF CORRECTIVE ACTIONS/IA INVESTIGATIONS 2018-2020

	2018	2019	2020
Memo of Counseling	0	0	1
Written Reprimand	0	1	3
Suspension	2	0	1
Demotion	0	0	0
Termination	0	1	0
Voluntary Separation	2	0	0

Use of Force - Reporting and Analysis

(CALEA CHAPTER LAW ENFORCEMENT 4.2.4)

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. During 2020, there were fifty-three (53) Resistance Control Form (RCF) reports filed with the Professional Standards Bureau. The total number of reported use of force incidents increased by six percent (6%) in 2020 compared to 2019, maintaining the overall reduction in use-of-force incidents since 2012. While there is no one definitive reason for this trend, a factor is likely the continued use of body-worn cameras by 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 the use of force is necessary.

TYPES OF FORCE APPLIED 2018-2020

Type	2018	2019	2020
Taser (Touch Stun/Darts)	26	20	22
Hands/Fist/Feet/Take Down	22	20	17
OC Spray	9	4	12
Impact Weapon	0	0	1
K-9 (includes bites only)	1	5	1
Firearm/Lethal Weapon	0	1	0
Total	58	50	53
Number of Arrests	3,447	3,302	2,817
Number of RCF Rate	1:59	1:66	1:53

In 2020, of the 216,857 interactions our officers had with the public, a total of 2,817 resulted in an arrest. Forty-six (46) of those arrests resulted in a use of force. Seven (7) reported uses of force resulted during attempts to take subjects into protective custody under the provisions of the Baker Act, a reduction of two (2) cases from the previous year.

In 2020, there is a slight increase in the total number of use of force incidents year-over-year- fifty-three (53) uses of force in 2020 versus fifty (50) in

2019. While service population and total workforce of the Cape Coral Police Department

increased in 2020 over 2019, total arrests declined sharply from 3,302 to 2,817. The decrease in arrests is due, in no small part, to the COVID-19 pandemic and directives to officers to limit physical contact with the public. While some specific categories exhibit large percentage changes (decrease of eighty percent (80%) in K-9 bites, or two hundred percent (200%) increase in OC usage), all categories are comprised of low overall numbers, which have a disproportionate impact on percentage changes. Review of uses of force continue to show that the overwhelming majority of subjects against whom force is used are White (forty-nine (49) out of 53) and male (forty-two (42) out of 53), with no appreciable pattern or trend in age of the offender.

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 2020, the Taser was involved in forty-two percent (42%) of the types of force applied, which is a 2% increase from 2019. Hands/Fist/Feet/Takedowns were also applied in thirty-two percent (32%) of use of force incidents, an eight percent decrease from 2019. By department policy, only takedowns that result in injury or complaint of injury are reported. Oleoresin Capsicum (OC) saw a significant increase in 2020 from 2019, accounting for twenty-three percent (23%) of the agency's uses of force, or almost three times as often. The second largest decrease was K-9 use of force, down from five (5) in 2019 to one (1) in 2020, an eighty percent (80%) decrease. Finally, firearm/lethal force incidents decreased from one (1) in 2019, to zero (0) in 2020, or a 100% decline.

In 2020, uses of force resulted in twenty-eight (28) reported injuries, or fifty-three percent (53%), which is a seventeen percent (17%) increase from the previous year. Hands/Fist/Feet/Takedowns resulted in fifteen (15) of the reported injuries, Taser usage resulted in ten (10) injuries, with K-9 bites and OC responsible for the remaining injuries. The injuries resulting from Taser usage were minor abrasions generally caused by contact with the ground after being Tasered. Five officers (5) reporting injuries during a use of force encounter. Officer injuries occurred across the spectrum of force situations with no discernible pattern or trend.

When looking at temporal information regarding uses of force, some expected and some unexpected data points emerge. When looking at uses of force on an hourly basis, a pattern emerges where uses of force peak around 11:00 AM, 8:00 PM, and 1:00 AM with a troughs at 6:00 AM and 4:00 PM. This is not unexpected as the peak times are occurring mid-morning when most people are awake and businesses are open, during prime-time evening hours when most families are at home together and domestics occur, and late-prime-time for bars and entertainment areas. Activity drops off when even most night-owls are finally asleep and late

USE OF FORCE INJURIES- 2020

Type	Amount	Injury	Percent of Injuries Reported
Taser (Touch Stun/Darts)	22	10	35%
Hands/Feet/ Fists/Takedown	17	15	54%
OC Spray	12	2	7%
Impact Weapon	1	0	0%
K-9 (Includes bites only)	1	1	4%
Firearm/Lethal Weapon	0	0	N/A
Total	53	28	100%

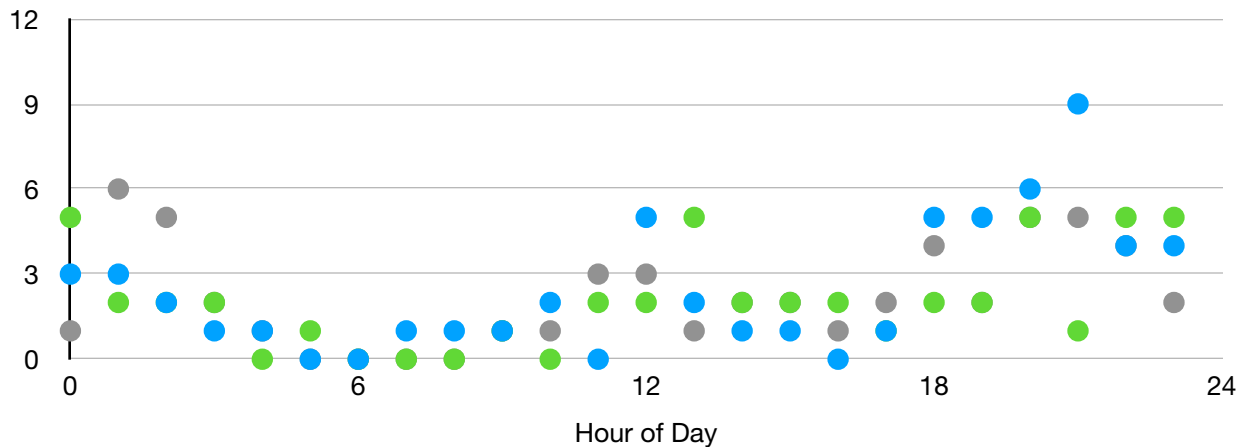
REPORTED USES OF FORCE BY DAY OF WEEK- 2020



afternoon when most people are still at work and have not taken to the roads yet. On a daily basis, reported uses of force range from four (4) occurring on Tuesdays to ten (10) occurring on Wednesdays in 2020, this flies in the face of conventional wisdom that weekends would have higher incidences. Monthly trends emerge as well, showing a bit of seasonality when it comes to uses of force. The trend seen over the last three years is that incidents begin to increase in May and spike in August which coincides with some of the hottest months of the year in Florida. Conversely, incidences drop off precipitously in cooler and more pleasant months like March, April, and again in September.

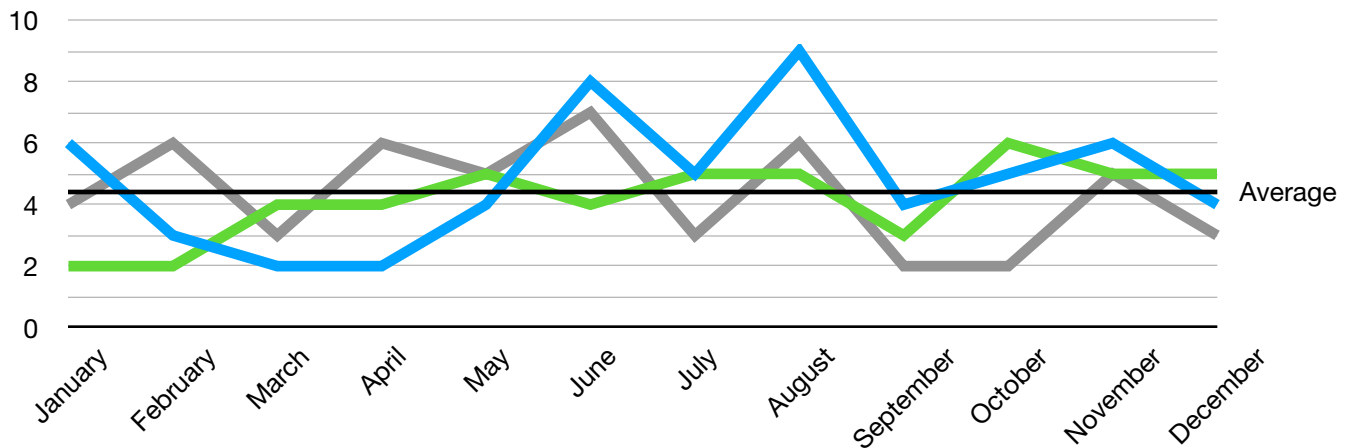
● 2018 ● 2019 ● 2020

REPORTED USES OF FORCE BY HOUR OF DAY 2018-2020

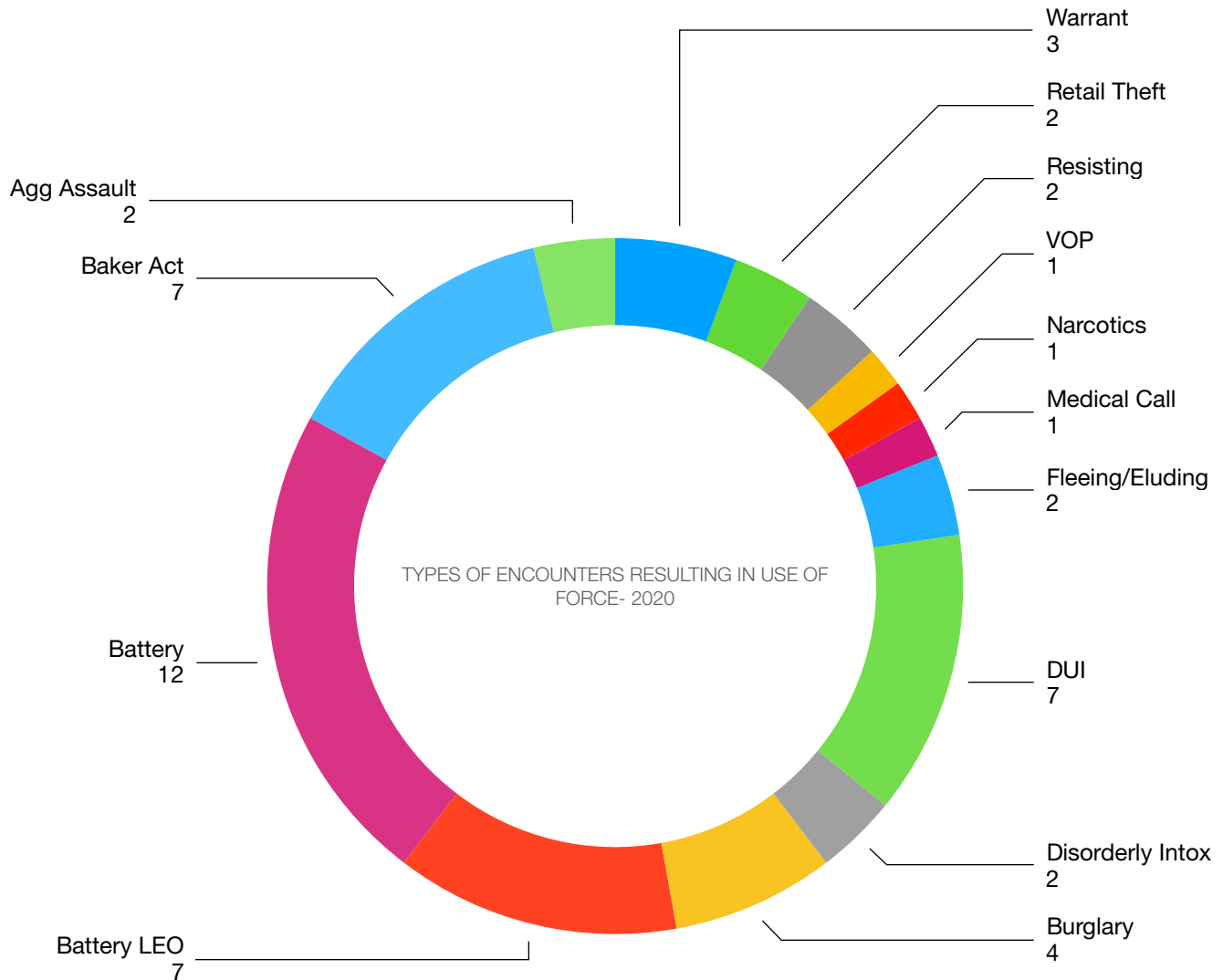


— 2018 — 2019 — 2020

REPORTED USES OF FORCE BY MONTH 2018-2020



In 2020 the Professional Standards Bureau began looking more closely at the types of encounters that resulted in a use of force with an eye toward identifying trends or patterns. Not surprisingly, forty percent (40%) of cases where an officer had to use force involved encounters with people who were predisposed to violence, based on call-type (Battery, Battery LEO, Aggravated Assault). Thirty-two percent (32%) of uses of force in 2020 involved intoxicated persons (DUI, Disorderly Intoxication, Narcotics) or those with an altered mental status (Baker Act), with the remaining twenty-eight percent (28%) distributed across a variety of call types (see below).



Although there were identifiable patterns and trends, the type of confrontations in 2020, when compared to previous years, remained consistent. Temporal patterns and call-types that are most likely to result in uses of force are external factors that are outside of the agency's control. Fortunately, these factors are known and incorporated into new officer training and quarterly in-service training. 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 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.

Based on the Professional Standards Bureau's findings there are no recommendations to alter training or equipment. An analysis of agency reporting procedures and policies was also conducted and yielded no recommendations for changes regarding the 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.

Traffic Crash/Damage

During the period of January 1 to December 31, 2020, the Department completed forty-three (43) Vehicle Damage Reports. Of those incidents, twenty (20) were found to be a violation of policy or forty-seven percent 47% of the total damage reports for 2020. The Police Volunteer Unit (PVU) was involved in one (1) violation of policy crash in 2020, as compared to four (4) in 2019. Overall, there was a nineteen percent (19%) increase in incidences of traffic crashes and vehicle damage from 2019 to 2020.

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

Types	2018	2019	2020
Violation of Policy	17	19	23
Within Policy	23	17	20
Total*	40	36	43
*Total Damages Itemized: On-Duty Damage	35	33	40
Off-Duty Damage	5	3	3

Two (2) of the three (3) vehicles that sustained off-duty damage were struck by family-members while parked in an officer's driveway. The third sustained damage when a tree branch struck it during a severe thunderstorm.

Pursuits - Reporting and Analysis

(CALEA Chapter Law Enforcement 41.2.2)

PURSUIITS 2018-2020

Pursuits	2018	2019	2020
Total Pursuit	1	1	1
Pursuits Resulting in Crashes	0	0	1
Suspect Rammed Officer	0	0	0

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

There was only one (1) pursuit in 2020, equal to 2019. The pursuit was in response to an attempted traffic stop for a moving violation in which the suspect fled and later crashed, fleeing on foot. It was later discovered that the car was stolen. No officers were injured, and no department vehicles were damaged.

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."