



**Cape Coral
Police
Department**

2021

Professional Standards Bureau Annual Report



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2/18/22

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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 depends on 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 2021 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

(CALEA Chapter (Law Enforcement 22.4.3/Communications 3.5.3)

There were no grievances filed with the Police Department in 2021 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 zero (0). This represents a 100% decrease in grievances for sworn officers from 2020 when employees filed one (1) grievance. Civilian grievances remained the same as in 2020 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 civilian employees' 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 themselves and interviewing the representatives of each labor union. Both 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

(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 2021, there were twenty-seven (27) inquiries and minor complaints investigated. The following table shows a comparison, by year, to the previous two years. In comparing 2021 to 2020, there was a decrease of eleven (11) inquiries investigated, which is equivalent to a twenty-nine (29%) percent decrease. Of the twenty-seven (27) inquiries in 2021, fourteen (14) were sustained, compared to nineteen (19) sustained complaints in 2020. There was one (1) unfounded complaint in 2021 on a civilian employee compared to one (1) sustained complaint on a civilian employee in 2020.

Sixteen (16) inquiries were filed from external sources, and eleven (11) inquiries were internally generated. One (1) internal inquiry and one (1) external inquiry (not counted in this total) were referred to the Professional Standards Bureau for an Internal Affairs investigation and documented accordingly.

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 2021, the Cape Coral Police Department's Communications Center handled 90,060 emergency telephone calls and 226,912 non-emergency telephone calls. This is a total of 316,972 telephone contacts within our Communications Center.

In 2021 Cape Coral Police Officers interacted with the public (between citizen calls for service and self-initiated activity) on 292,432 occasions. In nearly 293,000 contacts with the public, only sixteen (16) of those contacts resulted in an externally-generated 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."

TOTAL INQUIRIES BY MONTH 2019-2021

Months	2019	2020	2021
January	2	4	3
February	2	2	1
March	2	1	5
April	2	4	2
May	3	5	0
June	1	3	1
July	0	5	3
August	3	3	3
September	1	3	3
October	4	4	1
November	0	3	3
December	3	1	2
Total	23	38	27

EXTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS – 2021

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	2	1	4	0	0	1	0	8
Dereliction of Duty	1	0	2	4	0	0	0	7
Discharge of Firearm	0	0	0	0	0	0	0	0
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	0	0	0	0	0
Unprofessionalism	0	0	1	0	0	0	0	1
Violation of Civil Rights	0	0	0	0	0	0	0	0
Administrative Policy Violation	0	0	0	0	0	0	0	0
TOTAL	3	1	7	4	0	1	0	16

INTERNAL INQUIRIES BY TYPE OF COMPLAINT AND FINDINGS - 2021

Types of Complaints	Unfounded	Exonerated	Not Sustained	Sustained	Policy Failure	Complaint Withdrawn	Pending	Total by Type
Biased-Based Complaint	1	0	0	0	0	0	0	1
Criminal/Gross Misconduct	0	0	0	1	0	0	0	1
Dereliction of Duty	0	0	1	5	0	0	0	6
Discharge of Firearm	0	0	0	0	0	0	0	0
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	1	0	0	0	0	1
Unprofessionalism	0	0	0	1	0	0	0	1
Violation of Civil Rights	0	0	0	0	0	0	0	0
Administrative Policy Violation	0	0	1	0	0	0	0	1
TOTAL	1	0	3	7	0	0	0	11

CORRECTIVE ACTION FOR INQUIRIES – 2019 TO 2021

Types of Corrective Action / Inquiries	2019	2020	2021
*Oral Warning (Civilians Only)	0	0	0
*Performance Deficiency Notice	5	0	1
*Memorandum of Counseling	3	8	7
Written Reprimand	3	8	3
Suspension	0	2	1
Demotion	0	0	0
Termination	2	2	0
Voluntary Separation	0	0	1
TOTAL	13	20	13

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

Note: One (1) sworn employee was issued a Memorandum of Counseling for insubordination. Shortly thereafter the employee voluntarily separated from the agency, ostensibly for unrelated reasons.

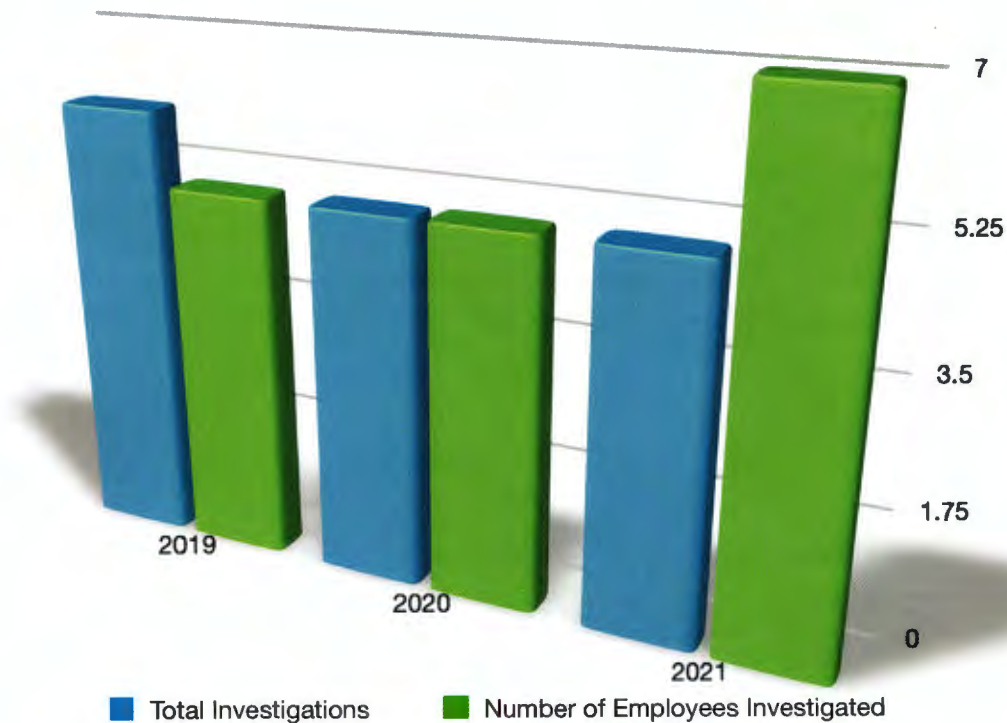
Internal Affairs Investigations

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 2021 compared to the two (2) previous years. Two (2) of the investigations involved two (2) subject officers, accounting for the increase in “Number of Employees Investigated” rising from five (5) to seven (7).

Formal IA Investigations



From January 1 to December 31, 2021, the Professional Standards Bureau initiated five (5) Internal Affairs investigations involving seven (7) Department members. The number of Internal Affairs investigations for 2021 remained the same compared to 2020.

Internal Affairs reviewed the cases and found that four (4) were Administrative Policy Violations, one less than last year. 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.

Therefore, Administrative Policy Violation is listed in this report's Inquiry section and the Internal Affairs Investigation section. However, because the Internal Affairs Section investigated these allegations, these numbers are not counted in the previous section regarding inquiries. Examples include failure to submit required paperwork properly, failure to report for duty on time, unauthorized vehicle pursuit, etc. Of the five (5) investigations, Internal Affairs sustained three (3), one (1) investigation was not sustained. The last one (1) was a lethal force review of an officer-involved shooting, with no basis for a complaint.

INTERNAL AFFAIRS INVESTIGATION FINDINGS BY TYPE OF COMPLAINT – 2021

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	0	0	4
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	1	0	0	0	0	4

INTERNAL AFFAIRS INVESTIGATION DISPOSITIONS 2019-2021

	2019	2020	2021
Sustained	3	3	3
Not Sustained	0	0	1
Unfounded	0	0	0
Exonerated	0	0	0
No Basis for Complaint	0	0	1
Pending	1	2	0
Total	4	5	5

The chart below shows the corrective action for Internal Affairs investigations. One (1) employee voluntarily separated, two (2) other employees were issued suspensions.

TYPES OF CORRECTIVE ACTIONS/IA INVESTIGATIONS

	2019	2020	2021
Memo of Counseling	0	1	0
Written Reprimand	1	3	0
Suspension	0	1	2
Demotion	0	0	0
Termination	1	0	0
Voluntary separation	0	0	1
Total	2	5	3

Use of Force - Reporting and Analysis

(CALEA CHAPTER LAW ENFORCEMENT 4.2.4)

In 2021, there were sixty (60) Resistance Control Form (RCF) reports filed with the Professional Standards Bureau. The total number of reported use of force incidents increased by thirteen percent (13.2075%) in 2021 compared to 2020; while this maintains the overall reduction in use-of-force incidents since 2012, this year-over-year increase is attributable to a return by officers to a post-pandemic footing in which they are more proactive and having more direct contact with the public.

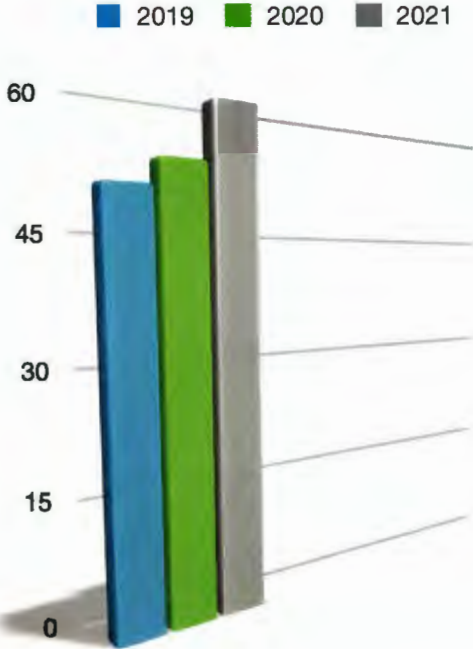
In 2021, of the 216,857 interactions our officers had with the public, a total of 3,331 resulted in an arrest. Forty-eight (48) of those arrests resulted in a use of force. Twelve (12) reported uses of force resulted during attempts to take subjects into protective custody under the provisions of the Baker Act, an increase of five (5) 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. The following compares the types of force used in 2019-2021.

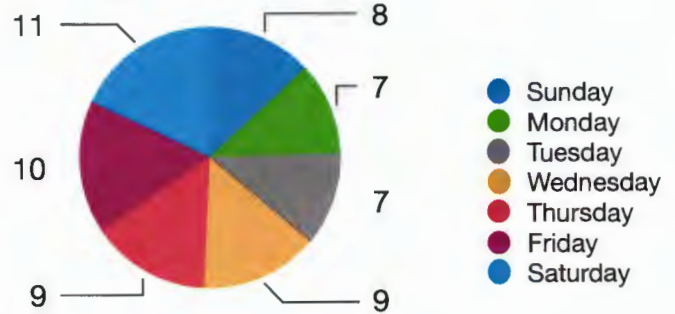
TYPES OF FORCE APPLIED 2019-2021

Type	2019	2020	2021
Taser (Touch Stun/ Darts)	20	22	29
Hands/Fist/Feet/Take Down	20	17	23
OC Spray	4	12	13
Impact Weapon	0	1	0
K-9 (includes bites only)	5	1	0
Firearm/Lethal Weapon	1	0	1
Total Incidents	50	53	60
Number of Arrests	3,302	2,817	3,331
Number of RCF Rate	1:66	1:53	1:56

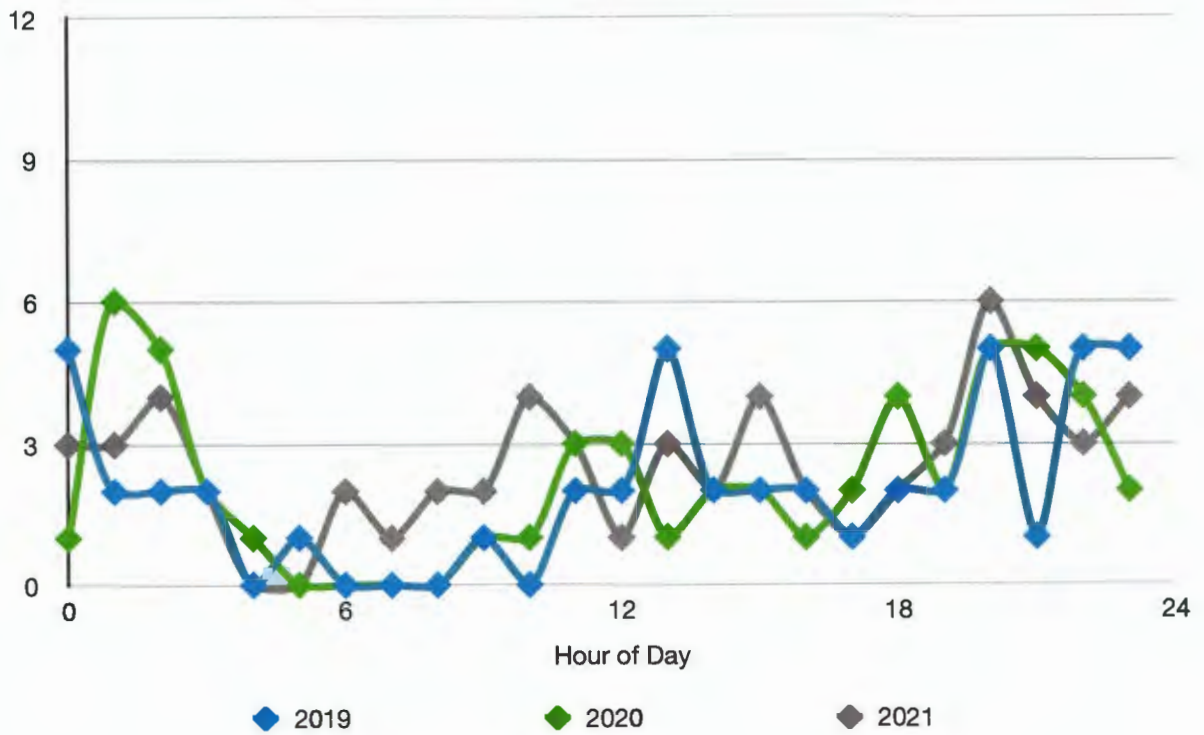
REPORTED INCIDENTS 2019-2021



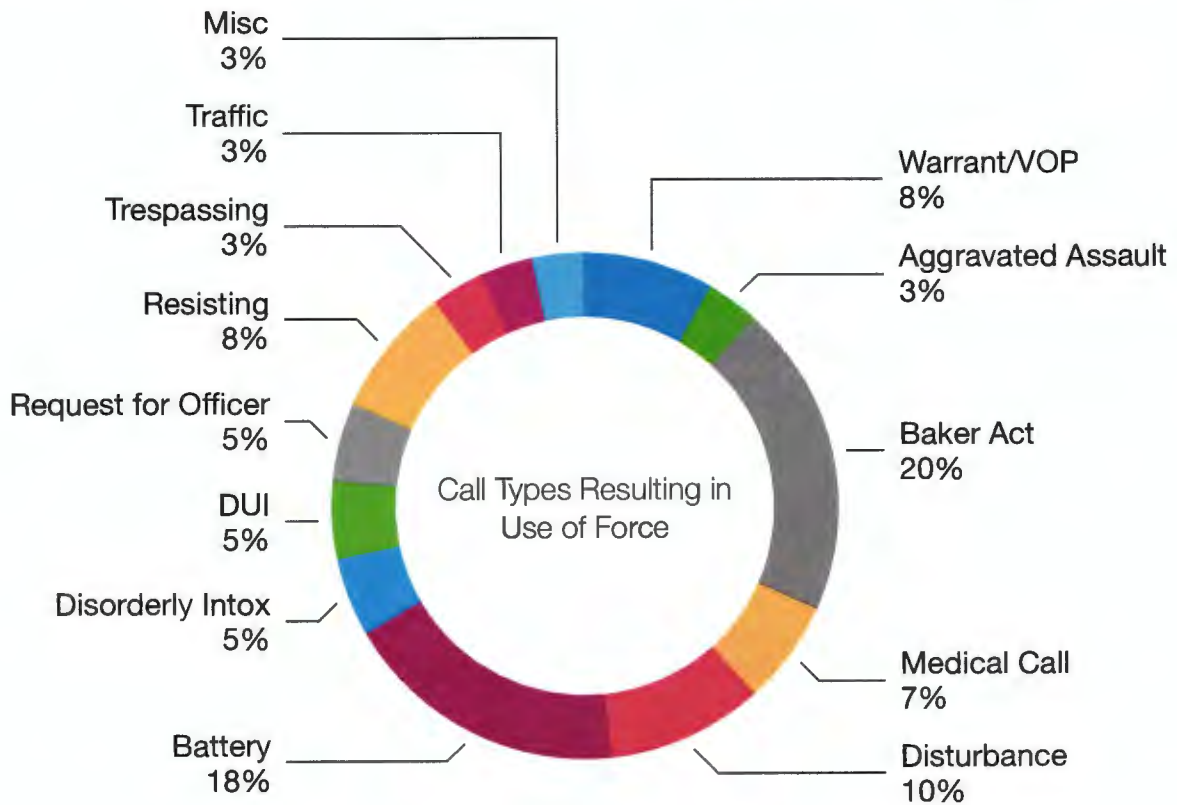
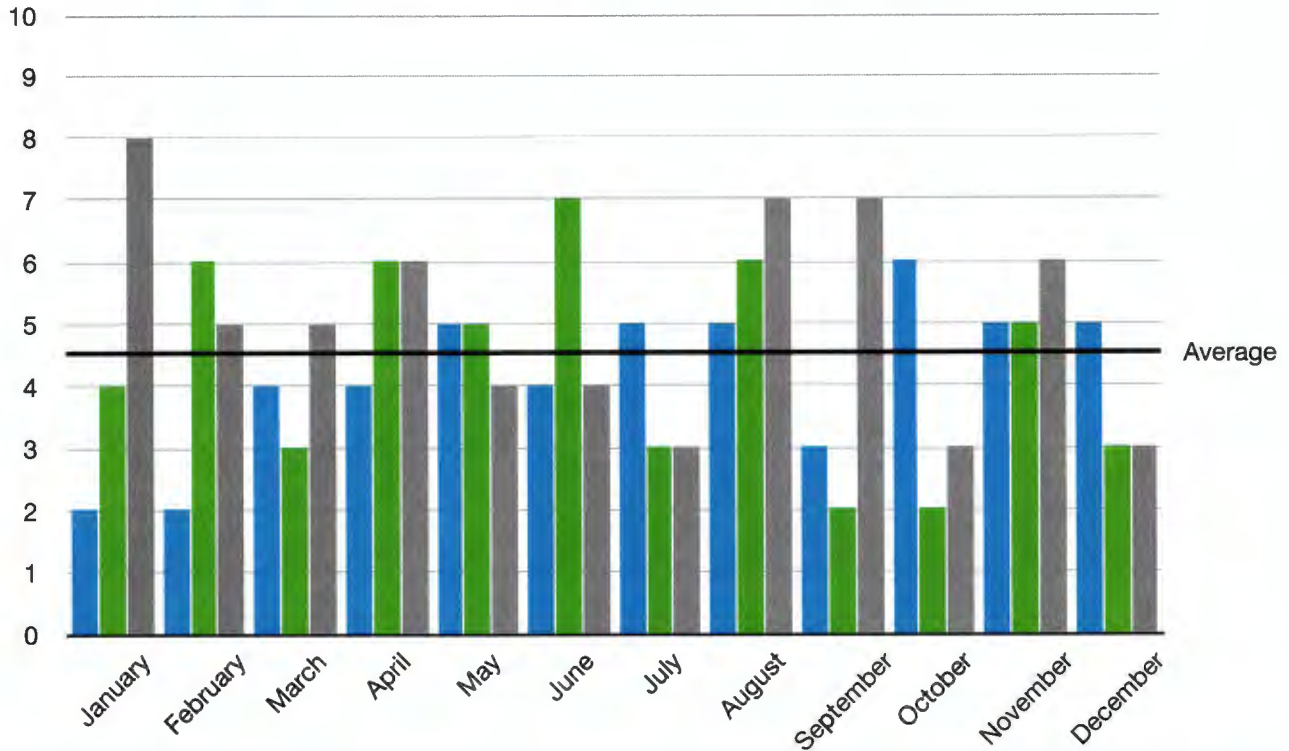
2021 REPORTED USES OF FORCE BY DAY OF WEEK



REPORTED USES OF FORCE BY HOUR OF DAY 2019-2021



2019 2020 2021
REPORTED USES OF FORCE BY MONTH 2019-2021



In 2021, the Taser was involved in forty-eight percent (48%) of the types of force applied, which is a six percent (6%) increase from 2020. Hands/Fist/Feet/Takedowns were also applied in thirty-eight percent (38%) of use of force incidents, a six percent (6%) increase from 2020. 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 2021 from 2020, when it was used in twenty-one percent (21%), or a two percent (2%) reduction from 2020. The largest decrease was K-9 use of force, down from one (1) in 2020 to zero (0) in 2021, a one hundred percent (100%) reduction. Finally, firearm/lethal force incidents increased from zero (0) in 2020, to one (1) in 2021, a one hundred percent (100%) increase.

In 2021, uses of force resulted in thirty-one (31) reported injuries, or fifty-two percent (52%), which is a one percent (1%) decrease from the previous year. The use of Hands/Fist/Feet/Takedowns was involved in seventeen (17) of the reported injuries, Taser usage was involved in eleven (11) injuries, with no K-9 bites for 2021. OC was used in three (3) instances with a reported injury. The injuries resulting from Taser usage were minor abrasions generally caused by contact with the ground after being Tasered. Three (3) injuries were reported as a result of physical maneuvering/handcuffing and there was one (1) lethal-force encounter in which two officers shot and killed an armed suspect.

Six officers (6) reported injuries during a use of force encounter. Five out of six (5 out of 6) officer injuries occurred while going hands-on with suspects.

Type	Amount	Injury	Percent Involved in Injuries Reported
Taser (Touch Stun/Darts)	29	11	36%
Hands/Feet/Fists/Takedown	23	17	55%
OC Spray	13	3	1%
Impact Weapon	0	0	0%
K-9 (Includes bites only)	0	0	0%
Firearm/Lethal Weapon	1	1	3%
Physical Maneuvering/Handcuffing	4	3	10%

Percentages will not total 100% due to some incidents requiring multiple force options.

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 2021, remained consistent when compared to previous years.

In 2021, there is a slight increase in the total number of use of force incidents year-over-year-sixty (60) uses of force in 2021 versus fifty-three (53) in 2020. The service population and total workforce of the Cape Coral Police Department both increased in 2021 over 2020. Total arrests also increased sharply from 2,817 to 3,331, an increase of over eighteen percent (18%). The increase in arrests is due, in no small part, to the relaxation of COVID-19 pandemic directives to officers to limit physical contact with the public and a larger workforce enabling more proactive time. Review of uses of force continue to show that the overwhelming majority of subjects against whom force is used are White, comprising fifty-six (56) out of sixty (60) and male forty-five (45) out of sixty (60), with no appreciable pattern or trend in age.

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 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 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.

Traffic Crash/Damage

From January 1 to December 31, 2021, the Department completed forty-six (46) Vehicle Damage Reports. Of those incidents, nineteen (19) were found to be a violation of policy or forty-one percent (41.3%) of the total damage reports for 2021. The Police Volunteer Unit (PVU) was involved in one (1) in-policy crash in 2021, as compared to one (1) in 2020 that was a policy violation. Overall, there was a seven percent (7%) increase in incidences of traffic crashes and vehicle damage from 2020 to 2021.

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

Types	2019	2020	2021
Violation of Policy	19	23	19
Within Policy	17	20	27
Total*	36	43	46
*Total Damages Itemized: On-Duty Damage	33	40	39
Off-Duty Damage	3	3	7

Two (2) of the seven (7) vehicles that sustained off-duty damage were preventable crashes. One (1) was the result of damage from wind blowing over a basketball hoop that struck a parked car. Two (2) were struck by other vehicles while unoccupied. Two (2) vehicles sustained damage due to non-preventable traffic crashes.

Pursuits - Reporting and Analysis

(CALEA Chapter Law Enforcement 41.2.2)

One (1) vehicle pursuit was reported to the Professional Standards Bureau in 2021, identical to the previous year.

Pursuits 2019-2021

Pursuits	2019	2020	2021
Total Pursuit	1	1	1
Pursuits Resulting in Crashes	0	1	0
Suspect Rammed Officer	0	0	0

There was only one (1) pursuit in 2021, equal to 2020. The pursuit was in response to an aggravated assault. 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."

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."