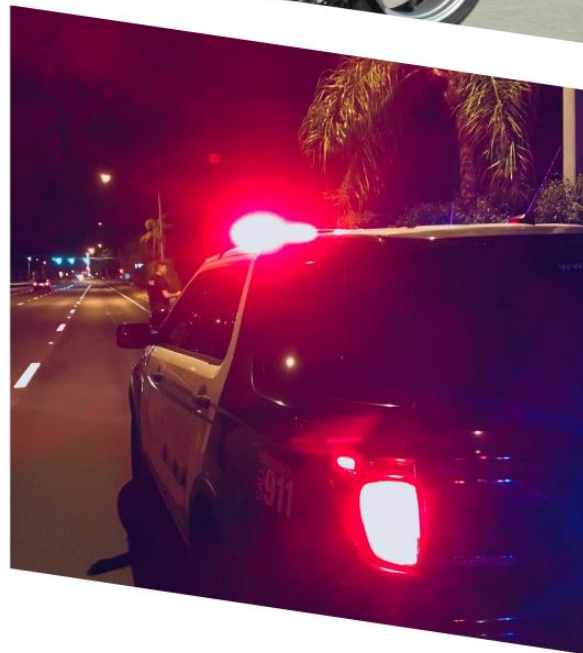


Cape Coral Police Department

Traffic Plan

2017



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Section 1 – Introduction

FORWARD FROM THE CHIEF OF POLICE



The purpose of this report is to review and analyze the traffic information for 2017, in comparison to prior years, in order to see what is currently happening on the roadways of Cape Coral. Equipped with that information the command staff members will be able to plan, update processes, and develop strategies to ensure that all the proper resources are in place to reduce the number of traffic accidents, fatalities, and other traffic incidents.

Traffic data in regards to the number of traffic stops, Uniform Traffic Citations (UTC), Warning Tickets (WT), Verbal Warnings (VW), traffic crashes, fatalities, Driving Under the Influence (DUI), and Selective Traffic Enforcement activity will be showcased below as a scorecard on what types of traffic activity officers within the Cape Coral Police

Department (CCPD) are servicing on the roadways. The data utilized for this analysis was gathered from the Records Management System (RMS) and the Computer Aided Dispatch system (CAD).

The Cape Coral Police Department is accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) for the past 29 years. The CALEA Accreditation Process is a proven management model that equips command staff members with a clearly defined blueprint that promotes the efficient use of resources and improves the delivery of services - regardless of the size, location, or functional responsibilities of the agency. In order to remain in compliance with the CALEA standards, certain types of analyses or reports are required to be completed on various types of statistical data. This information will serve as documentation needed for the CALEA Traffic Analysis standard.

The Cape Coral Police Department's traffic-focused mission is to reduce the number of traffic crashes and fatalities, including those involving pedestrians and bicyclists, within Cape Coral by 10%; and to fill vacant police positions in order to allow for more proactive policing.

Dave Newlan

Chief of Police

TRAFFIC PROFILE OF THE CITY OF CAPE CORAL

The City of Cape Coral is the second largest city in Florida by land mass (120 square miles), which includes 1,698.44 centerline miles of roadways¹, the clear majority of which are local and residential. One State Road and three County Roads also pass through the City. There are also 219 miles of sidewalks and growing, more than 120 miles of bike lanes, bike paths, and multi-use paths, more than 90 miles of interconnected bike routes, a 49-mile circular route around the perimeter of city, and 400 miles of beautiful canals.

PURPOSE

The Cape Coral Police Department is responsible for public safety, which includes the safe movement of vehicles and people, within the City limits. Traffic enforcement is a tool employed to educate drivers and influence driving behaviors in support of this purpose. This traffic plan will document historical trends, available department resources, relevant initiatives and other activities related to traffic safety; both as an internal planning tool, and an educational resource, for the public.

GOALS AND OBJECTIVES

- To increase the quality of life for our citizens by delivering programs and services that foster a safe community;
- Increase proactive and targeted traffic enforcement and education opportunities to ensure the safe movement of traffic throughout the city. Data analysis will identify problem areas and targeted traffic initiatives will be implemented to mitigate problems and manage concerns;
- Reduce the total number of traffic crashes, including those involving pedestrians and bicyclists;
- Reduce the number of severe injuries and fatalities related to traffic crashes;
- Work with various stakeholders from within the community and local governmental agencies to identify the need for and implement traffic calming measures, traffic safety programs, and related educational opportunities.

DATA COLLECTION AND ANALYSIS

Data collection and analysis is used to identify problems and other opportunities for change. Specific educational programs and targeted initiatives must be supported by valid data; if not they are likely spending time and resources that could otherwise be allocated to address actual

¹ Centerline road mileage is comparable to linear road miles, and does not account for number of lanes or direction. It is normally the smallest measurement for a roadway length.

needs. As resources are always limited, it is critical to expend our resources in the most effective and efficient means possible.

The data used for this analysis was obtained from the department's internal Records Management System (RMS) and Computer Aided Dispatch (CAD). CAD tracks events as they are dispatched, while RMS stores the records generated by those events. For instance, a traffic stop will be dispatched, and found in CAD, but any resulting tickets will be held in RMS. Counts for activity such as traffic stops and crashes were derived from a CAD report titled "Events by Nature Code." This report is standardized and provides a range of statistical information for a defined timeframe. Reports were generated for each calendar year.

For data retrieved from RMS, such as the number of traffic tickets issued, the numbers were found by conducting defined queries using the built-in search feature of the program.

Data from both systems for incidents and events that occurred within the City of Cape Coral for calendar years 2014 through 2017 were used for this report.

In specific cases, external data sources were used for comparative purposes. These are referenced within the section of this document that data from those sources can be found.



SECTION 2 - STATISTICAL DATA

POPULATION

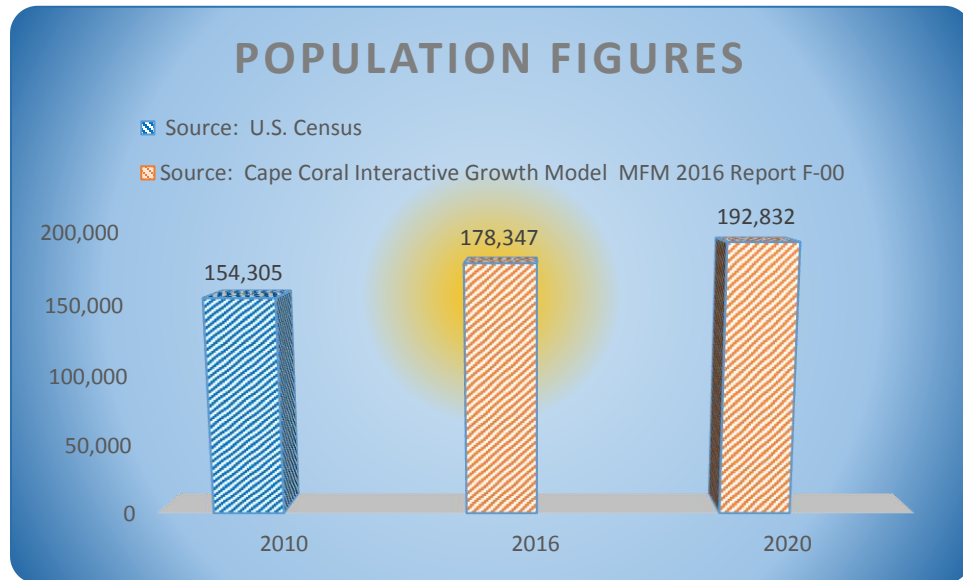


Figure 1

The official U.S. Census is completed decennially (every ten years,) to obtain population figures. During the time between the ten-year time span, a variety of sources develop population and demographic estimates, usually based on Census results. In past years, the City of Cape Coral has used the Bureau of Economic and Business Research (BEBR) at the University of Florida, or the Environmental Systems Research Institute, Inc. (ERSI) figures for these projections. The City of Cape Coral adopted the Cape Coral Interactive Growth Model in 2016 as the common source for population projections; going forward population estimates will utilize this source.

As displayed in chart 1, the initial population for 2010 was 154,305 (per U.S. Census data). Six years later in 2016, the population is estimated at 178,347, which reflects a 15.5% increase. The 2020 population is projected at 192,832, an 8% increase from the 2016 population estimate. These population estimates show a roughly 2.5% average annual growth rate within the City, for full time residents. Seasonal populations can increase by 19% or more during fall and winter months.

This is a good indication of the increasing demands for service that will be placed on the transportation system within the City.

TRAFFIC CRASHES

Per Florida's Integrated Report Exchange System (FIRES)², statewide traffic crashes have increased annually from 2014 through 2016. The total number of crashes during 2014 was 344,571, up to 374,767 in 2015, and 395,494 in 2016. The increase from 2014 to 2015 was 8.8%, and the increase from 2015 to 2016 was 5.5%. 2017 saw a slight decrease of 0.4%, with a final count of 394,050

FIRES crash data records only those incidents that meet reporting requirements under FSS 316.006(1)a and includes the following:

- Motor vehicle crashes resulting in death or personal injury, or
- Motor vehicle crashes in which one or more of the following conditions occur:
 - Leaving the scene involving damage to an attended vehicle or property (Section 316.061 (1), F.S.)
 - Driving while under the influence of alcoholic beverages, chemical substances; or controlled substances; or with an unlawful blood alcohol level (Section 316.193, F.S.)
 - Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash
 - Involved a commercial motor vehicle

Within the City of Cape Coral, we only experienced a fraction of the statewide totals, but we have also recorded an increase in those numbers year to year. During 2014, 3,743 total traffic crashes were recorded. In 2015 that number increased by about 10.7% to 4,153; slightly over the Statewide average. The 2016 totals climbed again to 4,376, on par with the Statewide average at an increase of about 5.4%. Using the same FIRES data, Cape Coral reported 1,689 crashes in 2014; 1,717 in 2015; 2,197 in 2016; and 2,479 in 2017.

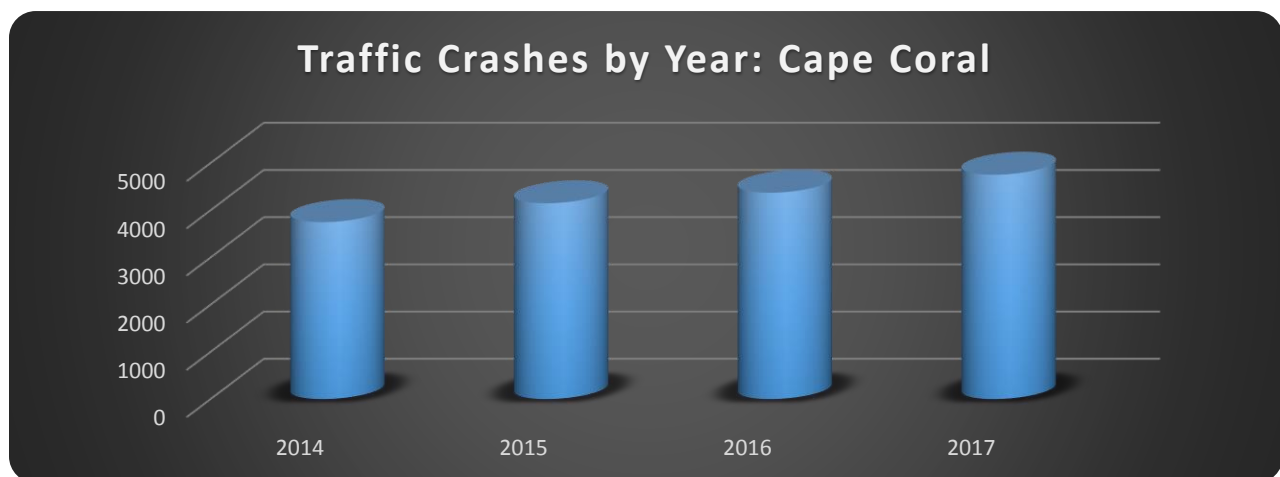


Figure 2

² Data retrieved on 5/30/2017 from <https://firesportal.com/Pages/Public/QuickStats.aspx>

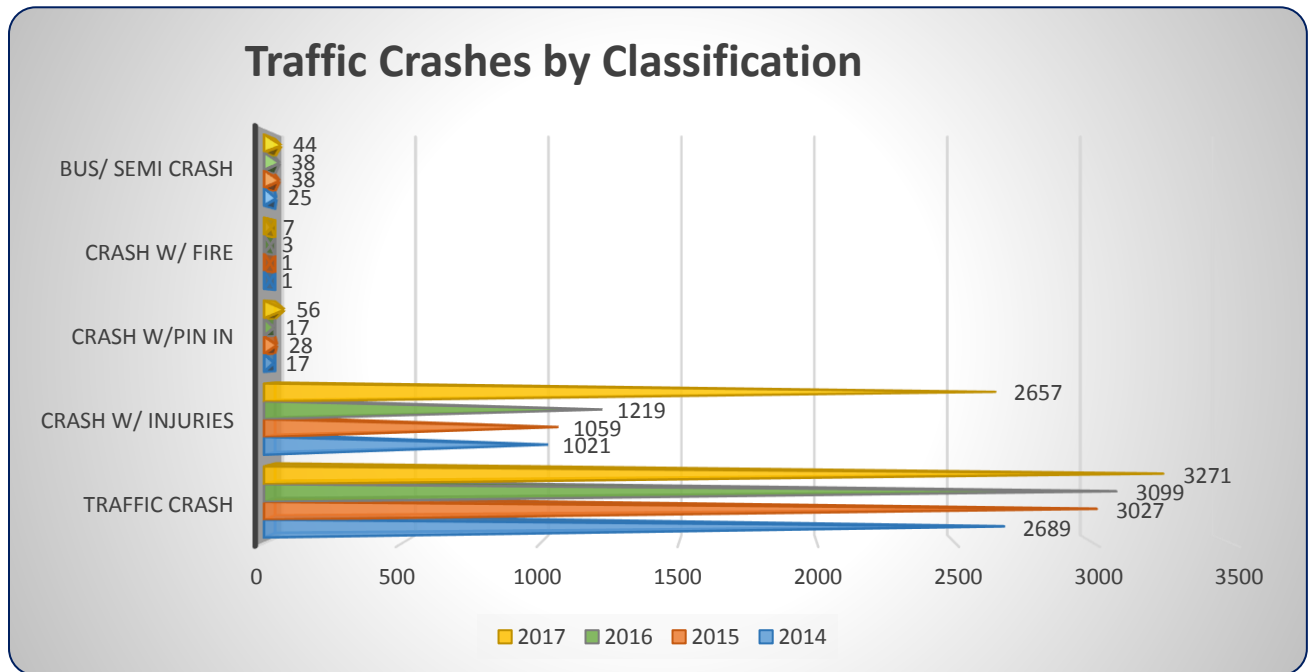


Figure 3

A traffic crash can be very minor, or devastating to life and property, or just about anywhere in between. For this reason, crashes are categorized by type; both to help determine priority when dispatching emergency assistance, and for data collection purposes. Crashes are categorized as follows: A crash involving a bus or heavy duty (usually commercial) vehicle such as a tractor - trailer combo or dump truck, a crash resulting in a vehicle fire, a crash which results in one or more occupants needing assistance from first responders to extricate from the vehicle, crashes resulting in injuries, and all other crashes. The “all other” traffic crash category includes minor parking lot crashes, and any crash that does not fall into the other categories; even if it results in property damage, or complete destruction of one or more involved vehicles.

Most categories saw an increase year over year. There was a spike of crashes resulting in occupants being pinned in during 2015, which fell again in 2016; and the number of crashes involving heavy duty vehicles held steady between 2015 and 2016. 2017 saw increases in every category, with injury crashes seeing an increase of 118%.

TRAFFIC FATALITIES

Any traffic crash that results in the death of an involved party is recorded as a traffic fatality. Referring back to Florida's Integrated Report Exchange System (FIRES), the State recorded 3,239 fatalities in 2014, 3,727 in 2015, 3,959 in 2016, and 3,714 in 2017. These numbers are the combined totals of pedestrian, bicycle and total motor vehicle related traffic fatalities, and account for about 1% of all recorded traffic crashes each year. Cape Coral recorded 12 fatalities in 2014, 14 in 2015, only 11 in 2016, and 17 in 2017. These numbers include pedestrian, bicycle, motor vehicle, and even

Traffic Fatalities by Year

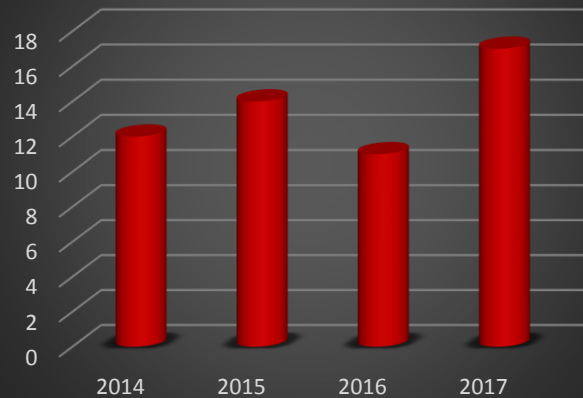


Figure 4

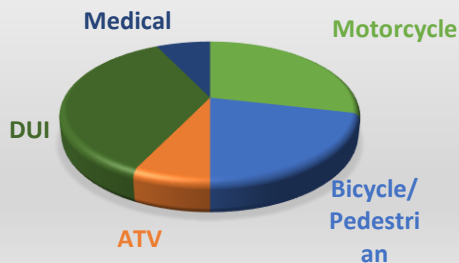
medical issues, and were validated using the logs of our major crash investigators assigned to the Traffic Unit of the Special Operations Bureau. Any time a traffic crash appears to be severe enough that a fatality is possible, this unit responds and begins the very thorough process of a major crash investigation, which includes crash scene reconstruction, and follow-ups with medical personnel.

Even when a death does not occur at the scene, if it was the result of the crash it will be recorded.

Unlike the State average for traffic fatalities accounting for just 1% of all recorded crashes, Cape Coral has held a year to year average of about 0.3%, a significant number.

2014 TRAFFIC FATALITIES:

CONTRIBUTING FACTORS



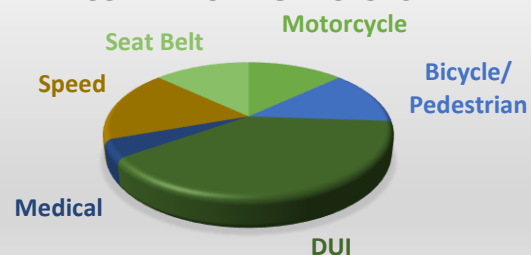
Traffic fatalities are further categorized based

Figure 5

upon the nature of the crash. Figures 5, 6, 7 and 8 display a comparison of contributing factors for each year.

2015 TRAFFIC FATALITIES:

CONTRIBUTING FACTORS



2016 TRAFFIC FATALITIES: CONTRIBUTING FACTORS

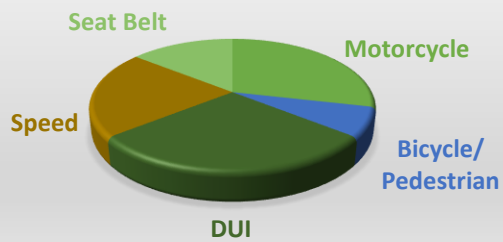


Figure 7

The medical category indicates that although a crash occurred, the fatality was attributed to a medical issue, and the crash was secondary; perhaps even caused by the death of a driver.

2017 TRAFFIC FATALITIES: CONTRIBUTING FACTORS

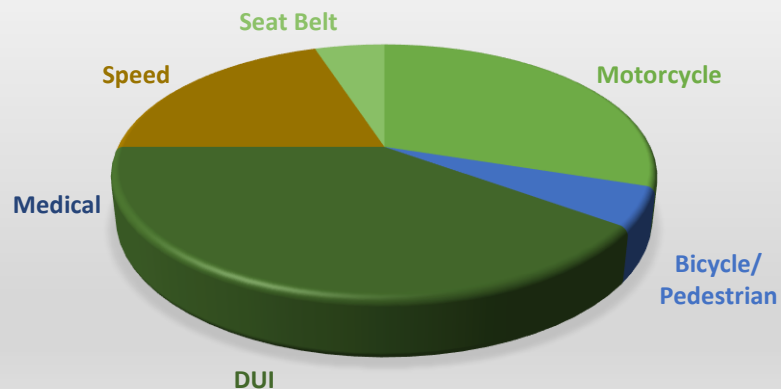


Figure 8

The other categories are more readily understood. The DUI category indicates that intoxication was a contributing factor of the crash, but not necessarily the fatality.

Other categories indicate whether a motorcycle, pedestrian, bicycle, or ATV was involved in the crash.

CRASHES BY AGE GROUP

Traffic crashes influence enforcement activity. If a pattern of traffic crashes develops, efforts to address the causes will be made. Educational programs targeted at schools and younger drivers, and targeted enforcement activity in the area of a specific intersection or stretch of roadway are good examples of what this means. One of the relevant factors to this is age. Different age demographics respond differently, and have different concerns when it comes to driving and driver education.

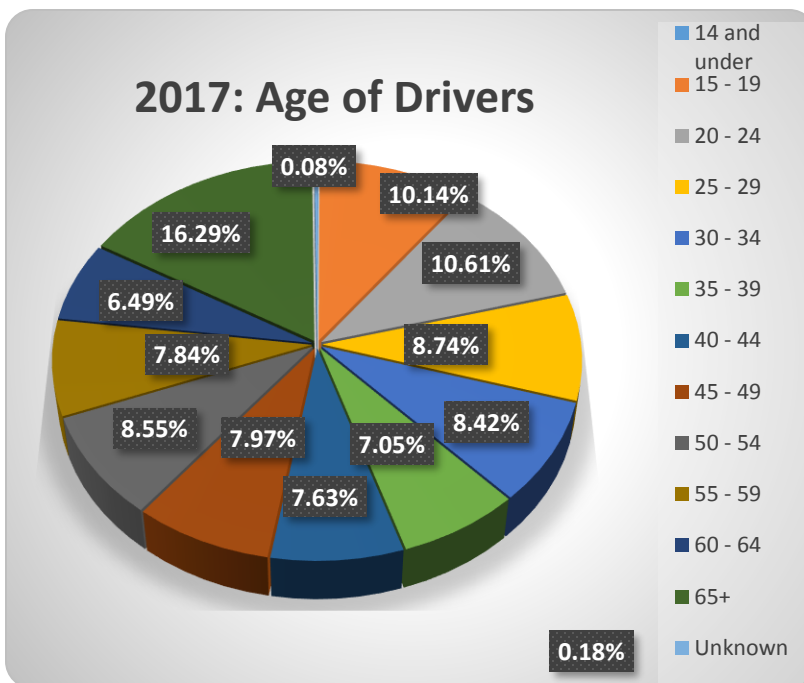


Figure 9

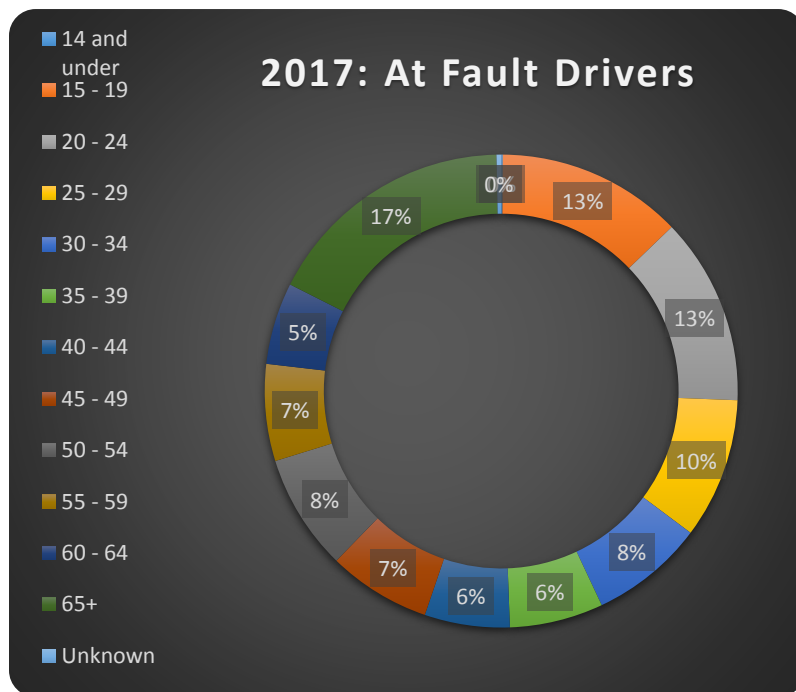


Figure 10

these numbers are similar. In all the reported crashes in 2017, drivers in the 15-19 age group were found to be at fault, 12.70% of the time, while the 65 and over age group were found to be at fault 17.24% of the time, and the 20-24 age group with 12.81%.

The following statistics were gathered from Florida's Integrated Report Exchange System (FIRES), for crashes that were initially reported to the Cape Coral Police Department.

In calendar year 2017, 10.14% of all drivers involved in crashes were between the ages of 15 and 19 years old. Although this seems to be a large percentage, it is third behind the 65 and over age group which accounted for 16.29% of all drivers involved in crashes, and the 20-24 age group with 10.61%. When reviewing fault in crashes,

In calendar year 2016, 10.39% of all drivers involved in crashes were between the ages of 15 and 19 years old. Although this seems to be a large percentage, it is only second behind the 65 and over age group which accounted for 17.33% of all drivers involved in crashes. When reviewing fault in crashes, these numbers are similar. In all the reported crashes in 2016, drivers in the 15-19 age group were found to be at fault, 12.98% of the time, while the 65 and over age group were found to be at fault 19.14% of the time.

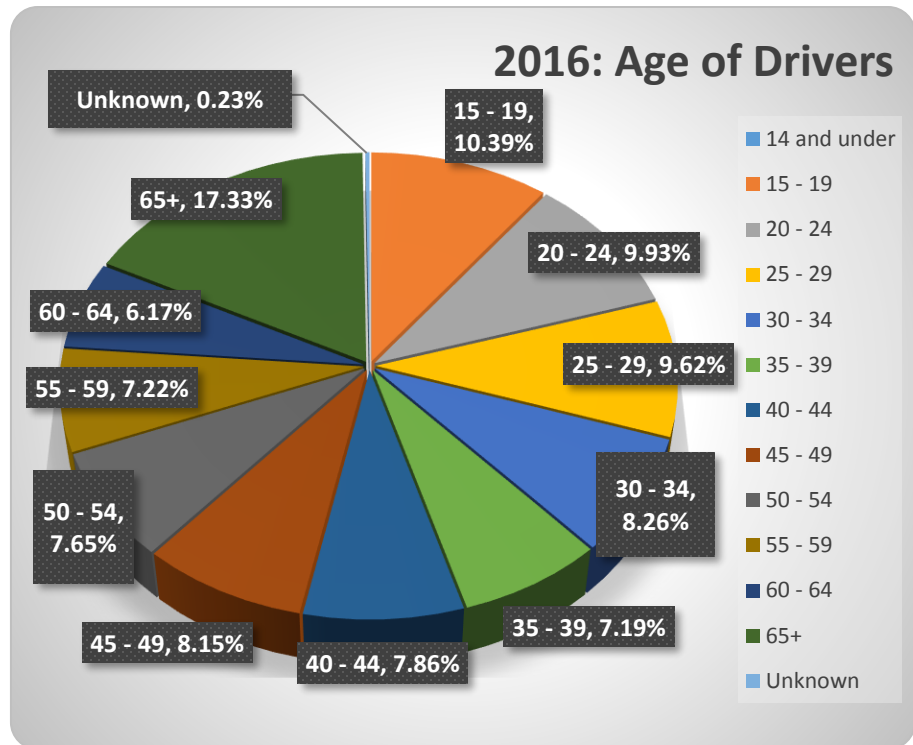


Figure 11

Calendar years 2015, and 2014 show similar results. In 2015 the largest percentage was again the 65 and over age group, at 15.73% of all crashes, and the second largest was the 20-24- year-old group at 10.09% of crashes.

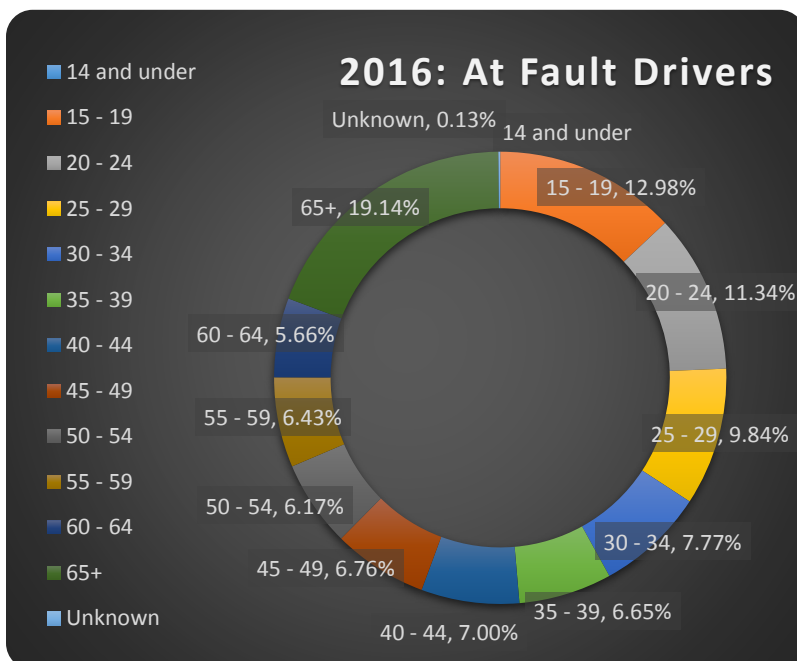


Figure 12

The trend continues with the at fault drivers. The 65 and over age group were found to be at fault in 17.28% of all crashes, while the 20-24 year-olds were at fault in 11.51% of crashes, with the 15-19 age group close behind with 10.69%.

Figures 15 and 16 display the 2014 results. Once again, the 65 and over age group leads with 14.21% of crashes, with the 15-19 age group trailing behind with

10.03% of crashes. In this year, the “Unknown” group accounted for 10.71%. The Unknown category includes hit and run crashes, and other situations where the driver’s information is unavailable to be added to the report. All other age groups also remain relatively steady, year to year.

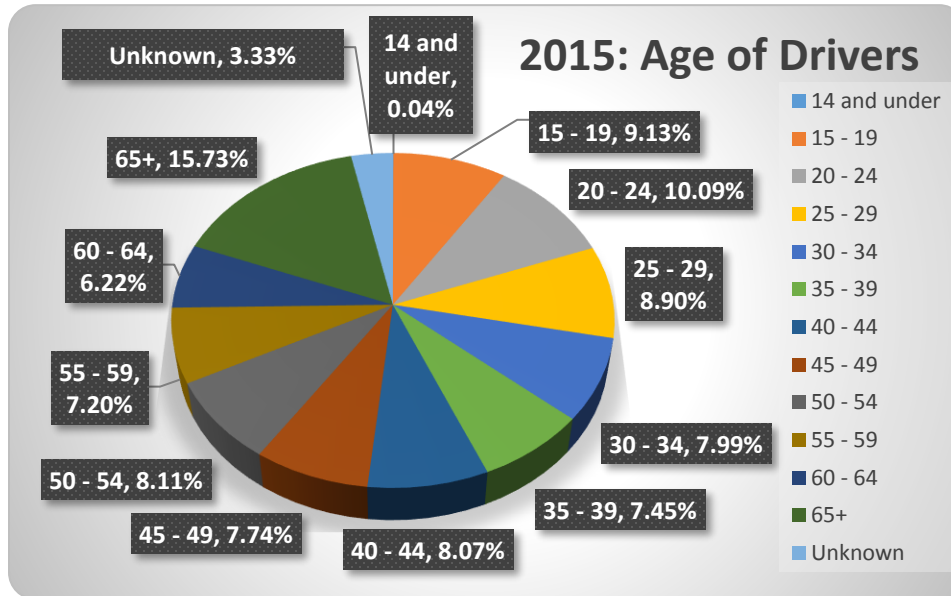


Figure 13

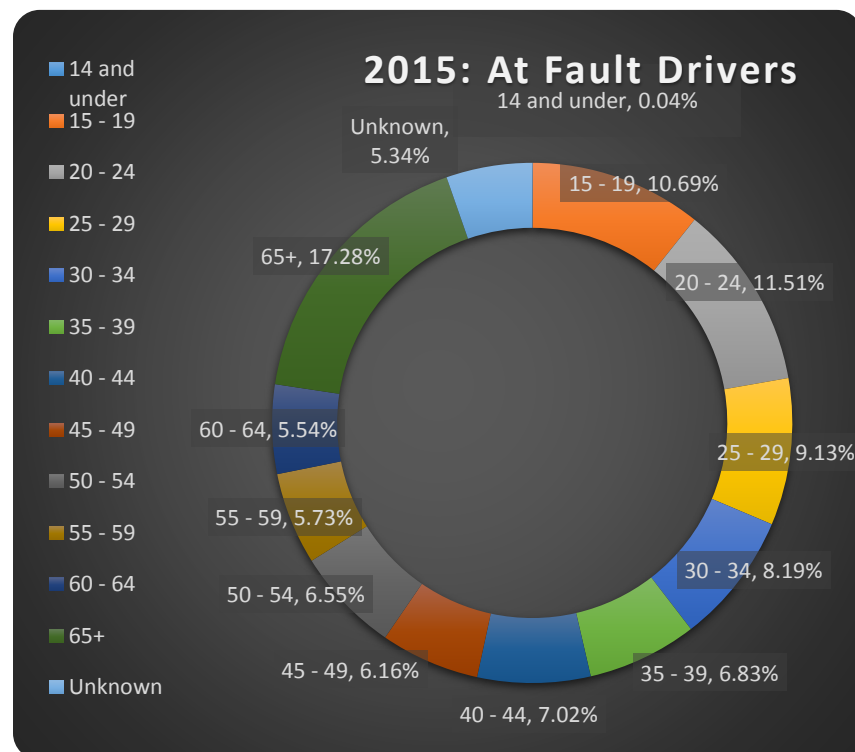


Figure 14

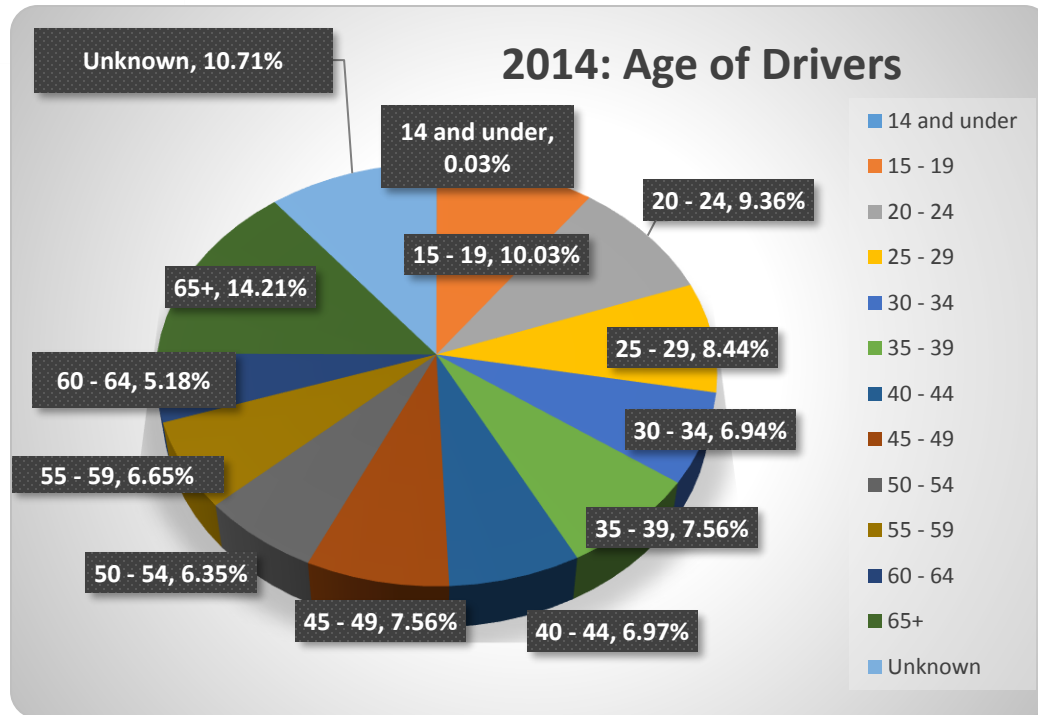


Figure 15

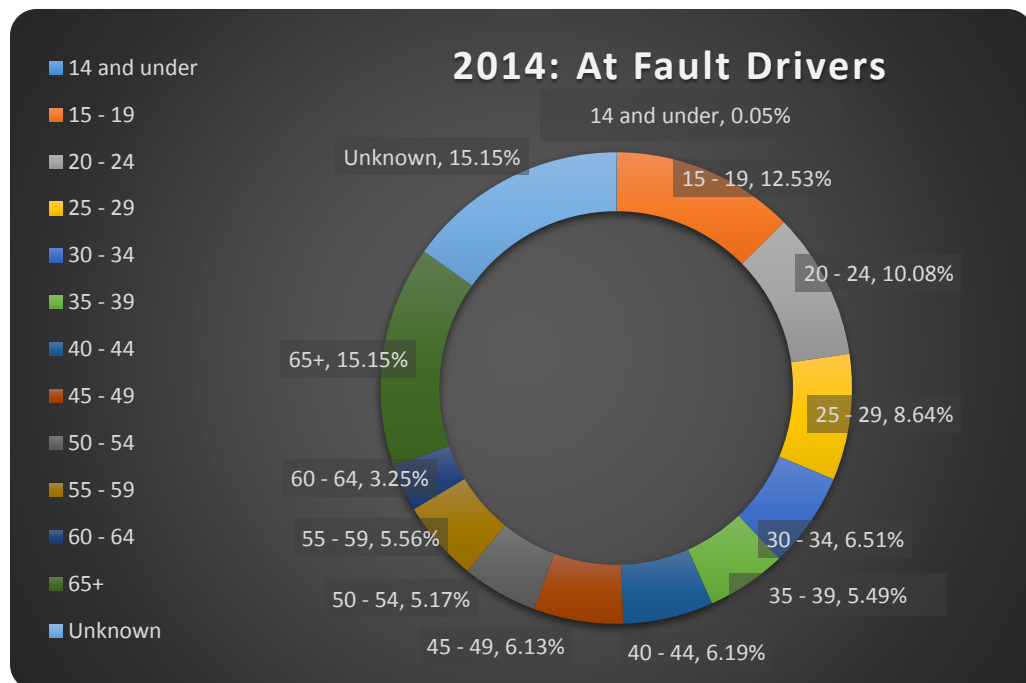


Figure 16

NON-CRASH RELATED TRAFFIC CONCERNS

Traffic crashes are not the only traffic related issues that officers are dispatched to; several other types of incidents effect the roadways and traffic related enforcement within the City. These additional incidents include: disabled vehicles, reckless driving complaints, abandoned and suspicious vehicles, and other traffic hazards such as intersection signal lights not working, or debris in the roadways.

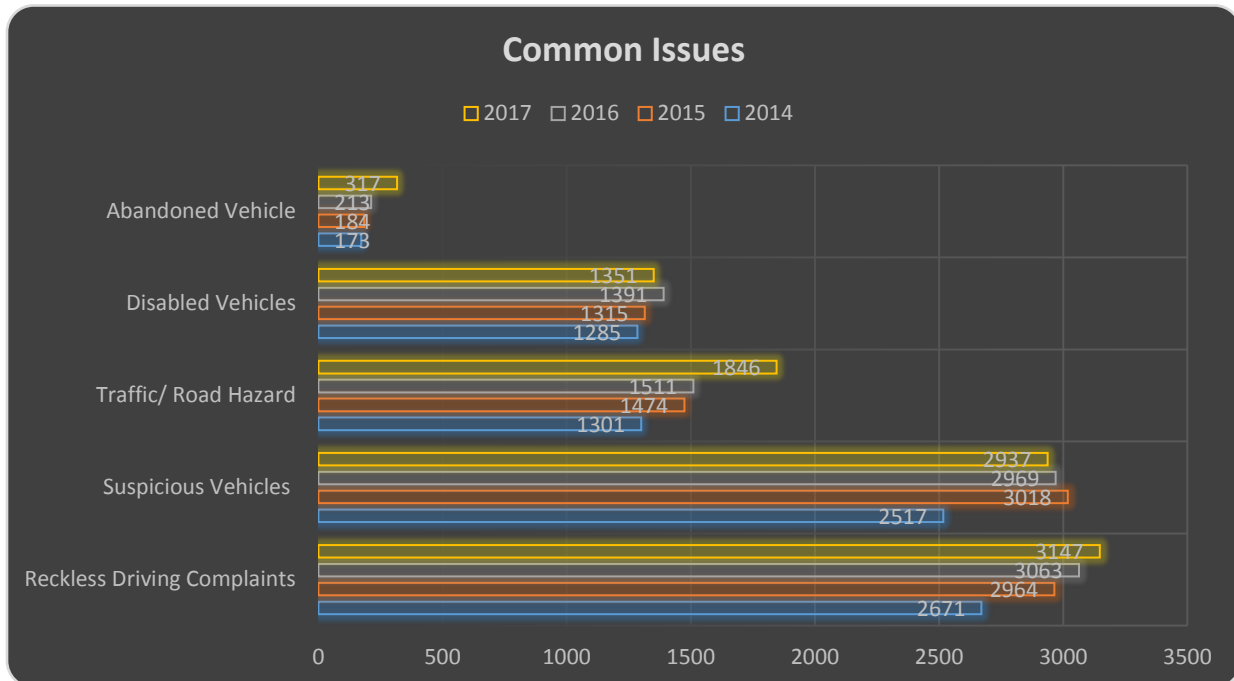


Figure 17

During 2014, Officers responded to 1,285 disabled vehicles, 2015 saw 1,315, and in 2016 Officers handled 1,391 disabled vehicle incidents. 2017 saw a slight drop, with 1351 reported. Disabled vehicles can block traffic lanes causing disruptions to the normal flow of traffic, even leading to crashes. In some cases, these incidents can be avoided through responsible vehicle ownership; proper maintenance can prevent many problems that would result in an unexpected breakdown. Drivers should also be aware that in specific circumstances, when the driver's actions caused the vehicle to become disabled and block traffic, such as by allowing the vehicle to run out of gas, the driver can be fined.

A reckless driving complaint is the very broad term used to describe any incident where the police department has been notified of a case of poor, or unusual driving. Speeding is a common issue, but these complaints run the gamut from driving too fast, too slow, on the wrong side of the street, backwards, off the roadway, and just about anything else you could conceivably do with a vehicle in motion. During 2014, a total of 2,671 reckless driver complaints were made to the

Police. The number of these complaints increased in 2015 and 2016, to 2,964, and 3,063 respectively. 2017 increased again, to 3,147.

The traffic/ road hazard category covers incidents that affect traffic flow but don't specifically involve another vehicle. Traffic lights not working, or out of sync, debris in the roadway, powerlines down, and localized flooding that shuts down a roadway are all examples of the types of incidents captured by this category. Officers are usually needed to block roads and direct traffic until the situation is resolved. During 2014, traffic hazard incidents were 1,301, 2015 was 1,474, and 2016 traffic hazard incidents were 1,511. 2017 saw an increase to 1,846.

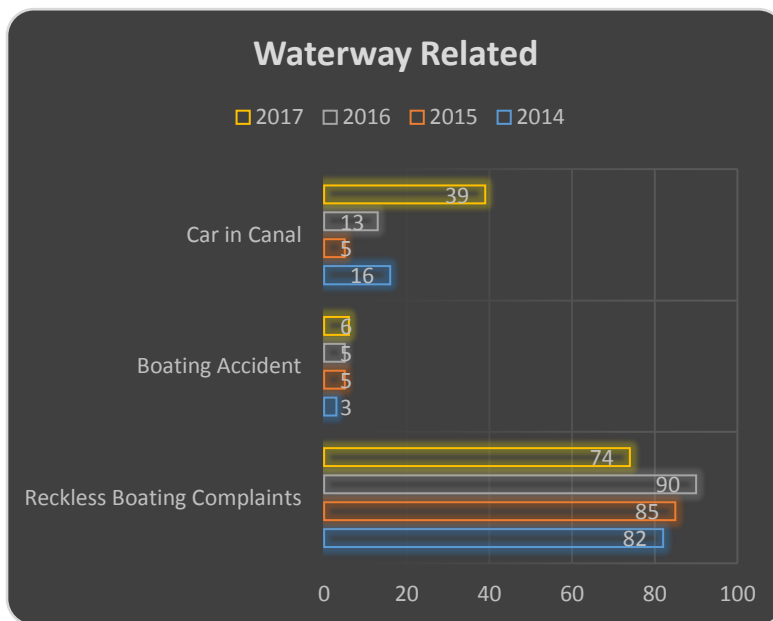


Figure 18

Due to Cape Coral's unique geography we maintain additional categories for waterway related incidents. Finding vehicles in canals doesn't happen too often, but it does happen more here than in many other cities. Minor boating accidents can be handled by the Cape Coral Police Department, but generally marine crashes are turned over to the State of Florida's Fish and Wildlife Commission (FWC) to investigate. Although the Marine Unit is primarily tasked with handling those issues that are

waterway related, officers assigned to Patrol are the first responders and it is not uncommon for them to be involved in investigations and complaint resolutions generated by waterway related incidents.

Also, due to the nature of working on and in the water, these incidents are generally more time consuming when compared to a "typical" roadway related incident. Even with all this in mind these numbers are surprisingly low; especially considering the vast number of canals, lakes, and waterways in Cape Coral.

TRAFFIC STOPS

Police officers perform traffic stops as a self-initiated activity, in response to observing traffic violations. Traffic stops are an opportunity to educate drivers about traffic safety and to alter potentially dangerous behaviors. Traffic arrests occur when the driver, or at times an occupant, of the vehicle subject to a traffic stop is issued a citation for a criminal traffic violation. These

types of criminal violations always result in a court appearance, but may or may not result in a physical arrest at the time of the stop; this is dependent upon the nature of the violation and specific circumstances surrounding it. There is also a secondary benefit; contact during stops often lead to the detection of additional public safety issues such as drug possession, outstanding warrants, runaways, stolen property, weapons violations, etc.

Figure 19 illustrates the 2014 through 2017 yearly totals for traffic stops that were conducted on the streets of Cape Coral. During 2014, the total number of traffic stops were 26,246, 2015 was 24,496, 2016 was 21,939, and there were 27,807 in 2017. These figures decreased year-to-year until 2017; a 7% decrease from 2014 to 2015, and a 10% decrease in 2016 from 2015. 2017 saw a significant increase, 27% over 2016.

The Department prioritizes officer activity to more efficiently use the resources available at the time. This means that responding to citizen calls for service, in order received or by nature of the emergency takes precedence over general proactivity and self-initiated events like traffic stops. The total number of officers within the Cape Coral Police Department have had an impact on the amount of self-initiated activity that was performed during the three-year time span. Vacant positions and increased service demands have influenced activity over prior years therefore, the downward trend reflected in the data is not surprising. 2017 increases are due in part to the implementation of the Targeted Traffic Initiatives program, which is intended to increase traffic enforcement and education in specific areas based on need, instead of relying solely on regular patrol activities to include traffic enforcement activities.

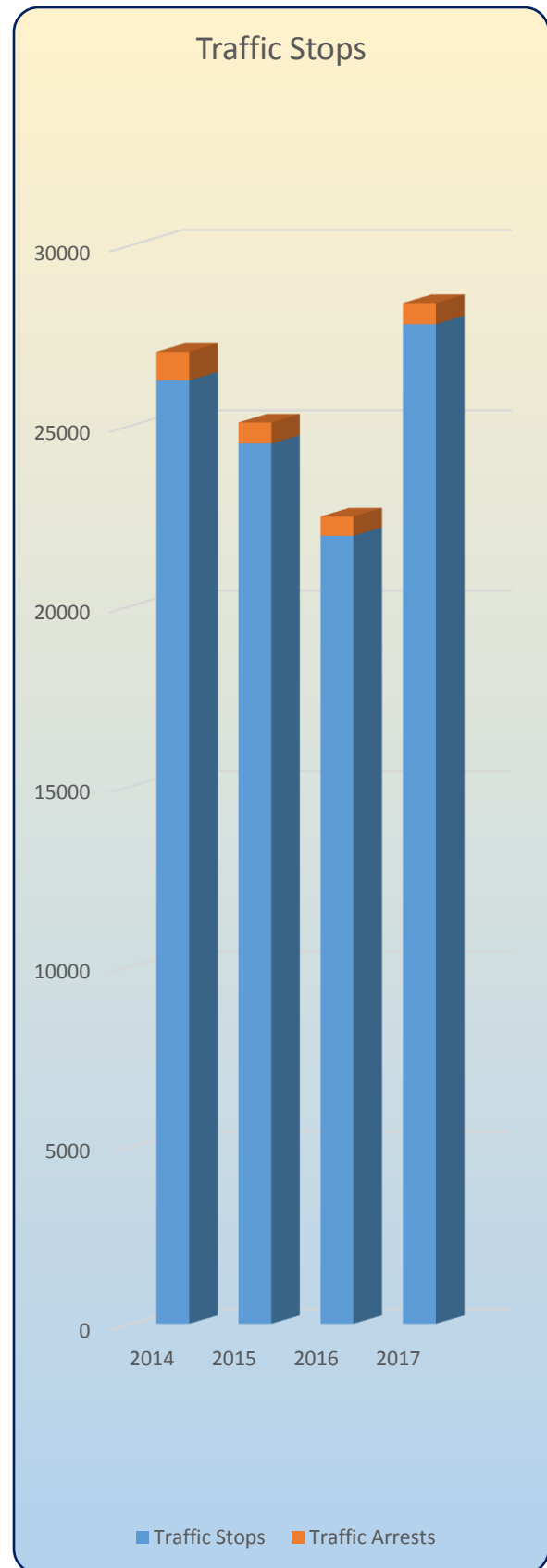


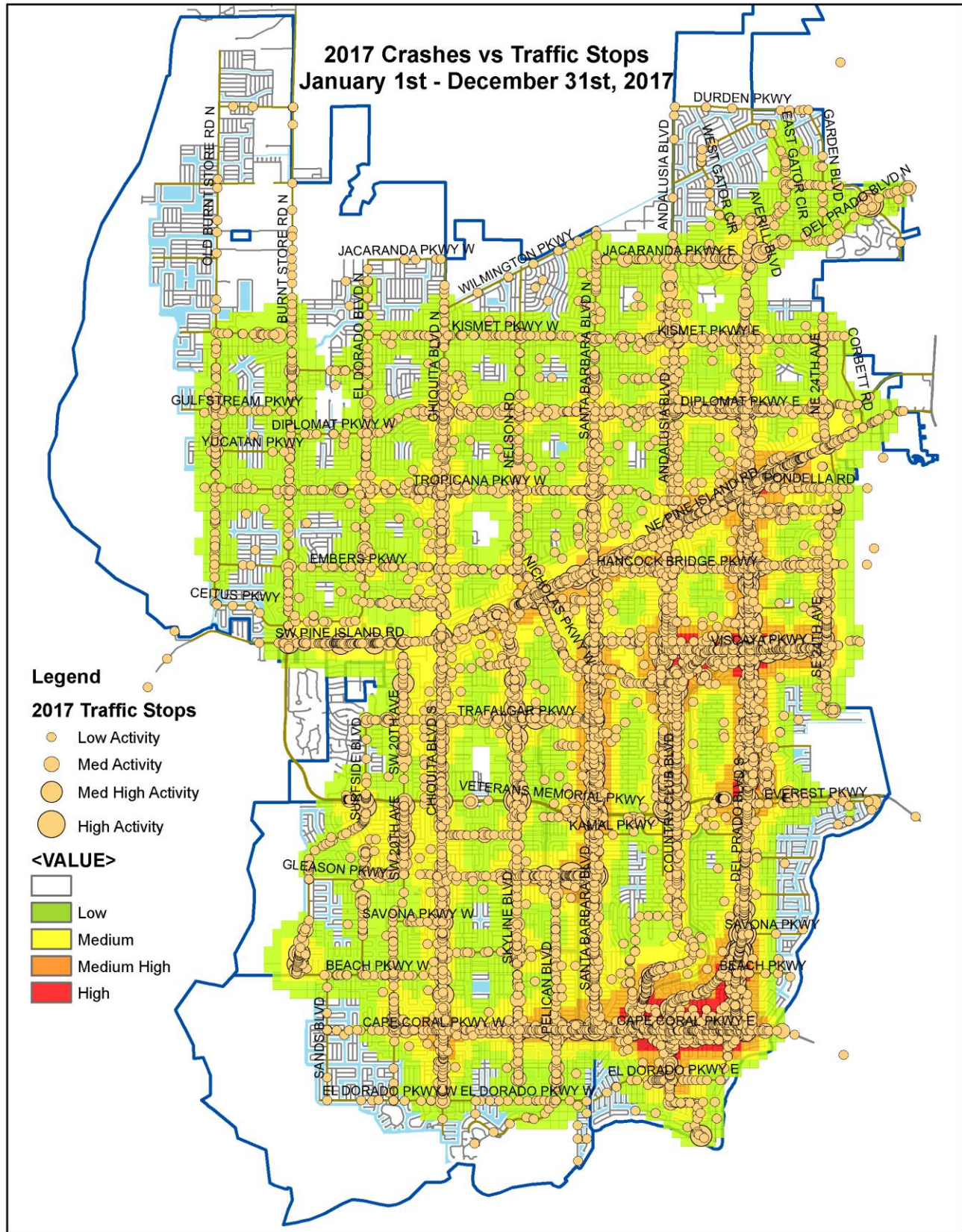
Figure 19

TRAFFIC STOPS IN RESPONSE TO CRASHES

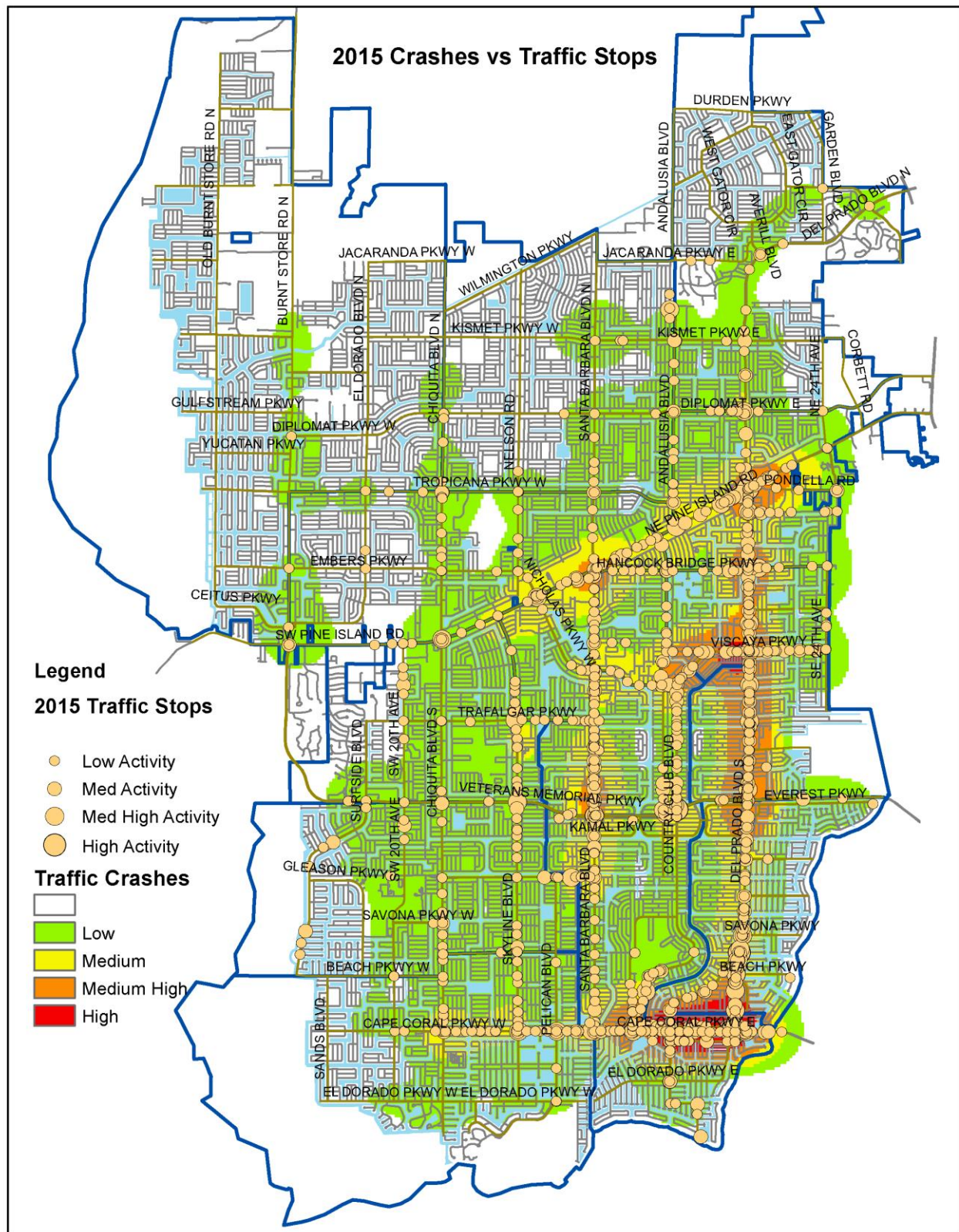
Traffic enforcement occurs throughout the City, but is heavily influenced by priority and need. Heavily trafficked areas, and those roads and intersections that have a high number of problems, including traffic crashes, should see more traffic enforcement. The ultimate goal of traffic enforcement is to ensure the safe movement of people and vehicles through and around the City, so addressing the highest need areas first only makes sense.

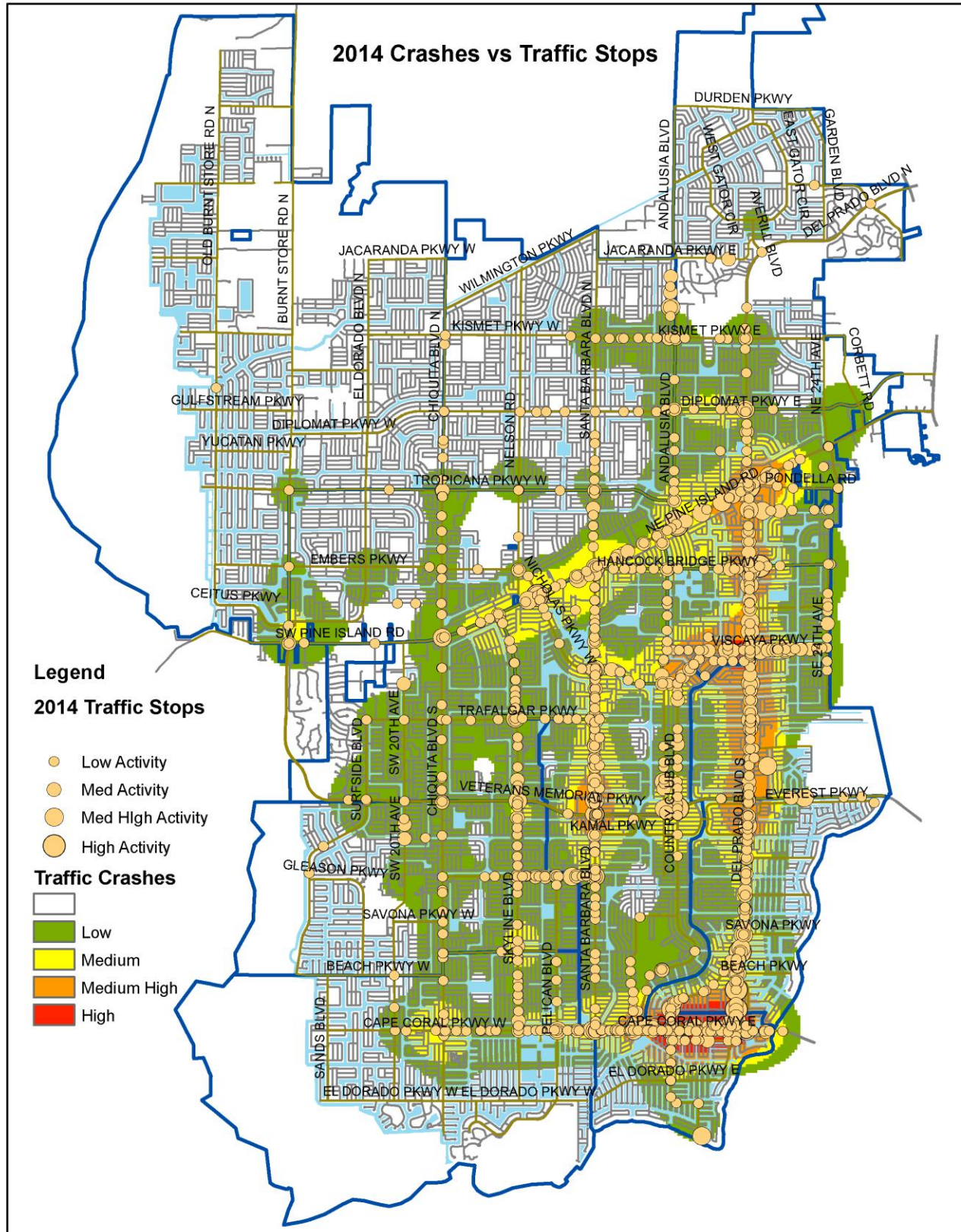
The following graphics, displayed by year on the next few pages, show a roadmap of Cape Coral, with a “heat map” overlay of reported traffic crashes. This “heat map” is color coded to communicate the number of crashes in an area, each color representing the density of crashes, from none, to low, medium, medium high, and high. This style of map is used to show the areas affected by crashes, not the specific pinpoint location of a crash.

Over the colored “heat map” are pin points depicting traffic stops, again by density. The larger the pin, the higher the number of stops in that area. As the maps for each year show, traffic enforcement does happen all over the City, but is naturally concentrated in those areas with higher traffic, and a higher number of crashes.









DRIVING UNDER THE INFLUENCE (DUI) OF ALCOHOL OR DRUGS

DUI is a serious problem on the roadways in any city. Intoxicated driving carries the potential for catastrophic consequences affecting the lives of anyone involved. According to Florida State Statute 316.193, a person is driving under the influence when they are operating or in physical control of a vehicle, while also impaired by alcohol, controlled substances described in section 893, or chemical substances described under section 877.111. Alcohol and adult beverages are commonly understood to cause impairment, as are illegal narcotics. Not as clearly understood is the fact that even legally prescribed medications can be controlled substances and cause impairment, as can certain legally obtained chemicals when ingested or otherwise absorbed by the human body. For alcohol, it is unlawful for an adult to operate a motor vehicle with a blood alcohol content of 0.08% grams per 100 milliliters of blood (or breath alcohol in grams per 210 liters of breath), regardless of other signs or symptoms. That number is reduced to 0.04% for a commercially licensed driver, and even further to 0.02% for an under-aged (not yet 21) year old driver.

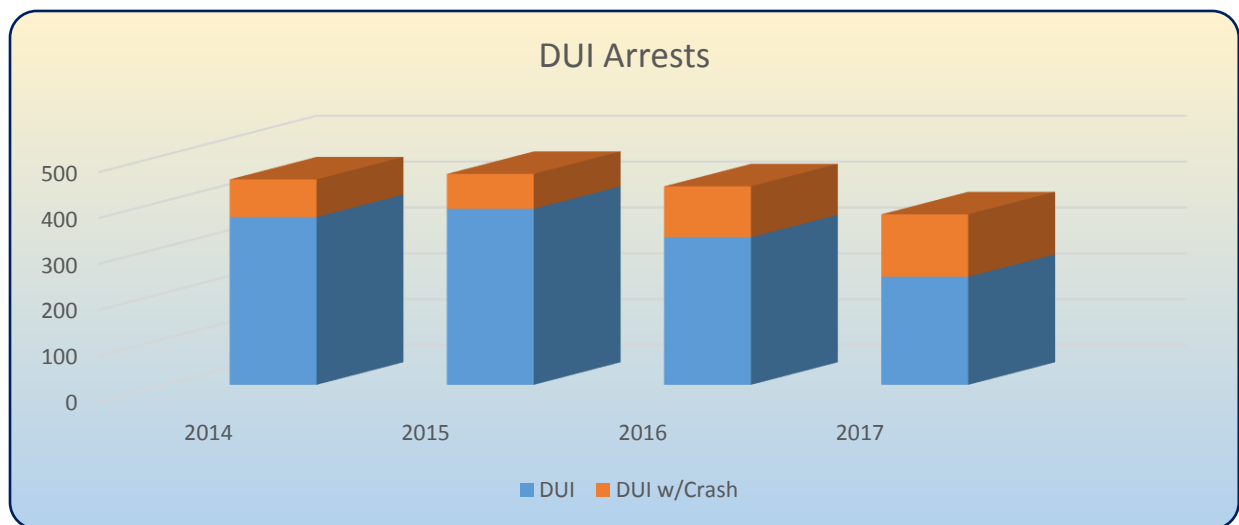


Figure 20

While some DUI arrests occur as a result of officers responding to crash scenes and discovering an impaired driver; many are the result of traffic stops for poor driving. During 2014, DUI arrests totaled 447; 365 from stops and another 82 from crashes. 2015 saw 459, with 432 in 2016 and 371 in 2017; 136 from crashes, the highest of all years. These numbers have remained relatively steady year-to-year, with 2017 showing a continued reduction in the overall number of DUI arrests, but a measurable increase in the number of crash related DUI's.

A Driving Under the Influence arrest carries a range of penalties designed to influence driver behaviors and hopefully deter future incidents. There are different criminal charges associated with DUI, and a driver can be issued multiple charges for a single incident. If a driver has a history

of DUI, penalties can increase for each prior conviction or offense. A first-time DUI offense can result in:

- A fine of \$500.00 - \$1,000.00
- Up to six months' imprisonment
- Vehicle impounded for ten days
- Mandatory substance abuse program
- 50 hours minimum community service
- Installation and expense of an ignition interlock device for up to 6 months
- Probation for up to twelve months

Penalties can increase significantly for repeat offenses, or as the severity of the offence increases. Having a BAC 0.150% or higher, having a child in the vehicle, or causing severe injury to another are all examples of what can motivate a penalty increase. Aside from the statutorily indicated penalties, a person convicted of DUI can also expect to have their license suspended for up to a year or more, pay court costs, attorney fees, community control fees, costs associated with substance abuse counseling and programs, increased insurance rates, and other administrative fees such as for reinstating a driver's license. And this does not include other work related or personal transportation costs.

The Florida Department of Highway Safety and Motor Vehicles has information about DUI and driver's licenses, which can be found at their website: <http://www.flhsmv.gov/ddl/dlfaqson2a.html>.

DRUG RECOGNITION EXPERT (DRE) PROGRAM

Impairment due to alcoholic beverages is easier to discern than some of the other illicit substances and chemicals described in the DUI laws. For that reason, additional specialized training is needed to assist with these types of investigations. Due to the time and complexities involved, only a limited number of officers are eligible to participate in the training process, and even fewer successfully complete the entire training and certification cycle to become a Drug Recognition Expert.

According to the Institute of Police Technology and Management (IPTM), a Drug Recognition Expert (DRE) is an officer who has received specialized training and has been certified by the International Association of Chiefs of Police (IACP) and the Institute of Police Technology and Management (IPTM) State Coordinator, to evaluate subjects to determine impairment status, determine what drug category(s) is/are causing the impairment, or if a medical condition is causing the impairment. To be eligible to apply to the DRE program an officer must have already completed all prerequisite training, demonstrated proficiency in detecting and arresting for impairment, including courtroom testimony, received endorsements from both their Department Head, and local State Attorney, and preferably also a current certified DRE.

By the time an officer is certified as a Drug Recognition Expert, they are considered both a subject matter expert in the field and an expert witness in court.

The Cape Coral Police Department started its DRE program in 1998.

Currently, the Cape Coral Police Department has two DRE Instructor/Program Coordinators, and six certified DRE officers. One of the two DRE instructors also serves as both the Agency and Florida Region 2 DRE Program Coordinator. Per the Cape Coral Police Department General Order C-22, Driving Under the Influence, *“...If impairment is suspected to be due to a controlled substance under Florida Statute 893 and/or a chemical substance under 877.111 and the DRE concludes that there are sufficient clues of impairment, then the driver shall be arrested for DUI. The DRE shall complete the rest of the Drug Influence Evaluation (the twelve-step process, if possible) at the Cape Coral Police Department.”*

CITATIONS AND WARNINGS

The Cape Coral Police Department is responsible for ensuring the safe movement of vehicles and people throughout the City; traffic crashes, reckless driving and inoperable equipment all interfere with this. Reducing unsafe driving behavior, and increasing compliance with existing traffic safety regulations serves to improve the likelihood that traffic will flow smoothly, and safely, causing minimal impact to drivers throughout the city. Traffic enforcement is a primary and ongoing effort by the Police Department to achieve this goal.

Cape Coral Police do not have a quota for traffic enforcement. Officers are not required to write traffic citations, or even to conduct a certain number of traffic stops. Per department policy, *“All sworn members of the department will take appropriate action for each violation of traffic law...,”* and *“Traffic enforcement action must be consistent with the nature of the offense and its potential for interference with the free and safe flow of traffic.”*³

Enforcement, whether a warning or citation, is meant to be educational first; the goal is to make the driver aware of the issue, so they can correct the behavior that led to the violation. Because of this a driver’s history may influence an officer’s decision to take a particular enforcement action. For instance, if a driver has received multiple warnings for speeding, and they are stopped for speeding again, they are more likely to receive a citation; since the warnings have apparently not been sufficient to ensure they slow down. Additionally, more than one citation, or any combination of citations and warnings can be issued at the same time, depending on the number and types of violations observed.

³ Taken from Cape Coral Police Department General Order C-35: Traffic Enforcement

Figure 21, shows a breakdown of citations, warning tickets, and verbal warnings by year; the overall number of citations issued by the department remained relatively steady, until last year which resulted in a 38.07% increase. Warning tickets, however, declined significantly; again, until last year which resulted in a 44.05% increase. 2015 saw a 9.91% reduction from 2014 totals, and 2016 finished 23.06% below 2015. It is important to note that each of these categories contains the citations and warnings issued for boating activity as well as roadway activity.

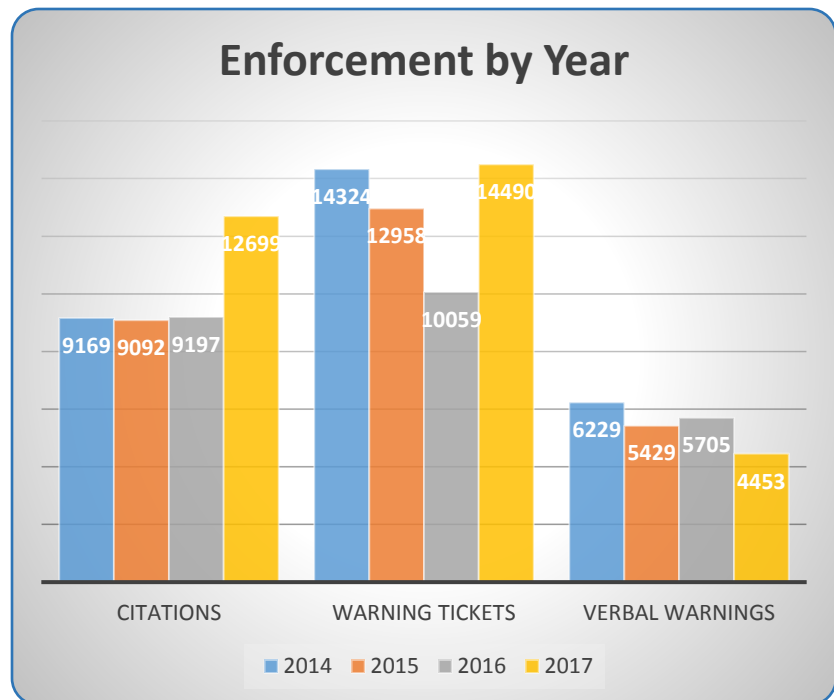


Figure 21

CITATION DETAILS – FINES AND FEES

The costs associated with traffic fines and fees are not set by local police departments or municipalities. Fines and fees are set by Florida State Statute, and subject to change during any legislative session. The local clerk of courts is responsible for maintaining the current schedule of fines and fees, as well as for collecting and processing those monies at the discretion of the courts. The Lee County Clerk of Courts is the responsible party servicing Cape Coral. The following information was collected from them. For further details or questions, they can be reached through their website, www.leeclerk.org, or via telephone at (239)533-5000.

Non-criminal Citations issued within Cape Coral can be resolved with the Lee Clerk of Courts at their Cape Coral Branch Office located within the Lee County Government Building at 1039 SE 9th Avenue, Cape Coral, 33990; by telephone at (239)533-5087, or via their website. The hours of operation for the Cape Coral Branch Office are Tuesday, Wednesday, and Thursday 8:00 AM – 5:00 PM. The primary office for the Clerk of Courts is located in the Lee County Justice Center Complex at 2075 Dr. Martin Luther King Jr. Blvd, 1st Floor, Ft Myers, FL, 33901. This office is open Monday – Friday 8:00 – 5:00 PM.

All criminal and some non-criminal citations will indicate a mandatory court appearance and include a court date and location, which will require the recipient to appear at the Lee County Justice Center Complex in Ft Myers. It is recommended that the Clerk of Courts be contacted prior to the date of appearance to confirm the court room assignment and location; and to arrive early on the day of court to find parking, get through security, and locate the assigned courtroom. If someone is required to be in court, but is not seated in the courtroom at their appointed time, the Judge has broad discretion to reschedule their case, assign new civil or criminal charges if applicable, or issue a warrant for their arrest.

Aside from the statutorily described fines and fees, other factors may influence the total cost of a traffic citation. Examples include the election of a driver improvement school (if eligible), late payment, and judicial discretion. Barring these changes, here are some examples of what a traffic ticket in Cape Coral is likely to cost.

Speeding Violations	Fine Amounts		School/ Construction/ Toll Zones	
	30 days/	After 30 days		
1 -5 mph over limit	-	-	\$153.00	\$176.00
6 - 9 mph over limit	\$128.00	\$151.00	\$153.00	\$176.00
10 - 14 mph over limit	\$203.00	\$226.00	\$303.00	\$326.00
15 - 19 mph over limit	\$253.00	\$276.00	\$403.00	\$426.00
20 - 29 mph over limit	\$278.00	\$301.00	\$453.00	\$476.00
30 mph and over	MANDATORY COURT			

Type of Violation	Fine Amounts	
	30 days/	After 30 days
Non-Moving	\$113.00	\$136.00
Moving	\$163.00	\$186.00
Bicycle/ Pedestrian	\$61.50	\$84.50
Seat Belt	\$113.00	\$136.00
Child Restraint	\$163.00	\$186.00
Fail to stop for school bus	\$268.00	\$291.00
Failure to stop at traffic signal	\$261.00	\$284.00
Faulty Equipment	\$113.00	-
Motorcycle wheel off the ground, 1st	\$1,163.00	\$1,170.00
Motorcycle wheel off the ground, 2nd	\$2,663.00	\$2,670.00
Texting while driving, 1st	\$113.00	-
Fail to pay toll	\$133.00	\$203.00
Littering	\$183.00	-
Move-over Act	\$163.00	\$186.00

The fines collected by the Clerk of Courts for a traffic violation are not paid to the Police Department that wrote the ticket, or to the City the ticket was issued in. As mentioned earlier, fine amounts are set by the Florida State Legislature, but the fine is only a portion of the total citation. Additional “add-on” fees are authorized under State Law and included in the total price of a citation. Generally, the statutorily set base fine amount will be the only thing to change for different types of traffic tickets. The example provided below shows where each dollar of a typical citation issued within the City of Cape Coral is allocated; and the statutory authority behind it.

Financial Distribution of Fine: \$113.00 Non-Moving Violation	Amount	Statutory Authority
City of Cape Coral	\$2.00	938.15/ 318.18(11)d
Court Facilities Fund	\$30.00	318.18(13)a(1)
Administrative Court Costs	\$3.00	318.18(11)d
Criminal Justice Education Fund	\$2.50	316.18(11)c
Court Costs	\$16.00	318.18(11)a
Clerk of Court Fine and Forfeiture Fund Administration	\$2.00	318.18(11)a
Article V/State Courts Revenue Trust Fund	\$5.00	318.18(19)a
Article V/ State Attorneys Revenue Trust Fund	\$3.33	318.18(19)b
Article V/ State Public Defenders Revenue Trust Fund	\$1.67	318.18(19)c
Clerk of Court Fine and Forfeiture Fund	\$12.50	318.18(18)
Dori Slosberg Driver Education Safety Act	\$5.00	318.1215
Statutory Base Fine	\$30.00	318.18(2)

If you have been issued a traffic citation in Cape Coral, you have 30 days from the date of issue to resolve it. You may opt to pay the citation to the Clerk of Courts, which can be done over the phone, online, or in person at one of their locations. If any “points” are associated with the violation they will be assessed. Additionally, you may elect to take a court approved driver improvement school to ensure no points are assessed. It is recommended that you contact the Clerk of Courts PRIOR to attending any school as there are eligibility and administrative concerns, and you may end up attending the school at your own expense without any benefit. You may also request a hearing (traffic court) be held in front of a magistrate. In many cases the final resolution, including complete payment of a traffic citation, may ultimately take longer than 30 days, but it falls to you to contact the Clerk of Courts to make arrangements. Failure to satisfy your citation with the Clerk of Courts within 30 days of issuance will result in the suspension of your Driver’s License and may also result in additional fines or fees.

In some instances, the Clerk will be able to dismiss the violation if proof can be provided that it was issued due to an administrative error, or other situation where it appeared to the Officer that there was a violation at the time the citation was issued, but it had already been resolved. An example of this would be when a citation is issued for not having a Driver's License. If a driver was unable to produce one, or Florida Highway Safety and Motor Vehicles records indicated it was not valid, an Officer may have issued a citation. If that license was actually valid at the time of the traffic stop, the violation can be dismissed.

License points are assigned based on the nature of the violation. Points can be affected by traffic school, and judicial discretion. Points accrue and lead to license suspensions at specific thresholds. At the time of this report the following information was current.

Total Points	Time	Suspension Time
12	12 months	30 days
18	18 months	3 months
24	36 months	1 year

Violation	Points Assessed
Moving Violation	3
Speeding 15mph or less	3
Speeding 16mph or more	4
Red Light	4
Passing stopped School Bus	4
Moving Violation (not Unlawful Speed w/ Crash	4
Reckless Driving (Criminal)	6
Leaving the Scene of a Crash	4
Littering	6
Child Restraint Violation	3

SECTION 3 – AVAILABLE RESOURCES

PERSONNEL

People are the most valuable resource. The Officers, Communicators, and other support personnel at the Cape Coral Police Department all contribute to the educational and public safety missions in the City. The citizens of Cape Coral are all resources, too. Everyday people decide how they will drive; whether to wear a seat-belt, whether to drink and drive, when to use turn signals, or if they should stop at a signal, speed, or make that U-turn. Just by making responsible decisions every driver can contribute to the safe and efficient flow of traffic.

Every citizen has the opportunity to tell the City, or contact the Police Department when they see something not working, or if they observe a dangerous driver or situation. This could mean a traffic signal not working, a missing stop sign, or a reckless driver. Anyone can contact the

City's call center at 311, or the police non-emergency number at (239)574-3223; or 911 if there is an emergency. The sooner a problem is identified, the sooner it can be resolved.

DISPATCH/TELECOMMUNICATORS

The Cape Coral Police Department's CALEA Accredited Communication Center is staffed with telecommunicators and 911 operators 24 hours per day, 365 days per year to handle all emergency and non-emergency telephone calls. They handle all Police and Fire Department traffic, and act as a go-between with other local jurisdictions and agencies, such as Lee County EMS.

Authorized staffing levels for 2017 included four Telecommunicator Supervisors, five Telecommunicator II's, 27 Telecommunicators, and ten 911 Operators. These are distributed across four shifts that follow the same 12-hour schedules as the Patrol Bureau.

All incoming emergency and non-emergency calls are initially answered by a 911 Operator, they are responsible for obtaining all vital information required to address the particular call type. The call information is then passed on to a Telecommunicator who will dispatch an officer if needed. Once the officer has been dispatched to the call location, the Telecommunicator is responsible for monitoring the officer, the ongoing call, and for ensuring the safety of everyone at the scene. Telecommunicators also provide any assistance that the on-scene officers may need, such as contacting other agencies, providing "back-up" resources, and running checks for things like warrants, and stolen property.

Currently, the department has two Association of Public Safety Communication Officials (APCO) certified instructors that work in the Communications Center. APCO provides training tools, and best practices for the efficient operation of a communications center. The two certified instructors provide this training for new staff members, and to all staff on an ongoing basis. These certified instructors also coordinate additional training opportunities for communication staff, to help meet and exceed the 20-hour continuing education credit requirements every two years.

PATROL

The Patrol Bureau is the largest operational component of the Department, and is comprised of uniformed first responders that the public typically interacts with. Patrol is on duty 24 hours a day, every day. Officers work 12-hour shifts, and are divided into four operational Platoons; two "day shifts," and two "night shifts." The City itself is subdivided into three distinct districts: North, Central, and South. Each of these Districts is then subdivided into five distinct patrol zones.

A Lieutenant serves as the Watch Commander in charge of the on-duty Platoon. Each of the three districts is managed by a Patrol Sergeant, with as many as 9-10 Patrol Officers assigned to them. During the day, additional personnel, such as Public Service Aides and Patrol Volunteers may also be available.

Minimum staffing levels require five officers per district, or one per patrol zone. This means 15 Patrol Officers in total for one 12-hour shift; at minimum. Officers are expected to be flexible and perform a variety of tasks during their day-to-day operations. This includes traffic enforcement, such as conducting stops, to deter those issues which may negatively impact the safe flow of traffic within the City.

SPECIAL OPERATIONS BUREAU

The Cape Coral Police Department is arranged by Bureau. Each Bureau focuses on a specific aspect of policing, and is comprised of personnel with advanced and specialized training in that field. The Special Operations Bureau houses several highly focused units, such as the K9, Marine, and various Traffic Units. Officers assigned to this Bureau provide a specialized resource to the community and are available to assist with regular calls for service, but are not considered primary responders.

DAYTIME TRAFFIC UNIT

The Daytime Traffic Unit consists of an Aggressive Driving Unit, Commercial Vehicle Enforcement, and a Motor Unit. The Traffic Units focus entirely on traffic related educational programs, targeted enforcement activities, and special events.

The Motor Unit currently operates BMW R-1200-RT-P police motorcycles. Four officers are currently assigned to motorcycles. Prior to operating a department motorcycle, assigned officers must successfully complete a department approved police motorcycle training course conducted by certified instructors. This standardized course is very challenging; it is not uncommon for officers to wash out. Aside from the five officers currently assigned, the Department only has a small handful of personnel certified to operate police motorcycles.



The Aggressive Driving Unit is comprised of uniformed traffic officers that drive unmarked police vehicles. This Unit is adept at locating reckless drivers who would otherwise attempt to “blend in” with regular traffic upon sighting a marked Patrol car.

The Commercial Enforcement Unit has been cross trained and certified by Florida Department of Transportation (FDOT), Florida Department of Highway Safety and Motor Vehicles (DHSMV) and works closely with Florida Highway Patrol. This Unit focuses on commercial vehicles and can conduct safety inspections, including roadside weight, and enforce regulations specific to heavy duty trucks and other commercial vehicles.

NIGHTTIME TRAFFIC UNITS

The Cape Coral Police Department also has a Nighttime Traffic Unit, which consists of officers operating unmarked police vehicles. Their duties are similar to Daytime Traffic Units, but with an emphasis on impaired driving enforcement.

MAJOR CRASH INVESTIGATORS

A Major Crash Investigator (MCI) is an officer trained to conduct a thorough crash investigation and scene reconstruction whenever a fatality or serious injury has occurred. The Cape Coral Police Department currently has two MCIs, both are assigned to the Nighttime Traffic Unit. A Major Crash Investigator must attend the Basic At-Scene Traffic Crash Investigation Course and the Advanced Traffic Crash Investigation Course before even being assigned to the Unit, and will complete additional advanced training such as crash scene reconstruction using laser mapping. The coursework required to effectively conduct a major crash investigation is intensive and heavily reliant on physics and mathematics. Continuing education is required to become proficient in the many aspects of crash reconstruction, with specialties in commercial vehicles, pedestrians, motorcycles, forensic mapping, and automotive technologies possible for the investigators. There is no required recertification training for Major Crash Investigators, however, they must continually demonstrate proficiency and depth of knowledge as they are considered specialists in the Department and regarded as expert witnesses in the court system.

VOLUNTEER UNIT

The Police Volunteer Unit (PVU) is a group of dedicated individuals that give their time to assist with operations at the Cape Coral Police Department. Volunteers attend a citizen's police academy, but are not commissioned, have no arrest powers, and are not permitted to carry any weapons. The Cape Coral Police Department is privileged to have a large PVU, which has three separate units for Administration, Marine, and Patrol.

PVU – Patrol works in the community by patrolling areas to assist with issuing parking ordinance violations, performing Vacation House Check-up requests received from citizens, assisting with traffic control, mail delivery, court run services, Police fleet maintenance, and at the numerous special events within the City.

PVU – Marine operates on and around the water, performing vessel safety checks, providing boating related training to the community, and assisting with other Marine Patrol functions on the canals and waterways around the City

PVU – Administration members work at City Hall and Police Headquarters. They staff information desks, conduct fingerprinting, manage administrative tasks associated with various programs such as the vacation house checks and police ride-along program, and assist in many other areas, as needed or according to the special skills each bring to the organization.

GRANT WRITER

The Department employs a full-time grant writing professional, dedicated to finding, researching, applying for and managing additional sources of funding for public safety projects, programs, and equipment. Many special enforcement activities, and educational programs like those employed for traffic safety must be accomplished in addition to other primary duties and responsibilities. The additional expenses incurred, such as overtime, can be offset by grant funding. Sometimes new or replacement tools and equipment can be purchased that make the program possible, or enhance the ability of the Department to perform the activity.

While grant monies are not guaranteed year to year, and the eligibility requirements are almost always outside of the control of the Department, the additional funding sources can be invaluable and ensure that these public safety activities get the attention needed.

Grants and their accompanying funds are usually based on a fiscal year, not a calendar year. Additionally, most, if not all, grants must be engaged a year (or longer) before the date of issue. This means a grant with monies disbursed during fiscal year 2018 may have been applied for as early as calendar year 2015. And the grant management function usually includes robust reporting requirements, continued contact with the entity awarding the grant, and occasionally inspections to demonstrate the funds are being used as intended. Some grants have requirements so onerous that it becomes impractical to engage them. The Grant Writer is the Department's Subject Matter Expert and critical to the entire process.

GRANT FUNDING

Traffic Safety and Enforcement Grants acquired by our Grant Writer:

Fiscal Year 2015: *total* \$317,545.00

West Coast Navigational District (WCIND) Grant: Supports Marine Unit activity. Award: \$159,000.00

Byrne Memorial Grant: Offsets overtime costs for special traffic enforcement. Award: \$43,333.00

Safety Data Improvement Project (SaDIP) Grant: Improve technology and equipment for Commercial Vehicle Enforcement. Award: \$30,000.00

High Visibility Enforcement for Pedestrian and Bicycle Safety: Personnel costs for targeted enforcement. Award: \$40,212.00

High Visibility Enforcement for Impaired Driving: Personnel costs for targeted enforcement. Award: \$45,000.00

Fiscal Year 2016: *total* \$214,404.48

West Coast Navigational District (WCIND) Grant: Supports Marine Unit activity. Award: \$169,391.00

High Visibility Enforcement for Pedestrian and Bicycle Safety: Personnel costs for targeted enforcement. Award: \$20,013.48

Highway Traffic Safety for Impaired Driving: Personnel costs for targeted enforcement. Award: \$25,000.00

Fiscal Year 2017: *total* \$214,941.00

West Coast Navigational District (WCIND) Grant: Supports Marine Unit activity. Award: \$153,372.00

Highway Traffic Safety for Impaired Driving: Personnel costs for targeted enforcement. Award: \$20,000.00

Byrne Memorial Grant: Offsets overtime costs for special traffic enforcement. Award: \$17,219.00

High Visibility Enforcement for Pedestrian and Bicycle Safety: Personnel costs for targeted enforcement. Award: \$21,600.00

Drug Recognition Expert (DRE) OT Reimbursement: Personnel costs for DRE call-outs. Award: \$2,750.00

The Department recognizes the value that these additional funding sources provide, and will continue to seek them out.

SECTION 4 – EQUIPMENT OVERVIEW

TECHNOLOGY

Cape Coral Police Department uses a Computer Aided Dispatch (CAD) system. 911 Operators, Telecommunicators, and Officers all use the computer to share dispatch information. Additionally, Mobile Field Reporting (MFR) is used to complete police reports, traffic citations, and many other standardized paperwork requirements. Officers in the field, such as those assigned to Patrol and to the Traffic Units, are equipped with ruggedized laptops to access CAD and MFR. These computers can be safely mounted in their police vehicles for use during their shift. Several models are in service, based on the year of purchase and specific requirements of assignment. Many vehicles also have installed printers that can print traffic citations, and written

warnings, and other limited forms of paperwork. Police vehicles serve as a rolling office; officers carry many of the items that will be needed throughout a duty shift so they can minimize the need to return to the station.

All sworn officers are Florida Crime Information Center (FCIC) certified to search the Department of Highway Safety and Motor Vehicle (DHSMV) database and the Florida Department of Law Enforcement (FDLE) database. Recertification is required every two years. Officers also have access to the Driver and Vehicle Information Database (DAVID), through DHSMV. This allows officers to access driving records to validate information and to see license photos, so they can verify the identity of the individual in question. These databases allow officers to search for driver's licenses, vehicle registrations, criminal history, wants, warrants, etc., from the computers in their patrol vehicles.

SPEED MEASUREMENT TECHNOLOGY

The CCPD uses radar units mounted inside vehicles for speed measurement. These devices are made by Applied Concepts, Inc., in Plano, TX, under the Stalker Radars brand. These devices remain in service for a long time, so the department has several different models in operation. These include the



Stalker Dual, Stalker Dual SL, Stalker Dual DSR, and Stalker Dual DSR X2. Regardless of model, these radar units include a display unit, and one or two remote antennae. The display unit is usually mounted to the dash of the police vehicle in view of the officer. The antenna can be mounted on the dash facing forward, or inside the back of the vehicle facing rearward. Some models can connect to multiple antenna, so the officer can measure speed in different directions. All vehicle mounted radar units are required to be inspected and calibrated on a regular basis.

According to CCPD General Order C-35, Traffic Enforcement, *"The use of any speed measuring device by an officer must be in accordance with all state statutes governing the type, maintenance and calibration of the devices, the certification of the officer, and any operational procedures of the equipment. Only Officers that have been trained and certified through Criminal Justice Standards & Training Commission (CJSTC) in Speed Measurement can operate speed measuring devices... ..It is the responsibility of the officer assigned to a specific speed measuring device to properly care for the equipment and schedule programmed maintenance. Furthermore, maintenance and calibration records shall be maintained by the officer."*

The Cape Coral Police Department also uses portable radar display trailers that can be staged in areas that are experiencing high traffic volume, or regular speed related complaints. Complaints are commonly received from citizens or are observed by officers in their day-to-day operations.



CCPD currently has three newer Stalker SAM-R towable radar display units, and two older radar display trailers. These are relocated as needed throughout the city in response to speeding concerns, and for special events. Currently, there are two permanent radar speed signs on Country Club Boulevard, and two more on Cape Coral Parkway West. The permanently fixed units were placed in response to frequent citizen demand for traffic enforcement and speed reduction along that stretch of roadway. These tools are used to assist in changing driver's behavior by making them aware of the speeds they are actually driving.

In addition to the radar units, the Department has two handheld laser speed measurement devices available for use. These handheld units, Ultra Lyte LR B, LTR 20-20 series by Laser Tech, Inc., are available to all officers on a first come, first serve basis, or for special events.



TINT METERS

Florida Statute provides legal guidelines for window tinting. FSS 316.2952 addresses windshields, 316.2953 addresses side windows at the front of the vehicle, 316.2954 addresses side windows behind the driver, and 316.29545 addresses exemptions to the regulations, such as for medical reasons.

Florida law states that windows may not be covered, treated, or altered to change the color, make the window nontransparent, reflective, or to reduce visible light transmission beyond a specific percentage depending on the window placement. For the front windows, tinting may not reduce the solar reflectivity of visible light beyond 25 percent, or the visible light transmission through the window to less than 28 percent. For windows behind the driver, the solar reflectivity of visible light may not be more than 35 percent, and the visible light transmission must be at least 15 percent. Statute does allow multi-purpose passenger vehicles to reduce the rear window visible light transmission to 6 percent; this is "limo tint," and not allowed on regular vehicles. Under normal circumstances, the windshield may not have tinting below the "AS1" line, which is marked in the windshield by the manufacturer, and can be found by looking upwards along the forward "A" pillar usually on the driver's side, near the top of the windshield. This is all important because it ensures that a driver can actually see the roadway and other cars, pedestrians, signs and signals; but also, so other people, including police officers who may be attempting to make contact with the vehicle occupants, can see them.



The Cape Coral Police Department uses tint meters manufactured by Laser Labs, the TM100. These meters measure the Visible Light Transmission (VLT) through windows; no less than 28 percent in front and 15 percent for windows behind the driver. This is different than the solar reflectivity because it is measuring the amount of light passing through the window, not the amount of light reflected away from it. A measurement of 100 percent would mean that all light passes through the window, and a measurement of

0 percent would mean no light at all would pass through. These tint meters require minimal training, but must be calibrated to ensure accurate readings are provided.

BICYCLES

The Cape Coral Police Department does not have any officers assigned as full-time bicycle patrol, but has implemented a part-time bicycle program. The Department currently has ten police bicycles available for use within the City. To participate in the program, an officer must be Law Enforcement Bicycle Association (LEBA) certified. LEBA Certification classes have been hosted at the Cape Coral Police Department starting in late 2014, and to-date there are 25 certified Bicycle Officers. The Bicycle Program is utilized during special events that host large amounts of pedestrian traffic, for patrolling retail areas and parking lots during busy holiday seasons, and during sporting events such as scheduled 5k and marathon style running events or the Tour De Cape bicycle race. Bicycle patrol has also been used for targeted enforcement such as neighborhood burglary suppression and for community policing activities. The Cape Coral Police Department will continue to review this program and other opportunities for its use.



SPECIAL PURPOSE VEHICLES

The Department has several special purpose vehicles that can be used for traffic education and enforcement, including Segway personal transports, ATV's and various trucks, vans and RV style vehicles. These vehicles are used primarily during special events, or for non-standard emergency response, but can be deployed for targeted enforcement, special events, and educational initiatives.



The two ATV's currently operated by the Department are both Bombardier Outlander models, modified for police use.

The Department also operates two Segway personal transporters.



LICENSE PLATE READERS

The Department currently has one Automatic License Plate Reader(ALPR) system in operation. The system we employ was developed by NDI Recognition Systems, and uses cameras mounted to a police vehicle to read license plates, and check them against a database of known offenses. The database is updated daily, and includes information such as stolen vehicles, and wanted criminals; and can also be connected to DMV records for such things as expired licenses and insurance problems. These cameras are functional whenever the vehicle is running, and will notify the officer via alerts on the officer's computer. The officer is then required to verify any alerts prior to taking any enforcement action. This system frees up the officer to concentrate on driving, while simultaneously improving their chances of locating stolen vehicles, persons of interest, and other violations such as unlicensed or uninsured drivers.



The LPR system has proven to be effective, and the technology is only improving. The Department is evaluating the potential to expand the use of License Plate Readers, and may deploy additional units in the future.

ONLINE COMPLAINTS

In an effort to streamline the traffic complaint process, the Department has added an electronic form to our website. Any member of the community can notify the Department of a traffic complaint, or simply request increased traffic enforcement at a specific location by completing and submitting the Traffic Enforcement Request Form, which can be located at: <https://www.capecops.com/traffic/>; OR, <https://www.capecops.com/boating/> for our Marine Enforcement Request Form. Additionally, calls can be made to our non-emergency phone line, (239)574-3223; or communicated directly to an officer on patrol or at one of the many community engagement forums throughout the year.

SECTION 5 – DEPARTMENT POLICIES

TRAFFIC ENFORCEMENT

The goal of all traffic enforcement activity is to gain voluntary compliance with traffic laws. All sworn members of the Cape Coral Police Department shall take appropriate enforcement action for each violation of traffic law, or detection of an illegal, or potentially dangerous act, either observed, or reported; in accordance with legal guidelines. The following shall be considered appropriate methods of enforcement: verbal warnings, written warnings, traffic citations, notice to appear, or physical arrest. The choice of which enforcement option to use will be based on the nature of the offense, the circumstances of the incident, and the officer's discretion.

Newly enacted laws governing motor vehicle operations will be enforced with education in mind. Violations within the first 30 days of any new law shall result in warnings, unless specific legal guidance states otherwise.

BIAS BASED PROFILING

Bias-based profiling is the selection of subjects based solely on a common trait of a group (i.e. ethnic background, gender, sexual orientation, religion).

The Cape Coral Police Department does not condone the use of any biased-based profiling as it may lead to allegations of violations of the constitutional rights of the citizens. Officers shall focus on a subject's conduct or other specific suspect information.

The following provisions shall be adhered to:

- Shall be a prohibition against bias-based profiling in traffic/field contacts and in asset seizure/forfeiture circumstances.
- Shall provide training to sworn personnel in bias-based profiling issues. Such training shall consist of classroom instruction or training bulletins distributed to personnel.
- Shall implement corrective measures if bias-based profiling occurs. Such measures shall be in accordance with progressive discipline outlined in General Order D-1.

Traffic stops, field contacts, pro-active patrols, and other enforcement efforts are vital and necessary law enforcement activities to deter criminal activity and provide a safe, peaceful environment for all citizens. Such activities should be based on a standard of reasonable suspicion or probable cause, as required by the Fourth Amendment.

The Cape Coral Police Department is committed to fair treatment of all members of the community. Trust between members of the community and our officers shall further the department's mission to provide police services that are fair, unbiased, judicious, and respectful of the dignity of all individuals.

It is the policy of the Cape Coral Police Department that officers shall patrol in a pro-active manner; aggressively investigate suspicious persons and circumstances; and actively enforce motor vehicle laws. Officers are reminded that the stopping, detention, or seizure of any member of the public must be based on reasonable and articulable facts.

In the absence of a specific report or detailed suspect information; race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group, will not be a factor in determining the existence of probable cause for arrest, or reasonable suspicion for a stop or detention.

SECTION 6 – BICYCLE AND PEDESTRIAN SAFETY

PEDESTRIAN LAWS

Florida State Statute 316.130 Pedestrians, traffic regulations; provides legal guidance for pedestrian activity in relation to other traffic laws. This Statute includes the following:

A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian unless otherwise directed by a police officer.

Pedestrians shall be subject to traffic control signals at intersections as provided in s. 316.075, but at all other places pedestrians shall be accorded the privileges and be subject to the restrictions stated in this chapter.

Where sidewalks are provided, no pedestrian shall, unless required by other circumstances, walk along and upon the portion of a roadway paved for vehicular traffic.

Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction.

No person shall stand in the portion of a roadway paved for vehicular traffic for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

The driver of a vehicle at an intersection that has a traffic control signal in place shall stop before entering the crosswalk and remain stopped to allow a pedestrian, with a permitted signal, to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

The driver of a vehicle at any crosswalk where signage so indicates shall stop and remain stopped to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

When traffic control signals are not in place or in operation and there is no signage indicating otherwise, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Any pedestrian crossing a

roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

No pedestrian shall, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices, and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and give warning when necessary and exercise proper precaution upon observing any child or any obviously confused or incapacitated person.

No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

No pedestrian may jump or dive from a publicly owned bridge. Nothing in this provision requires the state or any political subdivision of the state to post signs notifying the public of this provision. The failure to post a sign may not be construed by any court to create liability on the part of the state or any of its political subdivisions for injuries sustained as a result of jumping or diving from a bridge in violation of this subsection.

No pedestrian shall walk upon a limited access facility or a ramp connecting a limited access facility to any other street or highway; however, this subsection does not apply to maintenance personnel of any governmental subdivision.

Any violation of this guidance can result in a traffic enforcement action, including a citation.

BICYCLE LAWS

According to Florida State Statute a bicycle on the roadway is defined as a vehicle and the cyclist is a driver; while on a sidewalk or other area not considered a roadway, it is considered a pedestrian. Bicyclists and other vehicle drivers have the same rights and duties when on the roadways, and all drivers must obey the same traffic laws. Florida State Statute, 316.2065 Bicycle regulations, provide the relevant legal guidelines, including:

Every person propelling a vehicle by human power has all of the rights and all of the duties applicable to the driver of any other vehicle.

A person operating a bicycle may not ride other than upon or astride a permanent and regular seat.

A bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway.

Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

- 1. When overtaking, and passing another bicycle or vehicle proceeding in the same direction.*
- 2. When preparing for a left turn at an intersection or into a private road or driveway.*
- 3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the*

purposes of this subsection, a “substandard-width lane” is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.

No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances; and shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

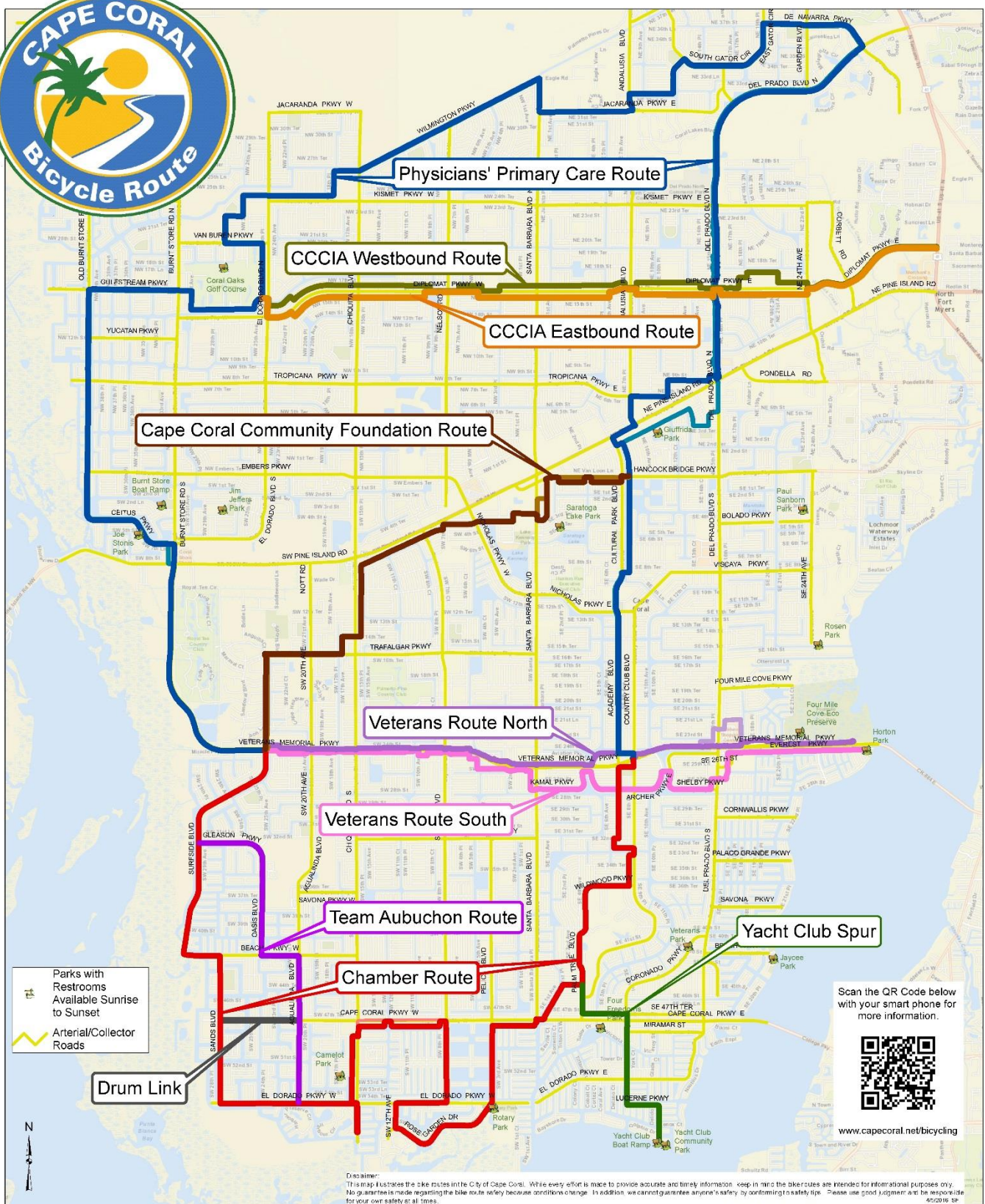
Any violation of bicycle laws may result in the same enforcement options offered to any other vehicle, which includes traffic citations.

BICYCLE INITIATIVE

In 2015 Cape Coral was designated as a Bicycle Friendly Community-Bronze level; by the League of American Bicyclists(<http://www.bikeleague.org/bfa>). Cape Coral offers more than 90 miles of interconnected bike routes, with distinct signage. This includes a 49-mile-long circular route, and several shorter connecting legs. There are also more than 120 miles of bike lanes, bike paths, and multi-use paths. Numerous opportunities for observing nature, enjoying City parks, or even stopping to take advantage of the many canals and waterways can be found.

Visit http://www.capecoral.net/departments/parks_and_recreationhome/bike-ped/index.php for more information. At points along these routes are public transit bus stations. Public transit is managed by LeeTran, a department of Lee County. Every LeeTran bus and trolley is equipped to carry bicycles, which makes it even easier to enjoy cycling in the City. More information about LeeTran, their routes, schedules and fare schedule can be found at their website: <http://www.leegov.com/leetrans>. For information about traveling with a bicycle visit: <http://www.leegov.com/leetrans/how-to-ride/bicycles>.





SECTION 7 – TRAFFIC EDUCATION AND ENFORCEMENT

SPEED ENFORCEMENT

Traditional techniques used to address excessive speed include selective traffic enforcement, radar speed trailers, vehicle mounted or handheld speed measurement devices, educational programs, community outreach programs, and traffic engineering.

Selective traffic enforcement occurs when an officer goes to an area where traffic complaints are occurring, and spends time looking for violations or other issues to address the complaints. For instance, if a stretch of road is known for having a problem with speeders, an officer may stay somewhere on that road and attempt to stop speeding drivers. Handheld and vehicle mounted speed measurement devices can be used to identify speed limit violations. Driver behaviors change when they observe a traffic stop in progress, or become aware that police are “active” in that area. Sometimes just seeing a police car parked in the median will cause drivers to slow down, even if no traffic citations are issued.

Radar trailers, portable speed signs, and permanently installed radar sign posts are used to both identify and deter violations. In some cases, such as when an officer has conducted selective traffic enforcement in an area but has been unable to identify any speeding violations, a radar trailer can be posted. These trailers provide an additional speed limit sign to notify drivers, and also display the speeds drivers are traveling at as they approach the trailer. These are effective educational tools, but they also record statistical data related to the number of drivers passing through the area at certain times and the speeds being driven. This data can be collected over a number of days and used to develop a better approach to traffic enforcement. If speeding drivers only pass through the area in the mornings, having officers conducting selective traffic enforcement at night is probably not going to have the same influence on the problem that traffic enforcement in the mornings would.

Community outreach and educational programs can influence traffic issues also. Through social media, public service announcements, community meetings, and even scholastic programs people can be educated about the issues. Sometimes, learning about a problem, and how to solve it, is enough to resolve the issue; no enforcement necessary.

Traffic engineering involves changing the physical environment to address a problem. This could mean installing a traffic light instead of relying on a stop sign, changing speed limits in an area, building speed bumps or humps, or otherwise changing the flow of traffic by design. The Police Department is not responsible for engineering issues, but does become involved in the process. Officers identify potential problems while conducting traffic enforcement, and the Department often makes suggestions to the entity responsible. In many cases this would be the City of Cape Coral, but certain issues fall under the jurisdiction of the Lee County Government or the State of Florida. Anything along the State and County Roads that pass through the City is a good example.

PARKING VIOLATIONS

Some parking violations are defined under Florida State Statute, but local jurisdictions have the authority to institute local ordinance as well. The City of Cape Coral has codified several parking regulations, many of which are addressed by the City's Park Rangers and Code Enforcement. The Cape Coral Police Department has authority over all of these City Ordinances also, but focuses primarily on the relevant State Statutes. One area where the Department does actively enforce parking ordinance is in regards to **§ 12-27**. This ordinance applies to unauthorized parking in spaces designated for disabled parking. The Police Volunteer Unit (PVU) manages a parking enforcement program and their Patrol members issue notice of violations based on this ordinance.

Other parking violations by City Ordinance:

§ 12-10 - Prohibit parking on unimproved city property.

It shall be unlawful for any person to park a motor-driven vehicle, trailer or boat trailer on city owned property which is posted with prohibitions against the parking. Prohibitions shall be established by the City Council after proof of hardship on abutting property owners.

§ 12-85 – Parking at City Parks and Boat Ramps; Violations.

(a) It shall be a violation of this article for any person to park a vehicle in a regulated parking zone in any place other than a designated parking space. It shall also be a violation of this article for any person to park a vehicle in a regulated parking zone without payment of the applicable fee or display of a valid parking pass.

(b) It shall be a violation of this article to park an unauthorized vehicle in a parking area or space which is marked or designated as a reserved parking space or tow away zone.

(c) It shall be a violation of this article to park a vehicle in such a manner so as to block entry or exit to any city designated parking area the subject of this article, designated parking space, reserved parking space or designated tow away zone.

(d) It shall be a violation of this article to park a vehicle in parking areas or designated parking spaces in such a manner or under such conditions that causes the vehicle or any portion thereof to occupy more than one parking space or extend onto or across the lines of markings which designate a parking space.

(e) It shall be a violation of this article to deposit in any parking pay station or other parking regulation device anything other than a coin of the United States, other city authorized token, card or approved material designated for use in a city parking pay station. No bent, cut torn, battered or otherwise misshapen material shall be deposited in any parking pay station. It is also a violation for any unauthorized person to remove, deface, tamper with, open, break,

destroy or damage any parking pay station or other parking regulation device. It is also a violation for any person willfully to manipulate any parking pay station or other parking regulation device in such a manner that the device is rendered inoperable or does not operate properly.

(f) The sections of this article may be enforced and a citation or ticket can be issued by any authorized sworn law enforcement officer or a parking enforcement specialist, as provided in F.S. § 316.640 or any amended or successor statute.

§ 3.12 - Parking of vehicles and trucks within the city.

(1) It shall be unlawful for any owner, agent, operator or person in charge of a commercial vehicle or trailer to park, store or keep such vehicle or trailer on the pavement or in the swale of any public street within any single-family residential district in the city. Furthermore, it shall be unlawful for any owner of privately owned real property in any residential district in the city to park on, cause to be parked on, or allow to be parked on such property any commercial vehicle or trailer, except as otherwise provided herein.

- (a) The temporary parking of any commercial vehicle or trailer on privately owned real property or in the adjoining swale of any public street within a residential district where construction for which a current and valid permit has been issued by the city is underway on the property and the permit therefore is properly displayed on the premises. Provided that such trailer or commercial vehicle is only on the real property at the time the construction is actually physically occurring. Nothing in this subsection is intended to require a permit where none is otherwise required or to allow a trailer or commercial vehicle to be parked on privately owned real property or in the adjoining swale of any public street within a residential district when construction is not actually physically occurring on the private property.*
- (b) Deliveries by tradespeople, or the use of commercial vehicles or trailers in making service calls.*
- (c) Temporary parking of a commercial vehicle or recreational vehicle while such vehicle is being used by the operator for travel to and from the residential property for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours' duration during any 24-hour time period.*
- (d) The emergency parking of a disabled commercial vehicle, recreational vehicle, or trailer. However, any such commercial vehicle, recreational vehicle, boat or trailer shall be removed from the residential district within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.*

- (2) *Any light van, sports utility vehicle (SUV), pickup truck, jeep, motorcycle, automobile, or similar type of motor vehicle which is not a commercial vehicle. Furthermore, light vans, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, automobiles, or similar types of motor vehicles which would otherwise be considered to be "commercial vehicles" only because commercial lettering has been affixed to them may be parked outside of a permitted garage or carport provided that all commercial lettering has been concealed by a cover of a type that is applied directly to the surface of the motor vehicle or attached to the vehicle in such a manner that the vehicle can be safely driven on the public streets with the cover in place. If more than one such cover is attached to or is located on a vehicle, then all of such covers located on or attached to such vehicle shall be the same color. For purposes of this section, covers located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicle while it is being driven shall be presumed to be insufficient to bring the commercial vehicle within the exemption provided by this subsection. Furthermore, this exemption shall not apply to any motor vehicle that is considered to be a "commercial vehicle" under this section by virtue of the nature of its vehicle type and not solely because commercial lettering has been affixed to it regardless of whether such vehicle or any lettering affixed to it has been covered in part or in full of such vehicle is parked outside of the confines of a permitted garage or carport.*
- (3) *RV's: No vehicle for human habitation shall be kept or parked on premises zoned for residential purposes within the city nor on public rights-of-way of said zoned areas, except when parked entirely within the confines of a garage or carport, or in accordance with the following:*
- (4) *Non-resident. Such vehicle for human habitation when used for transportation of visitors to this city to visit friends or members of the visitors' family residing in this city may, upon obtaining a permit (for which a charge shall not be made) from the Police Department of the city, be parked upon the premises of the visited family for a period not exceeding ten days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. The City Manager may, for good cause shown, authorize the issuance of a second consecutive free permit not to exceed ten days. An additional permit for the parking of such vehicle will not be issued until after the expiration of 15 days after termination of the last prior permit. For purposes of this section, a person who owns or leases property in the City of Cape Coral shall not be deemed to be a "non-resident" when he or she parks a vehicle for human habitation on property that he or she owns or leases even if such person does not "reside" on the subject property.*
- (5) *Resident. When a vehicle for human habitation is owned, or leased by the person who also owns or leases the residential property on which such vehicle is to be parked, such vehicle for human habitation may be parked upon the premises of the resident for a period not exceeding 72 hours for the purpose of loading and cleaning provided that a permit is first obtained from the city's Police Department. A vehicle for human habitation may be parked upon the premises of the resident for the purpose of unloading after a trip for a period of 72 hours provided that a permit is first obtained from the city's Police*

Department. There shall be a minimum of a 48-hour interval between the expiration of one permit and the issuance of another. The permit for each such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. The city shall not charge a fee for the permits to park a vehicle for human habitation upon the premises of the resident as required by this section.

- (6) *Pop-up campers. A pop-up camper may be parked, only in a closed or folded condition, in the rear yard of a residential lot improved with a principal residential building. For purposes of this paragraph, a "pop-up camper" shall consist of a non-motorized trailer which includes, or on which is mounted, a tent-like enclosure (but such enclosure may be made of canvas or similar material, solid materials, or any combination thereof) to be used for camping purposes, which enclosure opens or expands or unfolds to accommodate temporary occupancy and which closes or folds up into itself in such a way as to be unusable for occupancy and to be no more than 55 inches in height when measured from ground level.*
- (7) *Parking of passenger cars or sports utility vehicles (SUVs) with commercial advertising signs setting forth the name of the business, its address, business telephone number and type of business, e.g., realtor, painter, etc., thereon in residential areas outside the confines of a garage or carport is permitted so long as the home (residential) address is not shown thereon.*

For further guidance on Cape Coral Code of Ordinance, please contact Code Compliance at (239)574-0613, or visit their website at: http://www.capecoral.net/departments/community_development/code_home_page.php#.WWeRfYTythE

CLICK IT OR TICKET FLORIDA

The Cape Coral Police Department participates in the State of Florida's recurring Click it or Ticket campaigns. This program is a high visibility enforcement effort designed to detect traffic violators, with a special emphasis on occupant safety. Seatbelts save lives, but only if they are being used as intended. Intense media activity accompanies high visibility enforcement activities to educate drivers on the value of wearing a seatbelt. In Florida, seatbelt violations are a primary offense, and require all drivers, front seat passengers, and all passengers under 18 regardless of where seated, to properly fasten their seatbelts.

<https://www.flhsmv.gov/safety-center/vehicle-safety/buckle-up-florida-its-the-law/>

FOCUS ON DRIVING

This program focuses on distracted driving, and relies on a combination of ongoing social outreach and high visibility enforcement. This campaign specifically targets the trend of using electronic devices like cell phones while driving and the dangers associated with it.

<https://www.flhsmv.gov/safety-center/driving-safety/distracted-driving/>

YOU SNOOZE YOU LOOSE

The first week of September is Drowsy Driving Prevention Week. The You Snooze You Loose campaign is dedicated to educating the public on the dangers of driving while fatigued, and uses various media and enforcement activities in a week-long blitz to educate the driving public.

<https://www.flhsmv.gov/safety-center/driving-safety/drowsy-driving/>

STAY AT THE SCENE

Roughly 25 percent of all crashes in Florida are hit and run. The Stay at the Scene campaign is intended to educate drivers on their responsibilities following a traffic crash, and reduce the number of hit and run crashes. Penalties for leaving the scene of a traffic crash are criminal. Even if there was only minor property damage, a driver could face up to 60 days in jail, and a \$500 fine. If there are any injuries, or worse involved, the penalties keep increasing. If there is a fatality involved a driver who left the scene could face between 4-30 years in prison, and a \$10,000 fine.

<https://www.flhsmv.gov/safety-center/driving-safety/hitrn/>

SHARE THE ROAD

The Florida Share the Road campaign has three facets. Motorcycles, Bicycles, and Commercial Motor Vehicles. All three types of vehicles enjoy the same rights and privileges on the roadways as do “regular” cars, but all three have different capabilities that impact traffic. The Share the Road program is intended to educate drivers on how these other vehicles operate, and how a driver should interact with them on the roadways to increase the safety of all involved.

<https://www.flhsmv.gov/safety-center/driving-safety/share-the-road/>

DRUG HOUSE ODYSSEY

The Cape Coral Police participate in the Drug House Odyssey every year. This program brings together doctors, nurses, counselors, judges, attorneys, and first responders from over 35 organizations and agencies to present a play by play walkthrough of the effects of impaired driving. Scenes are created, including a staged crash and mock trial, that offer parents an

opportunity to talk to their children about the importance of good decision making. In this area, the school system participates and ensures that students from grade 5 and up are able to attend the event during the week; making it an educational field trip for those students that don't have the luxury of attending the event on their own campus.

ARRIVE ALIVE; DON'T DRINK & DRIVE

During the month of March, law enforcement agencies throughout Florida, including the Cape Coral Police, participate in this campaign targeted at driving under the influence. This campaign is targeted at drinking age laws specifically, and happens during Spring Break.

<https://www.flhsmv.gov/safety-center/driving-safety/spring-break/>

WE ARRIVE ALIVE

This is an educational campaign targeted at teen drivers. Impaired driving is an aspect, but everything from seatbelts to school attendance is included. Florida adopted Graduated Driving Laws in 1996, to help ensure young drivers have the chance to gain experience in stages, starting with lower risk conditions. For instance, upon receiving a Learner's License, a driver of any age can only operate a motor vehicle during daylight hours for the first three months, and then only to 10:00 PM; AND they must be accompanied by a licensed driver 21 years old or older. A 16-year-old with a full Driver's License cannot drive at night between 11:00 PM and 6:00 AM (unless to/ from work or accompanied by a licensed driver 21+). A 17-year-old with a Driver's License cannot drive at night between 1:00 AM and 5:00 AM (unless to/ from work or accompanied by a licensed driver 21+). And the parent of any minor can rescind responsibility and cancel their minor child's License at any time.

<https://www.flhsmv.gov/safety-center/driving-safety/teen-drivers/>

DRIVE BAKED, GET BUSTED

This is an educational campaign targeted at impaired driving, that isn't alcohol related. Drivers can be impaired by substances other than alcohol. Driving high can get you arrested for a DUI, whether on prescription drugs, or illegal substances including marijuana (and derivatives).

<https://www.flhsmv.gov/safety-center/driving-safety/impaired-driving/>

MOVE OVER, FLORIDA!

Florida law requires drivers to Move Over for stopped law enforcement, emergency, sanitation, utility service, and tow trucks. If there is no lane to move over into, drivers are required to slow down to 20 mph under the speed limit, OR if the speed limit is 20 mph or less, slow to 5 mph. This law saves lives, as many emergency, sanitation and utility workers have been struck by cars.

that have failed to move over or slow down. The Move Over, Florida! campaign uses educational media and high visibility enforcement to educate drivers on this important law.

<https://www.flhsmv.gov/safety-center/driving-safety/move-over/>

PEDESTRIAN/ BICYCLE SAFETY ENFORCEMENT

The Cape Coral Police Department has joined hundreds of other law enforcement agencies across the nation in stepping up high visibility enforcement and educational activities targeting pedestrian and bicycle safety. This includes seeking specific grant monies to fund bike/ ped operations, increase the number of officers trained in police bicycle operations, and increase officer training on bicycle and pedestrian safety issues in general.

ALERT TONIGHT ALIVE TOMORROW

This is a bicycle and pedestrian safety campaign targeted at drivers to increase awareness of bicyclists and pedestrians sharing the roadways with them, specifically at night or during times of low light like dusk or during poor weather.

<https://www.alertrighttodayflorida.com/index.html>

SWFL CRITICAL MASS

This is an organized gathering of bicyclists of all ages, promoted heavily on social media with each event having between 50-150 cyclists participating. The Cape Coral Police Department participates, providing for highly visible traffic safety during the ride, and assisting with public awareness before and during the events.

<https://www.facebook.com/groups/SWFLcriticalmass/>

SECTION 8 – TARGETED TRAFFIC ENFORCEMENT INITIATIVES

TAPS -TARGETED ANALYTIC POLICING SYSTEM

The Cape Coral Police have adopted TAPS as a core policing strategy. Instead of addressing a problem in a general way and hoping these efforts will have a positive overall effect; TAPS relies on data and analysis to determine where best to focus efforts to ensure a problem is addressed directly. This applies to traffic enforcement also. For instance, if the Department receives several speeding complaints in a month, the Department could simply increase speed enforcement throughout the City. This might have an effect, reducing the overall number of speeders; but raises the question, was the problem actually addressed? Using a TAPS strategy, the individual complaints would first be reviewed. Is there anything in common? Are the complaints from the

same area? Are the complaints about the same type of vehicle? Are they the same type of complaint? Who do they involve? Who are all the stakeholders? Who should be involved in the solution?

Once these types of questions have been addressed, an enforcement strategy will be developed and executed. Instead of randomly increasing speed enforcement across the City, the root cause (or causes) will be targeted. If, for instance, the speed complaints are from the same area, and are about speed, and not noise or something else, officers will target that area for speed enforcement. Additionally, if the problem can be addressed in other ways, such as by changing a speed limit, or adding speed bumps, the responsible parties will be contacted and potential solutions discussed.

By focusing on a root cause, instead of general problem, actual positive influence can be produced, and problems truly mitigated. This has already been seen by both the Department, and the community. Over the course of 2016, the Traffic Unit logged and tracked 155 ongoing traffic complaints in the community. These complaints are the type that have historically required ongoing enforcement efforts, and time dedicated throughout the year. A single complaint can be reported by multiple community members. Over the course of the year some of these complaints have been reported multiple times, as enforcement efforts have been re-dedicated to other areas.

Since adopting the new strategy at the end of 2016, the total number of complaints has begun to drop. Beginning in October of 2016, 15 Targeted Traffic Enforcement Initiatives aimed at specific complaints (such as speeders on Country Club Blvd) have resulted in over 739 traffic stops and 632 citations. Along with these enforcement actions, other solutions have presented themselves and some have already been employed. For instance, regarding the speeding complaints on Country Club Blvd, stationary radar speed signs have already been installed. This also true for Cape Coral Parkway West. So far in 2017 there have only been 48 traffic complaints, less than half of the 155 from 2016. As these problems are solved, we expect even fewer complaints in the future.

TRAFFIC SATURATION

One of the ways the department can target an area for enforcement is by temporarily increasing the number of officers actively engaged in an area focused on a task. The Department calls this a Traffic Saturation operation. These are scheduled as often as needed, even weekly, and have been used to address such issues as speed complaints, DUI enforcement, and even seatbelt use. One “Zone Officer” might be trying to address an ongoing complaint, such as speeding on Country Club Blvd, but is responsible for every call for service and will rarely be able to spend their shift focused solely on speeders.

A Traffic Saturation brings Traffic Officers, and other Patrol Officers, who can spend their time focused only on the problem. This high visibility enforcement strategy has multiple benefits. Not only is it possible to “catch” more speeders, but simply having increased police presence in the area works to deter future violations.

RED LIGHT SUPERVISION

During the week, the Traffic Unit will “adopt” an intersection and spend time (as available) observing traffic flow there. The primary goal is to ensure the intersection is functioning properly; the lights are timed and changing as designed, traffic flows smoothly, etc. While there the officers are also prepared to enforce red light and other traffic signal violations.

SECTION 9 – FREQUENTLY ASKED QUESTIONS

1. What are the little blue lights on the bottom of traffic signals?

They are called Traffic Signal Confirmation Lights. When the traffic signal turns red, the blue light comes on, allowing officers to identify red light runners from any angle at the intersection, even if the officer cannot see actual red light.

2. Why can't the cameras I see at intersections be used when investigating accidents?

The small cameras at intersections, usually next to the traffic lights, are not security cameras. They are actually a type of sensor that helps to determine the timing of the traffic lights. There is no video recording available to Police to use during investigations.

3. I got pulled over for making a right turn at an intersection, why did I get stopped? Isn't that legal?

It is perfectly legal to make a right-hand turn at an intersection, even when there is a red light. However, you must come to a complete stop first, and yield to any other traffic; especially if they have a green signal. For instance, if traffic in your direction has a red light, it is likely that traffic crossing the intersection has a green light, and they would have the right of way. The same is true for any traffic on the other side of the intersection that is turning left – they would end up going the same direction you would after you made the right-hand turn, and they have the right of way, since you have a red light, and they have a green turn signal.

4. I am a seasonal resident of Florida; do I need a Florida driver's license and Florida plates on my car?

That depends. Once you are legally considered a Florida resident, you must change your driver's license within 30 days. If your seasonal visits to Florida last more than six consecutive months, then you are considered a Florida resident and must have a local license. Other events that can trigger your Florida residency status: registering to vote in Florida, filing for a homestead tax exemption, enrolling dependents into Florida public

schools, making any legal statement of domicile (per FSS 222.17), or accepting employment in Florida – unless that employment is as a migrant or seasonal farm worker. There are a few exceptions to this, for instance, active duty military members in Florida as a duty station; and any non-resident entering Florida to attend college are not required to change their license status. Once you become a Resident you will also have to register your vehicle in Florida, and you are supposed to do so within 10 days.

5. I will be visiting Florida from another country, can I drive when I am there?

You do not have to get a Florida driver's license if you are at least 16 years old and have a valid license in any State or Territory of the United States; or an International Driving Permit accompanied by a valid driver's license issued by your country of residence. You should also ensure you are insured, either through a rental company, a short-term insurance policy, or covered under any family member or friend's insurance to operate their vehicles.

If you decide to stay in Florida after visiting here, and need to change your driver's license to Florida, you might be covered under Florida's reciprocity rules. For a standard Florida driver's license (class E) written knowledge and driving skills exams may be waived if you have a valid license from the following: any US State, Territory or Possession, France, South Korea, Peoples Republic of China (including Taiwan), Canada, Germany (driving skills exam only).

6. What is the Move Over Act?

This is Florida State Statute 316.126, and is a traffic law that can result in a ticket for a violation. The Statute has a couple of parts. The first part says that all vehicles, (including bicycles in the roadway) will yield the right-of-way to emergency vehicles with their emergency signals (flashing lights and/ or audible sirens), by proceeding to the closest curb/ edge of roadway, clear of any intersection, and stopping until the emergency vehicle has passed. Yes, this law says that either the right or left side of the roadway is correct, as long as the emergency vehicle can pass without interference.

Pedestrians must also yield to emergency vehicles.

The second part of this law has to do with emergency vehicles stopped along a roadway, while operating with their signals (flashing lights and/ or audible sirens). This includes police, fire, EMS, sanitation, towing and utility service vehicles, engaged in work. All other vehicles shall vacate (move over from) the lane closest to the emergency vehicle if additional lanes exist. This does not mean additional "open" lanes- even if there is traffic the driver is expected to move over. If no additional lanes are available, the driver shall slow to 20 miles per hour less than the posted speed limit, or, if the posted limit is 20 mph (or less) the driver shall slow to 5 mph.

7. I have seen signs with pictures of bicycles that say, “pass 3 foot, it’s the law.” Can I be ticketed because of this?

Yes. This sign is a reminder for Florida State Statute 316.083 which says that any driver overtaking/ passing another vehicle moving in the same direction shall first give an appropriate signal, then pass to the left at a safe distance, and not return to the right again until safely clear of the other vehicle. When the other vehicle is a bicycle (or other non-motorized vehicle) the passing driver shall also ensure that no less than 3 feet remains between their vehicle and the bicycle.

8. I have a concealed carry permit and usually have my gun with me, what should I do if I get pulled over while I’m armed?

This is a great question. Florida has laws in place that support the Rights of its citizens to legally carry, and Officers respect that. Technically, you don’t even have to tell the Officer that you have a firearm if you don’t want to, however, common sense would indicate that might not be a great idea. Remember, the officer that pulled you over has probably never met you before, and doesn’t know what kind of person you are. If they see the gun before you tell them about it, the situation is going to get very tense, and a lot more complicated than it needs to be. If you are legally carrying, and have a State issued permit, the easiest thing to do is just hand the Officer your permit along with your license; if you can’t get to your DL and CCW without possibly exposing or “reaching for” your gun, just keep your hands visible (maybe on the steering wheel) and say something like, “Officer, my DL is in my wallet, which is right next to my CCW.” The Officer will know right at the beginning you are trying to be responsible, and might ask you a few questions. This starts the encounter off on the right foot, and keeps things as low key as possible.

Don’t be surprised if the Officer asks you to step out of your car, and disarms you. This is not because you have done anything wrong, and you aren’t going to have your gun taken away from you. There are a couple of reasons an Officer may temporarily remove your gun from you. The most important is simple, it’s just safer for everyone involved. Even if you are one of the good guys, as long as you are armed the potential for bad things to happen exists. No Officer wants to get shot, and worse, no Officer wants to misinterpret the actions of a citizen and use force against them if it isn’t needed. The best thing to do is just remove all of that from the equation. Another reason is that the Officer will probably make sure the gun hasn’t been reported missing or stolen. And of course, most Officers just want to learn and talk about guns; you will probably be in for a discussion about what you like or dislike about your firearm, how you prefer to carry it, etc.

9. How can I report issues, like traffic complaints, that aren’t emergencies without calling 911?

911 is the emergency line and should be used anytime there is a crime in progress, or a dangerous or life threatening situation. To report non-emergency issues, you can call the (239)574-3223 (the non-emergency police number), (239)574-0401 (the City Hall main line). The City of Cape Coral also has a 311 Call Center that can be found at <https://etrakit.capecoral.net/etrakit3/CRM/issue.aspx>. Both the City and the Police Department have access to social media and similar services, but just posting your complaints in those venues will not guarantee the right person sees it, or that the complaint will be addressed. It is always better to call, or use the City's online 311 center so the complaints can be properly logged, tracked, and addressed.

10. Can I drive with hazard lights on? Like, in bad weather, or if I have to drive slowly because of a problem with my car?

No. Florida State Statute 316.2397(7) says that flashing lights on regular vehicles are to be used to indicate a turn, or that the vehicle is lawfully stopped or disabled on a roadway. If you are driving with your hazard lights on, not only can you be ticketed, you could potentially be held liable for causing accident if another car crashes into yours, or crashes while attempting to drive around yours.

If your car is unable to safely travel on the roadway, to the point that you feel that you should have your hazard lights on, then you should probably pull over and call for assistance instead of attempting to drive.

In bad weather, such as the rain Florida is known for, you should not use your hazard lights unless you are stopped. Visibility is already poor in bad weather, using your hazard lights can cause additional confusion to other drivers.

While on the subject of bad weather, it is important to note that, according to Florida State Statute 316.217 you should have your normal driving lights (headlights and tail lights) on during rain, fog, or dense smoke, even during the day. If you have to use your windshield wipers, you should have your lights on. Using your high beams in these conditions will create glare, reducing visibility even further, and is not recommended. You should also leave yourself extra room between your car and the car in front of you, and slow everything down. Stopping distances can double on wet roads. Posted speed limits may not apply if conditions are bad; you could be ticketed for driving too fast even if you are driving the posted limit. Don't accelerate as quickly as you normally might, don't brake as hard either, even steer more slowly than usual. All of these things are a function of traction, the worse the weather, the wetter the roads, the less traction you have.

If the weather gets too bad, it's always better to wait it out than to drive in conditions you aren't comfortable with. The weather tends to change quickly here, and changing your plans, or being a little late is better than getting crashing your car and potentially going to the hospital.

